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Wednesday
April 23, 1986

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

Selected Subjects

Acquired Immunodeficiency Syndrome (AIDS)
Public Health Service

Air Pollution Control
Environmental Protection Agency

Administration Practice and Procedure
State Department

Aviation Safety
Federal Aviation Administration

Drug Traffic Control
Drug Enforcement Administration

Employee Benefit Plans
Pension Benefit Guaranty Corporation

Equal Access to Justice
National Aeronautics and Space Administration

Exports
International Trade Administration

Fisheries
National Oceanic and Atmospheric Administration

Fuel Economy
National Highway Traffic Safety Administration

Government Procurement
Air Force Department
Commerce Department
Defense Department

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Selected Subjects

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Income Taxes
Internal Revenue Service

Insurance
Interstate Commerce Commission

Marketing Agreements
Agricultural Marketing Service

National Banks
Comptroller of Currency

Pesticides and Pests
Environmental Protection Agency

Pipeline Safety
Research and Special Programs Administration

Radio Broadcasting
Federal Communications Commission

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

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: May 15; at 9 am.

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

RESERVATIONS: Laurence Davey 202-523-3517

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

Spearmint Oil Produced In the Far West; Establishment of Salable Quantities and Allotment Percentages for the 1986–87 Marketing Year

AGENCY: Agricultrual Maketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the quantity of spearmint oil produced in the Far West, by class, that may be purchased from, or handled for, producers by handlers during the 1986–87 marketing year which begins June 1, 1986. This action is designed to promote orderly marketing conditons for spearmint oil produced in the Far West. The rule was recommended by the Spearmint Oil Administrative Committee established under this marketing order.

EFFECTIVE DATE: April 23, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, DC 20250. Telephone (202) 447–5697.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through the group actions of essentially small entities acting on their own behalf. Thus, both statues have small entity orientation and compatibility.

It is estimated that approximately nine handlers of spearmint oil will be subject to regulation under the Marketing Order for Spearmint Oil Produced in the Far West during the course of the current season and that the great majority of this group may be classified as small entities. While regulations issued during the course of the season impose some costs on affected handlers, the added burden imposed on small entities by this regulation, if present at all, is not significant.

The salable quantity and allotment percentage for each class of spearmint oil is established in accordance with the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The rule was recommended by the Spearmint Oil Administrative Committee established under this marketing order.

The salable quantity and allotment percentage for each class of spearmint oil for the 1986–87 marketing year beginning June 1, 1986, is based upon recommendations of the committee and the following data and estimates:

(1) "Class 1" Oil (Scotch Spearmint)

(A) Estimated carrying on June 1, 1986—209,964 pounds.

(B) Estimated trade demand (domestic and export) for the 1986–87 marketing year, based on an average of producer sales for the five-year period beginning with the 1980–81 marketing year thorough the 1984–85 marketing year—737,049 pounds.

(C) Recommended desirable carryout on May 31, 1987—75,000 pounds.

(D) Salable quantity required from 1986 production—602,085 pounds.

(E) Total allotment bases for "Class 1" Oil—1,639,140 pounds.

(F) Computed allotment percentage—37.73 percent.

(G) The committee's recommended salable quantity—688,439 pounds.

(H) Recommended allotment percentage—42 percent.

(2) "Class 3" Oil (Native Spearmint)

(A) Estimated carryin on June 1, 1986—90,529 pounds.

(B) Estimated trade demand (domestic and export) for the 1986–87 marketing year, based on an average of sales for the past five marketing years beginning with the 1980–81 marketing year through the 1984–85 marketing year—870,516 pounds.

(C) Recommended desirable carryout on May 31, 1987—75,000 pounds.

(D) Salable quantity required from 1986 production—854,987 pounds.

(E) Total allotment bases for "Class 3" Oil—1,808,587 pounds.

(F) Computed allotment percentage—47.27 percent.

(G) The committee's recommended salable quantity—886,208 pounds.

(H) Recommended allotment percentage—49 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class.

Volume controls in effect under the order have aided in maintaining a stable market for each class of oil. The committee's objective for the 1986–87 marketing season is to promote orderly marketing and to continue to balance supply and demand in order to maintain stable market conditions and prices for each class of 1986–87 crop oil. The committee's recommendations are based on expectations of normal sales of spearmint oil during the 1986–87 marketing year.

Pursuant to the order, the committee issued additional allotment bases to both new and existing producers for the 1986–87 marketing year. New producers were issued allotment bases in units of 2,049 pounds for "Class 1" Oil and 2,261 pounds for "Class 3" Oil. Additional allotment bases for existing producers were divided equally, by class of oil, among all producers who reqested such additional base and demonstrated the ability to produce the additional spearmint oil referable to such base. The issuance of the additional allotment bases increased the total of "Class 1"

Oil allotment bases by 16,336 pounds and "class 3" Oil by 18,054 pounds.

A proposed rule published in the February 4, 1986, issue of the **Federal Register** (51 FR 4373) provided a 15-day comment period which ended February 19. Five comments were received. Essentially, commenters suggested that the marketing order ensures that: (1) Small producers are being put out of business and that either the marketing order should be terminated, or the proposed salable quantities and allotment percentages should be increased for the 1986–78 marketing season; (2) that barriers to entry should be reduced as is required by the Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders (guidelines); and (3) that marketing order regulations limit the quantity of spearmint oil that domestic producers can export and increase the amount of imports that enter into the U.S., thus reducing the ability of domestic producers to compete in world markets.

Small producers are given the same opportunity as all producers under the marketing order, and the regulations are established for the benefit of all producers and consumers. Allotment regulations apply equally to producers of all levels of production. If the commenters' requests to increase the proposed salable quantities and allotment percentages for the 1986–87 season were adopted, producers would likely overplant which could result in increased stocks and depressed prices as occurred prior to issuance of this order.

Section 985.50 of the order requires that the committee consider at least the following items when establishing regulation: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil for the current marketing year; (4) the estimated total of allotment bases of each class of oil for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil including prices for each class of oil; and (7) the general marketing conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. As outlined in this document, the supply and demand factors bearing on the need for regulation have been carefully examined, and the necessary requirements for regulation as specified in § 985.50 have been met. Therefore, it is determined that regulation of spearmint oil for the 1986–87 season in the manner specified is necessary to effectuate the declared purposes of the act.

Consistent with the Department's guidelines,which require that allocation and reserve pool programs make available to the primary market at least 110 percent of prior years' sales, the committee has recommended the salable quantities for the 1986–87 season at 127 and 111 percent of average sales for Scotch and native spearmint oil, respectively, for the three year period beginning with the 1982–83 marketing year though the 1984–85 marketing year. The committee has also made additional base available to new and existing producers in order to facilitate entry into the industry and update producer bases as required by the guidelines.

Contrary to the comments, marketing order regulations have not substantially limited the quantity of spearmint oil that can be exported, or increased the amount of imports into the U.S. According to data from USDA's Foreign Agricultural Service, in 1984 and 1985 exports of spearmint oil from the U.S. were significantly greater than the amount of imported spearmint oil from other countries into the U.S. Such imports are insignificant when compared to U.S. production. USDA's Crop Reporting Board indicates that U.S. production for 1984 was 2,019,000 pounds, (1,536,000 pounds of which was produced in the regulated area) while total imports were only 75,340 pounds. In 1985, U.S. production was 2,317,000 pounds (1,946,000 of which was produced in the regulated area) and imports decreased from the previous year to a total of 12,167 pounds. In addition, exports of spearmint oil from the U.S. to foreign markets in 1984 and 1985 were 398,504 and 372,012 pounds, respectively. The remainder of the U.S. production was utilized in domestic markets or put into storage.

Based on the foregoing facts and information, it appears that marketing order regulations are not significantly reducing the U.S. producers' competitiveness in U.S. or world markets. Also, the 1986–87 recommended salable quantities and allotment percentages for spearmint oil produced in the Far West have increased salable quantities of spearmint oil from that offered in previous years and will provide ample quantities to meet current and prospective supply and demand conditions. Consequently, the comments in opposition to the proposed regulation are not adopted.

In order to ensure orderly marketing of spearmint oil during the 1986–87 marketing season, and to give growers adequate notice so they may develop or make any adjustments in their planting decisions (planting usually begins in March) for the ensuing marketing season, this rule is to become effective upon publication.

List of Subjects in 7 CFR Part 985

Marketing agreements and orders, Spearmint Oil, and Far West.

PART 985—[AMENDED]

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 985.206 is added under Subpart—Salable Quantities and Allotment Percentages, to read as follows: (The following provisions will not be published in the Code of Federal Regulations).

§ 985.206 Salable quantities and allotment percentages—1986–87 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1986, shall be as follows:

(a) "Class 1" Oil—a salable quantity of 688,439 pounds and an allotment percentage of 42 percent.

(b) "Class 3" Oil—a salable quantity of 886,208 pounds and an allotment percentage of 49 percent.

Dated: April 16, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 86–9038 Filed 4–22–86; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Changes to Procedural and Operational Details of the Raisin Diversion Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes procedural and operational details of the Raisin Diversion Program (RDP). The changes will: (1) Broaden the category of producer applicants receiving priority for program participation; (2) add authority for subjecting those approved applicants who fail to follow through with their intention to remove vines to legal and administrative sanctions; (3) clarify that order requirements are applicable to raisin handlers when redeeming diversion certificates just as

though the raisins were acquired as new crop raisins; and (4) allow the Raisin Administrative Committee (Committee) to release to handlers the entire tonnage represented by diversion certificates. These changes were recommended by the Committee, which works with the U.S. Department of Agriculture (USDA) in administering the marketing order for California raisins.

EFFECTIVE DATE: April 18, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Agricultural Marketing Service, USDA, Washington, DC 20250, Telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum No. 1512-1 and Executive Order 12291 and has been designated a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through the group action of essentially small entities for their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that approximately 23 handlers of raisins will be subject to regulation under the Marketing Order for Raisins Produced from Grapes Grown in California during the course of the current season and that the great majority of this group may be classified as small entities. While regulations issued under this order impose some costs on affected handlers and the number of such firms may be substantial, the added burden imposed on small entities, if present at all, is not significant.

The changes to the RDP are established in accordance with the provisions of Marketing Order No. 989, regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

It is found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The final rule needs to be effective by April 18, 1986, in order to provide producers with adequate notice of the changes to the RDP and so that they may be given the opportunity to withdraw prior to June 1, 1986. Under § 989.156(r) of the RDP rules and regulations, successful applicants have 10 days to withdraw from the program if they disagree with any program changes. June 1 is the date specified in § 989.156(h) of the RDP rules and regulations by which successful applicants must have removed their grapes or vines under the RDP.

Notice of this action was published in the **Federal Register** on March 24, 1986 (51 FR 9968). Interested persons were invited to submit written comments by April 3, 1986. One comment was received from the Committee.

The RDP, which was implemented for the first time in 1985, gives producers the means of voluntarily reducing the quantity of grapes grown for drying into raisins. Participating producers would be required to preclude grapes from being produced and harvested on the production unit involved in the program. In return, producers would receive a diversion certificate representing the quantity of raisins diverted from the involved production unit. Producers could then sell the diversion certificate to handlers as though the raisins were produced in the current crop year. Since the establishment of the RDP, the raisin industry has been working to bring raisin supplies more in line with demand. In 1985, 60,000 tons of raisins were diverted from production. The Committee has designated over 100,000 tons of Natural Seedless raisins for the 1986 diversion program because raisin supplies are expected to exceed market demand and normal carryover needs by that amount.

The first change in § 989.156(d) as proposed would have allowed producers, who agree to remove vines from a partial production unit, to receive the same priority as those who remove vines from an entire production unit. The Committee's comment suggested that the proposed rule should be revised to allow producers who remove vines from a partial production unit to receive second priority for program participation instead of the same priority as those producers who remove vines from a full production unit. Producers who remove a full production unit would no longer have the ability to produce raisins on that area, and would most likely convert the unit to other uses. Thus, this would permanently reduce the production of grapes to be dried into raisins. However, those producers who agree to remove the vines on a portion of their production unit would still be capable of producing grapes for raisins on the remainder of that production unit, and could continue to produce grapes on that area in the future. While removing vines from a partial production unit would also reduce grape production for raisins, such producers would be most likely to remove only low yielding portions of their production. Since it is the Committee's intention to encourage producers to remove vines under the RDP, which is the most effective method currently known for accomplishing program goals, the Committee's comment to give second priority to those producers who remove vines from a portion of a production unit is adopted into this final rule.

The second change will add legal and administrative remedies to § 989.156(h) for those approved applicants who fail to follow through with their intention to remove vines as specifically stated on their applications. Such producers shall not be issued a diversion certificate, may be subject to liquidated damages and interest charges as provided in paragraph (q) of § 989.156, and may be denied the opportunity to participate in future programs. This will discourage approved applicants from changing from vine removal to diversion by another method. In an oversubscription situation, when the production volume in such applications exceeds the amount of diversion tonnage available under the program, a lottery system would be required to allocate such diversion tonnage among the applicants. Producers who indicate vine removal on their diversion applications but later decide to divert by another means would avoid the lottery system and deny other producers the opportunity to participate in the program. Thus, these measures are necessary to foster compliance and more effectively enforce the provisions of the diversion program.

The third change is in § 989.156(p) and will clarify that order requirements are applicable to handlers when diversion certificates are redeemed. It is the Committee's intention to clarify that the raisin tonnage represented on diversion certificates be treated in the same manner as new crop raisins, and to protect the interests of reserve pool equity holders. This includes any reserve pool obligations, payment of assessments, storing of reserve tonnage, and remedies in the event of handlers' failure to deliver reserve tonnage raisins. These requirements are applicable to reserve raisins released to handlers under the diversion program.

The last change is in § 989.156(k). It will allow the Committee to release to

handlers the entire amount on the diversion certificate when certificates are redeemed. The current provisions only allow the Committee to release the free tonnage portion on the certificates to handlers. One year's program experience has shown that diversion certificates may be redeemed before free and reserve percentages have been computed and announced. Free and reserve percentages are recommended to the Secretary prior to February 15, of the crop year. The free percentage prescribes the portion of the crop that can be shipped immediately to any market. The reserve percentage prescribes the portion that must be held for delayed shipment. Releasing the entire amount of diversion tonnage, regardless of whether free and reserve percentages are established, will allow handlers to treat the reserve raisins represented by diversion certificates the same as if a crop was produced and delivered to the handler.

After consideration of all relevant matters presented, the information and recommendations submitted by the Committee, and other available information, it is further found that the changes to the procedural and operational details of the raisin diversion program will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 989

Marketing agreements and Orders, Grapes, Raisins, California

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 989 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Paragraphs (d), (h), (k), and (p) of § 989.156 are revised, and the heading of paragraph (g) is revised to read as follows:

Subpart—Administrative Rules and Regulations

§ 989.156 Raisin diversion program.

* * * * *

(d) *Priority of applications and allocation of tonnage.* Those producer applicants indicating that the vines of the producing units or portions thereof will be removed, shall receive first and second priority, respectively, over other applicants when reserve tonnage under the program is to be allocated. Grafting vines of one varietal type to another varietal type does not constitute removal under the program. If the production volume in such applications exceeds the amount of diversion tonnage available under the program, a lottery will be held to allocate such diversion tonnage among the applicants. In conducting any lottery under this section, the Committee may group producer applications on a handler-by-handler basis, and separate lotteries will be held for each such group. The diversion tonnage of raisins available for each such group in each lottery may not exceed the percentage of total handler acquisitions acquired by the group's handler during the previous crop year. To the extent diversion tonnage exists after such group lotteries, such remaining diversion tonnage may be allocated by one lottery of all remaining producer applications. If reserve tonnage exists under the program after the allocation of diversion tonnage has been made to all eligible producer applicants who remove vines, all other applications shall be considered. If the production volume in such applications exceeds the amount of reserve raisin tonnage remaining under the program, a lottery will be held to allocate the remaining diversion tonnage in the manner described above.

* * * * *

(g) *Verification.*

* * * * *

(h) *Compliance.*—(1) *Methods of diversion.* An approved applicant shall be required to take the necessary measures to preclude grapes from being produced and harvested on the production unit involved in the program. These measures may include spur pruning the vines, chemically removing the crop before maturity, hand removing and destroying the bunches of grapes before maturity, removing the vines, or any other method which prevents the grapes from maturing and being harvested. Grafting vines of one varietal type to another varietal type does not constitute removal of the vines under the program.

(2) *Period of diversion.* An approved applicant must remove the grapes, or vines, indicated on the application within the production unit or portion thereof designated in the application not later than June 1 of the crop year when a raisin diversion program is implemented.

(3) *Failure to divert.* Any raisin producer who does not take the necessary measures to remove the grapes on an approved production unit by June 1, or any raisin producer who has indicated the removal of vines or the intent to remove the vines and who does not remove such vines on an approved production unit or portion thereof by June 1, shall not be issued a diversion certificate, may be subject to liquidated damages and interest charges as provided in paragraph (q) of this section, may be subject to an injunctive action under the act, and may be denied the opportunity to participate in future diversion programs.

* * * * *

(k) *Redemption of certificates.* Any handler holding diversion certificates may redeem such certificates for reserve pool raisins from the Committee. To redeem a certificate, a handler must present the diversion certificate to the Committee and pay the Committee an amount equal to the established harvest costs plus an amount equal to the payment for receiving, storing, fumigating, handling, and inspecting raisins as specified in § 989.401 for the entire tonnage shown on the certificate. Handlers who acquire diversion certificates from producers shall report acquisitions of such certificates and submit them for redemption in a manner and for the reporting periods provided in § 989.173(b) for the acquisition of raisins acquired from producers. The Committee shall issue a reserve release entitling the handler to an amount of reserve pool raisins equal to the entire tonnage shown on the certificate. Upon receipt of the diversion certificate, the Committee shall note on the certificate that it is cancelled. Diversion certificates will only be valid and honored by the Committee if presented to it for redemption on or before February 15 of the crop year for which they were issued.

* * * * *

(p) *Handling of reserve pool tonnage released when diversion certificates are redeemed.* Handlers shall comply with the applicable provisions of the order and administrative rules and regulations for the reserve pool tonnage released under the raisin diversion program in the same manner as raisins acquired from producers. Such provisions shall include, but not be limited to, reporting, satisfying reserve pool obligations, payment of assessments, storing reserve tonnage, and the remedies in the event of failure to deliver reserve tonnage raisins.

* * * * *

Dated: April 18, 1986.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 86–9222 Filed 4–22–86; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 32

[Docket No. 86-9]

National Banks' Lending Limits; Request for Comment

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Temporary rule; request for comment.

SUMMARY: The Office of the Comptroller of the Currency ("Office") has adopted an amendment to 12 CFR Part 32 creating a substitute lending limit for national banks with charged-off agricultural and oil and gas loans. This revision is intended to provide temporary relief from lending restrictions to national banks which have suffered reductions in capital as a result of problems in the agricultural and oil and gas sectors of the economy. Although the temporary rule is effective immediately, the Office is requesting comments from the public prior to adopting a final rule.

DATES: The temporary rule is effective on March 28, 1986. Comments must be received on or before May 23, 1986.

ADDRESS: Comments should be sent to Docket No. 86-9, Communications Division, 5th Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219. Attention: Lynnette Carter. Telephone: (202) 447-1800. Comments will be available for inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Rosemarie Oda, Senior Attorney, Legal Advisory Services Division, (202) 447-1880; Linda Gottfried, Attorney, Legal Advisory Services Division, (202) 447-1880; Alan Herlands, Special Assistant to the Chief National Bank Examiner, (202) 447-1646.

SUPPLEMENTARY INFORMATION:

Introduction

Section 401(a) of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. No. 97-320 (1982), amended R.S. § 5200, 12 U.S.C. 84, to raise the general limit on a national bank's lending to a single borrower from 10 to 15 percent of unimpaired capital and unimpaired surplus. It also provided express authority for the Office to issue regulations implementing the statute, including rules "to establish limits or requirements other than those specified." 12 U.S.C. 84(d)(1).

When Congress amended section 84, it expressed an intention to "substantially amend the arbitrary and inflexible laws affecting national bank lending." S. Rep. No. 97-536, 97th Cong., 2d Sess. 25 (1982). In granting the Office the authority to promulgate regulations to carry out the purposes of the section, Congress stated that the reason for permitting the Office to establish separate limitations was to enable it to respond to changes in "economic conditions and financial practices." S. Rep. at 60. Among the reasons Congress cited for the comprehensive changes to the existing lending limits statute was the following:

> Added flexibility is needed by smaller institutions, particularly in rural and agricultural communities, where too often small banks now have to turn away local borrowers. In fact, a recent ABA nationwide survey found that 6 percent of 2,400 rural bank respondents had loan applications from acceptable farm customers exceeding their lending limits. (S. Rep. at 25.)

Clearly, Congress was concerned about the availability of credit in farm communities when it relaxed lending limitations. The agricultural economy has vastly deteriorated in the four years since the statutory amendment, creating severe financial pressures on agricultural borrowers and their banks. Additionally, the oil and gas sector of the economy has been adversely affected by the worldwide plummet in the price of oil. The credit needs of these sectors cannot or will not be met because of the reduction in unimpaired capital and unimpaired surplus of national banks serving those communities resulting from losses due to economic problems beyond their control. The federal bank regulatory agencies recently testified before Congress and issued a joint statement that supervisory policies were necessary to assist basically sound, well-managed banks to weather the temporary strains in these troubled economic sectors.

On March 28, 1986, the Office announced a new enforcement policy, subsequently published as "Capital Forbearance Policies", elsewhere in this issue of the **Federal Register**. The enforcement policy is designed to benefit banks that have sufficient capital to absorb loan losses and have reasonable prospects to replenish capital. It will encourage banks to recognize losses in their agricultural and oil and gas loan portfolios without sacrificing the integrity of their financial statements. This new capital forbearance policy establishes a window period, from March 28, 1986, until December 31, 1987, for eligible banks to request that the Office forbear from imposing its usual capital standards and an expiration date of January 1, 1993, for the forbearance policy.

One of the stated purposes of the capital forbearance policy is to encourage work-out strategies between national banks and agricultural and oil and gas borrowers. This has been accomplished by providing an incentive to banks in these sectors of the economy to take losses without fear of enforcement action against them on charges that capital has not been maintained at adequate levels. It will also be accomplished by eliminating the fear of incurring personal liability on the part of the bank's directors for exceeding national bank lending limits in making new loans or meeting prior commitments to lend.

An essential component of the capital forbearance policy is the amendment of the call report for national banks to create a new memorandum item for charge-offs of special category, "agricultural" and "oil and gas," loans. This memorandum item has been designed for national banks with special category loan charge-offs whose capital has declined as a result of losses incurred on these loans; it will be used in part to provide the Office with information to evaluate whether to grant capital forbearance.

The capital forbearance policy statement also announced that the Office would amend the regulation implementing section 84, which is found at 12 CFR Part 32, 48 FR 15844 (April 12, 1983), to comport with the aims of the forbearance policy. In order to allow national banks which have suffered reductions in their capital as a result of problems in the agricultural and oil and gas sectors to substitute an increased lending limit to offset the decline in their unimpaired capital and unimpaired surplus, or total capital, the Office has created a temporary regulation at 12 CFR 32.8, "Substitute lending limit for banks with agricultural and oil and gas loans." The new provision will allow these banks with agricultural and oil and gas loans to continue lending to their creditworthy customers by using the special category loan charge-offs described above to calculate lending limits up to a maximum level of 20 percent of unimpaired capital and unimpaired surplus.

It must be emphasized that the substitute lending limit is not designed to increase a bank's lending capacity above that which existed prior to January 1, 1986. It also does not establish a flat new limit for all banks which have agricultural or oil and gas loans in their portfolios. Within the maximum level of 20 percent, the substitute lending limit may vary with each bank, because it will factor into the

lending limit calculation the degree to which the bank has been affected by charge-offs of agricultural and oil and gas loans. The substitute lending limit does not affect the applicability or availability of any other statutory limitation or exception, such as the additional 10 percent limit for loans secured by readily marketable collateral at 12 U.S.C. 84(a)(2), 12 CFR 32.4.

Definitions

The definitional section of the new provision is intended to carry over the terminology used in the capital forbearance policy statement and for call report purposes and thereby ensure that the new limit is available only to banks which have loaned in the agricultural and oil and gas sectors. Accordingly, "agricultural loans" and "oil and gas" loans are defined in general terms in the regulation and are further described in the call report instructions and in the "Capital Forbearance Policies". The federal bank regulatory agencies have generally agreed upon these definitions, which are based on historical usages of these terms. It is anticipated that any subsequent interpretations of the definitions of "agricultural loans" or "oil and gas loans" will be issued in the form of banking circulars, call report instructions, other related issuances, and letter rulings. To minimize the necessity for further interpretation, however, the Office specifically invites comment on these definitions.

The term "special category loan charge-offs" is defined to incorporate the memorandum item for agricultural and oil and gas loan charge-offs referred to in the capital forbearance policy statement. The definition includes a reference to the window period for entries in this account, January 1, 1986 through December 31, 1987, established in the capital forbearance policy statement, thereby harmonizing the extent of relaxation in lending limitations with the extent of forbearance from administrative action.

The Temporary Substitute Lending Limit

The substitute lending limit will be available only to a national bank with the aforementioned special category loan charge-offs if its capital has declined and only for a limited period of time. Section (b) provides the maximum substitute lending limit of 20 percent of unimpaired capital and unimpaired surplus for banks whose capital has declined as a result of the aforementioned special category loan charge-offs and provides an expiration date for the regulation of January 1, 1993, which coincides with the date of termination of the capital forbearance policy. It also provides that even though a bank with reduced capital has agricultural or oil and gas loans covered by the capital forbearance policy, its substitute lending limit cannot exceed 15 percent of its unimpaired capital and unimpaired surplus as of December 31, 1985.

Below the maximum limit, the lending limit for each bank can be expected to differ, depending on the effect of including the factor for special category loan charge-offs in section (c). The Office has not made the maximum limit available in all instances because the substitute limit is not intended to grant affected national banks a higher limit than would have been afforded to them under the general statutory limit prior to January 1, 1986. A worksheet is provided at the end of this preamble as Exhibit A which will assist banks in computing their substitute limit.

Reasons for Adoption Without Prior Notice and Comment

Immediate adoption of this rule is required to accomplish the purposes of the capital forebearance policy. On March 26, 1986, the United States Senate Committee on Banking, Housing, and Urban Affairs endorsed the objectives of the joint statement and urged the federal bank regulatory agencies to move as rapidly as possible to provide assistance to banks now making lending decisions for the 1986 growing season. For these reasons, the Office finds that application of the notice and public participation provisions of 5 U.S.C. 553 to this action would be contrary to the public interest and that good cause exists for making this action effective immediately. Nevertheless, the Office believes that comment on alternate proposals may be beneficial and could result in a better final rule. Therefore, the Office has also requested post-promulgation comment on preferable alternatives for providing relief from national bank lending limits.

Regulatory Flexibility Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–602), it is certified that this regulation will not have a significant economic impact on a substantial number of small entities. The effect of the regulation is beneficial rather than adverse, and small entities are generally expected to benefit more than larger institutions.

Executive Order 12291

The Office has determined that this regulation does not constitute a "major rule" and, therefore, does not require a regulatory impact analysis. This regulation would ease burdens imposed by regulations and would have no adverse effect on the operations of national banks.

Exhibit A—General Lending Limitation Calculations

(For use until January 1, 1983)

Calculation date _____

1. Total capital on December 31, 1985	$_____
2. 15% of the amount on Line 1	$_____
3. Total capital on calculation date	$_____
4. 15% of the amount on Line 3	$_____
IF THE AMOUNT ON LINE 4 EQUALS OR EXCEEDS THE AMOUNT ON LINE 2, STOP HERE. THE BANK'S CURRENT GENERAL LENDING LIMITATION IS THE AMOUNT ON LINE 4.	
5. Sum of Special Category Loan Charge-offs since December 31, 1985 (but only through December 31, 1987)	$_____
6. Sum of all recoveries since December 31, 1985 on all loans included in Line 5	$_____
7. Amount on Line 5 minus amount on Line 6	$_____
8. Amount on Line 3 plus amount on Line 7	$_____
9. 15% of the amount on Line 8	$_____
10. 20% of the amount on Line 3	$_____
11. Lesser of the amounts on Line 9 and Line 10	$_____
12. Lesser of the amounts on Line 2 and Line 11	$_____

THE BANK'S CURRENT GENERAL LENDING LIMITATION IS THE AMOUNT ON LINE 12.

List of Subjects in 12 CFR Part 32

National banks, Lending limits.

PART 32—LENDING LIMITS

For the reasons set forth in the preamble, the Comptroller of the Currency hereby amends 12 CFR Part 32 as follows:

1. The authority citation for Part 32 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 12 U.S.C. 84 and 12 U.S.C. 93a.

2. Section 32.8 is added to read as follows:

§ 32.8 Substitute lending limit for banks with agricultural or oil and gas loans.

(a) *Definitions.* For purposes of this section:

(1) "Agricultural loans" include loans or extensions of credit secured by farmland, loans to finance agricultural production and other loans to farmers reported in the bank's call report of

condition. The following are examples of such types of loans: For growing and storing of crops, breeding and marketing of livestock, financing fisheries, purchases of farm machinery and equipment, maintenance and operations of the farm, and discounted notes of farmers.

(2) "Oil and gas loans" include loans or extensions of credit to oil companies, petroleum refiners, and companies primarily engaged in the oil- and gas-related business, for example: Operating oil and gas field properties, contract drilling, performing exploration services on a contract basis, performing oil and gas field services, manufacturing or leasing of oil field machinery and equipment, pipeline transportation of petroleum, natural gas transmission or distribution, and investing in oil and gas royalties or leases.

(3) "Special category loan charge-offs" mean agricultural or oil and gas loans charged-off during the period from January 1, 1986 through December 31, 1987, which have been or will be reported in a special memorandum item in the bank's call report of condition in accordance with the Comptroller's capital forbearance policy.

(b) A national bank which has special category loan charge-offs resulting in a reduction in its unimpaired capital and unimpaired surplus since December 31, 1985, may substitute a lending limit calculated under this section for the general limitation provided at 12 U.S.C. 84(a)(1), up to a maximum amount of 20 percent of unimpaired capital and unimpaired surplus, until January 1, 1993.

(c) The substitute lending limit in section (b) is the lesser of the following amounts:

(1) 15 percent of unimpaired capital and unimpaired surplus on December 31, 1985; or

(2) 15 percent of the total of:

(i) The difference between the sum of special category loan charge-offs and the sum of recoveries on those charge-offs; plus

(ii) Unimpaired capital and unimpaired surplus; or

(3) 20 percent of unimpaired capital and unimpaired surplus.

Dated: April 4, 1986.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 86-9057 Filed 4-22-86; 8:45 am]

BILLING CODE 4810-33-M

12 CFR Part 32

[Docket No. 86-10]

National Banks; Capital Forbearance Policies

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Policy Statement on Capital Forbearance.

SUMMARY: Conditions in the farm and oil and gas sectors of the economy have created increasingly severe financial pressures on farm banks and their farmer borrowers and on oil and gas banks and their oil and gas borrowers. Many farmers are facing foreclosure, and others have developed serious problems. Likewise, the volatility of energy prices has created difficulties for oil and gas borrowers.

Recognizing these problems, the Office of the Comptroller of the Currency ("OCC") is publishing this policy statement which explains its intentions with regard to supervisory policies affecting national banks adversely affected by economic conditions in the agricultural and oil and gas sectors of the economy. This statement was issued in Banking Circular No. 212, dated March 28, 1986. The statement outlines a short term capital forbearance policy designed generally to benefit agricultural and oil and gas banks having sufficient capital to absorb loan losses and reasonable prospects to replenish capital; it reiterates previous OCC statements regarding loan restructuring and accounting therefore; it describes proposed call report changes expected to be effective with the call report for the quarter ending June 30, 1986; and it announces OCC's intention to amend 12 CFR Part 32 relating to lending limits to substitute a new lending limit to offset the impact lower capital ratios would otherwise have on lending limit computations at national banks making agricultural and oil and gas loans.

EFFECTIVE DATE: March 28, 1986.

FOR FURTHER INFORMATION CONTACT: Alan Herlands, Special Assistant to the Chief National Bank Examiner, (202) 447-1646, or Zane Blackburn, Director, Bank Accounting, (202) 447-0471, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

I. Introduction

The last few years have proved to be a particularly difficult period for farm and oil and gas banks and their borrowers. Many farmers and others dependent on the agricultural economy have experienced, and continue to experience, financial difficulties. During this period, an historically large number of farm banks have failed and an even larger number have developed serious problems. Similarly, volatile energy prices have adversely impacted oil and gas borrowers and the banks that lend heavily to them.

In light of these problems, the Comptroller of the Currency, the Federal Reserve Board, and the Federal Deposit Insurance Corporation believe it appropriate to employ supervisory policies that will support basically sound, well-managed banks in weathering what is expected to be a difficult but transitional period. In connection with their recent testimony before Congress, the agencies released a Joint Policy Statement on March 11, 1986, outlining these policies. Although the statement refers only to agricultural banks, it has been extended to oil and gas banks by subsequent agreement among the agencies. A copy of the Joint Policy Statement is attached.

This Circular explains how the Office of the Comptroller of the Currency will implement the Joint Policy Statement. Implementation will be accomplished by encouraging banks to work with their troubled agricultural and oil and gas borrowers; by establishing a capital forbearance policy; by encouraging the use of generally accepted accounting principles which may permit loan restructurings without loss recognition; by changes to Call Reports; and by relaxing lending limits.

The Congress is considering legislation covering capital forbearance, Call Reports, and lending limits, among other matters. Modification of this Circular may be required if legislation is enacted.

Certain provisions contained in this Circular are subject to approval by the Office of Management and Budget, where they are currently under review.

II. Bank Relationships with Troubled Borrowers

Problems in the agricultural economy have directly affected the banks that provide financing for the agricultural sector. Severe financial pressures on borrowers dependent on the agricultural economy have resulted in an increase in loan delinquencies. As conditions have worsened, borrowers increasingly fear foreclosure, while bankers are increasingly concerned about supervisory actions that may result from

reduction in their banks' capital as a consequence of loan losses.

In response to this situation, the OCC has encouraged bankers to develop work-out strategies with their agricultural borrowers. In a joint statement on April 23, 1985, the Federal bank regulatory agencies reiterated their policy of encouraging banks to enter into work-out plans with agricultural borrowers who are experiencing temporary difficulties in meeting their debt service obligations. The OCC renews that encouragement now.

Although OCC examiners will point out to management the weaknesses that may be present in loans, the OCC does not require foreclosure on collateral or the acceleration of the maturity of loans. The OCC recognizes that downturns in certain sectors of the economy are expected to be transitory. Therefore, lenders may find that the most prudent policy is to restructure the loan terms rather than to take more precipitous action such as foreclosure.

The volatility in energy prices has created a similar situation between oil and gas companies and the banks that lend to them. Accordingly, the OCC also encourages banks to develop appropriate work-out strategies with their oil and gas borrowers.

III. Capital Forbearance Policy

Despite the difficult problems facing many agricultural and oil and gas banks, the OCC believes that most have sound prospects for the future. Even with the losses suffered by these banks and the likelihood that losses will continue to occur, these banks retain substantial strength. Many of them possess strong capital to asset ratios and capable management that adheres to sound lending policies.

Accordingly, the OCC has adopted, effective immediately, a capital forbearance policy which will benefit basically well-managed banks that have sufficient capital to absorb loan losses and reasonable prospects to replenish capital. Capital forbearance formally acknowledges that capital should be used during periods of unusually heavy loan losses and that capital replenishment takes time. The capital forbearance policy should provide banks greater incentives to recognize promptly losses arising in their loan portfolios, work with borrowers to restructure loans, and rebuild bank capital in an orderly manner. This capital forebearance policy is temporary and will terminate on January 1, 1993.

Under the capital forbearance policy, the OCC will not take administrative action to enforce the minimum capital requirements in 12 CFR Part 3 against a bank whose primary capital ratio declines below 5½ percent to no less than 4 percent before December 31, 1987, provided the bank meets the following qualifications and conditions.

1. The bank must meet the definition of an agricultural/oil and gas bank. An agricultural/oil and gas bank is one whose agricultural and oil and gas loans, in the aggregate, are equal to or greater than 25 percent of the bank's total loans and leases, net of unearned income. Agricultural loans are defined as loans secured by farmland and loans to finance agricultural production and other loans to farmers from Schedule C on the bank's Call Report. A list of the kinds of loans qualifying as oil and gas loans for purposes of the capital forbearance policy is attached as Exhibit A.

2. The weakened capital position of the bank must be largely the result of problems in the agricultural and/or oil and gas sectors of the economy and not due to excessive bank operating expenses, insider abuse, excessive dividends or actions taken solely for the purpose of qualifying for capital forbearance.

3. The bank must be well-managed. In reaching determinations about the quality of a bank's management, the OCC will take into account existing management's past record of performance in guiding the bank, including its timely recognition of loan losses and other weaknesses. The OCC will also consider the bank's past compliance with any agreements with, commitments to, or orders from the OCC. Further, the OCC will consider the capability of management to develop and implement an acceptable rehabilitative plan.

4. The bank must submit an acceptable plan for restoring capital by January 1, 1993 to the minimums required by 12 CFR Part 3. The plan should describe the means and schedule by which capital will be increased. This plan should also specifically address reduced dividends levels; limitations on the compensation of directors, executive officers or individuals having a controlling interest; limits on asset growth; and payments for services or products furnished by affiliated companies.[1] The plan should provide for improvement in the bank's primary capital ratio on a continuous or periodic basis from earnings, capital injections, asset shrinkage, or a combination thereof. A plan which projects no significant improvement in capital until near the end of the forbearance period will not normally be acceptable. The OCC may require modification to a bank's plan in order for the bank to receive, or to continue to receive, capital forbearance.

5. The bank must commit to file annual progress reports regarding compliance with its capital plan. Depending on an individual bank's progress, more frequent reports may be required. Moreover, any contemplated actions that would represent a material variance from the capital plan must be submitted to the OCC for review.

Banks with capital below the minimums established in 12 CFR Part 3 seeking capital forbearance must file a written request no later than December 31, 1987 with the Deputy Comptroller for the District in which the bank is located. The request must include a certification and explanation of its eligibility to participate (covering items 1 through 3 above), its plan, and its commitment to file the required reports. Capital forbearance will be considered granted unless, within 60 days of receipt of the request, the District notifies the bank that its request has been denied or that additional information or time is required. Pursuant to 12 CFR 3.8, during the period covered by this capital forbearance policy, a bank granted capital forbearance and in compliance with an acceptable capital plan will not be considered in violation of the minimum capital ratios required by 12 CFR 3.6.

Upon the written request of an agricultural/oil and gas bank and at the discretion of the OCC, the capital forbearance policy may be extended, in special circumstances, to a bank with a primary capital ratio lower than 4 percent. In addition, the OCC will consider extending its capital forbearance policy to banks which do not meet the above definition of an agricultural/oil and gas bank, but nevertheless are suffering capital declines caused by problems in the agricultural or oil and gas sectors. Capital forbearance may be extended to these banks only on a case-by-case basis upon written request and explanation submitted to the District Deputy Comptroller. In both circumstances, capital forbearance will not be considered granted until the District so notifies the bank.

The OCC reserves the right to terminate capital forbearance for banks engaged in unsafe or unsound or other objectionable practices, or if it becomes apparent to the OCC that the bank is unwilling or unable to comply with an

[1] Banks should also refer to Banking Circular No. 115, "Income Diversion Through Management and Other Fees", dated August 30, 1978, and Supplement No. 1 thereto, dated December 28, 1978.

acceptable capital plan. Capital forbearance, once granted, will not be terminated solely on the basis of subsequent changes in a bank's percentage of loans to agricultural and/or oil and gas borrowers.

Some banks are at present subject to capital requirements higher than those specified in 12 CFR Part 3 by a capital directive, an effective order issued pursuant to 12 U.S.C. 1818, or a formal agreement between a bank and the OCC. Banks which have experienced agricultural or oil and gas losses and which are subject to a capital ratio higher than the minimums set forth in 12 CFR 3.6 may request a modification from the OCC. The OCC will reconsider the higher requirement in light of the capital forbearance policy.

In addition, the OCC capital forbearance policy extends to well-managed banks whose primary capital ratios decline, as a result of problems in the agricultural or oil and gas sectors of the economy, from historic levels to levels above the 5½ percent minimum primary capital ratio. These banks do not have to apply for capital forbearance, and the OCC will not require them to take any action solely on the basis of that decline in capital. These banks will be expected to maintain adequate capital for the nature of their operations and, if appropriate, to increase their capital over time back to historic levels. In addition, these banks must recognize that asset growth should be accompanied by appropriate increases in capital.

All banks which are operating with capital levels below those which would be expected under normal economic conditions should be aware that the OCC will be unlikely to approve applications by them to acquire other banks. Similarly, the OCC will be likely to object to changes in control or acquisitions of such banks unless the transaction will result in prompt restoration of capital to appropriate levels.

The implementation of the OCC's capital forbearance policy has no effect on balance sheet or income statement items reported in Call Reports or other financial statements, nor does it allow banks to report, as assets, loans (or portions thereof) considered losses. On the contrary, the policy retains existing financial presentation rules and creates no inconsistencies with generally accepted accounting principles. The OCC believes that maintaining the integrity of financial statements is vital to assuring confidence in the banking system.

IV. Accounting for Troubled Debt Restructurings

The OCC has followed, and will continue to follow, generally accepted accounting principles with respect to loans which have been formally restructured to enable the borrower to service the debt. Statement of Financial Accounting Standards No. 15 (FAS 15), Accounting by Debtors and Creditors for Troubled Debt Restructurings, governs the accounting for such restructurings. This Standard allows a loan to continue to be carried on the bank's books without any loss recognition if the loan is formally restructured in a manner so that it is probable and estimable that the borrower can repay the loan under the new terms, and that the total future cash payments by the borrower (principal and interest combined) at least equals the loan amount on the bank's books.

Accordingly, a bank which reasonably expects a borrower's future cash payments to equal or exceed the loan amount does *not* need to recognize a loss on the restructuring. In those situations where it is expected that the future cash payments on the restructured loan will be less than the loan amount, the loss recognized is limited to the expected cash flow deficiency.

[Banking Circular 195 includes more specific details of the accounting provisions.] Bankers are encouraged to familiarize themselves with the accounting treatment described in FAS 15.

V. Call Report Changes

Two changes are being made to the Call Reports, expected to be effective with the reports for the quarter ending June 30, 1986. One is needed to monitor the capital forbearance policy and potential changes to legal lending limits for national banks; the other is designed to prevent misconceptions about certain restructured loans.

Schedule RI–B, "Charge-offs and Recoveries and Changes in Allowance and Lease Losses," will be changed for national banks to provide information relative to capital forbearance and legal lending limits. Memorandum items will be added to this schedule to identify a bank's charge-offs and recoveries of Special Category Loans on a cumulative basis since January 1, 1986. Special Category Loans are defined as (a) loans secured by farmland and loans to finance agricultural production and other loans to farmers from Schedule C of the bank's Call Report and (b) the oil and gas loans listed on Exhibit A hereto. Should the definitions change, the OCC will provide national banks with revised definitions prior to the due date for the Call Report first affected by the change.

The second set of changes involves the reporting of renegotiated "troubled" debt. The existing Schedule RC–N ("Past Due, Nonaccrual, and Renegotiated Loans and Lease Financing Receivables"), will be modified by removing the column entitled "Renegotiated troubled debt." Renegotiated loans which are performing in compliance with the modified terms will be reported in the memorandum section of Schedule RC–C under a new heading "Loans Restructured and in Compliance with Modified Terms." Renegotiated loans that become past due or are otherwise placed in nonaccrual status will be reported in Schedule RC–N in the appropriate categories.

In addition, a new memorandum item will be added to Schedule RC–N to require reporting of total renegotiated "troubled" debt included in the categories 30–89 days past due and accruing, 90 days or more past due and accruing, and nonaccrual. This memorandum item will be maintained for supervisory purposes on a confidential basis.

VI. Lending Limits

The recognition by a bank of losses on loans reduces not only its capital, but also reduces the maximum amount the bank can lend by law to any single borrower. Lending limits are an important ingredient in protecting the safety and soundness of banks by requiring diversification of credit risks. Many banks have established internal controls limiting the size of loans to any single borrower to an amount less than the legal lending limit. In those banks that do make loans at the legal lending limit, such loans are generally small in number. However, the declines in capital attributable to the problems in the oil and gas and agricultural sectors of the economy may cause some banks to be unable to serve the normal credit needs of a greater number of their creditworthy customers. In order to reduce the impact of these loan losses on a bank's ability to meet the legitimate credit needs of its financially sound customers, the OCC believes it necessary and appropriate to relax lending limits during the period in which the capital forbearance policy is in effect.

The Federal statute governing national bank lending limits is 12 U.S.C. 84. The OCC has issued implementing regulations at 12 CFR Part 32. In general, national banks are subject to a *General* limitation of 15 percent of total capital

(i.e. unimpaired capital and unimpaired surplus), and may lend an additional 10 percent of total capital to the same borrower fully secured by readily marketable collateral. There are also a number of exceptions for specified types of loans. Under the statute, the OCC has the authority to establish limits other than those specified.

Under that authority, the OCC contemplates adopting as soon as possible a temporary amendment to 12 CFR Part 32 to be consistent with the purposes of the capital forbearance policy. It is anticipated at present that the amendment would substitute an increased general lending limit for national banks to offset the decline in capital resulting from losses attributable to problems in the agricultural and oil and gas sectors of the economy. As an offset, the new general lending limit would not increase any bank's lending limit above what it would have been had it not experienced losses attributable to these troubled economic sectors. The OCC also contemplates including in the amendment a maximum general lending limit of 20 percent to preserve the benefits of risk diversification. The change would cover losses occurring after January 1, 1986 and no later than December 31, 1987, but the effect of those losses on lending limits would continue until January 1, 1993.

The change would allow banks, whose capital declines by no more than 25 percent as a result of losses attributable to agricultural and oil and gas loans, a general lending limit of 15 percent of their capital as of December 31, 1985. For example, a bank with a 10 percent capital ratio, whose capital ratio at December 31, 1985 subsequently declines to 8 percent as a result of losses attributable to the agricultural or oil and gas sectors, would have no reduction in its general lending limit. For banks whose capital ratios are even more dramatically reduced, the effect of the new provision would be a general lending limit of as much as 20% of their reduced capital. The new general lending limit rule would expire simultaneously with the capital forbearance policy on January 1, 1993. Comment will be solicited on the temporary amendment.

Exhibit B hereto is a worksheet which would enable national banks to compute their general lending limits under the new rule. The Comptroller will send appropriate material to national banks relating to the formal adoption of the change to 12 CFR Part 32. *The new lending limit will not be effective until formal adoption of the rule.*

Dated: March 28, 1986.

Robert L. Clarke,

Comptroller of the Currency.

Exhibit A—Definitions of Oil and Gas Loans

The types of loans listed below regardless of purpose will be considered oil and gas loans for the purposes of qualifying for capital forebearance. Wherever "company" is referenced, the caption also assumes "individuals". SIC stands for Standard Industry Codes. See following pages for definitions.

A. Loans to the major integrated oil companies;

B. Loans to companies engaged in operating oil and gas field properties (SIC 1311) (production);

C. Loans to companies primarily engaged in contract drilling (SIC 1381);

D. Loans to companies primarily engaged in performing exploration services on a contract basis (SIC 1382);

E. Loans to companies primarily engaged in performing oil and gas field services (SIC 1389);

F. Loans to petroleum refiners (SIC 2911);

G. Loans to manufacturers and lessors of oil field machinery and equipment (SIC 3533, 7394);

H. Loans to companies primarily engaged in pipeline transportation of petroleum (SIC 4612, 4613);

I. Loans to companies primarily engaged in natural gas transmission or distribution (SIC 4922, 4923, 4924);

J. Loans to companies primarily engaged in investing in oil and gas royalties or leases (SIC 6792);

K. Loans to others engaged in oil and gas related activities.

Major Integrated Oil Companies

International Companies

British Petroleum Co.
Chevron Corp.
Exxon Corp.
Gulf Oil Corp.
Mobil Corp.
Royal Dutch/Shell Group
  Royal Dutch Petroleum Co.
  Shell Oil Co.
  Shell Canada Ltd.
  Shell Transport & Trading Co.
Texaco, Inc.

Domestic Companies

Amerada-Hess
Ashland Oil Co.
Atlantic Richfield Co.
Kerr McGee Corp.
Occidental Petroleum Co.
Pennzoil
Phillips Petroleum Co.
Standard Oil Co. of California
Standard Oil Co. (Indiana)
Standard Oil Co. (Ohio)
Sun Company, Inc.
Tenneco Co.
Unocal

SIC CODES

SIC 1311—Crude Petroleum and Natural Gas

Establishments primarily engaged in operating oil and gas field properties. Such activities include exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operation of separators, emulsion breakers, desilting equipment; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property. Also includes the production of oil through the mining and extraction of oil from oil shale and oil sands.

SIC 1381—Drilling Oil and Gas Wells

Establishments primarily engaged in drilling wells for oil or gas field operations for others on a contract, fee, or similar basis. Includes contractors that specialize in "spudding in," "drilling in," redrilling, and directional drilling.

SIC 1382—Oil and Gas Field Exploration Services

Establishments primarily engaged in performing geophysical, geological, and other exploration services for oil and gas on a contract, fee or similar basis.

SIC 1389—Oil and Gas Field Services

Establishments primarily engaged in performing oil and gas field services, for others on a contract, fee, or similar basis, such as excavating slush pits and cellars; grading, and building of foundations at well locations; well surveying; running, cutting, and pulling casings, tubes, and rods; cementing wells; shooting wells; perforating well casing; acidizing and chemically treating wells; and cleaning out, bailing, and swabbing wells.

SIC 2911—Petroleum Refining

Establishments primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants and other products from crude petroleum and its fractionation products, through straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes.

SIC 3522—Oil Field Machinery and Equipment

Establishments primarily engaged in manufacturing machinery and equipment for use in oil and gas fields.

SIC 7394—Equipment Rental and Leasing Services

—Oil field equipment rental
—Oil well drilling equipment rental: Machinery, drilling bits, etc.

SIC 4612—Crude Petroleum Pipe Lines

Establishments primarily engaged in the pipe line transportation of crude petroleum.

SIC 4613—Refined Petroleum Pipe Lines

Establishments primarily engaged in the pipe line transportation of refined products of petroleum, such as gasoline and fuel oil.

SIC 4922—Natural Gas Transmission

Establishments engaged in the transmission and/or storage of natural gas for sale.

SIC 4923—Natural Gas Transmission and Distribution

Establishments engaged in both the transmission and distribution of natural gas for sale.

SIC 4924—Natural Gas Distribution

Establishments engaged in the distribution of natural gas for sale.

SIC 6792—Oil Royalty Traders

Establishments primarily engaged in investing in oil and gas royalties or leases, or fractional interest therein.

SIC 1321—Natural Gas Liquids Production

Establishments primarily engaged in producing liquid hydrocarbons from oil and gas field gases.

SIC 1623—Pipe Line Construction

—Distribution lines (oil and gas field construction)
—Pipe laying
—Pipe line construction
—Pipe line wrapping
—Pumping station construction

SIC 1629—Heavy Construction

—Oil refinery construction
—Petroleum refinery construction

SIC 3494—Values and Pipe Fittings

SIC 3498—Fabricated Pipe and Fabricated Pipe Fittings

SIC 3559—Special Industry Machinery

—Petroleum refinery equipment

SIC 4226—Special Warehousing and Storage

—Oil and gasoline storage caverns (for hire)
—Petroleum and chemical bulk stations and terminals for hire

SIC 4925—Mixed, Manufactured or Liquefied Petroleum Gas Production and/or Distribution

Establishments engaged in the manufacture and/or distribution of gas for sale, including mixtures of manufactured with natural gas.

SIC 5084—Industrial Machinery and Equipment

—Derricks (Wholesale)
—Drilling bits (Wholesale)
—Oil Refining machinery, equipment, and supplies (Wholesale)
—Oil well machinery, equipment, and supplies (Wholesale)
—Oil well supply houses (Wholesale)

SIC 5171—Petroleum Bulk Stations and Terminals

Establishments primarily engaged in wholesaling petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities.

SIC 5172—Petroleum and Petroleum Products Wholesalers

Establishments primarily engaged in wholesaling petroleum and products. Included are packaged and bottled petroleum products distributors, truck jobbers, and other marketing petroleum and products at wholesale.

SIC 6211—Security Brokers, Dealers, and Flotation Companies

—Oil and gas lease brokers
—Dealers in oil royalties

SIC 8911—Engineering, Architectural, and Surveying Services

—Petroleum Engineering

Others

Establishments and individuals engaged primarily in oil and gas related activities. Examples of such loans would be mortgages and personnel loans to individuals whose sole source of repayment is from the profits of an oil or gas company or employment by an oil or gas company.

Exhibit B—General Lending Limitation Calculations

(For use until January 1, 1993)

Calculation date ——————————

1. Total capital on December 31, 1985. ——
2. 15% of the amount on Line 1..... ——
3. Total capital on calculation date... ——
4. 15% of the amount on Line 3..... ——

IF THE AMOUNT ON LINE 4 EQUALS OR EXCEEDS THE AMOUNT ON LINE 2, STOP HERE. THE BANK'S CURRENT GENERAL LENDING LIMITATION IS THE AMOUNT ON LINE 4.

5. Sum of Special Category Loan Charge-offs since December 31, 1985 (but only through December 31, 1987). ——
6. Sum of all recoveries since December 31, 1985 on all loans included in Line 5. ——
7. Amount on Line 5 minus amount on Line 6. ——
8. Amount on Line 3 plus amount on Line 7. ——
9. 15% of the amount on Line 8..... ——
10. 20% of the amount on Line 3..... ——
11. Lesser of the amounts on Line 9 and Line 10. ——
12. Lesser of the amounts on Line 2 and Line 11. ——

THE BANK'S CURRENT GENERAL LENDING LIMITATION IS THE AMOUNT ON LINE 12.

[FR Doc. 86-9058 Filed 4-22-86; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AGL-4]

Establishment of Transition Area; Paxton, IL

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: The nature of this action is to establish the Paxton, Illinois transition area to accommodate a new VOR Runway 18 instrument approach procedure to Paxton Airport.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 U.T.C., July 3, 1986.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, March 11, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Paxton, Illinois transition area (51 FR 8334).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes the Paxton, Illinois transition area to accommodate a new VOR Runway 18 instrument approach procedure to Paxton Airport.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition Areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

2. Section 71.181 is amended as follows:

Paxton, IL—[New]

That airspace extending upward from 700 feet above the surface, within a 5 mile radius of Paxton Airport (lat. 40°26'55" N., long. 88°07'40" W.) and within 3 miles each side of the Roberts, Illinois VORTAC 166 radial, extending from the 5 mile radius area to the Roberts VORTAC, excluding that portion which overlies the Gibson City, Illinois, transition area.

Issued in Des Plaines, Illinois, on April 11, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86–9014 Filed 4–22–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 75

[Airspace Docket No. 85–AWA–48]

Realignment and Revocation of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Jet Routes J–4, J–104, J–169 and J–50. Also, this amendment revokes Jet Route J–181. These route changes are in conjunction with planned or future changes to the descriptions of several special use airspace areas located in Arizona and California. This action increases safety and improves air traffic control efficiency and service to users.

EFFECTIVE DATE: 0901 G.M.T., July 3, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On February 24, 1986, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Routes J–4, J–104, J–169, J–50 and also, to revoke J–181 (51 FR 6420). These route changes are in conjunction with planned or future changes to the descriptions of several special use airspace areas located in Arizona and California. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for a minor change in the alignment in J–104 between Parker, CA, and Gila Bend, AZ, and for minor editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations realigns J–4, J–104, J–169, J–50, and revokes J–181 located in Arizona and California. These changes increase safety, permit more efficient use of the airspace and allow more flexibility for military operations.

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

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, as follows:

PART 75—[AMENDED]

1. The authority citation for Part 75 continues to read as follows:

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

2. § 75.100 is amended as follows:

J–4 [Amended]

By removing the words "Twentynine Palms, CA; via intersection of Twentynine Palms 103° and Stanfield, AZ, 299° radials; Stanfield; San Simon, AZ;" and substituting the words "Twentynine Palms; Parker, CA; Buckeye, AZ; San Simon, AZ;"

J–104 [Amended]

By removing the words "Twentynine Palms; via intersection Twentynine Palms 103° and Gila Bend, AZ, 312° radials; Gila Bend," and substituting the words "Twentynine Palms; Parker, CA; INT Parker

112° and Gila Bend, AZ, 312° radials; Gila Bend;"

J-169 [Amended]

By removing the words "Blythe, CA" and substituting the words "Blythe, CA; INT Blythe 096° and Stanfield, AZ, 296° radials; to Stanfield."

J-50 [Amended]

By removing the words "Blythe; INT Blythe 096° and Gila Bend, AZ, 299° radials, Gila Bend," and substituting the words "Blythe, CA; INT Blythe 096° and Gile Bend, AZ, 312° radials; Gila Bend;"

J-181 [Revoked]

Issued in Washington, DC., on April 16, 1986.

James Burns, Jr.,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-9013 Filed 4-22-86, 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1262

Implementation of the Equal Access to Justice Act in Agency Proceedings

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule with request for comments.

SUMMARY: The National Aeronautics and Space Administration (NASA) is amending its final rules governing the implementation of the Equal Access to Justice Act (Title 2 of Pub. L. 96-481, 94 Stat. 2325) in Agency proceedings. The Act was amended and reauthorized as permanent law by Pub. L. 99-80, 99 Stat. 183, on August 5, 1985. This interim rule reflects the changes in the law and establishes procedures for the submission and consideration of applications for awards of attorney fees and other expenses in adversary adjudication which may be conducted by NASA under 5 U.S.C. 554 and before the NASA Board of Contract Appeals pursuant to section 6 of the Contract Disputes Act of 1978, as amended (41 U.S.C. 605).

DATES: These rules are effective April 23, 1986. Comments must be received by June 23, 1986.

ADDRESS: Office of General Counsel, Code GS, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Sara Najjar, Telephone (202) 453-2432.

SUPPLEMENTARY INFORMATION: On August 5, 1985, Pub. L. 99-80, amended and permanently reauthorized the Equal Access to Justice Act (EAJA). The amendments made certain substantive changes in the Act, concerning covered proceedings to include the Board of Contract Appeals, required that the substantial justification determination be based on the underlying record, redefined position of the United States, confirmed that the agency makes the final administrative decision on fees but provided for no court appeal by the agency of fee awards, increased the net worth amount of the parties, barred recovery of fees where the party has unreasonably protracted the proceedings, clarified that awarded fees and expenses are payable out of the agency's appropriation, and repealed the sunset provisions and made the coverage of the Act conditionally retroactive. This revision of NASA's existing rules incorporates the changes in the law as amended. Miscellaneous.

This regulation does not constitute a major rule for the purposes of Executive Order 12291 (46 FR 13193, February 19, 1981).

Finally, this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980; 5 U.S.C. 601 et seq.).

List of Subjects in 14 CFR Part 1262.

Administrative practice and procedure, Adversary adjudication, Attorney fees, Board of Contract Appeals, Claims, Equal Access to Justice Act, Fees and expenses, Lawyers.

Accordingly, 14 CFR Part 1262 is revised to read as follows:

PART 1262—EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Subpart 1262.1—General Provisions

Sec.

1262.101 Purpose of these rules.
1262.102 When the Act applies.
1262.103 Proceedings covered.
1262.104 Eligibility of applicants.
1262.105 Standards for awards.
1262.106 Allowable fees and expenses.
1262.107 Rulemaking on maximum rates for attorney fees.
1262.108 Awards against other agencies.
1262.109 Delegations of authority.

Subpart 1262.2—Information Required From Applicants

1262.201 Contents of application.
1262.202 Net worth exhibit.
1262.203 Documentation of fees and expenses.
1262.204 When an application may be filed.

Subpart 1262.3—Procedures for Considering Applications

1262.301 Filing and service of documents.
1262.302 Answer to application.
1262.303 Reply.
1262.304 Comments by other parties.
1262.305 Settlement.
1262.306 Further proceedings.
1262.307 Decision.
1262.308 Agency review.
1262.309 Judicial review.
1262.310 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (Oct. 21, 1980); Pub. L. 99-80, 99 Stat. 183 (Aug. 5, 1985)—5 U.S.C. 504; Sec. 203(c)(1) of the National Aeronautics and Space Act of 1958, as amended—42 U.S.C. 2473(c)(1).

Subpart 1262.1—General Provisions

§ 1262.101 Purpose of these rules.

(a) The pertinent provisions of the Equal Access to Justice Act at 5 U.S.C. 504 (hereinafter "the Act") provide for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications"). An eligible party may receive an award when it prevails, unless it has unreasonably protracted the proceedings, or the Agency's position in the proceeding was substantially justified, or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the National Aeronautics and Space Administration (NASA) will use in determining awards.

(b) As used in this part:

(1) "*Adversary adjudication*" means an adjudication under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license;

(2) "*Adjudicative officer*" means the deciding official, without regard to whether the official is designated an administrative law judge, a hearing officer or examiner, or otherwise, who presided at the adversary adjudication;

(3) "*Position of the agency*" means, in addition to the position taken by the agency in the adversary adjudication, the action or failure to act by the agency upon which the adversary adjudication is based;

(4) "*Party*", as defined in 5 U.S.C. 551(3), includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency

proceeding, and a person or agency admitted by an agency as a party for limited purposes, and who meets the eligibility requirements of § 1262.104; and

(5) "*agency*" with a capital "A" denotes the NASA.

(c) Determination of "*Substantially justified*". Whether or not the position of the agency was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the adversary adjudication for which fees and other expenses are sought.

§ 1262.102 When the Act applies.

The Act applies to any adversary adjudication pending or commenced before NASA on or after August 5, 1985. It also applies to any adversary adjudication commenced on or after October 1, 1984, and finally disposed of before August 5, 1985, provided that an application for fees and expenses, as described in Subpart 1262.2, had been filed with the Agency within 30 days after August 5, 1985, and to any adversary adjudication pending on or commenced on or after October 1, 1981, in which an application for fees and other expenses was timely filed and was dismissed for lack of jurisdiction.

§ 1262.103 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Agency. These are:

(1) adjudications under 5 U.S.C. 554 in which the position of NASA or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceedings; and

(2) appeals of decisions made pursuant to Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) before the Agency's Board of Contract Appeals (BCA) as provided in Section 8 of that Act (41 U.S.C. 607). Any proceeding in which this Agency may prescribe a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise adversary adjudications. The Act does not include proceedings which are covered by a compromise or settlement agreement, unless specifically consented to in such agreement. For NASA, the types of proceedings covered include those before the NASA BCA as described in paragraph (a)(2) of this section.

(b) NASA may also designate a proceeding as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Agency's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 1262.104 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses, the applicant must be a "party" to the adversary adjudication for which an award is sought. The applicant must show that it meets all conditions of eligibility set out in this subpart and in Subpart 1262.2.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $2 million;

(2) Any owner of an unincorporated business who has a net worth of not more than $7 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organizaiton described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act 12 U.S.C. 1441j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, unit of local government, or organization with a net worth of not more than $7 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than as a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather then to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation, or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 1262.105 Standards for awards.

(a) A prevailing applicant may receive an award subject to paragraph (b) of this section, for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency.

(b) An award, for any portion of the adversary adjudication, will be denied if the applicant has unreasonably protracted the proceedings, or denied or reduced if special circumstances make the award sought unjust.

§ 1262.106 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents, and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75 per hour. No award to compensate an expert witness may exceed the highest rate at which this Agency pays expert witnesses, which is $20 an hour (5 hours maximum) or

maximum daily rate of $100 (3 days maximum). However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent, or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent, or witness is in private practice, his or her customary fee for similar service, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or witness ordinarily performs services;

(3) The time actually spent in the representation of the application;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project, or similar mater prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 1262.107 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Agency may adopt regulations providing that attorney fees may be awarded at a rate higher then $75 per hour in some or all of the types of proceedings covered by this part. This Agency will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 553).

(b) Any person may file with the Agency a petition for rulemaking to increase the maximum rate for attorney fees. The petition should be addressed to the General Counsel, NASA Headquarters, Washington, DC 20546; should identify the rate the petitioner believes the Agency should establish and the types of proceedings in which the rate should be used; and should also explain fully the reasons why the higher rate is warranted. The Agency will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding or denying the petition, or taking other appropriate action.

§ 1262.108 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before NASA, the award or an appropriate portion of the award shall be made against that agency, subject to § 1262.105(b), if it had taken a position that is not substantially justified.

§ 1262.109 Delegations of authority.

(a) The NASA Administrator hereby delegates authority to the General Counsel or designee to take final action on matters pertaining to the Act, other than the authority for final fee determination after Agency review pursuant to § 1262.308.

(b) The NASA Administrator may, in particularly specified matters under the Act, delegate authority to officials other than those designated in paragraph (a) of this section.

Subpart 1262.2—Information Required From Applicants

§ 1262.201 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $2 million (if an individual) or $7 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if the applicant:

(1) Attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)), or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) States that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expense for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this Agency to consider in determing whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 1262.202 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defiined in § 1262.104(f) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public records of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The materials in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Agency's

regulations under the Freedom of Information Act, at 14 CFR Part 1206.

§ 1262.203 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project, or similar matter for which an award is sought. A separate itemized statement, accompanied by an oath of affirmation under penalty of perjury (28 U.S.C. 1746), shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding bu each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount paid or payable by the applicant or by any other person or entity for the services provided. The adjudicative officer may, in addition, require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 1262.204 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Agency's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the latter of:

(1) The date on which the last "initial decision", in a bifurcated proceeding, or other recommended disposition of the merits (both as to liability and amount, if applicable) of the proceeding, by an adjudicative officer or intermediate reviewer, becomes administratively final;

(2) The date on which an order is issued disposing of any petitions for reconsideration;

(3) If no petition for reconsideration is filed, the last date on which such a petition could have been filed; or

(4) The date of a final order or any other final resolution of the proceeding, such as a settlement or a voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart 1262.3—Procedures for Considering Applications

§ 1262.301 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 1262.202(b) for confidential financial information.

§ 1262.302 Answer to application.

(a) Within 30 calendar days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 calendar days, and further extensions may be granted by the adjudicative officer upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 1262.306.

§ 1262.303 Reply.

Within 15 calendar days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 1262.306.

§ 1262.304 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments about an application within 30 calendar days after it is served, or about an answer within 15 calendar days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 1262.305 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 1262.306 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions, or, as to issues other than substantial justification (such as the applicant's eligibility or substantiation of fees and expenses), pertinent discovery or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 1262.307 Decision.

(a) The adjudicative officer (in the case of the NASA BCA, the administrative judge or panel who decided the contract appeal) shall issue an initial decision on the application within 90 calendar days after completion of proceedings on the application. The decision shall include written findings and conclusions on such of the following as are relevant to the decision:

(1) The applicant's eligibility and status as a prevailing party;

(2) Whether the Agency's position was substantially justified;

(3) Whether the applicant unreasonably protracted the proceedings, or whether special circumstances make an award unjust; and

(4) The amounts, if any, awarded for fees and expenses with an explanation of the reasons for any difference

between the amount requested and the amount awarded. Further, if the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

(b) When the Agency appeals the underlying merits of an adversary adjudication, no decision on an application for fees and other expenses in connection with that adversary adjudication shall be made until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.

§ 1262.308 Agency review.

(a) Within 30 calendar days of the receipt of the adjudicative officer's initial decision on the fee application, either the applicant or agency counsel may seek Agency review of the decision; or, the NASA Administrator, upon the recommendation of the General Counsel or other designee, may decide to review the decision based on the record. Whether to review a decision is solely a matter within the discretion of the NASA Administrator. A 15-day notice of such review will be given the applicant and agency counsel, and a determination made not later than 45 days from the date of notice. The Administrator may make a final determination concerning the application or remand the application to the adjudicative officer for further proceedings.

(b) If neither the applicant nor agency counsel seek review, and the NASA Administrator does not on own initiative take a review, the adjudicative officer's initial decision on the fee application shall be the final administrative decision of the Agency 45 days after it is issued.

§ 1262.309 Judicial review.

Judicial review of final Agency decisions on awards may be sought under 5 U.S.C. 504(c)(2), which provides: If a party other than the United States is dissatisfied with a determination of fees and other expenses made under [this Part], that party may, within 30 days after the [final administrative] determination is made, appeal the determination to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudication. The court's determination of any appeal heard under this [authority] shall be based solely on the factual record made before the agency. The court may modify the determination of fees and other expenses only if the court finds that the failure to make an award of fees and other expenses, or the calculation of the amont of the award, was unsupported by the substantial evidence.

§ 1262.310 Payment of award.

(a) An applicant seeking payment of an award shall submit to the paying agency a copy of the Agency's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The submission to NASA should be addressed as follows:

Director, Financial Management Division, NASA Headquarters, Washington, DC 20546

(b) The Agency will pay the amount awarded to the applicant within 60 days, if feasible, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

William R. Graham,

Acting Administrator.

April 14, 1986.

[FR Doc. 86-9015 Filed 4-22-86; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 379

[Docket No. 51197-5197]

Export of Technical Data; Commercial Agreements With Certain Countries

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Amendments Act of 1985 (Pub. L. 99-64 of July 12, 1985) amended the Export Administration Act of 1979 by revising section 5(j), "Commercial Agreements With Certain Countries." Section 5(j), as revised, states that a U.S. firm, enterprise, or other nongovernmental entity entering into an agreement with an agency of the government of a controlled country that encourages technical cooperation and is intended to result in the export of U.S.-origin technical data, should report the agreement to the Secretary of Commerce. This rule amends Part 379 of the Export Administration Regulations (15 CFR Parts 368-399) to implement the revised section 5(j) provision.

EFFECTIVE DATE: April 23, 1986.

FOR FURTHER INFORMATION CONTACT: Joan Maguire, Regulations Branch, Export Administration, Department of Commerce, Washington, DC 20230 (Telephone: (202) 377-4479).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

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

2. Section 12(a) of the Export Administration Act of 1979, as amended (5 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, like other Department of Commerce rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Betty Ferrell, Regulations Branch, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

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

4. This rule does not contain a collection of information requirement under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 15 CFR Part 379

Exports, Science and technology.

PART 379—[AMENDED]

Accordingly, Part 379 of the Export Administration Regulations (15 CFR Parts 368-399) is amended as follows:

1. The authority citation for 15 CFR Part 379 continues to read as follows:

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

§ 379.9 [Redesignated as § 379.10]

2. Section 379.9 is redesignated as new § 379.10.

3. New § 379.9 is added to read as follows:

§ 379.9 Commercial agreements with certain countries.

Pursuant to section 5(j) of the Export Administration Amendments Act of 1979, as amended, any non-governmental U.S. person or firm that enters into an agreement with any agency of the government of a controlled country (Country Groups Q, W, Y, and the People's Republic of China), which agreement encourages technical cooperation and is intended to result in the export from the U.S. to the other party of U.S.-origin technical data (except under General License GTDA or General License GTDR as provided under the provisions of § 379.4(b) (1) and (2) of this part), shall submit those portions of the agreement that include the statement of work and describe the anticipated exports of data to the Office of Technology and Policy Analysis, Room 4054, P.O. Box 273, Washington, DC 20044. This material shall be submitted no later than 30 days after the final signature on the agreement.

(a) This requirement does not apply to colleges, universities and other educational institutions.

(b) The submission required by this section does not relieve the exported from the licensing requirements for controlled technical data and goods.

(c) Acceptance of a submission does not represent a judgment as to whether Export Administration will or will not issue any authorization for export of technical data.

Dated: April 17, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86–9075 Filed 4–22–86; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 86–52]

Customs Regulations Amendments Concerning Convention on Cultural Property Implementation Act

Correction

In FR Doc. 86–4025, beginning on page 6905 in the issue of Thursday, February 27, 1986, make the following correction:

On page 6907, in the third column, in the sixth line of § 12.104(b), delete the word "States".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PP 4H5444/R826; FRL–3007–6]

(Alpha RS,2R)-Fluvalinate [(RS)-Alpha-Cyano-3-Phenoxybenzyl (R)-2-[2-Chloro-4-(Trifluoromethyl) Anilino]-3-Methylbutanoate]; Feed Additive Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation permitting residues of the insecticide (alpha *RS*,2R)-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate] in or on cottonseed oil (crude and refined) and cottonseed hulls. This regulation was requested by the Zoecon Corp.

EFFECTIVE DATE: Effective on April 23, 1986.

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

FOR FURTHER INFORMATION CONTACT:

By mail: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS/767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 204, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2400).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 5, 1984 (49 FR 47549), which announced that Zoecon Corp., a Sandoz company, 975 California Ave., Palo Alto, CA 95304-0859, had submitted a feed additive petition (FAP 4H5444) to EPA proposing to amend 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide (alpha *RS*,2R)-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate] in or on cottonseed oil (crude and refined) at 0.75 part per million (ppm), cottonseed hulls at 0.3 ppm, and cottonseed meal and soapstock at 0.01 ppm. The tolerance level of 0.01 ppm for cottonseed meal and soapstock is being deleted since the proposed 1.0 ppm tolerance for the RAC cottonseed will adequately cover maximum anticipated residues in cottonseed meal and soapstock. The petition was subsequently amended by increasing the tolerance level for cottonseed oil to 1.0 ppm.

There were no comments received in response to the petition.

The data submitted in the petition and other relevant material have been evaluated. The toxicity and other relevant data pertaining to this insecticide are discussed and included in a related final rule document, [PP 4F3153/R827], establishing a tolerance in or on the raw agricultural commodity cottonseed and appearing elsewhere in this issue of the **Federal Register**.

The insecticide is considered useful for the purpose for which the feed additive regulation is sought, and it is concluded that the insecticide may be safely used in accordance with the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, (86 Stat. 973–999, 7 U.S.C. 136 et seq.) for a period of time extending to August 31, 1990, to cover residues existing from the conditional registration of fluvalinate. Therefore, the feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the additive regulation is established as set forth below. **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.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review 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 food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a 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 24945).

List of Subjects in 21 CFR Part 561

Feed additives, Pesticides and pests.

Dated: March 28, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR Part 561 is amended as follows:

1. The authority citation continues to read as follows:

Authority: 21 U.S.C. 348.

2. Section 561.437 is added, to read as follows:

§ 561.437 (Alpha RS,2R)-fluvalinate [(RS)-alpha-cyano-3phenoxybenzyl (R)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate].

A regulation is established permitting residues of the insecticide [alpha *RS*, 2R)-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate] in or on the following feed commodities:

Commodities	Parts per million
Cottonseed hulls	0.3
Cottonseed oil (crude and refined)	1.0

[FR Doc. 86–9189 Filed 4–22–86; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances, Changes in Definitions; Use of Administration Controlled Substances Code Numbers; Addition of an Emergency Scheduling Regulation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration and revises 21 CFR Part 1308 to reflect statutory changes necessitated by parts of the Comprehensive Crime Control Act of 1984 (Pub. L. 98–473). The Dangerous Drug Diversion Control Act of 1984, as part of the Comprehensive Crime Control Act of 1984 (Pub. L. 98–473), which became effective on October 12, 1984, amended portions of the Controlled Substances Act (CSA) pertaining to the schedules and scheduling of controlled substances. These amendments include a new definition of the term "isomer," a redefinition of the term "narcotic drug," and a revision of Schedule II (A)(4) to specifically list cocaine, ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives. In addition, the Administrator of the Drug Enforcement Administration (DEA) is given an emergency authority to expeditiously and temporarily place new substances of abuse into Schedule I of the CSA in order to avoid an imminent hazard to the public safety. The Dangerous Drug Diversion Control Act of 1984 also amended portions of the Controlled Substances Import and Export Act which necessitates the use of the Administration Controlled Substances Code Number by registrants.

EFFECTIVE DATE: April 23, 1986.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

A notice published in the **Federal Register** on Thursday, February 13, 1985 (51 FR 5370–2) proposed several revisions to 21 CFR Part 1308. These changes reflect statutory amendments to the Controlled Substances Act (21 U.S.C. 801 et seq.) brought about by the enactment of the Comprehensive Crime Control Act of 1984 (Pub. L. 98–473).

All interested persons were given until March 17, 1985 to submit written comments or objections regarding this matter. No such comments or objections have been received by the Drug Enforcement Administration.

Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 871(b) and delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, the Administrator hereby orders that 21 CFR Part 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Section 1308.02 is amended by revising paragraph (c), adding a new paragraph (e), redesignating existing paragraphs (e) and (f) as (f) and (g) as follows:

§ 1308.02 Definitions.

* * * * *

(c) The term "isomer" means the optical isomer, except as used in § 1308.11(d) and § 1308.12(b)(4). As used in § 1308.11(d), the term "isomer" means the optical, positional, or geometric isomer. As used in § 1308.12(b)(4), the term "isomer" means the optical or geometric isomer.

* * * * *

(e) The term "narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

(2) Poppy straw and concentrate of poppy straw.

(3) Coca leaves, except coco leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine or their salts have been removed.

(4) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

(5) Ecgonine, its derivatives, their salts, isomers and salts of isomers.

(6) Any compound, mixture, or preparation which contains any quantity

of any of the substances referred to in subparagraphs (1) through (5).

* * * * *

3. Section 1308.03 is amended by revising paragraph (a) to read as follows:

§ 1308.03 Administration Controlled Substances Code Number.

(a) Each controlled substance, or basic class thereof, has been assigned an "Administration Controlled Substances Code Number" for purposes of identification of the substances or class on certain Certificates of Registration issued by the Administration pursuant to §§ 1301.44 and 1311.43 of this chapter and on certain order forms issued by the Administration pursuant to § 1305.05(d) of this chapter. Applicants for procurement and/or individual manufacturing quotas must include the appropriate code number on the application as required in §§ 1303.12(b) and 1303.22(a) of this chapter. Applicants for import and export permits must include the appropriate code number on the application as required in §§ 1312.12(a) and 1312.22(a) of this chapter. Authorized registrants who desire to import or export a controlled substance for which an import or export permit is not required must include the appropriate Administration Controlled Substances Code Number beneath or beside the name of each controlled substance listed on the DEA Form 236 (Controlled Substance Import/Export Declaration) which is executed for such importation or exportation as required in §§ 1312.18(c) and 1312.27(b) of this chapter.

4. Section 1308.12(b)(4) is revised to read as follows:

§ 1308.12 Schedule II.

* * * * *

(b) * * *

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves (including cocaine (9041) and ecgonine (9180) and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

* * * * *

5. A new § 1308.52 is added to read as follows:

§ 1308.52 Emergency Scheduling.

Pursuant to 21 U.S.C. 811(h) and without regard to the requirements of 21 U.S.C. 811(b) relating to the scientific and medical evaluation of the Secretary of Health and Human Services, the Administrator may place a substance into Schedule I on a temporary basis, if he determines that such action is necessary to avoid an imminent hazard to the public safety. An order issued under this section may not be effective before the expiration of 30 days from: (a) The date of publication by the Administrator of a notice in the **Federal Register** of his intention to issue such order and the grounds upon which such order is to be issued, and (b) the date the Administrator has transmitted notification to the Secretary of Health and Human Services of his intention to issue such order. An order issued under this section shall be vacated upon the conclusion of a subsequent rulemaking proceeding initiated under Section 201(a) (21 U.S.C. 811(a)) with respect to such substance or at the end of one year from the effective date of the order scheduling the substance, except that during the pendency of proceedings under section 201(a) (21 U.S.C. 811(a)) with respect to the substance, the Administrator may extend the temporary scheduling for up to six months.

Regulatory Flexibility and Paperwork Reduction

The Administrator hereby certifies that this rule will have no significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. These changes are predominantly clarifications of existing regulations. The new regulation regarding emergency scheduling applies only to clandestinely produced and harmful drugs of abuse which have no currently accepted medical use in the United States, and therefore does not impact upon the legitimate pharmaceutical industry.

Pursuant to Section 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, this final rule has been submitted for review by the Office of Management and Budget, and approval of that office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.).

Dated: April 3, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-9016 Filed 4-22-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF STATE

22 CFR Part 7

[Department Regulations 108.848]

Board of Appellate Review; South Africa Fair Labor Standard Cases

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Board of Appellate Review is revising its regulations to reflect jurisdiction acquired pursuant to 22 CFR 64.1(b), which entitles any U.S. national operating in South Africa, who under 22 CFR 64.1(a), has been determined by the Department of State to have failed to comply with the Fair Labor Standards set forth in 22 CFR 6.2, to file a written appeal within 30 days of notification of the decision with the Board of Appellate Review.

EFFECTIVE DATE: April 8, 1986.

FOR FURTHER INFORMATION CONTACT: Alan G. James (Chairman), Board of Appellate Review. (202) 663-1364.

SUPPLEMENTARY INFORMATION: 22 CFR Parts 50 through 65 implement the Fair Labor provisions of Executive Order 12532 of September 9, 1985 (50 FR 36861), which provide that no department or agency of the United States may intercede after December 31, 1985 with any foreign government regarding the export marketing activities of certain U.S. firms operating in South Africa unless they adhere to the Fair Labor Standards set forth in the Executive Order.

22 CFR 64.1(b), provides that any U.S. national who has been determined by the Department of State to have failed to adhere to the principles specified in 22 CFR 61.2 shall be entitled to appeal the determination to the Board of Appellate Review within 30 days of receipt of notification of the decision.

The Board of Appellate Review is revising regulations to reflect this newly acquired jurisdiction.

List of Subjects in 22 CFR Part 7

Administrative practices and procedures, Citizenship and naturalization, Organization and functions (Government agencies), Passports and visas, South Africa.

PART 7—BOARD OF APPELLATE REVIEW

In consideration of the foregoing, Chapter I of Title 22, Code of Federal Regulations, Part 7, is amended as follows:

1. The authority citation for 22 CFR Part 7 is revised to read as follows:

Authority: Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended, 22 U.S.C. 211a, 2658; secs. 104, 360, 66 Stat. 174, 273, 8 U.S.C. 1104, 1503; E.O. 11295, 36 FR 10603; 3 CFR 1966–1970 Comp., page 507; 22 CFR 60–65; E.O. 12532, 50 FR 36861 § 7.4 also issued under 22 U.S.C. 3926.

2. In § 7.3, paragraph (d) is redesignated as (e) and new (d) is added as follows:

§ 7.3 Jurisdiction.

* * * * *

(d) Appeals from administrative determinations under § 64.1(a) of this chapter, denying U.S. Government assistance to U.S. nationals who do not comply with the Fair Labor Standards in § 61.2 of this chapter.

3. In § 7.5, paragraph (b)(3) is redesignated as (b)(4) and a new (b)(3) is added as follows:

§ 7.5 Procedures.

* * * * *

(b) *Time limit on appeal* * * *

(3) A national who has been subject of an adverse decision under § 61.1(a) of this chapter shall be entitled to appeal the decision to the Board within 30 days after receipt of notice of such decision.

* * * * *

§§ 7.8–7.11 [Redesignated as §§ 7.9–7.12]

4. Sections 7.8 through 7.11 are redesignated as §§ 7.9 through 7.12 and a new § 7.8 is added as follows:

§ 7.8 South African Fair Labor Standards Cases.

(a) *Scope of review.* With respect to appeals taken from the Assistant Secretary for African Affairs denying assistance to U.S. nationals operating in South Africa which do not comply with the Fair Labor Standards outlined in §61.2 of the chapter, the Board's review except as provided in paragraph (b) of this section shall be limited to the record on which the Assistant Secretary's decision was based.

(b) *Admissibility of evidence.* The Board shall not receive or consider evidence or testimony not presented pursuant to § 63.3(a) or § 63.3(b) of this chapter unless it is satisfied that such evidence was not available or could not have been discovered by the exerciser of reasonable diligence prior to entry of the decision of the Assistant Secretary for African Affairs.

Dated: April 11, 1986.

Alan G. James,

Chairman, Board of Appellate Review.

[FR Doc. 86–9020 Filed 4–22–86; 8:45 am]

BILLING CODE 4710–08–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8083]

Treatment of Non-Alternative Tax Itemized Deductions by Trusts and Estates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to the treatment of non-alternative tax itemized deductions by trusts and estates for purposes of the alternative minimum tax. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The regulations would affect trusts and estates which have non-alternative tax itemized deductions and their beneficiaries and would provide them with guidance needed to comply with that Act.

DATE: The amendment to the regulations is effective for taxable years beginning after December 31, 1982.

FOR FURTHER INFORMATION CONTACT: William A. Jackson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR–5–86) (202) 566–4336, not a toll free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to the treatment of non-alternative tax itemized deductions by trusts, estates, and their beneficiaries in determining the amount of their alternative minimum tax liability under section 55 of the Internal Revenue Code of 1954 (Code), as amended by section 201(d)(3)(B) of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 419).

In General

Under section 55 of the Code, a noncorporate taxpayer (*i.e.*, an individual, estate, or trust) computes alternative minimum taxable income by reducing the taxpayer's adjusted gross income by the amount of alternative tax itemized deductions (as defined in section 55 (e)(1) of the Code) and adding to the resulting amount any items of tax preference (listed under section 57(a) of the Code). Certain itemized deductions, such as state and local income taxes, are not treated as alternative tax itemized deductions and therefore are not allowed as deductions in computing the taxpayer's alternative minimum taxable income. Thus, under the alternative minimum tax provisions, itemized deductions that are not alternative tax itemized deductions have the same tax effect as items of tax preference in that they reduce taxable income but not alternative minimum taxable income.

On April 11, 1984, the Internal Revenue Service published a news release (IR–84–52) which stated that itemized deductions, such as state and local income taxes, that are not alternative tax itemized deductions, should be apportioned between estates and their beneficiaries, and trusts and their beneficiaries, as if they were items of tax preference. The news release also stated that trusts that are required to distribute all their income currently and have no items of tax preference will not be liable for alternative minimum tax in taxable years beginning after 1982.

The temporary regulations are intended to clarify that for taxable years beginning after December 31, 1982, itemized deductions that are not alternative tax itemized deductions shall be treated as items of tax preference for purposes of section 58(c) and shall be properly apportioned between trusts and their beneficiaries, and estates and their beneficiaries. This treatment of non-alternative tax itemized deductions as items of tax preference applies to trusts and estates described in section 661 of the Code, as well as trusts described in section 651, and applies whether or not the trust or estate has other items of tax preference described in section 57. A beneficiary to whom a trust or estate allocates non-alternative tax itemized deductions must treat such allocated amounts as items of tax preference in determining its alternative minimum taxable income under section 55.

Need for Temporary Regulations

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Special Analyses

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not

apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required.

Drafting Information

The principal author of these temporary regulations is William A. Jackson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.0–1—1.58–8

Income taxes, Tax liability, Tax rates, Credits.

Adoption of Amendments to the Regulations

PART 1—[AMENDED]

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. The authority for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

Par. 2. New § 1.58–3T is added immediately following § 1.58–3 to read as set forth below.

§ 1.58–3T Treatment of non-alternative tax itemized deductions by trusts and estates and their beneficiaries in taxable years beginning after December 31, 1982.

For purposes of section 58(c), in taxable years beginning after December 31, 1982, itemized deductions of a trust or estate which are not alternative tax itemized deductions (as defined in section 55(e)(1)), shall be treated as items of tax preference and apportioned between trusts and their beneficiaries, and estates and their beneficiaries.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: March 31, 1986.

J. Roger Mentz,
Assistant Secretary of the Treasury (Designate).

[FR Doc. 86–9106 Filed 4–22–86; 8:45 am]
BILLING CODE 4830–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2676

Valuation of Plan Assets and Plan Benefits Following Mass Withdrawal; Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Assets and Plan Benefits Following Mass Withdrawal, which was published on March 25, 1986 (at 51 FR 10322), and is effective on April 24, 1986. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month ending after the effective date of the regulation, a series of interest rates to be used in valuing benefits and certain assets as of valuation dates that occur within that calendar month. This amendment establishes the first series of interest rates in that table.

EFFECTIVE DATE: April 24, 1986.

FOR FURTHER INFORMATION CONTACT: Deborah Murphy, Attorney, Corporate Policy and Regulations Department (35100), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202–956–5050 (202–956–5059 for TTY and TDD). (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Assets and Plan Benefits Following Mass Withdrawal establishes rules for valuing assets and benefits of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974, as amended. Section 2676.15 of the regulation prescribes an interest assumption to be used in performing these valuations Paragraph (c) of that section contains a table setting forth, for each calendar month ending after the effective date of the regulation, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month.

This amendment to the regulation establishes the first monthly rate series in the table in § 2676.15(c). This rate series is for the month of April 1986 and applies to valuation dates occurring on or after April 24 (the regulation's effective date) and before May 1, 1986. The PBGC intends to publish a new entry in the table each month, whether or not the new entry contains rates different from those prescribed for the preceding month. The PBGC will publish the rate series for each month before the beginning of the month. Beginning with the rates for June 1986, the PBGC expects to publish each month's rates on or about the fifteenth of the preceding month.

The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 533 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2676 of Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for Part 2676 continues to read as follows:

Authority: Secs. 4002(b)(3), 4219(c)(1)(D), and 4281(b), Pub. L. 93–406, as amended by sections 403(1) and 104(2) (respectively), Pub. L. 96–364, 94 Stat. 1302, 1237–1238, and 1261 (1980) (29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1)).

2. In § 2676.15, paragraph (c) is revised to read as follows:

§ 2676.15 Interest.

* * * * *

(c) *Interest rates.*

For valuation dates occurring in the month—	The values of i_k are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_n
April 1986	09875	.095	.09	.085	.08	.07375	.07375	.07375	.07375	.07375	.0675	.0675	.0675	.0675	.0675	.06

Issued at Washington, DC, on this 17th day of April, 1986.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86–8840 Filed 4–22–86; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 735

Reporting Births and Deaths in Cooperation With Other Agencies

AGENCY: Naval Medical Command, Navy, DOD.

ACTION: Final rule.

SUMMARY: The Naval Medical Command promulgated this regulation to disseminate the latest information relative to the registration of births, deaths, and other vital statistics for such events occuring under the jurisdiction of Navy Medical Department facilities. Part 138 of this title on the registration of births occurring in overseas activities, disseminates in its entirety the Department of Defense Directive. This promulgation assures conformity with that Department of Defense directive.

EFFECTIVE DATE: January 10, 1986.

FOR FURTHER INFORMATION CONTACT: Herbert L. Pelham, Program Analyst, Naval Medical Command, Washington, DC 20372–5120 (202) 653–1179.

List of Subjects in 32 CFR Part 735

Military personnel, Health professions, Archives and records.

J.S. Cassells,

Commander, Naval Medical Command.

Accordingly, 32 CFR Part 735 is added to read as follows:

PART 735—REPORTING BIRTHS AND DEATHS IN COOPERATION WITH OTHER AGENCIES

Sec.

735.1 Purpose.
735.2 Background.
735.3 Action.

Authority: 70A Stat. 278; 80 Stat. 379, 383; 5 U.S.C. 301, 552; and 10 U.S.C. 5031.

§ 735.1 Purpose.

To promulgate latest guidance on reporting births and deaths, including births to which Part 138 of this title is applicable.

§ 735.2 Background.

For Armed Forces members and their dependents on duty overseas, registration of vital statistics with an appropriate foreign government may be a distinct advantage should documentary evidence, acceptable in all courts, be required at any future time. Department of Defense (DOD) policy is that military services will require their members to make official record of births, deaths, marriages, etc., with local civil authorities in whose jurisdiction such events occur.

§ 735.3 Action.

When a medical officer has knowledge of a birth or death occurring under the following conditions, he or she shall refer the matter to the commanding officer for assurance of compliance with DOD policy.

(a) *Births.* (1) In accordance with local health laws and regulations, the commanding officer of a naval hospital in the United States (U.S.) shall report to proper civil authorities all births, including stillbirths, occurring at the hospital. Medical officers on ships and aircraft operating within U.S. political boundaries, or at stations other than naval hospitals in the U.S., shall report all births occurring within their professional cognizance. It shall be the duty of the medical officer to determine the requirements of local civil authorities for these reports.

(2) When births occur on aircraft or ships operating beyond U.S. political boundaries, the medical officer responsible for delivery shall make a report to the commanding officer, master of the ship, or to the officer in command of any aircraft, in every case to be recorded in the ship or aircraft log. A report shall also be made to local civil authorities in the first port of entry if required by law and regulation of such authorities when births occur on a course inbound to the U.S. Additionally, the medical officer shall:

(i) Furnish the parents with appropriate certificates and shall, if the report is not accepted by the local registrar of vital statistics or other civil authority, or in any case in which local authority has indicated in writing that such a report will not be accepted,

(ii) Advise the parents to seek the advice of the nearest office of the U.S. Immigration and Naturalization Service (USINS), at the earliest practicable time. USINS offices are located in ports of entry and in major cities of the United States.

(iii) For births occurring on courses out-bound and beyond the continental limits of the U.S., report to the U.S. consular representative at the next appropriate foreign port. When the aircraft or ship does not enter a foreign port, procedures described in § 735.3(a)(2)(ii) shall be followed.

(3) Attention is invited to the fact that reports of birth may be forwarded to the Bureau of Health Statistics, Department of Health, Honolulu, Hawaii for any births occurring on courses destined for islands in the Pacific Ocean over which the United States has jurisdiction as well as for those births which are otherwise accepted by civil authorities for Hawaii.

(4) Part 138 of this title prescribes policy, responsibilities, and procedures on birth registration of infants born to U.S. citizens, in military medical facilities outside the United States and its possessions.

(b) *Deaths.* When a death occurs at a naval activity in any State, Territory, or insular possession of the United States, the commanding officer or designated representative shall report the death promptly to proper civil authorities in accordance with Naval Medical Command directives. If requested by these civil authorities, the civil death certificate may be prepared and signed by the cognizant naval medical officer. Local agreements concerning reporting and preparation of death certificates

should be made between the naval facility and local civil authorities.

[FR Doc. 86-8966 Filed 4-22-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD12 84-07]

Anchorage Regulations; San Francisco Bay

Correction

In FR Doc. 86-8016 beginning on page 12314 in the issue of Thursday, April 10, 1986, make the following corrections on page 12318:

1. In the first column, in § 110.224(e)(17) and (18), in the first line of each paragraph, "N." should read "No.".

2. In the second column, in § 110.224(e)(19), in the last line, the longitude should read: 121° 55′ 05″ W.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-6-FRL 3005-7]

Designation of Areas for Air Quality Planning Purposes; Redesignation of Portion of Tulsa County, OK, for Carbon Monoxide

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice approves the Oklahoma State Department of Health (OSDH) July 20, 1984, request to redesignate the carbon monoxide (CO) nonattainment area in Tulsa County to attainment. On May 22, 1985, and July 11, 1985, the OSDH submitted corrections to their submittal in support of their request.

EFFECTIVE DATE: This action will be effective on June 23, 1986 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Notice of adverse or critical comments may be submitted to Kathryn M. Griffith at the EPA Regional Office address listed below. Copies of the documents relevant to this action are available for inspection during normal business hours at the following locations:

Environmental Protection Agency; Region 6; Air Programs Branch; 1201 Elm Street; Dallas, Texas 75270

Oklahoma State Department of Health; Air Quality Service; 1000 Northeast 10th Street; Oklahoma City: Oklahoma 73152

FOR FURTHER INFORMATION CONTACT: Kathryn M. Griffith; SIP New Source Section; Environmental Protection Agency; Region 6; Air, Pesticides and Toxics Division; Air Programs Branch; 1201 Elm Street; Dallas, Texas 75270; (214) 767-9857. Docket No. OK-85-5.

SUPPLEMENTARY INFORMATION: On July 20, 1984, the OSDH submitted a request to redesignate the CO nonattainment area in Tulsa County to attainment. On May 22, 1985, and July 11, 1985, the OSDH submitted corrections to their submittal. EPA reviewed the request and developed an evaluation report [1], which is available for inspection during normal business hours at the EPA Region 6 office and the other addresses listed above. The request satisfies all of the necessary criteria for redesignations which include valid, recent air quality data showing no violations and evidence of an implemented control strategy resulting in real and enforceable emission reductions.

A detailed description of the nonattainment area is as follows:

Those portions of Tulsa County that include Sections 30, 29, 31, 22, 33 of Township 20 N and Range 13 E; Sections 6, 5, 4, 7, 8, 9 of Township 19 N and Range 13 E; Sections, 1, 2, 11, 12 of Township 19 N and Range 12 E; and Sections 36, 35, 26, 25 of Township 20 N and Range 12 E.

Maps of the nonattainment area with the location of the monitors can be found in the evaluation report.

Tulsa County has two continuous CO monitors. Site 126 has had no violations of the CO standard in the last three years. Site 191 was established in October 1983, to replace site 112 which was discontinued in August 1983, due to construction of a 600 car parking lot which encompassed the site. Neither site 191 nor site 112 had any violations of the CO standard in the last three years.

Evaluated levels of carbon monoxide emissions usually occur in Tulsa County during the most adverse weather conditions when the County has ice or snow on the streets, traffic flow is severely impeded and the wind speeds are low. Even when these conditions occurred during December 1983, there were no exceedances of the CO standard.

[1] EPA Review of Oklahoma's Request to Redesignate Tulsa County to Attainment for CO.

The 1979 state implementation plan called for a reduction in emissions of CO of 21 percent in order to attain the ambient standard. According to the latest calculations, implementation of the Federal Motor Vehicle Control Program and Regulation 3.6 "Control of Emission of Carbon Monoxide" (approved November 28, 1980, at 45 FR 79051) have decreased CO emissions in Tulsa County by 26.7 percent.

Based upon EPA's review of the State's request, EPA is redesignating a portion of Tulsa County to attainment for CO.

Because EPA considers today's action to be noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on June 23, 1986. However, if we receive notice by (within 30 days) that someone wishes to submit critical comments *then* EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 23, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

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 81

Air pollution control, National Parks, Wilderness areas.

Dated: April 12, 1986.

Lee M. Thomas,

Administrator.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40, 40 CFR Part 81 is amended as follows:

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7642

2. In § 81.337 Oklahoma, the attainment status designation table for Oklahoma—CO is revised as follows:

§ 81.337 Oklahoma.

* * * * *

OKLAHOMA—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 017		X
AQCR 184		X
AQCR 185		X
AQCR 186		X
AQCR 187		X
AQCR 188		X
AQCR 189		X

* * * * *

[FR Doc. 86-8839 Filed 4-22-86; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 5E3210/R824; FRL-3007-1]

Pesticide Tolerances for Norflurazon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide norflurazon and its metabolite in or on the raw agricultural commodities asparagus and avocados. This regulation, to establish maximum permissible levels for residues of norflurazon in or on the commodities, was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 23, 1986.

ADDRESS: Written objections, identified by the document control number [PP 5E3210/R824], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Jack Housenger, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1806).

SUPPLEMENTARY INFORMATION: The EPA issued a proposed rule, published in the **Federal Register** of March 12, 1986 (51 FR 8519), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 5E3210 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Stations of Michigan, Texas, and Washington and the United States Department of Agriculture proposing the establishment of tolerances for the combined residues of the herbicide norflurazon (4-chloro-5-(methylamino)-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl]-3-(2*H*)-pyridazinone and its desmethyl metabolite 4-chloro-5-(amino)-2-(alpha, alpha, alpha-triflurom-*m*-tolyl)-3-(2*H*)-pyridazinone in or on the raw agricultural commodities asparagus at 0.05 part per million (ppm) and avocados at 0.2 ppm; that use of the herbicide norflurazon on asparagus be limited to Michigan and Washington and on avocados to Florida only based on the geographical representation of the residue data submitted; and that additional residue data will be required to expand the area of usage.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. 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, Agriculture commodities, Pesticides and pests.

Dated: April 16, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

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

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

2. Part 180 is amended in § 180.356 as follows:

§ 180.356 [Amended]

a. By removing the italicized headings "*Specific tolerances.*" and "*Indirect or inadvertent tolerances.*" in the introductory text to the tables in paragraphs (a) and (b) respectively.

b. By adding a new paragraph (c) to read as follows:

§ 180.356 Norflurazon; tolerances for residues.

* * * * *

(c) Tolerances with regional registration are established for the combined residues of the herbicide norflurazon and its desmethyl metabolite in or on the following commodities:

Commodities	Parts per million
Asparagus	0.05
Avocados	0.20

[FR Doc. 86-9050 Filed 4-22-85; 8:45 am]
BILLING CODE 6460-50-M

40 CFR Part 180

[PP 4E3088/R828; FRL-3007-2]

Pesticide Tolerance for 1-(4-Chlorophenoxy)-3,3,-Dimethyl-1-(1H-1,2,4-Triazol-1-yl)-2-Butanone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3,-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone and its metabolites in or on the raw agricultural commodity raspberries. The regulation to establish a maximum permissible level for residues of the fungicide in or on raspberries was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 23, 1986.

ADDRESS: Written objections, identified by the document control number [PP 4E3088/R828], 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: Jack Housenger, Emergency Response and Minor Use Section (TS-767C), Registration Division,

Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1806).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of March 26, 1986 (51 FR 10411), which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 4E3088 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project and the Agricultural Experiment Station of California proposing the establishment of a tolerance for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolites containing chlorophenoxy and triazole moieties (expressed as the fungicide) in or on the raw agricultural commodity raspberries at 2.0 parts per million (ppm); that the use of the fungicide be limited to California based on the geographical representation of the residue data submitted.

There were no comments or request for referral to an advisory committee received in response to the proposed rule.

Based on the information and data considered, and the fact that raspberries are not considered an animal feed commodity, secondary residues are not expected in meat, milk, poultry or eggs. The Agency concludes that the tolerance would protect the public health. Therefore, the tolerance is 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: April 16, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

Therefore, 40 CFR 180 is amended as follows:

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

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

2. Section 180.410 is amended by designating the current paragraph and list of tolerances as paragraph (a) and adding paragraph (b) to read as follows:

§ 180.410 1-(4-chlorophenoxy)-3,3-dimethyl-1-(lH-1,2,4,-triazol-l-yl)-2-butanone; tolerances for residues.

* * * * *

(b) Tolerances with regional registration are established for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-l-yl)-2-butanone and its metabolites containing chlorophenoxy and triazole moieties (expressed as the fungicide) in or on the following raw agricultural commodities:

Commodities	Parts per million
Raspberries	2.0

[FR Doc. 86–9049 Filed 4–22–86; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 3E2845, 3E2930/R807; FRL–3004–S]

Pesticide Tolerances for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide glyphosate and its metabolite in or on certain crop groups. The regulation to establish a maximum permissible level for residues of glyphosate in or on the crop groups was required in petitions submitted by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on April 23, 1986.

ADDRESS: Written objections, identified by the document control number (PP 3E2845, 3E2930/R807), 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: Jack Housenger, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1806).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of November 26, 1985 (50 FR 48615), which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions (PP) to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project and the named Agricultural Experiment Stations proposing the establishment of tolerances for the combined residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine), and its metabolite aminomethylphosphonic acid in or on certain crop groups as follows:

1. *PP 3E2845* on behalf of the Agricultural Experiment Stations of Arkansas, Florida, Georgia, Louisiana, Michigan, Minnesota, Missouri, Puerto Rico, Texas, and Vermont, and the United States Department of Agriculture for the crop group cucurbit vegetables at 0.5 part per million (ppm).

2. *PP 3E2930* on behalf of the Agricultural Experiment Stations of Alaska, Arkansas, Connecticut, Forida, Georgia, Illinois, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, North Carolina, Ohio, Oregon, Virginia, and West Virginia, and the U.S. Department of Agriculture for the crop group small fruits and berries at 0.2 ppm.

As stated in the proposed rule, the Agency was unable to fully assess the oncogenic potential of glyphosate in CD–1 male mice. The Agency, however, considers the evidence for oncogenicity to be extremely limited and based on available data does not expect any significant risk from the dietary level of glyphosate to which humans are likely to be exposed from the proposed and established uses of the pesticide. Although there were no comments or requests for referral to an advisory committee received in response to the proposed rule, the Agency delayed publication of the rule establishing tolerances for residues of glyphosate and its metabolite in or on the crop groups cucurbits and small fruits and berries pending an evaluation of the Agency's findings by the FIFRA Scientific Advisory Panel. The Panel's review, which was completed on February 11, 1986, concluded that existing data are insufficient to

determine whether glyphosate is an oncogen. The Panel proposed that additional oncogenicity studies be conducted in rats and/or mice. The Agency will announce the data requirements for the continued registration of glyphosate in a registration standard which is scheduled for completion in June of 1986.

The data submitted in the petition and other relevant material have been evaluated in the proposed rulemaking. Based on the data and information considered, including the Scientific Advisory Panel's review, the Agency concludes that the tolerances would protect the public health.

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: April 10, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

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

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

2. Section 180.364(a) is amended by adding, and alphabetically inserting, the following crop groups to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Fruits, small, and berries	0.2
* * * * *	
Vegetables, cucurbit	0.5
* * * * *	

[FR Doc. 86-8610 Filed 4-22-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3E2929/R801; FRL-3004-6]

Pesticide Tolerances for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide glyphosate and its metabolite in or on certain raw agricultural commodities. The regulation to establish a maximum permissible level for residues of the herbicide in or on the commodities was requested in petitions submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 23, 1986.

ADDRESS: Written objections, identified by the document control number (PP 3E2929/R801), 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: Jack Housenger, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of October 30, 1985 (50 FR 45121), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 3E2929 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Stations of California and Puerto Rico proposing the establishment of tolerances for the combined residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine), and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodities acerola, figs, kiwifruit, and olives at 0.2 part per million (ppm).

As stated in the proposed rule, the Agency was unable to fully assess the oncogenic potential of glyphosate in CD-1 male mice. The Agency, however, considers the evidence for oncogenicity to be extremely limited and based on available data does not expect any significant risk from the dietary level of glyphosate to which humans are likely to be exposed from the proposed and established uses of the pesticide. Although there were no comments or requests for referral to an advisory committee received in response to the proposed rule, the Agency delayed publication of the rule establishing tolerances for residues of glyphosate and its metabolite in or on the raw agricultural commodities acerola, figs, kiwifruit, and olives pending an evaluation of the Agency's findings by the FIFRA Scientific Advisory Panel. The Panel's review, which was completed on February 11, 1986, concluded that existing data are insufficient to determine whether glyphosate is an oncogen. The Panel proposed that additional oncogenicity studies be conducted in rats and/or mice. The Agency will announce the data requirements for the continued registration of glyphosate in a registration standard which is scheduled for completion in June of 1986.

The data submitted in the petition and other relevant material have been evaluated in the proposed rulemaking. Based on the data and information considered, including the Scientific Advisory Panel's review, the Agency concludes that the toleranaces 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: April 10, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

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

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

2. Section 180.364(a) is amended by adding, and alphabetically inserting, the following raw agricultural commodities to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

(a) * * *

Commodities	Parts per million
Acerola	0.2
* * * * *	
Figs	0.2
* * * * *	
Kiwifruit	0.2
* * * * *	
Olives	0.2
* * * * *	

[FR Doc. 86-8609 Filed 4-22-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 4F3153/827; FRL-3007-5]

(Alpha RS,2R)-Fluvalinate [(RS)-Alpha-Cyano-3-Phenoxybenzyl (R)-2-[2-Chloro-4-(Trifluoromethyl) Anilino]-3-Methylbutanoate; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide (alpha *RS*,2R)-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate] in or on the raw agricultural commodities cottonseed, cattle, goats, hogs, horses, sheep, and poultry and eggs and milk. This regulation to establish the maximum permissible level for residues of the insecticide was requested by the Zoecon Corp.

EFFECTIVE DATE: Effective on April 23, 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: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 204, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2400).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 5, 1984 (49 FR 47549), which announced that Zoecon Corp., a Sandoz company, 975 California Ave., Palo Alto, CA 95304-0859, had submitted pesticide petition (PP) 4F3153 proposing to amend 40 CFR Part 180 by establishing a tolerance for residues of (alpha *RS*,2R)-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate] in or on the raw agricultural commodities (RAC) cottonseed at 0.1 part per million (ppm); meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm; meat, fat, and meat byproducts of poultry at 0.01 ppm; and milk at 0.01 ppm and eggs at 0.1 ppm.

EPA also issued a notice, published in the **Federal Register** of November 21, 1984 (49 FR 45923), which announced that Zoecon Corp. filed an application for amended registration of the subject pesticide on cotton to control various insects.

There were no comments received in response to those notices.

The Agency reviewed the data submitted in support of the application for amended registration and decided to conditionally accept the amendment under the authority of section 3(c)(7)(B) of FIFRA for use on cotton for a period through August 31, 1989. This related document appears elsewhere in this issue of the **Federal Register.**

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 282 milligrams (mg)/kilogram (kg) for male rats and 261 mg/kg for female rats; a 90-day rat and mouse feeding study with a no-observed-effect level (NOEL) of 3.0 mg/kg/day for both rats and mouse; a 180-day dog feeding study with a NOEL of 5.0 mg/kg/day; a 21-day delayed hen neurotoxicity study with a NOEL of 20,000 mg/kg/day, the highest dose tested (HDT); teratology studies (in rats and rabbits), with a NOEL of 50.0 mg/kg (HDT) for teratology in rats and a NOEL for teratology of 125.0 mg/kg in rabbits; a 2-generation rat reproduction study with a NOEL of 20.0 ppm; a 24-month mouse chronic feeding/oncogenicity study that resulted in a systemic NOEL of 10 mg/kg/day in which no oncogenic effects were noted at dosage levels of 2, 10, and 20 mg/kg/day (20 mg/kg/day being the highest dosage level tested) under the conditions of the study; a 24-month rat oral feeding/oncogenicity study with a NOEL of 1.0 mg/kg/day (HDT), no oncogenic effects noted under the conditions of the study at 2.5 mg/kg/day (HDT) or at the lowest dose tested; and the following mutagenicity studies: Ames' Salmonella Microsome Test, sister chromatid exchange assay, mouse lymphoma, unscheduled DNA synthesis, cell transformation (all negative except for the mouse lymphoma, which was positive with metabolic activation but negative without metabolic activation).

The acceptable daily intake (ADI) is calculated to be 0.01 mg/kg/day based on a 2-year rat feeding study and using a 100-fold safety factor. The maximum permissible intake (MPI) has been calculated to be 0.6 mg/kg/day for a 60-kg person. Approval of tolerances for cottonseed, meat, fat, and meat byproducts of cattle, goats, hogs, horses, sheep, poultry, eggs, and milk would result in a theoretical maximum residue contribution (TMRC) of 0.0504 mg/day (1.5 kg) and would utilize 8.40 percent of the ADI. Based on an analysis of current Agency approved and proposed tolerances on the tolerance assessment system (TAS), the ADI was not exceeded.

The nature of the residue is adequately understood for these tolerances. An adequate analytical method, gas chromatography, is available for enforcement purposes. There are currently no regulatory actions pending against the registration of this pesticide, and there are no other relevant considerations in establishing these 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 State pesticides enforcement chemists when requested from: By mail, Information Service Section (TS-757C), Program Management Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C., 20460. Office location and telephone number: Rm. 236, CM #2,

1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–3262).

A related document (PP 4H5444/R826) establishing a regulation permitting residues of this chemical in or on cottonseed oil (crude and refined) and cottonseed hulls appears elsewhere in this issue of the **Federal Register**.

Based on the above information, the Agency has determined that establishing tolerances for residues of the pesticide in or on the commodities will protect the public health. Therefore, as set forth below, the tolerances are established for a period extending to August 21, 1990, to cover residues existing from the conditional registration of fluvalinate.

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.

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 a significant 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).

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.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation continues to read as follows:

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

2. Section 180.427 is added to read as follows:

§ 180.427 (Alpha RS,2R)-fluvalinate [(RS)-alpha-cyano-3-phenoxybenzyl (R)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate].

Tolerances are established for residues of the insecticide (alpha *RS*,2R)-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate in or on the following raw agricultural commodities:

Commodities	Parts per million
Cottonseed	0.1
Cattle, fat	0.01
Cattle, mbyp	0.01
Cattle, meat	0.01
Eggs	0.01
Goat, fat	0.01
Goat, mbyp	0.01
Goat, meat	0.01
Hogs, fat	0.01
Hogs, mbyp	0.01
Hogs, meat	0.01
Horses, fat	0.01
Horses, mbyp	0.01
Horses, meat	0.01
Milk	0.01
Poultry, fat	0.01
Poultry, mbyp	0.01
Poultry, meat	0.01
Sheep, fat	0.01
Sheep, mbyp	0.01
Sheep, meat	0.01

[FR Doc. 86–9188 Filed 4–22–86; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Parts 114–38, 114–39

Personal Property Management Procedures; Repeal

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is repealing 41 CFR Part 114–38 (except §§ 114–38.53 and 114–48.55) and 41 CFR Part 114–39 which contain the internal regulations and procedures which govern motor equipment management and interagency motor vehicle pools and will incorporate those provisions in the Department's administrative manual.

EFFECTIVE DATE: May 23, 1986.

FOR FURTHER INFORMATION CONTACT: John Moresko, Personal Property Management, 202–343–2704.

SUPPLEMENTARY INFORMATION: On April 14, 1986, the Department of the Interior issued a revision of the Interior Property Management Regulations found at 41 CFR Part 114–38 (except §§ 114–38.53 and 114–38.55) and 41 CFR Part 114–39 in Part 412 of the Departmental Manual. This revision incorporates those provisions formerly included in 41 CFR Part 114–38 (except §§ 114–38.53 and 114–38.55) and 41 CFR Part 114–39, which establish requirements and guidelines for the acquisition, receipt, operation, storage, servicing, transfer, and disposal of motor vehicles. Additionally, the regulation contains procedures and requirements for use of the Interagency Fleet Management System. Periodic reports, recordkeeping and accidents and accident reporting are also covered.

The remaining parts of 41 CFR Part 114 will be revised as necessary, and upon revision, will also be incorporated in the Departmental Manual as appropriate.

The Departmental Manual is indexed and is available for inspection and copying in accordance with the Freedom of Information Act (5 U.S.C. 522(a)(2)(c)).

The Department is taking this action as means of both eliminating unnecessary rules from the Code of Federal Regulations and for consolidating the personal property management requirements in one logical place, the Departmental Manual.

Because the personal property management procedures govern only internal actions of the Department, this action is not expected to affect the public. The Department has determined that notice and public comment on the rule are unnecessary because the Department, by repeal of 41 CFR 114–38 (except §§ 114–38.53 and 114–38.55) and 41 CFR Part 114–39, is simply electing another method of issuance of revised internal instructions and procedures.

The primary author of this document is John Moresko, Personal Property Management Division, Office of Acquisition and Property Management (434–2704).

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291 because the rule is procedural and has no economic impact on the public. For the same reasons, the Department has also determined that the rule will not have a significant economic effect on a substantial number of small entities and does not require a flexibility analysis under the Regulatory Flexibility Act.

Dated: April 14, 1986.

Joseph E. Doddridge, Jr.

Deputy Assistant Secretary—Policy, Budget, and Administration.

Accordingly, 41 CFR 114–38 and 41 CFR 114–39 are amended as follows:

PART 114–38—[AMENDED]

PART 114–39—[REMOVED]

1. The authority citation for Parts 114–38 and 114–39 continue to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 5 U.S.C. 301, 40 U.S.C. 486(c).

2. Accordingly, 41 CFR 114–38 (except §§ 114–38.53 and 114–38.55) and 41 CFR Part 114–39 are repealed and removed.

[FR Doc. 86–8032 Filed 4–22–86; 8:45 am]

BILLING CODE 4310–10–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 65

[CC Docket No. 84–800; Phase II]

Common Carrier Services; Interstate Service of AT&T Communications and Exchange Telephone Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action corrects omissions in the Report and Order in this proceeding concerning Interstate Service of AT&T Communications, published in the **Federal Register** on January 15, 1986, 51 FR 1795.

FOR FURTHER INFORMATION CONTACT: Giovanna M. Longo, Common Carrier Bureau, (202) 634–1742.

Erratum

Authorized rates of return for the interstate services of AT&T Communications and Exchange Telephone Carriers (CC Docket No. 84–800, Phase II).

Released: April 15, 1982.

Several omissions were made in the *Report and Order* in CC Docket No. 84–800, Phase II (FCC 85–645, Mimeo Number 36337, released December 20, 1985). The Commission's Rules in Part 65 concerning service of certain submissions in rate of return prescription proceedings require clarification. Some documents are required to be served by hand in order to permit participants adequate time to prepare subsequent filings. In order to eliminate any confusion on this point, the phrase "by hand" will be inserted in the Rules at §§ 65.100(b), 65.103(d), 65.104(c), and 65.105(c) in the following manner.

Sections 65.100(b), 65.103(d), 65.104(c), and 65.105(c) are correctly added to read as follows:

§ 65.100 Participation and notice of appearance.

* * * * *

(b) In order to permit participants to complete service by hand on the filing dates when so required by Part 65, participants shall specify in their notice of appearance an agent for acceptance of service by hand in the District of Columbia. The participant may elect in its notice to receive service by mail and/or upon an agent at another location. When such an election is made, other participants are not required by any provision of Part 65 to complete service on the filing date, and requests for extension of time due to delays in completion of service will not be entertained.

§ 65.103 Discovery.

* * * * *

(d) Service of requests, oppositions, and responses shall be made upon all participants who have filed a notice of appearance pursuant to § 65.100(a). Service of requests upon participants who have filed a notice of appearance pursuant to § 65.100(a) shall be made by hand on the filing dates thereof.

§ 65.104 Oral cross examination of witnesses.

* * * * *

(c) An original and 8 copies of each request or opposition shall be filed with the Secretary. Service of requests and oppositions shall be made upon all participants who have filed a notice of appearance pursuant to § 65.100(a). Service of requests and oppositions shall be made by hand on the filing dates thereof upon all participants who have filed a notice of appearance pursuant to § 65.100(a)(1).

§ 65.105 Proposed findings of fact and conclusions.

* * * * *

(c) Participants shall file an original and 13 copies of their findings and conclusions with the Secretary. Service shall be made upon all participants who have filed a notice of appearance pursuant to § 65.100(a). Service shall be made by hand on the filing date upon all participants who have filed a notice of appearance pursuant to § 65.100(a)(1).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–8903 Filed 4–22–86; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

48 CFR Parts 1301, 1302, 1306, 1309, 1314, 1319, 1333, 1349, and 1352

[Docket No. 50830–6003) (Amdt. 85–2)]

Acquisition Regulation Relating to Competition in Contracting and Miscellaneous Amendments

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the Commerce Acquisition Regulation (CAR) to implement the protest provisions of the Competition in Contracting Act of 1984, Pub. L. 98–369 (CICA), and amendments to the Federal Acquisition Regulation (FAR) which incorporate and reflect changes to Federal acquisition policy required by the protest provisions of the CICA.

This final rule also makes changes to the CAR unrelated to implementing the CICA and FAR revisions. Procedures are established for: expanding contracting and subcontracting opportunities for women-owned small businesses; conducting preaward surveys of prospective contractors for ship construction, ship alteration and ship repair; recovering administrative costs in the event of contractor default; and using Alternate I of the FAR prescribed disputes clause. This final rule also amends the CAR by adding citations to internal Department procedures for oversight reviews of contracting activities and reporting fraudulent claims and misrepresentations, and by making miscellaneous updates and corrections.

Public comments were requested on September 24, 1985 (50 FR 38677–83). No public comments were received. However, internal Department of Commerce comments were received during the comment period, some of which were incorporated into the final rule.

EFFECTIVE DATE: April 23, 1986.

FOR FURTHER INFORMATION CONTACT: John Dammeyer, Procurement Analyst, Office of Procurement Management, HCHB, Room H6424, U.S. Department of Commerce, 14th St. between Pennsylvania and Constitution Avenues, N.W., Washington, D.C. 20230, (202) 377–4248.

SUPPLEMENTARY INFORMATION:

Public Comments

On September 19, 1985 the Department of Commerce issued a proposed rule known as CAR Amendment 85–2 (50 FR 38677–83,

September 24, 1985), requesting public comments by November 8, 1985. No public comments were received. However, comments were received from offices within the Department of Commerce during the comment period. The comments which resulted in changes to the proposed rule are described below.

The first comment addressed a reorganization within the Department's Office of General Counsel which occurred since the publication of the proposed rule. The Contract Law Division is no longer part of the Department's Office of the Assistant General Counsel for Administration. The Contract Law Division is now part of the Department's Office of the Assistant General Counsel for Finance and Litigation. The final rule reflects this change.

The second comment added the following example to the list of areas which might be of specific concern to a team conducting preaward surveys for ship construction, ship alteration, or ship repair contracts.

The depth of water in the navigable waterway and the pier where the vessel will be berthed.

The language was added to the final rule at 1309.106–70(c)(11). This is not a significant change because the same language was listed in the proposed rule at 1309.106(f)(1), as one of the items about which a surveying team must provide information.

The third comment suggested that we reconsider the proposed dollar threshold for Department use of formal source selection procedures. We agreed to withdraw this coverage, pending an overall review of the need for guidance on Department source selection procedures.

The fourth comment suggested that we indicate the result when a protest to the contracting activity is received after the prescribed time limit for receipt of such protests. We agreed to add language to make it clear that, unless the time limit for receiving the protest is extended for good cause, a protest to the contracting activity which is received after the time limit will not be considered.

Administrative Procedure Act and Small Business and Federal Procurement Competition Enhancement Act Requirements

Because this amendment involves matters of agency management, public property, and contracts, under subsection 553(a)(2) of the Administrative Procedure Act (APA) (5 U.S.C. 553(a)(2)), it is exempt from all requirements of section 553 including giving notice of proposed rulemaking, providing an opportunity for comment, and delaying the effective date until at least 30 days after publication or service.

However, section 302 of the Small Business and Federal Procurement Competition Enhancement Act of 1984, Pub. L. 98–577, added section 22 to the Office of Federal Procurement Policy Act which requires that notice of proposed rulemaking and at least 30 days opportunity for comment be given for acquisition regulations having a significant cost or administrative impact on contractors or offerors, and specifies that such regulations may not take effect until 30 days after such notice. Since it was determined that some of the changes that would be made to the CAR by the proposed amendment might have a significant cost or administrative impact on contractors or offerors, a notice of proposed rulemaking was published and written comments from the public were invited for consideration by November 8, 1985.

Regulatory Flexibility Act Requirements

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the rule would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis was not prepared.

Executive Oder 12291 Requirements

As stated in the interim notice, this regulation is not a major rule as defined in Executive Order 12291 and therefore a regulatory impact analysis was not prepared. The rule was submitted to the Office of Management and Budget (OMB) for review in accordance with E.O. 12291 and OMB Bulletin 85–7.

Paperwork Reduction Act Requirements

The collection of information requirements imposed on the public by this rule were approved by the Office of Management and Budget under OMB control numbers 0605–0018 and 0690–0002 in accordance with the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1301, 1302, 1306, 1309, 1314, 1319, 1333, 1349, and 1352

Government procurement.

Accordingly, Chapter 13 of Title 48 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., April 18, 1986.

Hugh L. Brennan,

Director, Office of Procurement and Administrative Services, U.S. Department of Commerce.

1. The authority citation for Parts 1301, 1302, 1306, 1309, 1314, 1319, 1333, and 1352 continues to read as follows:

Authority: Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486 (c)), as delegated by the Secretary of Commerce in Department Organization Order 10–5 and Department Administrative Order 208–2.

PART 1301—GENERAL

1301.101 [Amended]

2. Section 1301.101 of Subpart 1301.1 is corrected by removing "CAP" and inserting "CAR" in its place.

3. Section 1301.104–3(b) of Subpart 1301.1 is revised to read as follows:

1301.104–3 Copies.

* * * * *

(b) Loose-leaf copies of the CAR are distributed within the Department by the Procurement Executive.

4. Section 1301.201–1(b) of Subpart 1301.2 is revised to read as follows:

1301.201–1 The two FAR councils.

(b) The Department representatives to the Civilian Agency Acquisition Council will be appointed by the Procurement Executive. The Procurement Executive will be responsible for coordinating and advocating Department proposed revisions to the FAR.

1301.301 [Amended]

5. Section 1301.301(c) of Subpart 1301.3 is amended by replacing the term "Office of Procurement and Federal Assistance" with the term "Procurement Executive" in the two sentences where it appears.

1301.402 [Amended]

6. Section 1301.402 of Subpart 1301.4 is amended by replacing the term "Office of Procurement and Federal Assistance" with the term "Procurement Executive" in the two sentences where it appears.

1301.501 [Amended]

7. Section 1301.501 of Subpart 1301.5 is amended by replacing the term "Office of Procurement and Federal Assistance" in the last sentence, with the term "Procurement Executive".

1301.601–70 [Amended]

8. Section 1301.601–70 of Subpart 1301.6 is amended by replacing the term "Office of Procurement and Federal Assistance" with the term "Procurement

Executive" in the two sentences where it appears.

1301.601-71 [Amended]

9. Section 1301.601–71 of Subpart 1301.6 is amended by replacing the term "Office of Procurement and Federal Assistance" with the term "Procurement Executive" in the heading and in the two sentences where it appears.

10. Section 1301.601–71 of Subpart 1301.6 is further amended by adding the phrase "pursuant to the Department Administrative Order on Contracting (Procurement) Review and Approval Requirements (DAO 208–5)," before the word "to" in the second sentence.

11. Section 1301.601–71 of Subpart 1301.6 is further amended by replacing the term "OPFA" with the term "Department".

PART 1302—DEFINITIONS OF WORDS AND TERMS

1302.1–1 [Amended]

12. Section 1302.1–1 of Subpart 1302.1 is corrected by replacing "(DA) 208–2)" in the third sentence of the definition for "Head of the Agency" with "(DAO 208–2)".

13. Section 1302.1–1 of Subpart 1302.1 is further amended by adding the sentence "Procurement Executive also means the Senior Procurement Executive." after the first sentence in the definition for "Procurement Executive".

PART 1306—COMPETITION REQUIREMENTS

14. New sections 1306.303 and 1306.303–1 are added to Subpart 1306.3 to read as follows:

1306.303 Justifications.

1306.303–1 Requirements.

(d) Where the authority or FAR 6.302–3(a)(2)(i) or FAR 6.302–7 is cited as a basis for not providing full and open competition for any contract action subject to the Agreement on Government Procurement, the contracting officer shall send a copy of the justification to the Procurement Executive within 14 work days after contract award. The Procurement Executive shall send the copy of the justification to the Office of the United States Trade Representative.

PART 1309—CONTRACTOR QUALIFICATIONS

15. Part 1309 is amended to add a new Subpart 1309.1 as follows:

Subpart 1309.1—Responsible Prospective Contractors

1309.106 Preaward surveys. 1309.106–70 Preaward surveys for ship construction, ship alteration, and ship repair.

(a) *General.* The contracting officer shall request a preaward survey of a prospective contractor for contracts involving ship construction, ship alteration, or ship repair, where the cost or price of the contract is anticipated to be in excess of $100,000, and the information on hand is not sufficient to make a determination regarding responsibility. The contracting officer may request a preaward survey of a prospective contractor for contracts involving ship construction, ship alteration, or ship repair, where the cost or price of the contract is anticipated to be $100,000 or less, if the circumstances justify the cost of the survey.

(b) *Extent of preaward survey.* The contracting officer shall determine the manner and extent of the preaward survey based upon the specific requirements of the contract. At a minimum, the contracting officer shall request a preaward survey for contracts involving ship construction, ship alteration, and ship repair where the contracting officer cannot affirmatively determine that the prospective contractor's facility is adequate for the work to be performed. For the purpose of this section, the prospective contractor's facility includes the land, buildings, shop spaces, dock facilities, drydock or marine railways, and plant security and safety.

(c) *Examples of specific concern.* The contracting officer shall coordinate efforts with technical and requirements personnel to identify areas of specific concern for the preaward survey. The following examples illustrate areas which may be of specific concern to the preaward survey team, depending on the nature of the work to be performed:

(1) Acceptable facilities and equipment for special production techniques (e.g., unique welding procedures, special test fixtures, or production equipment);

(2) Adequate size and lift capacity for the drydock or marine railway;

(3) Well maintained drydock and lifting equipment and acceptable preventative maintenance of these items;

(4) Acceptable dock master and crew who are experienced in operating the equipment and lifting a vessel of comparable size and weight;

(5) Adequate drydock or pier utilities to support the vessel, including electrical power, steam, potable water, fire fighting capability, sewage disposal, and telephone service;

(6) Responsible subcontractors;

(7) Contractor's demonstrated ability to monitor and coordinate subcontractor performance;

(8) Contractor's demonstrated ability to conduct dock and sea trials;

(9) Contractor's demonstrated ability to protect the vessel and yard and vessel personnel, including safety and security programs or individual plans;

(10) Adequate secure storage facilities for Government property; and

(11) The depth of water in the navigable waterway and the pier where the vessel will be berthed.

(d) *Preaward survey team.* The contracting officer may use any of the following individuals to form the preaward survey team:

(1) A cost or price analyst or cognizant audit agency for review of the contractor's financial and accounting systems;

(2) Technical or requirements personnel from the cognizant marine center or office of marine operations, for technical, production, or quality assurance evaluations; and

(3) Representatives of the contracting officer for management and administrative evaluations.

(e) *On-site survey.* If it is necessary to conduct a survey at the proposed site where the work is to be performed, the contracting officer shall coordinate the visit with the prospective contractor or subcontractor.

(f) *Reports.* The surveying team shall comply with the applicable reporting requirements of FAR 9.106–4. When using the short-form preaward survey report prescribed in FAR 9.106–4(d), the surveying team shall provide information on the following at a minimum:

(1) The depth of water in the navigable waterway and the pier where the vessel will be berthed;

(2) The condition of the drydock or marine railway where the work is to be performed;

(3) Availability of adequate utilities and services for the vessel;

(4) Evidence of prospective contractor or subcontractor financial problems or poor past performance.

(g) Contracting officer determination. Upon completion of the preaward survey, the contracting officer shall determine whether the prospective contractor and subcontractors are responsible.

PART 1314—SEALED BIDDING

1314.407-8 [Removed]

16. Part 1314 is amended by removing section 1314.407–8.

PART 1319—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

17. A new Subpart 1319.70 is added to Part 1319 as follows:

Subpart 1319.70—Contracting Opportunities for Women-Owned Small Businesses

1319.7001 Policy.

The Department encourages the use of women-owned small businesses in its acquisition programs. Whenever practicable, Department contracting activities shall include women-owned small businesses in competitive solicitations and assist prime contractors in identifying women-owned small businesses for subcontracting opportunities.

1319.7002 Source identification and solicitation.

(a) The contracting officer shall include women-owned small businesses on the mailing list for each solicitation which is expected to result in an award in excess of the small purchase dollar threshold whenever there are women-owned small businesses known to be potential suppliers.

(b) The contracting officer should contact the Office of Small and Disadvantaged Business Utilization (OSDBU) for assistance in locating these sources through the Small Business Administration Procurement Automated Source System (PASS) and the Minority Vendor Profile System (MVPS). The contracting officer should also encourage technical and requirements personnel to identify women-owned small business sources.

1319.7003 Subcontracting opportunities.

(a) Contracting officers shall provide assistance to prime contractors to identify potential women-owned small businesses. Such assistance is intended to aid prime contractors in placing a fair proportion of subcontracts with women-owned small businesses.

(b) The contracting officer shall insert the clause at 1352.219–1, Women-Owned Small Business Sources, in solicitations and contracts where the clause prescribed by FAR 19.708(b) is required (see FAR 52.219–9).

PART 1333—PROTESTS, DISPUTES, AND APPEALS

18. The heading to Part 1333 is revised to read as set forth above.

19. Part 1333 is amended by adding new Subparts 1333.1 and 1333.2 as follows:

Subpart 1333.1—Protests

1333.102 General.

The Departmentwide contact point for protests to the GAO or to the GSBCA is the Assistant General Counsel for Finance and Litigation (AGC). The AGC represents the Department in protests filed with the GAO or the GSBCA. The AGC furnishes all necessary correspondence concerning protests to the GAO or the GSBCA, including the Department's report in response to a GAO or GSBCA protest.

1333.103 Protests to the agency.

(a) Protests must be received within ten work days after the basis for protest is known or should have been known unless good cause is shown to extend the time limit. However, protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing time for receipt of initial proposals shall be filed prior to bid opening or the closing time for receipt of initial proposals. Unless the time limit for receiving the protest is extended for good cause, a protest to the contracting activity which is received after the time limit will not be considered. When a timely protest is filed only with the contracting activity, the contracting officer shall take prompt action towards resolution after consulting with the AGC, and notify the protestor in writing of the action taken.

(b) When a protest is filed only with the contracting activity before award, an award shall not be made until the matter is resolved unless the head of the contracting office makes the determination prescribed in FAR 33.103(a).

(c) When a protest is filed only with the contracting activity after award, the contracting officer need not notify the contractor if the protest can be promptly resolved. If it appears likely that the award may be invalidated or that a protest will be filed with the GAO or the GSBCA, the contracting officer should promptly notify the contractor in writing and consider suspending contract performance.

1333.104 Protests to GAO.

(a)(1) *General.* A protestor shall furnish a copy of its complete protest to the contracting officer designated in the solicitation and a copy of its complete protest to the Contract Law Division of the Office of the Assistant General Counsel for Finance and Litigation, no later than one day after the protest is filed with the GAO. The envelope containing the complete protest shall be clearly marked "GAO Protest".

(2) The GAO report shall be assembled and organized by the contracting office in accordance with rule 4(d) of the GSBCA Rules of Procedure (48 CFR Part 6101) except where rule 4(d) may conflict with GAO procedures.

(3) The contracting officer shall give the notice required in FAR 33.104(a)(3) (GAO 4 CFR 21.3).

(4)(i) The contracting officer shall submit a draft index of the GAO report to the Contract Law Division of the Office of the Assistant General Counsel for Finance and Litigation so that it is received within 10 work days after the contracting officer receives telephonic notice of the protest from the Contract Law Division.

(ii) The contracting officer shall submit the GAO report described in FAR 33.104(a)(2) to the Contract Law Division so that it is received within 13 work days after the contracting officer receives telephonic notice of the protest from GAO, or from the Contract Law Division, whichever notice is sooner. The GAO report shall be submitted with the appropriate number of copies for GAO, the AGC, the protestor, and all interested parties. The AGC will supplement the protest file with legal arguments to support the contracting officer's position and will submit the complete report to GAO and all interested parties within the time established by GAO.

(iii) The contracting officer shall submit a draft index of the GAO report to the Contract Law Division so that it is received within 4 work days after the contracting officer receives telephonic notice of a GAO determination to use the express option.

(iv) The contracting officer shall submit the GAO report to the Contract Law Division so that it is received within 6 work days after the contracting officer receives telephonic notice of a GAO determination to use the express option.

(b) *Protests before award.* When the contracting activity has received notice of a protest filed directly with GAO, a contract may not be awarded prior to a GAO decision on the protest, unless the Head of the Contracting Activity makes the written finding prescribed in FAR 33.104 (b)(1) after consulting with the AGC. The head of the contracting office shall notify the AGC when the written

finding has been executed so that the AGC can notify GAO. The contracting activity is not authorized to award the affected contract until the AGC has notified GAO of the written finding.

(c) *Protests after award.* When the contracting activity receives notice of a protest filed directly with GAO within 10 calendar days after contract award, the contracting officer shall immediately suspend performance pending a GAO decision on the protest or terminate the awarded contract, unless the Head of the Contracting Activity makes the written finding prescribed in FAR 33.104 (c)(2) after consulting with the AGC. The head of the contracting office shall notify the AGC when the written finding has been executed so that the AGC can notify GAO. The contracting activity is not authorized to continue contract performance until the AGC has notified GAO of the written finding.

(f) *Notice to GAO.* The Head of the Contracting Activity shall report to the Comptroller General within 60 days of receipt of the GAO's recommendation if the contracting activity has decided not to comply with the recommendation. The Head of the Contracting Activity shall consult with, and send a draft report to, the Procurement Executive and the AGC prior to sending the report to the Comptroller General.

1333.105 Protests to GSBCA.

(a)(1) A protestor shall furnish a copy of its complete protest to the contracting officer designated in the solicitation and a copy of its complete protest to the Contract Law Division of the Office of the Assistant General Counsel for Finance and Litigation, on the same day the protest is filed with the GSBCA. The envelope containing the complete protest shall be clearly marked "GSBCA Protest".

(2) The contracting officer shall give the notice required in FAR 33.105(a)(2) (GSBCA Rule 5d, 48 CFR Part 6101).

(b)(1) The GSBCA protest file shall be assembled and organized by the contracting office in accordance with rule 4(d) of the GSBCA Rules of Procedure (48 CFR Part 6101).

(2) The contracting officer shall submit a draft index of the GSBCA protest file to the Contract Law Division so that it is received within 5 works days after the protest is filed with the GSBCA.

(3) The contracting officer shall submit the GSBCA protest file described in FAR 33.105 (b) and (c) (GSBCA Rule 4, 48 CFR Part 6102) to the Contract Law Division so that it is received within 8 work days after the protest is filed with the GSBCA. The protest file shall be submitted with the appropriate number of copies for GSBCA, the AGC, the protestor, and all interested parties. The AGC will supplement the protest file with legal arguments to support the contracting officer's position and will submit the complete protest file to GSBCA and all interested parties within the time established by GSBCA.

(d) If suspension of procurement authority was requested, but not considered appropriate due to the circumstances in FAR 33.105(d)(1), the Head of the Contracting Activity shall execute the determination and findings prescribed by FAR 33.105 after consulting with the AGC, so that the GSBCA may decide the issue.

1333.106 Solicitation provision and contract clause.

(a) The contracting officer shall insert the provision at 1352.233–2, Service of Protest (JAN 1985) (Deviation FAR 52.233–2), in lieu of the provision at FAR 52.233–2 in solicitations for other than small purchases.

Subpart 1333.2—Disputes and Appeals

1333.209 Suspected fraudulent claims.

The contracting officer shall report suspected fraudulent claims or misrepresentations of fact to the Office of Inspector General in accordance with the Department Administrative Order on Inspector General Investigations (DAO 207–10).

1333.213 Obligation to continue performance.

(a) The contracting officer may use Alternate I to the clause at FAR 52.233–1, Disputes, only after the Head of the Contracting Activity has determined in writing that—

(1) Continued performance is necessary pending resolution of any claim arising under or relating to the contract because of unusual circumstances which make continued performance essential to the public health or welfare;

(2) Financing is or will be available for the continued performance; and

(3) The Government's interest is or will be properly secured.

20. A new Part 1349 is added to Subchapter G to read as follows:

PART 1349—TERMINATION OF CONTRACTS

Sec.

1349.001 Definitions.

Subpart 1349.4—Termination for Default

1349.402–7 Other damages.

Authority: Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary of Commerce in Department Organization Order 10–5 and Department Administrative Order 208–2.

1349.001 Definitions.

(a) "Administrative costs", as used in this part, means those costs other than excess costs, incurred by the Government as a result of the contractor's default. Administrative costs include but are not limited to:

(1) Salaries and fringe benefits paid to Government employees who are assigned to a work activity (e.g., reprocurement activities) as a result of the default;

(2) Preaward survey expenses incurred in qualifying reprocurement contractors; and

(3) Costs incurred in printing and distributing the reprocurement solicitation.

(b) "Excess costs", as used in this part, means any costs, other than administrative costs, incurred by the Government in reprocuring similar supplies or services or performing similar services as a result of the contractor's default.

Subpart 1349.4—Termination for Default

1349.402–7 Other damages.

(a) The contracting officer may recover administrative costs under the default clause when it is in the best interest of the Government. A contracting officer's decision to recover administrative costs must balance the expected cost to the Government of documenting and supporting the assessment with the expected recovery amount.

(b) Documents used to support an assessment of administrative costs must clearly demonstrate that the added costs incurred by the Government were a direct result of the default.

(1) To support administrative labor costs, the contracting officer should keep a record of:

(i) Name, position, and organization of each employee performing work activities as a consequence of the default;

(ii) Dates of work and time spent by each employee on the repurchase;

(iii) Specific tasks performed (e.g., solicitation preparation, clerical);

(iv) Hourly rates of pay (straight time or overtime); and

(v) Applicable fringe benefits.

(2) Travel vouchers, invoices, printing requisitions, and other appropriate evidence of expenditures may be used to support other administrative costs (e.g., travel, per diem, printing and distribution of the repurchase contract).

(c) If assessment of administrative costs is considered appropriate after review by the AGC, the contracting officer shall make a written demand on the contractor for administrative costs. The written demand shall describe the basis for the assessment and the cost computations. The same demand letter may be used to assess administrative costs and any excess costs. If the contractor fails to make payment after receiving a contracting officer's final decision, the contracting officer shall follow the procedures in Subpart 1332.6 and FAR Subpart 32.6 to collect the amount owed the Government.

(d) The recovery of excess or administrative costs does not preclude the Government from exercising other rights or remedies which it may have by law or under the terminated contract.

PART 1352–SOLICITATION PROVISIONS AND CONTRACT CLAUSES

21. Part 1352 is amended by adding a new Subpart 1352.2 as follows:

Subpart 1352.2—Texts of Provisions and Clauses

1352.219–1 Women-owned small business sources.

As prescribed in 1319.7003, insert the following provision:

Women-Owned Small Busines Sources (May 1985)

The contractor agrees to develop a list of qualified bidders that are women-owned small businesses. The Small Business Administration Procurement and Automated Source System (PASS) and the Minority Vendor Profile System (MVPS) may be used for this purpose. The contractor may contact the Department of Commerce, Office of Small and Disadvantaged Business Utilization (OSDBU) for assistance.

The Contractor shall provide opportunities for women-owned small businesses to compete for subcontracts by making information on forthcoming opportunities available.

Where the clause "Small Business and Small Disadvantaged Business Subcontracting Plan" is required in accordance with FAR 19.708(b), the contractor shall include qualified women-owned small businesses in the subcontracting plan.

(End of Provision)

1352.233–2 Service of protest.

As prescribed in 1333.106, insert the following provision:

Service of Protest (Jan. 1985) (Deviation FAR 52.233–2)

Protests, as defined in § 33.101 of the Federal Acquisition Regulation, shall be served on the Contracting Officer and the Contract Law Division of the Office of the Assistant General Counsel for Finance and Litigation by obtaining written and dated acknowledgement of receipt from the Contracting Officer or the head of the contracting office or designee and from the Contract Law Division of the Office of the Assistant General Counsel for Finance and Litigation located at the U.S. Department of Commerce, Herbert C. Hoover Building, Room H5882, 14th St. between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

[Insert the address of the contracting officer or refer to the number of the block on the Standard Form 33 or 1442, etc., where the address of the contracting offfice is located.]

(End of Provision)

[FR Doc. 86–9053 Filed 4–22–86; 8:45 am]
BILLING CODE 3510–17–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Amdts. 192–51 and 195–37; Docket No. PS–86]

Transportation of Gas or Hazardous Liquid by Pipeline; Updating Steel Line Pipe Specifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: These amendments update the existing incorporation by reference of the American Petroleum Institute (API) specifications for steel line pipe, API 5L, 5LS, and 5LX, by adopting the 1985 edition of API Specification 5L for gas and hazardous liquid pipelines. API 5L, 5LS, and 5LX have been consolidated into one specification by the API. Editions prior to the 1985 edition are out of print, although provisions are made for their appropriate use.

EFFECTIVE DATE: May 23, 1986.

FOR FURTHER INFORMATION CONTACT: William A. Gloe (202) 426–2082, regarding the content of this amendment, or the Dockets Branch (202) 426–3148, regarding copies of the amendment or other information in the docket file for this proceeding.

SUPPLEMENTARY INFORMATION:

Background

RSPA published a Notice of Proposed Rulemaking in the **Federal Register** on November 27, 1985 (50 FR 48809), proposing to adopt the 1985 edition of API Specification 5L for line pipe and providing the following information:

Parts 192 and 195 incorporate by reference the 1980 editions of API Specifications 5L (Line Pipe), 5LS (Spiral-Weld Line Pipe), and 5LX (High-Test Line Pipe). In Part 192, each specification is included among "listed specifications" which must be followed in pipe manufacture to qualify steel pipe for use in gas pipelines. In Part 195, the specifications serve to denote allowable design factors for steel pipe. Under both parts the specifications are used for determining yield strength when specified minimum yield strength is unknown.

These API specifications have been the most predominantly used specifications for steel line pipe in the industry and have been maintained separately to identify different grades and types of pipe as they were originally developed. In 1983, the three specifications were consolidated into one by the API, using the identification, API Specification 5L, and the title, "API Specification for Line Pipe." All grades and types of steel line pipe are now combined in the one specification. Since 1983, API 5L has been revised to incorporate editorial changes in the 1984 edition, and recently in the 1985 edition, to provide requirements for a higher strength X80 grade (80,000 psi specified minimum yield strength).

Comments on the Notice

All comments received by RSPA in response to the notice were favorable for adoption of the 1985 edition of API Specification 5L without exception or condition. Comments were received from the Battelle Columbus Laboratories, the Champlin Petroleum Company, the Interstate Natural Gas Association of America, the Michigan Department of Commerce, Mountain Fuel Resources, Inc., Mountain Fuel Supply Company, the Northern Natural Gas Company, the Ohio Gas Association, Pacific Gas and Electric, the Southern California Gas Company, Tennessee Gas Pipeline Company, Texas Eastern Pipeline Company, the Transcontinental Gas Pipeline Company, Washington Gas, and the API. Commentary had also previously been provided by Battelle and the Bethlehem Steel Corporation in advisory committee meetings.

In the notice, RSPA had invited comments on increasing the yield/tensile (Y/T) ratio for the X80 grade in the 1985 edition of API 5L, stating:

Besides the inclusion of the X80 grade, other changes in the 1985 edition are (1) an increase in the yield/tensile ratio from .90 for X70 to .93 for X80, and (2) allowing supplementary fracture toughness requirements to replace the yield/tensile ratio by agreement between the purchaser and the manufacturer for any grade of pipe. Interested persons having experience and background qualifications in this area are invited to comment on the safety impact of these changes if any is perceived. RSPA is particularly interested in receiving comments

on the .93 yield/tensile ratio for X80 steel line pipe because it represents a reduction, although small, of the margin between the maximum operating stress level (72 percent of the specified yield strength) and the ultimate tensile strength.

No commenter perceived a safety impact from the increase in the maximum Y/T ratio for the new X80 grade, although questions were raised with regard to the purpose and application of the ratio in the specification. The API states that it incorporated the Y/T ratio in the specification to limit the amount of cold expansion in the manufacture of lower strength grades of pipe, resulting in an increase in yield strength but no change in ultimate tensile strength. The API provided the following explanation:

When Y/T ratio first appeared in API 5LX in the early 1950's, the API Committee on Standardization of Tubular Goods believed that a limitation should be placed on the amount of cold expansion of pipe to enhance its yield strength. The method chosen to do this was a Y/T ratio limitation. The original Y/T ratio limitation was 0.85. When Grade X65 was first approved, a Y/T ratio of 0.90 was established for wall thicknesses greater than 0.375 inches. When Grade X70 was added, a Y/T ratio limitation was set at 0.90.

Tennessee Gas also commented on the history of the Y/T limitation, providing the following information.

The nature of steel is such that, as the strength increases, the ratio of yield strength to tensile strength becomes greater. Therefore, it was necessary for the Y/T ratio limitation to be increased for the higher strength grades. Otherwise, the pipe could not be manufactured and meet the specification.

In recent years, it has been necessary for pipe users to specify line pipe with high toughness properties. In order to provide pipe with greater toughness in an economical manner while maintaining acceptable weldability, pipe manufacturers developed specialized rolling procedures for the plate. These procedures resulted in pipe with a higher than normal Y/T ratio. Since one of the significant pipe properties affected by excessive cold expansion is fracture toughness, the Committee agreed that, for pipe that is made to a fracture toughness requirement, the Y/T ratio was unnecessary. The standards were then changed in 1981 to accommodate this problem.

It must be mentioned that none of this affected the specified minimum values for yield strength, tensile strength or ductility.

Also, the Michigan Department of Commerce stated that it supports the RSPA proposal, but expressed reservations as to whether X80 steel line pipe should be used for natural gas systems. The comment letter stated in part:

The reservations we have come from an article that appeared in the Wall Street Journal on January 16, 1984 regarding high strength steel. (See attached copy.) We request that RSPA and/or experts in metallurgy consider the contents of this article and determine if X80 line pipe has its place in the natural gas pipeline systems.

The article referred to discusses failures, such as the Alexander L. Kielland hotel platform in the North Sea, metal-in-the-body failures, hydrogen storage tank failures and problems with high strength steel vessel walls of nuclear reactors, as well as automobile and aircraft failures. RSPA has reviewed the article (noting that the cause for the Kielland platform failure was not related to the use of high strength steel) and has consulted with expert metallurgists who are either members of the API Tubular Goods Standardization Committee or are employed by the Committee. The problems discussed in the article should not arise in the operation of gas pipelines because of the additional inspection and testing requirements for the construction of gas pipelines (including hydrostatic testing) and because of the amount of testing and evaluation that is done before approval of a new steel pipe grade and inclusion of API Specification 5L. Failures of materials discussed are those that are related to improper practices or to the usage of nonstandard alloy or heat-treated steels that are not produced in accordance with the requirements of a stringent specification and that may be used in nonregulated applications. As a result, this final rule permits the use of X80 steel line pipe subject to meeting all of the requirements of API Specification 5L, including mandatory fracture toughness requirements. Persons having a further interest should specifically address the requirements of the specification.

Use of Other Editions

Three commenters pointed out a possible problem with regard to the removal of reference to the earlier editions of API 5LS and 5LX and suggested a change to § 192.7, Incorporation by reference. Because RSPA does not intend to prohibit the use of line pipe that may have been manufactured to formerly listed editions and stock-piled for later use, the language suggested to clarify § 192.7(c) is incorporated by this final rule as an editorial change.

Advisory Committee Review

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1673(b)), and section 204(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (40 U.S.C. 2003(b)) require that each proposed amendment to a safety standard established under these statutes be submitted to a 15-member advisory committee for its consideration. The Technical Pipeline Safety Standards Committee, composed of persons knowledgeable about transportation of gas by pipeline, considered the proposed amendments to §§ 192.55, 192.113, Appendix A, and Appendix B of Part 192 in a meeting on December 10, 1985, in Washington, D.C. The Technical Hazardous Liquid Pipeline Safety Standards Committee considered the proposed amendments to §§ 195.3 and 195.106 in a meeting on November 18, 1985, in Washington, D.C. Both committees found the proposed amendments to be technically feasible, reasonable, and practicable. A copy of the report of each committee is available in the docket for review.

Classification

This final rule is considered to be nonmajor under Executive Order 12291 and is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. The rule merely updates the incorporation by reference provisions of 49 CFR Parts 192 and 195 with regard to API specifications for line pipe.

Since the impact of this final rule is expected to be minimal, the agency certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Parts 192 and 195

Pipeline safety, Incorporation by reference, Line pipe.

PART 192—[AMENDED]

In view of the foregoing, RSPA amends 49 CFR Parts 192 and 195 as follows:

1. The authority citation for Part 192 continues to read as follows:

Authority: 49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53, and Appendix A of Part 1.

2. By revising § 192.7(c) to read:

§ 192.7 Incorporation by reference.

* * * * *

(c) The full titles for the publications incorporated by reference in this part are provided in Appendix A to this part. Numbers in parentheses indicate applicable editions. Earlier editions of documents listed or editions of documents formerly listed in previous editions of Appendix A may be used for materials and components

manufactured, designed, or installed in accordance with those earlier editions or earlier documents at the time they were listed. The user must refer to the appropriate previous edition of 49 CFR for a listing of the earlier listed editions or documents.

3. By revising § 192.55(e) to read:

§ 192.55 Steel pipe.

* * * * *

(e) New steel pipe that has been cold expanded must comply with the mandatory provisions of API Specification 5L.

§ 192.113 [Amended]

4. By amending § 192.113 to remove reference to API 5LX and API 5LS and related entries from the table of longitudinal joint factors.

5. By amending Appendix A to Part 192 to remove and reserve subdivisions II.A.(5) and II.A.(6) and by amending II.A.(4) by changing "(1980)" to "(1985)."

6. By amending subdivision I of Appendix B to Part 192 to remove "API 5LS-Steel pipe (1980)" and "API 5LX-Steel pipe (1980)" from the listed pipe specifications, and by removing the date "(1980)" following "API 5L-Steel pipe" and inserting in its place "(1985)."

7. By revising the introductory text of subdivision II.D. of Appendix B to Part 192 to read:

Appendix B—Qualification of Pipe

* * * * *

II. * * *

D. Tensile Properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000 p.s.i. or less, or the tensile properties may be established by performing tensile tests as set forth in API Specification 5L. All test specimens shall be selected at random and the following number of tests must be performed:

* * * * *

PART 195—[AMENDED]

8. The authority citation of Part 195 continues to read as follows:

Authority: 49 U.S.C. 2002; 49 CFR 1.53, and Appendix A to Part 1.

9. By amending § 195.3 to remove paragraphs (c)(1)(iv) and (c)(1)(v) and by amending paragraph (c)(1)(iii) by changing "(1980)" to "(1985)".

10. By revising the introductory text of § 195.106(b) to read:

§ 195.106 Internal Design Pressure.

* * * * *

(b) The yield strength to be used in determining internal design pressure under paragraph (a) of this section is the specified minimum yield strength. If the specified minimum yield strength is not known, the yield strength is determined by performing all of the tensile tests of API Specification 5L on randomly selected test specimens with the following number of tests:

* * * * *

11. By amending § 195.106(e) to remove reference to API 5LX and API 5LS and related entries from the table of seam joint factors.

Issued in Washington, D.C., on April 17, 1986.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 86-9018 Filed 4-22-86; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 533

[Docket No. FE-86-01, Notice 2]

Light Truck Average Fuel Economy Standards; Model Year 1988

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice establishes new light truck average fuel economy standards for model year 1988. The standards are required to be established at the maximum feasible level under section 502(b) of the Motor Vehicle Information and Cost Savings Act. Based on its analysis, the agency is establishing a combined average fuel economy standard of 20.5 mpg for model year 1988 light trucks. Optional separate standards of 21.0 mpg for two-wheel drive light trucks and 19.5 mpg for four-wheel drive light trucks are also established.

DATES: The amendments made by this rule to the Code of Federal Regulations are effective May 23, 1986. The standards are applicable to the 1988 model year. Petitions for reconsideration must be submitted within 30 days of publication.

ADDRESS: Petitions for reconsideration should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Shelton, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-755-9384).

SUPPLEMENTARY INFORMATION:

Background

On January 24, 1986, NHTSA published in the **Federal Register** (51 FR 3221) a notice of proposed rulemaking (NPRM) on the establishment of light truck average fuel economy standards for model years 1988 and 1989. The issuance of the standards for those years is required by section 502(b) of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2002(b). That provision requires the Secretary of Transportation to set light truck standards at the "maximum feasible average fuel economy level" for each model year after model year 1978. In determining the "maximum feasible" level, the Secretary is directed to consider four factors: technological feasibility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of Nation to conserve energy. See 15 U.S.C. 2002(e).

The agency's January 1986 NPRM proposed ranges of possible standards for all types of light trucks, with the 1988 combined standard to be set within the range of 20.5 mpg to 22.0 mpg, and the 1989 combined standard to be set within the range of 20.5 mpg to 22.5 mpg. As a compliance alternative to the combined standard, the agency also proposed separate standards for two- and four-wheel drive vehicles. The agency stated that in view of factual uncertainties, the setting of standards outside the proposed ranges was possible depending on the comments that might be submitted.

NHTSA received comments on the NPRM from General Motors, Ford, Chrysler, American Motors, Volkswagen, the National Automobile Dealers Association (NADA), the Center for Auto Safety (CFAS), numerous employees of light truck manufacturers, dealers, and private individuals. The issues raised by the commenters are discussed below.

Summary of Decision

At this time, the agency has concentrated its efforts on analyzing issues relating to the 1988 standard. Based on its analysis, NHTSA is establishing a combined average fuel economy standard of 20.5 mpg for model year 1988 light trucks. Optional separate standards of 21.0 mpg for two-wheel drive (2WD) light trucks and 19.5 mpg for four-wheel drive (4WD) light trucks are also established. Both the combined and optional separate standards are being set at the same levels as the MY 1987 light truck fuel economy standards.

A decision will be reached at a later date with respect to the proposed model year 1989 standards.

Manufacturer Capabilities of MY 1988

As part of its consideration of technological feasibility and economic practicability, the agency has evaluated the manufacturers' fuel economy capabilities for MY 1988. In making this evaluation, the agency has analyzed manufacturers' current projections and underlying product plans and has considered what, if any, additional actions the manufacturers could take to improve their fuel economy.

A. Manufacturer Projections

General Motors: As discussed in the NPRM, General Motors (GM) projected in March 1985 that it could achieve a CAFE level of 22.6 mpg in MY 1988. That projection was 0.2 mpg higher than that company's 22.4 mpg projection for MY 1987. While GM's March 1986 submission indicated that program risks (the details of which are subject to a claim of confidentiality) could result in a decline in its projected MY 1987 CAFE of up to 1.3 mpg, the NPRM stated that the agency did not believe that particular risks affected GM's projection for MY 1988.

The NPRM noted that GM had emphasized the following in its March 1985 submission:

> All estimates and future product plans contained in this submission are but a "snapshot in time". As we have stated on a number of occasions . . ., changes in the economic outlook, in fuel availability, in fuel prices or in consumer preference significantly affect GM's CAFE. The unpredictability of the market, the unknown effect of future light duty truck emission regulations and the unproven results of future combinations of technology cause CAFE projections to be . . . tentative . . .

In GM's February 1986 comment on the NPRM, the company lowered its CAFE projections for MY 1987 and MY 1988 to levels no higher than 20.5 mpg and 20.7 mpg, respectively.

One reason for the reduced MY 1987 projection is the realization of the program risk noted above, which accounts for 0.9 mpg of the decline. Additional reasons, together accounting for another 0.9 mpg of the decline, include the achievement of lower-than-anticipated fuel economy from certain programs, the purchase by consumers of more options than expected and certain changes to meet consumer demand for higher performance. A small portion of the reduction, 0.1 mpg, is associated with increased sales of certain larger engines and heavier trucks.

(The details of the changes are subject to a claim of confidentiality as confidential business information whose release could cause competitive harm. This is also true with respect to this notice's discussion of GM's MY 1988 projection and to the projections of other manufacturers.)

These changes, other than the program risks, also affect GM's MY 1988 projection, together accounting for a 1.0 mpg decline in that projection. The company also identified a number of other reasons for the reduced projection. The company no longer plans to make certain product changes which it once planned for that model year. Reasons for not making the changes relate to such concerns as durability, cost, results of market research, and the unavailability of certain equipment it planned to use. GM also now expects to include additional standard equipment on certain vehicles. These changes together account for an additional 0.6 mpg of the decline. GM also identified an apparent error in its earlier projection, accounting for 0.2 mpg of the decline, and cited miscellaneous reasons for the remaining 0.1 mpg loss.

GM's comment on the NPRM indicated that uncertainties such as the future price of fuel, small truck sales by foreign competitors and potential less-than-anticipated gains through the use of technology could result in its MY 1988 CAFE level being below its current projection of 20.7 mpg.

GM presented three possible scenarios to illustrate how factors such as these could influence its MY 1988 CAFE. The first scenario assumes constant rather than rising fuel prices and an economic outlook which reflects the former price pattern instead of the latter. According to GM, there would be a reduced incentive under this scenario for customers to buy smaller vehicles with more fuel efficient powertrains, and the company would experience a model and powertrain mix change estimated to cause a 0.3 mpg to 0.4 mpg decline in its MY 1988 CAFE projection. GM's second scenario develops that company's sensitivity to an unanticipated increase in import light truck sales above its current forecasts. According to that company, this could result in a 0.2 mpg to 0.3 mpg decline in its MY 1988 CAFE projection. GM's third scenario focuses on the introduction of emission controls which will cause heavy duty engines in trucks over 8500 pounds gross vehicle weight rating (GVWR) to be equipped with catalytic converters and use unleaded gasoline just as the trucks with lower GVWR's have been. This regulatory change creates the potential for a shift in consumer purchases from vehicles which are just over 8500 pounds GVWR and thus not subject to the fuel economy standards to vehicles which are between 7000 pounds and 8500 pounds GVWR and within the ambit of those standards. According to GM, this potential increase in the sales of the high GVWR light trucks could reduce its CAFE projection below 20.7 mpg by approximately 0.1 mpg.

Ford: As discussed in the NPRM, Ford projected in February 1985 that it could achieve a CAFE level of up to 22.5 mpg in MY 1988. This number was adjusted in the NPRM to 22.2 mpg, however, in light of later technical information provided by Ford. The primary reason for the reduction was that actual test data regarding some programs had indicated smaller fuel economy improvements than projected. The 22.2 mpg level was 1.2 mpg higher than Ford's 21.0 mpg projection for MY 1987. The NPRM noted, however, that 0.4 mpg of the increase was attributable to mix shifts toward more fuel-efficient vehicles, which the agency considered unlikely given the recent and expected continued declines in gasoline prices. Thus, if these mix shifts were deleted, the upper end projection for MY 1988 would be 21.8 mpg.

The NPRM noted that Ford had identified several risks to its MY 1988 projection. These included both technological risks, i.e., risks that technological programs might not achieve expected fuel economy gains, and mix shift risks, i.e., risks that the sales mix of Ford's light truck fleet might shift toward less fuel-efficient vehicles. Ford identified additional technological risks totaling 0.9 mpg and mix shift risks totalling 0.6 mpg, for a total risk of 1.5 mpg. However, the agency had already incorporated 0.7 mpg in technological and sales mix risks in the 21.8 mpg figure, reducing the remaining risk to 0.8 mpg. Thus, if the events creating these risks occurred simultaneously, the lower end figure for MY 1988 would have been 21.0 mpg as of the time of the NPRM.

In Ford's February 1986 comment on the NPRM, the company lowered its CAFE projections for both MY 1987 and MY 1988. For MY 1987, Ford projected a CAFE level of 20.2 mpg to 20.4 mpg. For MY 1988, it projected a CAFE level of 20.2 mpg to 20.8 mpg. In explaining its lower projections, Ford stated that ". . . recent development testing of new hardware and technology has yielded lower levels of fuel economy benefit than had been predicted earlier in the program."

In the final rule for MY 1987, published in the **Federal Register** (50 FR 40398) on October 3, 1985, the agency noted that Ford's then latest projection for that year was for a CAFE level of no higher than 21.0 mpg. Even that figure was subject to possible adverse mix shifts of 0.4 mpg and technological risks totalling 0.3 mpg. The decline in Ford's upper end projection from 21.0 mpg to 20.4 mpg is attributable to technological reasons, almost entirely related to certain programs not achieving expected fuel economy. Of particular significance is a drop in projected fuel economy for the electronic fuel injection program for Ford's 4.9 liter I–6 engine. A very small portion of the decline, less than 0.1 mpg, is related to small increases in weight and performance. Technological risk explains the difference in Ford's low and high end current CAFE projections for MY 1987.

The drop in Ford's MY 1968 CAFE from the 21.8 mpg value used in the NPRM to the company's current maximum projection of 20.8 mpg is also attributable to technological reasons. The most significant factor in the decline is the drop in projected fuel economy for the 4.9 liter fuel injection program, which carries over from MY 1987. In addition, Ford no longer plans to make a certain technological change due to durability concerns. A number of small factors, primarily engine calibration issues, explain the remaining decline. Some of the engine calibration changes are being made to ensure compliance with emissions standards.

Ford's 20.8 mpg projection is subject to both further technological risks and mix shift risks. The company identified technological risks of 0.3 mpg, which are related to certain programs possibly not achieving projected fuel economy levels. Ford also presented a mix risk scenario in which sales were higher for standard trucks and lower for compact trucks, resulting in a potential 0.3 mpg CAFE loss. Ford's 20.2 mpg to 20.8 mpg range is explained by these risks. The company also indicated that its CAFE could decline an additional 0.2 mpg as a further mix shift risk if gasoline prices remain below $1.00 per gallon on a sustained basis.

Chrysler: As discussed by the NPRM, Chrysler projected in August 1985 that it could achieve a CAFE level of 22.3 mpg in MY 1988. This projection was 1.1 mpg higher than that company's then latest MY 1987 projection. The NPRM stated that the bulk of the improvement would be attributable to technological improvements, especially transmission improvements. The NPRM noted that Chrysler also expected slight mix shifts toward smaller, more fuel-efficient trucks.

In March 1986, Chrysler provided new projections of 20.4 mpg to 21.3 mpg for MY 1987 and 21.5 mpg to 22.3 mpg for MY 1988. The company stated the following:

> There is considerable uncertainty associated with predicting any specific single level of annual CAFE for the 1987–89 time frame because we are in the process of revising our long range plan. For this reason, our new estimate for model years 1987–89 are presented as ranges to indicate the effects of various marketing alternatives available to Chrysler. The high ends of our ranges represent Chrysler's fuel economy capabilities, given our current product plan. These numbers are similar to those previously submitted to [NHTSA], although 1987 estimates are now much firmer due to actual test data being available. The low ends of the ranges represent the results of a new analysis in which it was assumed we would sell our products in a completely free market with no attempt on our part to force the sales mix to a desired fuel economy target.
>
> Both product plans contain the same fuel economy improving technologies and our new Dakota N-Body truck previously described to you. Projected CAFE differences are solely a result of mix shifts . . . . Should international economic conditions continue to change, even the low end of these estimates may ultimately require market forcing and/or product limiting actions by Chrysler.

The 22.3 mpg estimate at the high end of Chrysler's projection for MY 1988 is thus the same mix of vehicles and technology as discussed in the NPRM. The 21.5 mpg estimate at the low end of that company's range for MY 1988 is based on mix shifts toward larger, less fuel-efficient trucks.

American Motors: In February 1985, American Motors (AMC) projected 4WD CAFE levels of 18.5 mpg to 22.2 mpg for MY 1987 and 19.0 mpg to 22.7 mpg for MY 1988. The company projected 2WD CAFE levels of 21.5 mpg to 24.3 mpg for MY 1987 and 21.5 mpg to 24.2 mpg for MY 1988. These projections, for which no supporting data were provided, were the latest available to the agency at the time the NPRM was issued. Since AMC had projected in its mid-model year report for MY 1985 that its CAFE levels for that model year would be 20.3 mpg for its 4WD fleet and 23.5 mpg for its 2WD fleet, the agency placed greater credence in the upper ends of the company's CAFE projections for MY 1987–88. The NPRM noted, however, that AMC had recently advised NHTSA that it was revising its projections.

In AMC's February 1986 comment on the NPRM, the company projected that its 4WD CAFE levels would be 19.2 mpg for MY 1987 and 19.3 mpg for MY 1988. AMC projected that its 2WD CAFE levels would be 21.3 mpg for both MY 1987 and MY 1988. With 4WD vehicles accounting for most of AMC's light truck fleet, these figures result in composite CAFE levels of 19.7 mpg for MY 1987 and 19.9 mpg for MY 1988.

AMC provided the following explanation for the decline in its CAFE projections:

> . . . As has been widely reported in the press, our Jeep products have experienced record sales, which have substantially changed our model mix projections. Lower-than-anticipated fuel economy performance for some future models, coupled with some administrative changes to reduce product complexity are also expected to measureably alter the fleet average values. In addition, our 2- and 4-wheel drive pickup trucks, which had not yet been introduced last February, are now on the market, giving us some actual sales information for developing future model mix projections.

NHTSA's analysis of the data provided by AMC indicated that most of the reason for the decline in that company's CAFE projections was a drop-off in average fuel economy for each truckline and not sales mix changes between trucklines. For 2WD vehicles, the fuel economy declines within each truckline caused all of the drop in the projections for both MY 1987 and MY 1988. For 4WD vehicles, the drop in the MY 1987 projection was attributable to both a shift in sales mix and lower fuel economy levels for individual trucklines. The drop in the MY 1988 projection, however, was attributable entirely to lower fuel economy levels for individual trucklines.

AMC's comment on the NPRM stated that uncertainties related to lower gasoline prices and market trends toward greater performance could significantly lower its CAFE beyond its projections. AMC stated that there is a level of uncertainty with respect to engine mix in Jeep XJ vehicles and a possibility that sales of larger model "senior Jeeps" such as the Grand Wagoneer and J-series pick-up trucks will escalate. That company also stated that sales of its smaller Commanche pick-ups could decline as buyers "move up" to larger trucks.

Volkswagen: Volkswagen (VW) currently offers only one light truck model, the Vanagon compact bus. In February 1985, VW projected a CAFE level of 21 mpg through MY 1990. In VW's March 1986 comment on the NPRM, the company provided a MY 1988 CAFE projection of 19.1 mpg. VW stated that, in response to consumer demand, it has had to make performance improvements in the

Vanagon vehicles. The company also stated that it has introduced a new 4WD version of the Vanagon, to increase the utility of the vehicle to the consumer.

Other manufacturers: Foreign manufacturers other than VW compete only in the small vehicle portion of the light truck market and are therefore expected to achieve CAFE levels well above GM, Ford, and Chrysler, which offer full ranges of light truck models.

NHTSA is aware of one other domestic manufacturer, Lands Motor Company, whose light truck fuel economy capability is expected to be below that of GM, Ford, Chrysler and AMC. While that company did not submit comments on the NPRM, it has submitted a petition requesting that the agency establish a separate class of light truck for its Precedent model and provide a separate fuel economy standard for that class. (This issue and a similar one raised by Volkswagen are addressed below in the section entitled Setting the MY 1988 Standards.) Lands Motor Company has a production goal of 500 vehicles for MY 1988, with a CAFE level of 16.9 mpg.

B. Possible Additional Actions To Improve MY 1988 CAFE

The possible additional actions which manufacturers may be able to take to improve their MY 1988 CAFE above the levels which are currently projected may be divided into three categories: further technological changes to their product plans (beyond what they are already planning), increased marketing efforts, and product restrictions.

1. Further Technological Changes

Ford commented that it is unaware of any new technology which could be executed within available leadtime to improve its CAFE significantly. Chrysler commented that "(i)t is important to recognize that the leadtime required to implement improvements in engines, transmissions, aerodynamics and rolling resistance, is usually three to four years." That company argued that "as of today, it is too late in the engineering cycle to design, develop, and implement any further major technological CAFE improvements on 1988–89 model year light trucks."

In light of limited leadtime, the agency agrees that it is too late at this time to initiate further major technological improvements. Once a new design is established and tested as feasible for production, the leadtime necessary to design, tool, and test components such as new body sheet-metal subsystems for mass production is typically 22 to 29 months. Other potential major changes, such as those cited by Chrysler, often take longer. Leadtimes for new vehicles are typically at least three years.

However, there may be sufficient leadtime for manufacturers to make more minor technological changes, such as changes in axle ratios, refinement of engine calibrations, and changes in horsepower. In analyzing specific manufacturer capabilities below, the agency has considered whether manufacturers can make these types of changes.

2. Increased Marketing Efforts

As discussed in the NPRM, the agency believes that the ability to improve light truck CAFE by marketing efforts is relatively small. Light trucks are generally purchased for their work-performing capabilities. This is particularly true for the larger, less fuel-efficient light trucks. Since the small light trucks cannot meet the needs of many users, the manufacturers' abilities to use marketing efforts to encourage consumers to purchase smaller light trucks instead of larger light trucks are limited.

As a practical matter, marketing efforts to improve CAFE are largely limited to techniques which either make fuel-efficient vehicles less expensive or less fuel-efficient vehicles more expensive. Moreover, the ability of a manufacturer to increase sales of fuel-efficient light trucks depends in part on increasing its market share at the expense of competitors or pulling ahead its own sales from the future. The ability of domestic manufacturers to make such sales increases is also affected by the strong competition in that market from Japanese manufacturers. While Japanese manufacturers currently have an overall combined market share of about 20 percent of light trucks, their share for the smaller, more fuel-efficient pick-up trucks is about 50 percent.

The agency also notes that the improved fuel efficiency of all sizes of modern light trucks makes it more difficult to sell the small light trucks on the basis of significant operating cost savings. The reason for this is that there are diminishing returns in terms of fuel economy from purchasing smaller light trucks as the fuel efficiency of larger light trucks increases. The average fuel economy of large pickup trucks rose from 13.1 mpg in 1975 to 18.4 mpg in 1985, and the average fuel economy of large vans rose from 13.1 mpg to 17.5 mpg during this time period. The average fuel economy of small pickup trucks rose from 22.1 mpg to 26.2 mpg, and the average fuel economy of small vans rose from 20.7 mpg to 23.9 mpg. (SAE Paper No. 850550, "Light Duty Automotive Fuel Economy . . . Trends Thru 1985.") The fuel economy of large pickup trucks and vans has thus improved more than the fuel economy of small pickup trucks and vans, both in absolute and percentage terms.

Also, as gasoline prices have declined, there are diminishing returns from purchasing more fuel-efficient vehicles. For example, an improvement in fuel efficiency from 20 mpg to 25 mpg at a gasoline price of $1.50 per gallon would save a truck owner about $150.00 per year, assuming 10,000 miles driven annually. However, at a gasoline price of $1.00 per gallon, which more closely reflects today's market, the annual savings drop to about $100.00. The financial savings for smaller changes in fuel economy will, of course, be even lower. Hence, an economically rational consumer will not be as concerned with improving fuel efficiency as gasoline prices decline, making it more difficult for a manufacturer to market its most fuel-efficient vehicles.

A problem with pulling ahead sales is that the manufacturers' CAFE levels for subsequent years are reduced. For example, if a manufacturer increases its MY 1988 CAFE by pulling ahead sales of fuel-efficient light trucks from MY 1989, its MY 1989 CAFE will decrease, compared with the level it would have been in the absence of any pull-ahead sales attributable to marketing efforts. For this reason, a manufacturer cannot continually increase its CAFE simply by pulling ahead sales.

GM commented that "(i)t would be difficult, if not impossible, to predict any gains in CAFE through marketing incentivies based on present and future projections of consumer purchasing preferences, particulary in view of the uncertain future of world oil prices." Ford commented that "because of the number of competitive entries in the compact segment, potential countering actions by each competitor, and the price/cost advantage of imported models, . . . marketing actions cannot be relied upon to produce the desired effect."

Chrysler commented that "(t)ruck buyers are much more sensitive to functional needs in making their purchase decisions and in many cases they must consider their product selection as a longer term decision than a passenger car customer." That company stated that "(f)uel efficiency must often be downgraded in priority for many truck buyers because vehicle function is often paramount to the purchaser's livelihood." The National Automobile Dealers Association commented that because light trucks are most often purchased for capability and

practicability reasons, a decision to buy a larger, more powerful vehicle cannot be changed by marketing incentives. That organization emphasized that there are no available alternatives at any price for a consumer that needs a heavier light truck.

Given all of these factors, the agency does not believe that the domestic manufacturers can significantly improve their CAFE levels by increasing marketing efforts.

3. Product Restrictions

As discussed in the NPRM, manufacturers could improve their CAFE by restricting their product offering, e.g., limiting or deleting particular larger light truck models or larger displacement engines. However, such product restrictions could have significant adverse economic impacts on the industry and the economy as a whole. In the final rule reducing the light truck fuel economy standard for MY 1985, the agency concluded that sales reductions to a manufacturer of 100,000 to 180,000 units, with resulting employment losses of 12,000 to 23,000, "go beyond the realm of 'economic practicability' as contemplated in the Act. . . ." 49 FR 41252, October 22, 1984. These impacts were believed by the agency to be a reasonable projection of the impacts to Ford of restricting the availability of larger trucks and engines in order to achieve a 1.5 mpg average fuel economy benefit.

In addition to the adverse impacts on the automotive industry, a wide range of businesses could be seriously affected to the extent they could not obtain the light trucks they need for business use. Also such product restrictions could run counter to the congressional intent that the CAFE program not unduly limit consumer choice. See H.R. Rep. No. 93–340, 94th Cong., 1st Sess. 87 (1975).

GM commented that CAFE standards that are set at too stringent a level could require full-line manufacturers to consider product restrictions as a last resort. GM stated that this would occur only after incentives had been applied and other reasonable steps taken, including the application of carryforward credits. That company stated that product restrictions would be harmful to the vehicle manufacturer, its employees and suppliers, to the consumer and the nation's economy. Ford commented that establishing truck fuel economy standards above manufacturers' capability could result in substantial sales decline, adverse employment effects, and a threat of substantial economic hardship. That company stated that should the MY 1988 standard be set above its capability, it may be forced to restrict the availability of certain V–8 engines in full-size light trucks, vans, Club Wagons and large utilities, and possibly delete some of its full-size products entirely. The company stated that market research data show that the vehicles that would most likely be restricted are used for a combination of commercial as well as personnel uses.

Given all of these considerations, NHTSA concludes that significant product restrictions should not be considered as part of manufacturers' capabilities to improve CAFE.

C. Manufacturer-Specific CAFE Capabilities

In analyzing manufacturer-specific CAFE capabilities, the agency has focused on GM, the largest domestic manufacturer and one of the two "least capable manufacturers" with a substantial share of 4WD sales; Ford, the "least capable manufacturer" with a substantial share of both combined light truck sales and 2WD sales; and AMC, the other "least capable manufacturer" with a substantial share of 4WD sales.

General Motors: As discussed above, while GM projected in March 1985 that it could achieve a CAFE level of 22.6 mpg for MY 1988, it now projects a CAFE level no higher than 20.7 mpg. The agency's analysis indicated that some of the reasons for the decline in GM's projected MY 1988 CAFE level were within that company's control. The company made a number of changes in its product plan which, in the agency's judgment, were not consistent with its long-range maximum fuel economy capability. Other reasons for the decline in GM's projected MY 1988 CAFE level were outside the company's control, including changing sales mixes of vehicles and engines due to consumer demand and achieving lower-than-anticipated gains from the introduction of new technologies.

Some of the product plan changes that were within GM's control canot be reversed within available leadtime. However, the agency's analysis has concluded that GM can still incorporate certain other of the product actions it identified in its March 1985 submission. The agency believes that GM has time to reverse its plans for increasing horsepower and that doing so would not have a significant effect on sales. While GM claimed that this action was necessary to compete in the marketplace, its supporting documentation did not provide a sufficient rationale for the agency to change its conclusion that reversing this action would not result in competitive or other economic harm. Achieving lower horsepower levels would have the effect of increasing GM's CAFE by an additional 0.2 mpg. In addition, GM indicated in its NPRM comments that two other planned actions (the details of which are subject to a claim of confidentiality) will reduce its CAFE by 0.2 mpg. However, the agency believes that those actions can be undertaken without adversely affecting CAFE.

NHTSA thus concludes that GM's MY 1988 CAFE could be as high as 21.1 mpg. However, the agency agrees with GM's comment that it faces a mix shift risk of 0.2 mpg to 0.3 mpg due to continued declines in gasoline prices and concomitant shifts toward larger trucks and engines for MY 1988. NHTSA is not including a risk associated with increased import light trucks in GM's capability. While manufactuers face a continuing challenge to meet possible increased light truck competition from abroad, the agency does not believe this issue, in the particular case of MY 1988 light truck sales, is likely to adversely affect domestic CAFE values. Moreover, the agency does not believe that mix shift risks and potential risks related to increased imports are additive, since lower fuel prices should enhance the domestic manufacturers' competitive positions. NHTSA believes that the issue should instead be recongized as a limitation on manufacturers' abilities to increase their market share of compact trucks beyond their present projections. NHTSA concludes that GM's MY 1988 fuel economy capability is 20.8 mpg to 21.1 mpg.

The agency has also evaluated GM's fuel economy capability for its 4WD fleet for MY 1988. The actions discussed above to raise GM's combined CAFE above its projection would also raise its 4WD CAFE. Taking these additional actions into account, NHTSA has concluded that GM's MY 1988 4WD capability could be as high as 19.5 mpg.

The agency has concluded that there is insufficient time for GM to introduce additional programs or technologies beyond those discussed above to improve its MY 1988 fuel economy level.

Ford: As discussed above, while at the time of the NPRM the agency believed that Ford might be able to achieve a MY 1988 CAFE level of as high as 21.8 mpg, the company now projects a CAFE level of 20.2 mpg to 20.8 mpg. The agency's analysis indicates that virtually all of the decline in Ford's CAFE was due to reasons beyond that company's control. The bulk of the decline in Ford's projected MY 1988 CAFE level is attributable to lower-than-anticipated fuel economy levels for the 4.9 liter fuel injection program. Given the aggressive fuel economy goals of the program when

it was approved, the agency does not consider it surprising that the goal has not been, and is not likely to be, fully attained. More stringent EPA emissions requirements also added to the difficulty of meeting the original fuel economy goal. The only significant change in Ford's MY 1988 product plan that reduced its projected CAFE was the deletion of a certain confidential technological change due to durability concerns. The agency concurs with Ford's concern about this particular issue.

The agency does not consider it likely that Ford can achieve the 20.8 mpg upper end of its range of MY 1988 CAFE values. The sales mix included in Ford's 20.8 mpg projection for MY 1988 is comparable to the mix Ford now expects for MY 1986. The agency believes that Ford's actual My 1988 sales mix could experience some further shift toward larger trucks and engines, should gasoline prices continue to decline. Thus, the agency agrees with Ford's assessment that it faces mix shift risks of 0.3 to 0.5 mpg. As discussed above, Ford, also faces technological risks of 0.3 mpg. Taking all of these risks into account, Ford's maximum achievable CAFE could be as low as 20.0 mpg. The agency believes it likely that some but not all of these risks will occur and concludes that Ford's MY 1988 capability does not exceed 20.5 mpg.

The agency has also evaluated Ford's 2WD and 4WD fuel economy capabilities. Since the company's projected 2WD CAFE is higher than those projected by Chrysler, GM and AMC, the agency did not focus on Ford in establishing the separate 2WD standard. Ford's 4WD projection is slightly lower than those of those projected by Chrysler, GM and AMC. With the consideration of the risks to Ford's projected 2WD CAFE, the agency concluded that company's 2WD CAFE does not exceed 21.0 mpg.

As with GM, NHTSA concludes that there is insufficient leadtime for Ford to introduce additional new programs or technologies to increase its MY 1988 CAFE.

AMC: AMC projects that its 4WD CAFE will decline from 20.0 mpg for MY 1986 to 19.3 mpg for MY 1988. In analyzing AMC's fuel economy capability, NHTSA looked closely at the changes that are projected to lower that company's CAFE. The agency has concluded that certain changes related to that company's efforts to reduce product complexity, in an effort to improve its profitability, could be reversed within available leadtime, thereby raising AMC's 4WD CAFE by 0.2 mpg. The agency has also concluded that AMC could take certain development and refinement actions that would raise its 4WD CAFE by 0.1 mpg to 0.2 mpg. The agency therefore concludes that AMC's MY 1988 4WD CAFE could be as high as 19.7 mpg.

NHTSA believes that AMC faces some mix shift risks, as well as risks that it may not be able to achieve all of the additional gains identified by the agency's analysis. Because the agency believes that some but not all of these risks will occur, it concludes that 19.5 mpg is that company's maximum 4WD fuel economy capability. The agency concludes that there is insufficient leadtime for AMC to introduce additional new programs or technologies to increase its MY 1988 CAFE.

Other Federal Standards

A. Safety Standards

As discussed by the NPRM, several recent and proposed changes in Federal safety requirements may affect CAFE. These include several amendments to NHTSA's lighting standard, which permit reductions in aerodynamic drag and slight weight savings; an amendment to the agency's occupant crash protection standard to promote the comfort and convenience of safety belts, and a proposal to extend the applicability of the agency's standard concerning steering control rearward displacement to additional light trucks.

The NPRM stated that while the agency has estimated that passenger car fuel economy could be increased by 0.4 to 0.9 percent by using aerodynamic headlamps, it is likely that the potential fuel economy improvement for light trucks by adoption of this feature is less. The reason for this is that the basic shape of light trucks is often dictated by load carrying capability or other functional attributes, thereby making it more difficult to reduce aerodynamic drag. Ford commented that it agrees with the agency's conclusion in the PRIA that the potential for CAFE improvement from vehicle aerodynamics is minimal due to the higher frontal area and drag coefficients inherent in light trucks compared with passenger cars. GM commented that aerodynamics headlamps will not have an impact on light truck CAFE in the 1988–89 timeframe. That company also noted that truck designs which included improved aerodynamics through the use of lower profile headlamps and more rounded sheet metal were not well received by the public in recent design clinics.

The NPRM cited the PRIA's conclusion that the effect of the comfort and convenience requirements on light truck CAFE will be negligible, since both the number of affected vehicles and weight impact are small. GM and Ford agreed that these requirements will not significantly affect CAFE.

With respect to the proposal to extend the applicability of the agency's standard on steering control rearward displacement, the NPRM cited the PRIA's similar conclusion that CARE would not be significantly affected since the number of affected vehicles is believed to be small and the required modifications minimal. GM disagreed with this conclusion, stating that the standard would primarily affect the older model lines in its fleet and that significant mass increases may result from required vehicle changes. That company stated that the magnitude of the mass increases associated with the vehicle changes has not been determined, but may be relatively large and could negatively affect CAFE. Ford commented that the Econoline is its only vehicle anticipated to have significant potential for weight increase due to this proposal. It stated that since baseline testing has not been completed, specific corrective actions have not been identified and the weight effect of these changes remains an open issue. NHTSA currently anticipates that any final rule concerning this proposal would have an effective date of September 1, 1988, or later and therefore should not impact manufacturers' MY 1988 CAFE levels, significantly, if at all. The agency will address these comments to the extent necessary in establishing the MY 1989 light truck fuel economy standards.

B. Environmental Standards

The NPRM cited several final and proposed changes in environmental standards which may affect CAFE.

The Environmental Protection Agency (EPA) published a proposal on July 1, 1985 (50 FR 27188) to provide test adjustment credits to light truck manufacturers for changes made in test procedures. Assuming that EPA's final rule is along the lines of the proposal, the rulemaking is not likely to have any significant effect on the manufacturers' projections discussed above.

The EPA requirement for control of diesel particulate matter becomes more stringent in MY 1987. NHTSA's NPRM noted that in the preamble to the final rule establishing MY 1987 light truck fuel economy standards, the agency concluded that any impact of the diesel particulate requirement on fuel economy would be very small, i.e., much less than 0.1 mpg. GM commented that the standard will have a negative impact on

its CAFE but that the impact will be small since diesel sales have declined. According to that company, the maximum impact on its MY 1988 CAFE is estimated to be 0.05 mpg. AMC commented that more stringent standards are reducing diesel engines, not solely because of technological difficulties, but because with the low sales volume it would be impossible to recover the engineering costs associated with development of control systems. That company argued that the impact on CAFE of a more stringent emissions standards is the total removal of a fuel-efficient engine from the market, not just an incremental loss in fuel economy due to meeting more stringent standards. After analyzing the comments, the agency continues to believe that there will be little CAFE effect from the more stringent particulate standard since manufacturers do not plan on offering significant volumes of diesel engines that would require changes. The agency agrees with AMC that when volumes for an engine family drop below certain levels, it may become economically unattractive to spend the money necessary to certify compliance with the emissions standards. However, this is a business decision and not a direct result of the more stringent requriements to control emissions.

The EPA requirement for control of oxides of nitrogen (NO_x) becomes more stringent in MY 1988. As noted in NHTSA's NPRM, EPA estimates that with the use of three-way catalyst technology, there will no net loss in fuel efficiency and possibly even small gains. Moreover, since the EPA regulation provides for averaging compliance with the more stringent particulate standard and the oxides of nitrogen standard, manufacturers have greater flexibility to help ensure that there are little or no attendant fuel economy penalties.

GM commented that the recalibration required to meet the 1988 NO_x standard decreases its light truck CAFE 0.3 mpg to 0.35 mpg from the level attainable if the standard were not changed. The company stated that this reduction assumes across-the-board use of closed loop throttle body injection and three way catalysts for gasoline vehicles, and has been factored into its CAFE projections. Ford stated that it does not believe that EPA's overall assessment that there will be no net loss in fuel efficiency associated with the NO_x standards is applicable to its vehicles. Ford argued that paired fuel economy data from its MY 1985 Federal and California vehicles show a fuel economy penalty of 1.3 percent to 5.3 percent (0.4 to 1.2 mpg) between the versions having the same control technologies. (California vehicles were required to meet a MY 1985 NO_x standard that was more stringent than either the current or MY 1988 Federal standard.) According to that company, these data are consistent with its conclusion presented earlier to the agency that a light truck fuel economy penalty of 0.5 mpg may be encountered from the new Federal standard. Ford stated that a reassessment of its 1988 capabilities indicates a fuel economy penalty of about 0.2 mpg for its fleet, and that it still anticipates some degree of risk that the penalty is understated. That company also stated that it does not see any benefit in using the NO_x averaging concept adopted by EPA in light of the restrictions imposed by the conditional certificates of conformity and the engine family emission limits provisions. Ford stated that it had included a fuel economy penalty of 0.2 mpg in its MY 1988 projection.

NHTSA believes that GM's and Ford's arguments about a fuel economy penalty associated with the more stringent NO_x standards are consistent with EPA's position presented in the NPRM. That position is that with the use of three-way catalyst technology, the new NO_x standard will not cause any net loss in fuel efficiency, compared to the fuel efficiency levels under the current NO_x standard. There might even be small gains as a result of the new standard. The losses to which GM and Ford refer are actually "gains foregone" in the context of EPA's analysis, i.e., the loss is the difference in fuel economy capability of a closed loop three-way catalyst system calibrated to meet the current and new NO_x standards. Thus, by adopting three-way catalyst technology, the manufacturers avoid any losses in fuel economy associated with the new NO_x standards but do not achieve the gains that would be associated with such technology in the absence of the new standards.

AMC commented that other emission-related considerations are the increase in the useful life interval, limited maintenance intervals, and warranty liability. That company argued that because of these restrictions, manufacturers must reduce compliance/warranty risks by utilizing current technology with proven durability in the field. AMC stated that this has a direct effect on decisions to adopt newer fuel-efficient technology, especially for the lower volume manufacturers, until after the technology has proven its durability in the field for 11 years/120,000 miles. AMC did not provide any data concerning how these types of considerations affect its CAFE. As a general matter, NHTSA believes it would be inappropriate to assume that manufacturers need to wait 11 years before deciding to adopt new technology for purposes of emissions and/or fuel economy.

NHTSA is not aware of any plans on the part of EPA to promulgate noise regulations applicable to MY 1988 light trucks and therefore does not anticipate any attendent fuel economy penalties.

GM and Ford cited several other standards which could potentially affect CAFE after MY 1988. The agency will address those comments to the extent necessary in establishing the MY 1989 light truck fuel economy standards.

Need to Conserve Energy

Since 1975, when the Energy Policy and Conservation Act was passed, this nation's energy situation has changed significantly. For example, oil markets have been deregulated and the Strategic Petroleum Reserve has been established.

In 1977, the United States imported 46.4 percent of its oil needs and the value of imported crude oil and refined petroleum products was $67 billion (stated in 1984 dollars). While the import share of total petroleum demand declined after that year, the cost continued to rise to a 1980 peak level of $93.2 billion (1984 dollars). By 1985, the import share had declined to 28.7 percent at a cost of $48.3 billion.

Moreover, imports from OPEC sources have declined, from a high of 6.2 million barrels per day and 70.3 percent of all imports in 1977 to 1.8 billion barrels per day and 36.2 percent of imports in 1985. As imports have shifted to non-OPEC sources, such as Mexico, Canada and the United Kingdom and as this country builds up its strategic stockpile, the United State's petroleum market has become less vulnerable to the political instabilities of some OPEC countries, as compared to the situation in the mid-1970's.

Overall, the nation is much more energy independent than it was a decade ago, when Congress established that fuel economy standards program. From 1975 to 1984, energy efficiency in the economy improved by 21 percent (*1984 Annual Energy Review*, Energy Information Administration (EIA), U.S. Department of Energy, p. 47). Domestic oil production is higher than it was in 1975, total imports have dropped 18 percent since then, the value of the nation's imported oil bill has declined 35 percent in the last five years, and the amount of imported oil from OPEC has dropped by 71 percent since the peak of

1977. As a percentage share of GNP, the net oil import bill fell from 2.8 percent in 1980 to 1.2 percent in 1985. Future trends, as history has demonstrated, are subject to great uncertainty. However, the price of oil is now fully decontrolled, permitting consumers to make choices in response to market signals and allowing the market to adjust quickly to changing conditions. The Strategic Petroleum Reserve now contains approximately 500 million barrels that can be used to ameliorate the effect of supply interruptions. Thus, by any measure, the nation is in a stronger, and more efficient, energy position than it was a decade ago.

GM's comment on the NPRM stated that the effect of "the deregulation of the oil industry and the existence of the Strategic Petroleum Reserve as well as continued conservation and the development of alternative energy sources, such as methanol, has been to place the U.S. in a much more secure energy position. That commenter urged that it is "important that NHTSA take these developments into account in explaining the 'need of the nation to conserve energy.'

Chrysler commented that it believes that the need to conserve petroleum-based energy should remain a national priority, despite the transient period of falling fuel prices we are now experiencing. That company stated that there is every reason to expect that oil will again be in short supply, even within the lifetime of vehicles produced in the 1988–89 models years.

The Center for Auto Safety commented that the nation is facing a future of greater reliance on imported petroleum to fuel a vehicle fleet which includes an increasing share of light trucks. That organization argued that the Iraq-Iran war and other Middle East instabilities continue to threaten our national security, and cited a study by the National Academy of Sciences noting that the oil in the Strategic Petroleum Reserve will equal a decreasing number of days supply in future years.

Since the NPRM was prepared, world oil prices have dropped precipitously, from $28 to $30 a barrel late last year to close to $10 a barrel this year in some cases. While the fall in oil prices offers significant benefits to consumers and other users of oil, it may also result in decreased domestic production and increased reliance on foreign imports. The most recent available long term projection by EIA and Data Resources, Inc. (DRI), which are based on late 1985 data, indicate that domestic production could decline from a stable level of 10.6 MMB/D to about 8.2 MMB/D by 1995, and net imports could rise from 4.2 MMB/D to about 7.7 (EIA) to 9.1 (DRI) MMD/D by 1995. If this occurred, imports could reach 50 percent of U.S. petroleum use by 1995. As noted by the NPRM, however, experience has shown that future projections about petroleum supply, prices and imports are subject to great uncertainty.

MY 1988 light trucks meeting the 20.5 mpg standard established by this rule will be more fuel-efficient than the average vehicle in the current light truck fleet in service, thus making a positive contribution to petroleum conservation. Further, the agency believes that many of the changed conditions since 1975, including decontrol of oil, establishment of the Strategic Petroleum Reserve, and diversification of the sources of oil imports, ensure that the nation will remain in a strong energy position, even if imports should rise to earlier levels.

Determining the Maximum Feasible Average Fuel Economy Level

As discussed above, section 502(b) requires that light truck fuel economy standards be set at the maximum feasible average fuel economy level. In making this determination, the agency must consider the four factors of section 502(e): technological feasibility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the nation to conserve energy.

A. Interpretation of "Feasible"

Based on dictionary definitions and judicial interpretations of similar language in other statutes, the agency has in the past interpreted "feasible" to refer to whether something is capable of being done. The agency has thus concluded in the past that a standard set at the maximum feasible average fuel economy level must: (1) Be capable of being done and (2) be at the highest level that is capable of being done, taking account of what manufacturers are able to do in light of available technology, economic practicability, how other Federal motor vehicle standards affect average fuel economy, and the need of the nation to conserve energy. In this rulemaking, as earlier rulemakings, NHTSA has considered and weighed all four statutory factors of section 502(e) and has not merely adopted a level based on what was technologically capable of being done.

B. Industrywide Considerations

The statute does not expressly state whether the concept of feasibility is to be determined on a manufacturer-by-manufacturer basis or on an industrywide basis. Legislative history may be used as an indication of congressional intent in resolving ambiguities in statutory language. The agency believes that the below-quoted language provides guidance on the meaning of "maximum feasible average fuel economy level."

The Conference Report to the 1975 Act (S. Rep. No. 94–516, 94th Cong., 1st Sess. 154–5 (1975)), states:

> Such determination [of maximum feasible average fuel economy level] should therefore take industrywide considerations into account. For example, a determination of maximum feasible average fuel economy should not be keyed to the single manufacturer which might have the most difficulty achieving a given level of average fuel economy. Rather, the Secretary must weigh the benefits to the nation of a higher average fuel economy standard against the difficulties of individual manufacturers. Such difficulties, however, should be given appropriate weight in setting the standard in light of the small number of domestic manufacturers that currently exist, and the possible implications for the national economy and for reduced competition association (sic) with a severe strain on any manufacturer. . . .

It is clear from the Conference Report that Congress did not intend that standards simply be set at the level of the least capable manufacturer. Rather, NHTSA must take industrywide considerations into account in determining the maximum feasible average fuel economy level. The focus, thus, must be on the manufacturers' collective ability to meet a standard, rather than any particular manufacturer's ability to meet it.

NHTSA has consistently taken the position that it has a responsibility to set light truck standards at a level that can be achieved by manufacturers whose vehicles constitute a substantial share of the market. See 49 FR 41251, October 22, 1984. The agency did set the MY 1982 light truck fuel economy standards at a level which it recognized might be above the maximum feasible fuel economy capability of Chrysler, based on the conclusion that the energy benefits associated with the higher standard would outweigh the harm to Chrysler (45 FR 20871, 20876; March 31, 1980). However, as the agency noted in deciding not to set the MY 1983–1985 light truck standards above Ford's level of capability, Chrysler had only 10–15 percent of the light truck domestic sales, while Ford had about 35 percent. (45 FR 81593, 81599); December 11, 1980).

C. Setting the MY 1988 Standards

Based on the analysis described above and on manufacturer projections, the agency concludes that

manufacturers can achieve the combined fuel economy levels in the following table:

Manufacturer	Approximate market share	Combined CAFE
Chrysler	13.0	21.5 mpg to 22.3 mpg.
GM	33.0	20.8 mpg to 21.1 mpg.
Ford	25.0	20.5 mpg.
AMC	5.0	19.9 mpg [1]
Volkswagen	0.5	19.1 mpg.
Lands	([2])	16.9 mpg.

[1] AMC's MY 1988 combined projection, unadjusted for the additional 4WD fuel-economy improving actions identified by NHTSA's analysis.
[2] Less than 0.01 percent.

As indicated above, foreign manufacturers other than Volkswagen only compete in the small vehicle portion of the light truck market and are therefore expected to achieve CAFE levels well above GM, Ford and Chrysler, which offer full ranges of light truck models.

NHTSA has concluded that among the manufacturers with a substantial share of combined light truck sales, Ford is the least capable manufacturer, with a maximum MY 1988 combined fuel economy capability no higher than 20.5 mpg. While AMC has a lower combined capability than Ford, due to AMC's model mix being heavy weighted toward 4WD vehicles, AMC does not have a substantial share of combined light truck sales. Further, the agency has again adopted the approach of setting optional separate 2WD and 4WD standards in light of model mixes that are heavily weighted toward 4WD vehicles. Since, as discussed below, AMC can meet both the 2WD and 4WD standards, it is unnecessary for it to be able to meet the combined standard.

NHTSA has concluded that 20.5 mpg is the maximum feasible combined standard for the 1988 model year. This level balances the potential petroleum savings associated with higher standards against the difficulties of individual manufacturers facing potentially higher standards.

The setting of maximum feasible fuel economy standards, based on consideration of the four required factors, is not a mere mathematical exercise but requires agency judgment. In setting the MY 1988 standards, the agency believes that the current plummeting of gasoline prices affects both the benefits of differing levels of average fuel economy standards and the difficulties of individual automobile manufacturers facing higher standards, i.e., both of the considerations NHTSA must balance in setting maximum feasible standards taking industrywide considerations into account. (See the language of the Conference Report quoted above.)

The main benefit from setting higher fuel economy standards is the potential additional petroleum savings which would result. Since rapidly falling gasoline prices result in reduced consumer demand for higher fuel economy, individual manufacturers whose maximum fuel economy capabilities may be above the level of the industrywide standard may have less incentive to achieve their maximum capabilities. This may explain GM's business decision to cancel some technological programs to improve fuel economy and Chrysler's current reconsideration of its product mix for future model years. There may, of course, be counterbalancing motivations for achieving higher fuel economy, such as a need or desire to earn credits for exceeding fuel economy standards.

The 20.5 mpg standard will be challenging for Ford, without causing significant economic distortion, and act as an incentive for that company to achieve its maximum fuel economy capability. Since Ford produces more than 25 percent of all light trucks subject to fuel economy standards, a standard set at its level can make a substantial contribution to petroleum conservation.

NHTSA believes there are serious questions whether a standard set at a level above Ford's capability would be consistent with the requirement that standards be set taking industrywide considerations into account, given that company's more than 25 percent market share. Even if the MY 1988 standard could be set at a level above Ford's capability, however, the agency believes that it clearly could not be set above both Ford's and GM's capabilities, since those companies' combined market share approaches 60 percent. As noted previously, the agency's estimate of GM's maximum capability for MY 1988 is 20.8 to 21.1 mpg. Thus, any higher standard than 20.5 mpg could not exceed that range.

The precise effects on petroleum conservation of a standard set at GM's projected capability are uncertain, although the effects can be bounded. The maximum theoretical additional energy savings associated with a standard set at that higher level can be determined by comparing hypothetical situations where GM and Ford would have combined average fuel economy levels of 21.0 mpg versus 20.5 mpg. Since most other manufacturers in the industry project MY 1988 CAFE above that of GM's capability, a standard set at 21.0 mpg would not be expected to affect the petroleum consumption of trucks manufactured by that part of the industry. The difference in total gasoline consumption between these two hypothetical situations, over the *lifetime* of the MY 1988 fleet, would be 419 million gallons. The maximum yearly impact on U.S. gasoline consumption would be 48.3 million gallons, or roughly five hundredths of one percent of total motor vehicle gasoline consumption.

The agency believes, however, that any actual gasoline savings associated with a higher standard would be much less. While GM would have an added incentive to achieve its maximum fuel economy capability, it is not clear in light of possible carryforward/carryback credits whether this would actually occur. Ford could not likely improve its CAFE other than by restricting sales of its larger light trucks and engines. To the extent that would-be purchasers of such vehicles and engines transferred their purchases to GM and Chrysler without those companies otherwise changing their product plans, there could be little or no effect on petroleum consumption.

While the agency recognizes that a higher standard could have some effect on gasoline consumption, it concludes that the effect would be much less than the theoretical maximum noted above and could be negligible.

A higher standard than 20.5 mpg could result in serious economic difficulties for Ford. NHTSA believes that the first potential fuel-efficiency enhancing actions that Ford or any other manufacturer would consider in response to a higher standard would primarily consist of marketing actions. For the reasons discussed earlier in this notice, however, the agency does not believe that marketing actions can be relied upon to significantly improve fuel economy. Assuming that such marketing actions were unsuccessful in whole or in part, Ford would likely have to engage in product restrictions, including limiting the sales of larger engines and/or vehicles to improve its fuel economy. Such product restrictions could result in adverse economic consequences for Ford, its employees, and the economy as a whole and unduly limit consumer choice, especially with regard to the load carrying needs of light truck purchasers.

The agency believes that the current situation of plummeting gasoline prices can create significant difficulties for individual manufacturers facing higher CAFE standards. As gasoline prices fall, consumer demand shifts toward larger vehicles and more power engines. While the magnitude of such shifts is limited to some extent by the fact that trucks are purchased largely with respect to work-

performing capabilities, lower gasoline prices can nonetheless result in mix shifts which lower manufacturers' CAFE. The large magnitude of the recent drop in gasoline prices makes it particularly difficult for manufacturers such as Ford to attempt to use marketing efforts to overcome such shifts in consumer demand.

Given Ford's more than 25 percent share of the light truck market, its capability has a significant effect on the level of the industry's capability and, therefore, on the level of the standards. The agency believes that for Ford, the 20.5 mpg standard balances the potentially serious adverse economic consequences associated with market and technological risks against that company's opportunities as the least capable manufacturer with a substantial share of sales. The agency concludes, in view of the statutory requirement to consider several factors, that the relatively small and uncertain energy savings associated with setting a standard above Ford's capability would not justify the economic harm to that company and the economy as a whole.

The agency recognizes that a 20.5 mpg standard is above the capabilities of Volkswagen and Lands Motor Company. Given the limited remaining leadtime for both companies and the limited financial resources of Lands, the agency does not believe that either company could change its product plans to meet the 20.5 mpg standard. In the absence of some type of alternative light truck standard which these companies could meet (an issue which is addressed further below), the companies would therefore be limited to two options: paying the statutory penalties associated with failure to comply with fuel economy standards (to the extent credits are not available) or drastic product actions which, in the case of Lands, could include ceasing production. While the agency appreciates these difficulties, it also concludes that establishment of a standard less than 20.5 mpg would reduce or eliminate the incentives for Ford to achieve its maximum capability and essentially render meaningless any impact the light truck CAFE program has on petroleum conservation. Given that Volkswagen and Lands Motor Company together represent less than one-half of one percent of the light truck market and in light of the above factors, NHTSA believes that it would be inappropriate to set industrywide standards based on these manufacturers' capabilities. In light of the statutory criteria, NHTSA concludes that the petroleum savings associated with the 20.5 mpg standard outweigh the difficulties to these two companies.ge

A combined standard of 20.5 mpg was supported by some manufacturers. Ford's comment on the NPRM recommended a MY 1988 standard of 20.5 mpg. Ford noted that although the level of its recommended standard is higher than the low end of its estimated capability when all potential risks are taken into account, it believes that the 20.5 mpg level represents a reasonable balancing of the risks and opportunities facing the company and, therefore, reflects its best estimate of Ford's maximum feasible average fuel economy capability. Chrysler stated that given the present circumstances and uncertainties, it would not object if the agency sees fit to carry over the present 1987 light truck CAFE standard of 20.5 mpg to MY 1988.

GM commented that due to such uncertainties as potential further mix shifts and increased imports, beyond what it is currently projecting, a 20.5 mpg standard might be too stringent. That company stated that if its current forecasts prove to be unduly optimistic, it would then have to either petition for a lower standard or resort to product restrictions with attendant layoffs and negative impact on the economy in order to remain in compliance.

NHTSA disagrees with this comment of GM. As discussed above, the agency has concluded that GM can take additional technological actions beyond what it is now planning to achieve a MY 1988 CAFE of 20.8 mpg to 21.1 mpg. If that company now believes that there is a significant question concerning whether its current product plan can meet the 20.5 mpg standard, it can take the additional technological actions to ensure compliance. Moreover, as GM stated elsewhere in its comment and as noted above, product restrictions would occur only after incentives and available credits had been applied.

The Center for Auto Safety (CFAS) urged that the MY 1988 standard be set at 23.5 mpg. That commenter's request appears to have been based on the manufacturers' projections cited in the NPRM, on its assertion that the manufacturers' projections are "considerably below true manufacturing potential," and on its contention that changing market conditions will help light truck fuel economy rather than cause it to deteriorate, as the percentage sales of compact and more fuel-efficient light trucks is expected to increase. CFAS also argued that GM and Ford have had at least five years leadtime to introduce new models and technologies for the 1988 standard.

NHTSA disagrees with CFAS's arguments supporting a 23.5 mpg standard. The agency's analysis of changes in the manufacturers' projections is fully discussed above. CFAS did not support its allegation concerning manufacturers' projections being below true manufacturing potential, other than to reference a comment it has made in the agency's ongoing passenger automobile fuel economy rulemaking. The agency has analyzed the data underlying the manufacturers' light truck CAFE projections and has no reason to give this allegation any credence. While it is true that the percentage sales of compact light trucks is expected to increase, the agency agrees with a comment by Ford that this shift is unlikely to cause any significant increase in its CAFE because estimated sales of its products are heavily weighted toward the larger vehicles. As stated by that company, significantly increasing its share of the compact truck market beyond projections would be difficult, since the Japanese manufacturers have emphasized that market. Ford also pointed out that competitive reports indicate that competition is expected to intensify in that market as the Japanese work to strengthen their market share at the expense of the domestic manufacturers. NHTSA also disagrees with CFAS's argument that GM and Ford have had at least five years leadtime for the 1988 standard. Unlike the situation with passenger automobile fuel economy standards, where a 27.5 mpg standard is in place indefinitely unless it is amended by the agency, no light truck fuel economy standard is in place until it is established by the agency.

As in past years, the agency has decided to continue setting 2WD and 4WD standards as an alternative to the combined standard. Separate 2WD/4WD standards allow manufacturers greater flexibility in planning to meet CAFE standards and do not discriminate against firms with truck fleets heavily weighted toward 4WD models.

NHTSA has concluded that AMC and GM are the least capable manufacturers with substantial shares of 4WD light trucks, and has focused on these manufacturers' capabilities in establishing the separate 4WD standard. As discussed earlier in the notice, the agency concluded that 19.5 mpg is AMC's maximum 4WD fuel economy capability and that GM's 4WD fuel economy capability could be as high as 19.5 mpg. The final 4WD standard is being established at 19.5 mpg.

AMC has traditionally been the manufacturer primarily concerned about separate standards due to the high percentage of 4WD light trucks in its fleet. AMC requested in its comment that the 4WD standard be set at 19.0 mpg. NHTSA has concluded, however, that AMC can achieve a MY 1988 4WD CAFE of 19.5 mpg by making relatively minor changes in its product plan and thereby meet the 19.5 standard. While the agency recognizes that the 19.5 mpg standard will be challenging for AMC, it believes that it is appropriate under the statutory requirement for "maximum feasible" standards.

The agency notes that Chrysler has a lower 4WD fuel economy capability than GM, AMC, or Ford. Chrysler projects that its 4WD CAFE could be as low as 17.4 mpg. However, in 1985, Chrysler's share of the 4WD market was less than five percent. Thus, that company did not have a substantial share of 4WD light truck sales. Moreover, since Chrysler can meet the combined standard, it is unnecessary for it to be able to meet the separate standards.

NHTSA has concluded that Ford is the least capable manufacturer with a substantial share of 2WD light trucks, and has focused on that manufacturer's capabilities in establishing the separate 2WD standard. As discussed earlier in the notice, the agency concluded that Ford's maximum 2WD fuel economy capability is 21.0 mpg. The final 2WD standard is being set at 21.0 mpg.

AMC requested in its comment that the 2WD standard be set at 20.3 mpg. The company projects its MY 1988 2WD CAFE at 21.3 mpg. NHTSA has concluded, based on its analysis of that company's projection, underlying product plan, and expected market conditions, that AMC can meet the 2WD separate standard of 21.0 mpg.

Volkswagen suggested as an alternative to establishing a combined standard within its capability that the agency consider alternate special consideration for limited product line truck manufacturers. In establishing the MY 1980–81 light truck CAFE standards, the agency did establish a separate standard in light of International Harvester's (IH) limited product line. See 43 FR 11995, March 23, 1978. The agency noted that IH had unique problems given its limited sales volume, restricted product line, the fact that its engines were derivatives of medium duty truck (above 10,000 pounds GVWR) engines, and the fact it did not have experience with state-of-the-art emission control technology which the other manufacturers had obtained in the passenger automobile market. The agency emphasized, however, that the separate class was being established for only two model years' duration, concluding that IH should be able to achieve levels of fuel efficiency in line with other manufacturers within that time period either through purchasing engines from outside sources or by making improvements to current engines. The agency does not believe that Volkswagen's situation is similar to that of IH. While IH's difficulties were related to being newly subject to the fuel economy program, Volkswagen's CAFE difficulties are not. Moreover, establishing a separate standard for Volkswagen would be outside the scope of notice of the NPRM.

The agency will address Lands Motor Company's petition requesting a separate fuel economy standard for its Precedent model in a separate notice.

Impact Analyses

1. Executive Order 12291

The agency considered the economic implications of the fuel economy standards established by this rule and determined that the rule is major within the meaning of Executive Order 12291 and significant within the meaning of the Department's regulatory procedures. The agency believes that many of the changed conditions since 1975, including decontrol of oil, establishment of the Strategic Petroleum Reserve, and diversification of the sources of oil imports, ensure that the nation will remain in a strong energy position, even if imports should rise to earlier levels. The agency believes also that the standards established by this notice can be met without significant economic distortion. The agency's detailed analysis of the economic effects is set forth in its regulatory impact analysis. The contents of that analysis are generally described in the above sections of this preamble.

2. Environmental Impacts

The agency has analyzed the potential environmental impacts of these light truck fuel economy standards in accordance with the requirements of the National Environmental Policy Act of 1969 and concluded that the rule it is adopting will not significantly affect the human environment. An Environmental Assessment (EA) was prepared and placed in the public docket in conjunction with the NPRM and made available to the public for comment. The EA analyzed the potential environmental effects for the range of standards proposed by the NPRM. The EA stated that the agency expected to make a finding that the rulemaking would not have a significant impact on the human environment. No comments were received on the EA.

As indicated in the EA, any fuel savings that might have resulted from the establishment of standards at the high end of the proposed range would have been minimal. With respect to any possible effects on air pollution, the agency notes that a recent letter to NHTSA from the Environmental Protection Agency (EPA), in another fuel economy rulemaking, discussed a number of considerations concerning why little change in air quality can be expected from different levels of fuel economy standards. (Docket No. FE–85–01, Notice 2, Item 121.) Among other things, the letter indicated that exhaust emissions will not change because EPA mobile source standards for oxides of nitrogen (NO_x), carbon monoxide (CO), and hydrocarbons (HC) are expressed in grams/mile. While the EPA mobile source standard for lead (Pb) is expressed in grams per gallons of gasoline, compliance with that standard would not be affected by a change in fuel consumption because MY 1988 light trucks must use unleaded fuel. NHTSA concludes that little change in air quality is expected as a result of the adoption of these regulations.

Based on all available information, including the analysis presented in the EA, the agency has determined that this rulemaking action will not have a significant effect upon the environment. The agency is therefore making a finding of no significant impact (FONSI).

3. Impacts on Small Entities

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact this rulemaking action will have on small entities. I certify that this action will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required for this action. Only one light truck manufacturer, Lands Motor Company, might be classed as a "small business" under the Regulatory Flexibility Act. In the case of small businesses, organizations and governmental units which purchase light trucks, those entities which purchase a 1988 truck might achieve a gain in fuel economy as compared to a situation in which there was no standard. The cost impact of this rulemaking action is not

high enough to reduce the ability of these groups to purchase new vehicles.

Department of Energy Review

In accordance with section 502(j) of the Act, the agency has submitted this rule to the Department of Energy for review. The Department made no unaccommodated comments.

List of Subjects in 49 CFR Part 533

Energy conservation, Gasoline, Imports, Motor vehicles.

PART 533—[AMENDED]

In consideration of the foregoing, 49 CFR Part 533 is amended as follows:

1. The authority citation for Part 533 continues to read as follows:

Authority: 49 U.S.C. 1657; 15 U.S.C. 2002; delegation of authority at 49 CFR 1.50.

2. Table II in § 533.5(a) is revised to read as follows:

§ 533.5 Requirements.

(a) * * *

TABLE II

Model year	Combined standard		2-wheel drive light trucks		4-wheel drive light trucks	
	Captive imports	Others	Captive imports	Others	Captive imports	Others
1982	17.5	17.5	18.0	18.0	16.0	16.0
1983	19.0	19.0	19.5	19.5	17.5	17.5
1984	20.0	20.0	20.3	20.3	18.5	18.5
1985	19.5	19.5	19.7	19.7	18.9	18.9
1986	20.0	20.0	20.5	20.5	19.5	19.5
1987	20.5	20.5	21.0	21.0	19.5	19.5
1988	20.5	20.5	21.0	21.0	19.5	19.5

* * * * *

3. Section 533.5(d) is revised to read as follows:

* * * * *

(d) For model years 1982–88, each manufacturer may:

(1) Combine its 2- and 4-wheel drive light trucks (segregating captive import and other light trucks) and comply with the combined average fuel economy standard specified in paragraph (a) of this section; or

(2) Comply separately with the 2-wheel drive standards and the 4-wheel drive standards (segregating captive import and other light trucks) specified in paragraph (a) of this section.

Issued on April 17, 1986.

Diane K. Steed,

Administrator.

[FR Doc. 86-9032 Filed 4-18-86; 12:00 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 50950-5182]

Tanner Crab off Alaska

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

ACTION: Notice of season closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the *Chinoecetes opilio* Tanner crab fishery in the Southeastern Subdistrict of the Bering Sea District of Registration Area J (Westward) must be closed in order to protect all Tanner crab stocks. The Secretary of Commerce therefore issues this notice closing fishing for all Tanner crabs by vessels of the United States in the Southeastern subdistrict. This action is intended as a management measure to conserve Tanner crab stocks.

DATES: This notice is effective at noon, Alaska Standard Time (AST), April 21, 1986. Public comments on this notice of closure are invited until May 6, 1986.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 15-day comment period, the data on which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m., AST, weekdays) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

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

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act), provides for in season adjustments of area openings and closures. Implementing regulations at § 671.27(b) specify that notices of these adjustments will be issued by the Secretary of Commerce under criteria set out in that section.

Section 671.26(f) establishes six district within Registration Area J to independently manage individual Tanner crab stocks. One of these districts is the Bering Sea District, which is further divided into three subdistricts. The regularly scheduled 1986 fishing season for *C. opilio* in the Southeastern Subdistrict began on January 15, 1986 (50 FR 47549, November 19, 1985). A large portion of this subdistrict, south of 58° N. latitude and east of 164° W., longitude, was closed by emergency rule (51 FR 12857, April 16, 1986) to all fishing for Tanner and king crabs because of the depressed condition of *C. bairdi* Tanner crab and red king crab stocks.

Reasons for this closure follows:

As of April 7, approximately 45 vessels have delivered about 7.4 million pounds of *C. opilio* Tanner crab from the Southeastern Subdistrict. The catch per unit of effort (CPUE) fluctuated from 152 to 247 *C. opilio* Tanner crabs per pot during January. Beginning in February, effort remained constant enough to document trends in CPUE. The CPUE declined from 189 crabs per pot during the week ending February 9 to 66 crabs per pot during the week ending April 6. Currently, fishing vessels are transferring into the Pribilof Subdistrict because catches in the Southeastern Subdistrict are low. The drastic decline in CPUE indicates a rapid unanticipated depletion of the available *C. opilio* Tanner crab stock.

Based on the rapidly declining CPUE in the fishery, the Regional Director has determined that the condition of the *C. opilio* Tanner crab stocks in the Southeastern Subdistrict is substantially different from the condition anticipated on November 1, the beginning of the fishing year, and that this difference reasonably supports the need to protect the *C. opilio* Tanner crab stocks. The Southeastern Subdistrict, as defined in § 671.26(f)(1)(vi)(A), is closed by this notice until noon, Alaska Daylight Time, August 1, 1986, at which time the closure of this subdistrict prescribed in Table 1 of § 671.21(a) will begin.

This closure will become effective after this notice is filed for public inspection with the Office of the Federal Register and the closure is publicized for 48 hours through procedures of the Alaska Department of Fish and Game. Public comments on this notice of closure may be submitted to the Regional Director at the address above. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this notice's continued effect, modifying it, or rescinding it.

Other Matters

Tanner crab stocks in the Southeastern Subdistrict of Registration Area J (Westward) will be subject to damage unless this closure takes effect

promptly. NOAA therefore finds for good cause that advance opportunity for public comment on this notice is contrary to the public interest and that no delay should occur in its effective date.

This action is taken under 50 CFR Part 671 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 671

Fisheries, Reporting and recordkeeping requirements.

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

Dated: April 18, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-9067 Filed 4-21-86; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 672

[Docket No. 51180-5180]

Fishery Conservation and Management Groundfish of the Gulf of Alaska

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

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region NMFS (Regional Director), has determined that the share of the sablefish optimum yield (OY) allocated to hook-and-line gear in the Southeast Outside District and in the East Yakutat District of the Eastern Regulatory Area of the Gulf of Alaska will be achieved on April 17, 1986. A closure of the fishery for sablefish by hook-and-line gear is necessary to limit the harvest of sablefish by hook-and-line gear to the 95 percent of the OY that is permissible by Federal law in these districts. This closure is a management measure intended to allocate the sablefish resource between hook-and-line and trawl gear in the Southeast Outside and East Yakutat districts as required by Amendment 14 to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska (FMP).

DATES: This notice is effective at noon, Alaska Standard Time (AST), April 17, 1986, until midnight, AST, December 31, 1986. Public comments are invited on this closure until May 2, 1986.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m., Monday through Friday) at the Alaska Regional Office, NMFS, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The FMP, which governs the groundfish fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act) provides for inseason adjustments of fishing seasons and areas. Regulations at § 672.22(a) specify that these adjustments will be made by the Secretary of Commerce under procedures set out in that section.

Section 672.2 defines three regulatory areas in the Gulf of Alaska. One of these is the Eastern Regulatory Area, which is further divided into three regulatory districts for the purpose of better managing sablefish: West Yakutat, East Yakutat, and Southeast Outside. Current regulations at § 672.20, Table 1, specify the OYs in the Southeast Outside and East Yakutat Districts to be 470 to 1,435 mt and 850 to 1,135 mt, respectively. However, the North Pacific Fishery Management Council (Council), at its December 10-14, 1985, meeting, determined that the OYs in these two districts should be 2,346 mt and 1,104 mt, respectively. The Council recommended that NOAA promulgate an emergency rule under Magnuson Act section 305(e), to implement these new OYs, pending amendment of the FMP. The Alaska Region has submitted this emergency rule for review by the Secretary of Commerce; it is expected to be promulgated within the next month.

Section 672.24(b)(1) of the regulations allows directed fishing, defined at § 672.2, for sablefish in the Eastern Area with hook-and-line gear only to 95 percent of its OY. Fishing for other groundfish species with trawl gear is allowed until trawl vessels have harvested 5 percent of the sablefish OY as a bycatch. Thus, 95 percent and 5 percent of the new sablefish OYs are allocated to vessels using hook-and-line gear and trawl vessels, respectively.

In determining the 1986 sablefish shares between hook-and-line and trawl gear in the Southeast Outside and East Yakutat Districts under the sablefish allocation formula provided by Amendment 14, the NMFS Alaska Region is using 95 percent and 5 percent of the recommended 1986 OYs, respectively. The allocations, therefore, between hook-and-line and trawl gear are 2,229 mt and 117 mt in the Southeast Outside District; and 1,049 mt and 55 mt in the East Yakutat District.

An estimated 150 hook-and-line vessels have conducted a directed fishery for sablefish during the fishing season, which began on April 1, 1986. Except for a week of poor weather, many vessels have experienced good catches. On average, each of the vessels is harvesting an estimated 1.3 metric tons of sablefish per day. At the current catch rate, the hook-and-line shares of the OYs will be fully harvested on April 17, 1986, and further directed sablefish fishing with hook-and-line gear after noon on that date is prohibited. This closure is a management measure intended to implement the allocation of the sablefish resource as provided for by Amendment 14 to the FMP. Sablefish landings by hook-and-line vessels west of the East Yakutat District, i.e., west of 140° W. longitude, are expected to increase rapidly as part of the fleet moves west following notice of this closure.

One of the regulations implementing Amendment 14—§ 672.24(b)—requires the NMFS Regional Director to close all fishing for groundfish with a gear type in an area when the sablefish share allocated by Amendment 14 to that gear type in that area has been taken. At its January 15-17, 1986 meeting, however, the Council recommended that NOAA amend this regulation to allow the Regional Director to prohibit directed fishing for sablefish by that gear type in that area and thus leave a bycatch amount to support other directed groundfish fisheries. Fishing for other groundfish species could thus continue. If the sablefish share was nevertheless harvested before the end of that year, the Regional Director could allow fishing by that gear in that area for other groundfish species to continue, with sablefish being treated as a prohibited species, providing that overfishing of sablefish would not result. The Alaska Region has also submitted an emergency rule that would amend the regulation cited above to implement the Council's recommendation.

The requirement of § 672.20(b) that all groundfish fishing by a gear type in an area be closed when its sablefish allocation for that area has been taken conflicts with Amemdment 14 as interpreted by the Council and NMFS. The Regional Director is, therefore, not obliged even before promulgation of the new rule to impose such a closure, provided that continued fishing by that gear type will not cause overfishing of sablefish. The Regional Director has reviewed the bycatches of sablefish that might be taken in other directed

groundfish hook-and-line fisheries in the Southeast Outside and East Yakutat Districts and finds that continued fishing for other groundfish species will not cause overfishing of sablefish.

This closure will be effective when this notice is filed for public inspection with the Office of the Federal Register and after it has been publicized for 48 hours through procedures of the Alaska Department of Fish and Game under § 672.22(a). Public comments on this notice of closure may be submitted to the Regional Director at the address above for 15 days following its effective date. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this closure's continued effect, modifying it, or rescinding it.

Other Matters

Allocation of the sablefish resource between hook-and-line and trawl gear in the Southeast Outside and East Yakutat Districts, as required by Amendment 14, and the continued health of that resource will be jeopardized unless this closure takes effect promptly. NOAA therefore finds for good cause that advance opportunity for comment on this notice is contrary to the public interest and that its effective date should not be delayed.

This action is taken under §§ 672.22 and 672.24 and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: April 18, 1986.

Carmen J. Blondin,

Deputy Assistant Administor For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-9066 Filed 4-18-86; 3:44 pm]

BILLING 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 78
Wednesday, April 23, 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

Agricultural Marketing Service

7 CFR Part 911

Limes Grown in Florida; Proposed Amendment to Container Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would permit lime handlers to make export shipments in 2.5 kilogram containers and eliminate five containers no longer used by the industry. The addition of the 2.5 kilogram container will allow U.S. shippers to compete more favorably in certain European markets. Elimination of the five containers currently authorized but no longer used will bring the container requirements into conformity with current handler packing practices.

DATE: Comments due May 23, 1986.

ADDRESS: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2069–S, U.S. Department of Agriculture, Washington, DC 20250. Two copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5697.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Departmental Regulation 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules proposed thereunder, are unique in that they are brought about through the group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that approximtely 26 handlers of limes will be subject to regulation under the Florida Lime Marketing Order during the course of the current season and that the great majority of this group may be classified as small entities. While regulations issued during the season impose some costs on affected handlers, the added burden imposed on small entities by this amendment, if present at all, is not significant.

The proposed container requirement changes are pursuant to the marketing agreement and Marketing Order No. 911 regulating the handling of limes grown in Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Lime Administrative Committee, established under the program, is responsible for its local administration.

At its public meeting on February 12, 1986, the committee recommended adding a new container to be used for export shipments. The new container would have inside dimensions of 7½ by 12 by 4½ inches and contain 2.5 kilograms (approximately 5.5 pounds) of limes. Foreign shippers, notably those from Brazil, tend to adjust container sizes as the market price of limes changes. This can place U.S. shippers at a competitive disadvantage if they cannot use a container similar to those used by other shippers. The addition of the 2.5 kilogram container will make it easier for U.S. exporters to compete in certain European markets with shippers from other lime producing areas using the 2.5 kilogram container.

The committee also recommended eliminating five containers from the container regulation. These containers are of larger capacity, ranging from 38 to 42 pounds and 20 to 22 pounds of limes. The industry has been moving toward smaller containers over the years, and the ones to be eliminated are no longer used. The proposed change would lessen the number of large containers authorized and bring the container requirements into conformity with industry operating practices.

List of Subjects in 7 CFR Part 911

Marketing agreements and orders, Limes, Florida.

PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 911 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 911.329 (47 FR 22073, May 21, 1982; 47 FR 29647, July 8, 1982; and 47 FR 45865, October 14, 1982) is hereby amended by removing (a)(2)(i) through (a)(2)(v), adding a new (a)(2)(i), and redesignating (a)(2)(iv) through (a)(2)(xii) as (a)(2)(ii) through (a)(2)(viii), respectively, as follows:

§ 911.329 Lime regulation 27.

(a) * * *

(2) * * *

(i) Containers with inside dimensions of 7½ by 12 by 4½ inches; except that any such containier shall contain not less than 5 nor more than 6 pounds net weight of limes.

* * * * *

Dated: April 17, 1986.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86–9037 Filed 4–22–86; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 86–AWA–10]

Proposed Subdivision of R–6412, Camp Williams, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to subdivide Restricted Area R–6412, Camp Williams, UT, into R–6412A and R–6412B with changes in altitude

structures and times of use. This action would provide the necessary airspace for the live-fire training of weaons by the Department of Army. This airspace is expected to be used approximately 38 days per year.

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

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 86–AWA–10, Federal Aviation Administration, 17900 Pacific Highway South, C–68966, Seattle, WA 98168.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC

An informal docket may also be examined during normal business hours at the office of the Regional Traffic Division.

FOR FURHTER INFORMATION CONTACT:

Andrew B. Oltmanns, Airspace and Aeronautical Information Requirements Branch (ATO–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426–3128.

SUPPLEMENTARY INFORMATION:

Comment Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86–AWA–10." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability for NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to subdivide Restricted Area R–6412, Camp Williams, UT, into R–6412A and R–6412B with changes in altitude structures and times of use. The Department of the Army has requested these changes in airspace to accommodate the live-fire training of weapons. The ceiling of R–6412A will be 9,000 feet MSL. The designated altitudes of R–6412B will be from 9,000 feet MSL to and including 10,000 feet MSL. R–6412A and R–6412B will be used for two weeks in the month of June. In addition, R–6412A will be used for five weekends per year during the months of April, May, August, September, and October. Section 73.64 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 1069(g) (revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69

2. Section 73.64 is amended as follows:

R–6412 Camp Williams, UT—[Removed]

R–6412A Camp Williams, UT—[New]

Boundaries. Beginning at lat. 40°27'30" N., long. 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to lat. 40°23'30" N., long. 111°54'58" W.; to lat. 40°23'30" N., long. 112°06'00" W.; to lat. 40°27'30" N., long. 112°06'00" W.; to the point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. By NOTAM.

Controlling agency. FAA, Salt Lake City Tower.

Using agency. The Adjutant General, state of Utah.

R–6412B Camp Williams, UT—[New]

Boundaries. Beginning at lat. 40°27'30" N., long. 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to lat. 40°23'30" N., long. 111°54'58" W.; to lat. 40°23'30" N., long. 112°06'00" W.; to lat. 40°27'30" N., long. 112°06'00" W.; to the point of beginning.

Designated altitudes. 9,000 feet to 10,000 feet MSL.

Time of designation. By NOTAM.

Controlling agency. FAA, Salt Lake City Tower.

Using agency. The Adjutant General, state of Utah.

Issued in Washington, D.C., on April 17, 1986.

James Burns, Jr.,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–9011 Filed 4–22–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 73

[Airspace Docket No. 86-AWA-14]

Proposed Amendment to Hours of Operation for Restricted Areas; Quantico, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase, by two hours daily, the times of designation for Restricted Areas R-6608A and R-6608B, near Quantico, VA. The current times have proven inadequate to meet increased military requirements for these areas. To accommodate expanded use, the restricted areas are currently being activated outside the published hours through NOTAM action. Current and future requirements justify a permanent modification to the times of designation. This action will satisfy the increased user needs and enhance flight safety through publication of the actual hours of operation on the appropriate aeronautical charts.

DATE: Comments must be received on or before June 6, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Eastern Region, Attention: Manager, Air Traffic Division, Docket No. 86-AWA-14, Federal Aviation Administration, JFK International Airports, The Fitzgerald Federal Building, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-3656.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWA-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to change the times of designation for Restricted Areas R-6608A and R-6608B, Quantico, VA, from 0700 to 2400 hours local time daily to 0500 to 2400 hours local time daily. The Department of the Navy has stated a need for an additional two hours of use daily to accommodate increased training requirements. Currently, the restricted areas are being activated for this additional time outside the published times by NOTAM. Present utilization and future requirements indicates a level of usuage that would justify modifying the times of designation as proposed. The proposal would make permanent the present actual times of use. Section 73.66 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. § 73.66 is amended as follows:

R-6608A Quantico, VA—[Amended]

By removing the words "Continuous, 0700 to 2400 hours, local time; other times by NOTAM issued at least 24 hours in advance." and substituting the words "0500 to 2400 local time daily; other times by NOTAM 24 hours in advance."

R-6608B Quantico, VA—[Amended]

By removing the words "Continuous, 0700 to 2400 hours, local time; other times by NOTAM issued at least 24 hours in advance." and substituting the words "0500 to 2400 local time daily; other times by NOTAM 24 hours in advance."

Issued in Washington, DC, on April 17, 1986.

James Burns, Jr.,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-9012 Filed 4-22-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 807

Issuance of Air Force Publications and Forms Outside the Air Force

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: On March 13, 1986, the Air Force published (at 50 FR 8671) a final rule to remove 32 CFR, Chapter VII, Part 807, Issuing Air Force Publications and Forms Outside the Air Force. Removal of Part 807 was in error. The source document, Air Force Regulation (AFR) 7–1 is being revised. The regulation provides Air Force procedures for issuing publications and forms to private citizens, organizations and commercial activities. The regulation informs the public sector to obtain administrative publications and forms from the local Air Force installation, or where not available from the local installation, the requests are referred to the proper source.

DATE: Comments must be received by May 23, 1986.

ADDRESS: HQ USAF/DAPD, Bolling AFB, DC 20332–6468.

FOR FURTHER INFORMATION CONTACT: Walter S. Frazer, HQ USAF/DAPD, Bolling AFB, DC 20332–6468, telephone (202) 767–6077.

SUPPLEMENTARY INFORMATION: The proposed revision updates references and adds information on Limited (L) distribution items pertaining to Automatic Data Processing (ADP) systems.

List of Subjects in 32 CFR Part 807

Government contracts, Government procurement.

It is proposed to amend 32 CFR, Chapter VII, by adding Part 807 as set forth below:

PART 807—ISSUING AIR FORCE PUBLICATIONS AND FORMS OUTSIDE THE AIR FORCE

Secs.

807.1 Issuing publications and forms to private citizens, private organizations, and commercial activities.
807.2 Issuing publications and forms free outside the Air Force.
807.3 Shipments made by contractors.

Authority: Sec. 8012, 70A Stat. 488, 10 U.S.C. 8012.

§ 807.1 Issuing publications and forms to private citizens, private organizations, and commercial activities.

(a) Classified publications, accountable forms, or forms requiring storage safeguards will not be released to private citizens, private organizations or commercial activities except as stated in § 807.2 and Part 806 of this chapter.

(b) Publications marked For Official Use Only (FOVO) and Limited (L) distribution will be processed as follows:

(1) FOUO publications will be processed in accordance with Part 806 of this chapter.

(2) Requests for limited (L) distribution will be referred to the Automatic Data Processing System (ADPS) manager.

(c) Except as stated in paragraphs (a) and (b) of this section, requests from private citizens and organizations will be processed as follows. The fee schedule and charges outlined in Part 813 of this chapter will be used. Non-user charge transactions, waiver or reduced charges, other special charges and exclusions will be processed in accordance with Part 812 of this chapter. Requests will be processed according to locally established procedures.

(1) If requested items are not immediately available from local stocks, the Publishing Distribution Office will obtain them from the Air Force Publishing Distribution Center for release to the requester. Where special release prohibitions are indicated on the cover or title page, the publication will be processed according to the instructions shown.

(2) If an item is not stocked by the Air Force Publishing Distribution Center, and the index indicates availability from another source, the request will be referred to that source and the requester advised of the referral.

(3) If the request is submitted under the Freedom of Information Act as defined in Part 806 of this chapter, it will be referred to the local Freedom of Information Act Office.

(4) If a request is received by HQ USAF or the Air Force Publishing Distribution Center, it will be referred to the Air Force installation nearest to the requester for processing.

(d) Publications and forms will be issued free to commercial activities only under the conditions set forth in § 807.2; otherwise, Parts 806, 812 and 813 of this chapter apply.

§ 807.2 Issuing publications and forms free outside the Air Force.

(a) If an Air Force publication or form requested concerns invitation for bid, then it is available for review by prospective bidders and may be obtained free from the Air Force procurement authority concerned.

(b) If an Air Force publication or form is needed in connection with contract performance, then it may be obtained free from the Air Force or Defense Logistics Agency (DLA) official responsible for administering the contract, as follows:

(1) One-time issue to contractor.

(2) Followup or recurring issue to contractors of Federal Supply Catalog handbooks and manual chapters when guaranteed by contract (otherwise contractor must purchase from Superintendent of Documents, GPO).

(3) Followup or recurring issue to contractor of Air Force publication or form when the Air Force contract administering official determines issue to be necessary to contract performance.

(c) If an Air Force publication or form is desired in small quantities, and is one-time issue to another federal, state, or local government agency, then it is available free subject to security regulations on classified material; Part 806 of this chapter for FOUO publications; release requirements on L distribution items; and special release statements on individual items. The publications may be obtained from the Publishing Distribution Office or other issuing activity. Recurring requests and requests for large quantities will be referred to the procuring headquarters for determination of whether reimbursement is required.

§ 807.3 Shipments made by contractors.

(a) Air Force activities responsible for printing and distribution contracts will ensure that contractors comply with this part to the extent it is incorporated into the contract. Appropriate shipping instructions must be included in printing contracts that require initial distribution of the publications being printed.

(b) Backup stock is generally shipped to storage points by freight. However, if the contract requires the contractor to make distribution by mail, the contracting activity is authorized to furnish the contractor with Air Force official mailing labels which carry the return address of the Air Force sponsor.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–9062 Filed 4–22–86; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 86-11]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, SC

Correction

In FR Doc. 86-8019, beginning on page 12342 in the issue of Thursday, April 10, 1986, make the following correction:

On page 12343, in the second column, the seventh and eighth lines of § 117.911(f) should read "open only at 7:30 a.m., 8:30 a.m., 4:30 p.m. and 5:30 p.m.".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 5E3291/5E3292/P391; FRL-3004-8]

Pesticide Tolerances for Carbaryl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for residues of the insecticide carbaryl in or on the raw agricultural commodities crop group pome fruits and avocadoes. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodities was requested in petitions submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments, identified by the document control number [PP 5E3291/5E3292/P391], must be received on or before May 23, 1986.

ADDRESSES:

By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Rm 236, CM No. 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 will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Jack Housenger, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1806).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted the pesticide petitions (PP) 5E3291 and PP 5E3292 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Station of California.

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) in or on the raw agricultural commodities pome fruits group (PP 5E3291) and avocados (PP 5E3292) at 10 parts per million (ppm). Tolerances are currently established for residues of the insecticide carbaryl (1-naphythl *N*-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate at 10.0 ppm in or on the representative commodities of the pome fruit group, apples and pears. Establishment of the proposed tolerance for residues of carbaryl per se in or on the crop group pome fruits complies with the Registration Standard for carbaryl of March 30, 1984, which states the Agency's intent to change U.S. tolerances for carbaryl to omit references to 1-naphthol. With the establishment of the proposed crop group tolerance, tolerances would also be established for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) in or on loquats, crabapples, oriental pears and quince at 10.0 ppm. The petition is not intended to extend the use of carbaryl, but to establish a pome fruit group tolerance relevant to the already established individual tolerances on apples and pears and to identify the residue of concern. Also, the petitioner proposed that use on avocados be limited to California based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances include a three-generation rat reproduction study with a no-observed-effect level (NOEL) of 200 milligrams (mg) per kilogram (kg) and a rat feeding study with a NOEL of 200 ppm (10 mg/kg), which was negative for oncogenic effects at 400 ppm (highest level tested). Also, ten other studies were used to evaluate the oncogenic potential of carbaryl. No significant increase in the incidence of tumors was observed in these studies at levels as high as 400 ppm (the highest level tested). Although each study was found to contain some flaws in scientific design or reporting of data, the Agency believes that when the ten studies are examined collectively they provide sufficient evidence that carbaryl is not oncogenic in experimental animals and therefore does not pose an oncogenic risk to humans.

Twenty-four studies were used to evaluate the teratogenic potential of carbaryl. After evaluating these studies, the Agency has concluded that the available data do not indicate that carbaryl constitutes a potential human teratogen or reproductive hazard under the proper use. However, because certain teratology studies with dogs did not rule out teratogenic effects in that species, concern has been expressed for dogs treated with carbaryl to control fleas and ticks. The Registration Standard for carbaryl issued in March 1984 required that carbaryl registrants conduct an additional dog teratology study. In response to this requirement, Union Carbide has requested the Agency to consider the necessity of another teratology study in the dog. The Agency reevaluated the need for this study and concluded that it was needed. The carbaryl toxicology data base was previously evaluated when carbaryl was a candidate for Special Review (previously known as Rebutable Presumption Against Registration). The Agency published its determination and

findings in the **Federal Register** of December 12, 1980 (45 FR 81869), that the data did not support allegations of unreasonable adverse effects to humans, and therefore a Special Review was not warranted. Essentially, the Agency concluded that the data do not indicate that carbaryl is oncogenic, teratogenic or a reproductive hazard under proper use. More recently, the Agency reexamined these data as part of the reregistration procees for carbaryl. In the Guidance Document dated March 30, 1984, the Agency reaffirmed the conclusions reached in previous evaluation.

The acceptable daily intake (ADI), based on the 2-year rat feeding study with a NOEL of 10.0 mg/kg/day and using a 100-fold safety factor, is calculated to be 0.1 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 6.0 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 4.6778 mg/day; the current action will increase the TMRC by 0.0180 mg/day (0.38 percent). Published tolerances utilize 77.96 percent of the ADI; the current action will utilize an additional 0.30 percent.

The nature of the residues is adequately understood and an adequate analytical method, high pressure liquid chromatography, is available for enforcement purposes. There are presently no actions pending against the continued registration of carbaryl.

Based on the information and data considered by the Agency, and the fact that currently established tolerances for meat and milk are adequate to cover any residues resulting from use as animal feed, the Agency concludes that the proposed tolerances would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 5E3291/5E3292/P391]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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 a 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).

List of Subjects in 40 CFR Part 180

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

Dated: April 11, 1986.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

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

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

2. Section 180.169 is amended by removing the commodities apples and pears from the table in paragraph (a), revising paragraph (d), and adding paragraph (e) to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Apples [Removed]	10.0 [Removed]
* * * * *	
Pears [Removed]	10.0 [Removed]
* * * * *	

(d) Tolerances are established for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Pineapples	2.0
Pome fruits	10.0

(e) Tolerances with regional registration are established for the insecticide carbaryl (1-naphthyl N-methylcarbamate) in or on the following raw agricultural commodities.

Commodities	Parts per million
Avocados	10.0

[FR Doc. 86-8611 Filed 4-22-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

14 CFR Part 34

Medical Examination of Aliens (AIDS)

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: As of November 1985, approximately 15,000 cases of acquired immunodeficiency syndrome (AIDS) have been reported to the Center for Disease Control, and almost 8,000 deaths have occurred. The virus that causes AIDS is transmitted by sexual contact, by sharing needles with an infected person, through infected blood products, and perinatally. It is not transmitted by casual, nonintimate forms of contact or by food, air, water, and other inanimate objects. The Public Health Service proposes to amend the regulations concerning the medical examination of aliens to add AIDS to the list of "dangerous contagious diseases." This proposed action will allow the Department of State to deny visas and the Immigration and Naturalization Service to deny admission to aliens with AIDS who are subject to medical examination (generally immigrants and refugees).

DATE: Written comments are invited and must be received on or before June 23, 1986.

ADDRESS: Comments should be addressed in writing to the Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333. Comments received will be available for public inspection between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) in Room 201C, 1680 Tullie Circle, Atlanta, Georgia. All relevant comments received during the comment period will be considered in developing the final rule .

FOR FURTHER INFORMATION CONTACT: Dr. Laurence S. Farer, Director, Division

of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329–1286, or FTS 235–1286.

SUPPLEMENTARY INFORMATION: Section 212(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(a), lists seven medical grounds for exclusion of aliens. The first five grounds pertain to certain mental conditions, narcotic drug addiction, and chronic alcoholism. The sixth ground excludes aliens with a "dangerous contagious disease." The seventh ground refers to any physical condition that would prevent an alien from earning a living.

The scope of the medical examination required of aliens seeking admission into the United States and the definition of dangerous contagious diseases are specified in "Medical Examination of Alien Regulations" contained in 42 CFR part 34. Medical examination is mandatory for applicants for permanent resident status (immigrant visas), fiance(e)s of U.S citizens and/or their children, and refugees. For aliens seeking temporary admission (nonimmigrant visas), medical examination may be required at the discretion of a consular officer overseas or an immigration inspection at a U.S port of entry if there is reason to suspect that an excludable condition exists. Currently, the regulations list seven diseases which qualify as dangerous contagious diseases under section 212(a) of the Immigration and Nationality Act; aliens with these diseases are excludable from the United States. The seven diseases are: chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, infectious syphilis, infectious leprosy, and active tuberculosis.

It is proposed that AIDS be added to the list of dangerous contagious diseases since it would be anomalous to have diseases such as chancroid and lymphogranuloma venereum on such a list and not include AIDS. AIDS is added to the list because it is a recently defined sexually transmitted disease of significant public health importance. This section will allow the Department of State to deny visas and the Immigration and Naturalization Service to deny admission to aliens with AIDS who are subject to medical examination.

The Secretary has determined that this proposed amendment will not significantly impact on a substantial number of small entities and therefore does not require preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act, Pub. L. 96–354.

The Secretary has also determined that this proposed amendment is not a "major rule" udner Executive Order 12291. Thus, regulatory impact analysis is not required because it will not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Impose a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 14 CFR Part 34

Acquired immunodeficiency syndrome (AIDS)

It is therefore proposed to amend Title 42 of the Code of Federal Regulations as set forth below:

PART 34—MEDICAL EXAMINATION OF ALIENS

1. The authority citations for 42 CFR Part 34 continues to read as follows:

Authority: Sec. 58 Stat. 690, as amended, Sec. 234, 66 Stat. 198; 42 U.S.C. 216, 8 U.S.C 1224; Sec. 322, 325, 58 Stat. 696, as amended, 697 as amended, Sec. 212, 326, 66 Stat. as amended, 200; 42 U.S.C 249, 252, 8 U.S.C. 1182, 1226.

2. Section 34.2 is amended by adding paragraph (b)(8) to read as follows:

§ 34.2 Definitions.

* * * * *

(b) * * *

(8) Acquired Immunodeficiency Syndrome (AIDS).

* * * * *

Dated: November 15, 1985.

James O. Mason,

Acting Assistant Secretary for Health.

Approved: January 9, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 86–9041 Filed 4–22–86; 8:45 am]

BILLING CODE 4160–18–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 94

[PR Docket No. 86–126; RM–5202; FCC 86–156]

Commission's Rules Governing the Private Operational-Fixed Microwave Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making in response to a petition for rulemaking, RM–5202, filed by the Harris Corporation—Farinon Division. This proposal would require applicants for facilities in the Private Operational-Fixed Microwave Service (OFS) to furnish information regarding the system's transmitter and antennas to the entity performing its frequency engineering analysis. This proposal would improve the efficiency and quality of microwave frequency engineering analyses.

DATES: Comments are due June 3, 1986; and Reply comments are due June 18, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR INFORMATION CONTACT:

Harold Salters, Land Mobile & Microwave Div., Private Radio Bureau, (202) 632–7597.

Mary Beth Hess, Rules Branch, Land Mobile & Microwave Div., Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 94

Radio broadcasting.

This is a summary of the Commission's notice of proposed rule making, adopted April 8, 1986, and released April 14, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. The Commission is proposing to change its Part 94 rules, which govern the Private Operational-Fixed Microwave Service (OFS), in response

to a petition for rulemaking (RM-5202) filed by the Harris Corporation-Farinon Division.

2. Harris petitioned the Commission to require OFS applicants to include the FCC ID number of their microwave transmitter and the make and model numbers of their antennas with the frequency engineerng analyses that accompany OFS applications. Part 94 requires OFS applications to include frequency engineering analyses in order to ensure that the OFS station being applied for will not cause harmful interference to existing or previously applied-for OFS stations. Harris claimed that transmitter and antenna performance characteristics, which are communicated by the transmitter's FCC ID number and the antennas's make and model numbers, are critical elements in the microwave frequency engineering process.

3. Information regarding the transmitter's FCC ID number and the make and model of the antennas is not used by the Commission staff to determine whether to grant a particular OFS application. Additionally, after authorization, an OFS licensee may change this equipment without notifying the Commission as long as the change does not result in a substantial modification to the station's facilities. Although this information is not used by the Commission, Harris' petition and the comments received unamimously supporting it highlight the value of this information to the microwave frequency coordination process. Accordingly, we propose, as detailed in the attached Appendix, to amend § 94.15 to require applicants to furnish this transmitter and antenna information to the frequency engineering firm or other entity performing its frequency engineering analysis.

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities.

5. The proposed rule has been analyzed with respect to the Paperwork Reduction Act of 1980 and may impose a modified information collection requirements on the public. Comments received in response to the Notice will assist the Commission in determining what the ultimate change in burden hours imposed on the public would be if the proposal were adopted. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

6. This is a non-restricted notice and comment rule making proceeding. *See* § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

7. Pursuant to applicable procedures set forth in 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 3, 1986, and reply comments on or before June 18, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

8. Authority for issuance of the Notice of Proposed Rule Making is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r).

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

Part 94 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

The authority citation for Part 94 continues to read as follows:

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

In Section 94.15, paragraph (b) is revised to read as follows:

§ 94.15 Policy governing the assignment of frequencies.

* * * * *

(b) All applications for new or modified stations must contain an engineering analysis of the potential interference between the proposed facilities and previously authorized facilities and pending applications. The application must contain as supplemental information: (1) A certification that based upon frequency engineering analysis, the potential interference will not exceed that prescribed by the interference criteria in § 94.63; or (2) if the potential interference will exceed that prescribed by § 94.63, a statement to the effect that all parties affected have agreed to accept the higher level of interference. In either case, the application must contain the names of the licensees and the call signs of the stations that were considered in conducting the engineering analysis. Further, applicants and licensees will be expected to cooperate promptly and fully in the exchange of technical information necessary to performing frequency engineering analysis and, in the event of technical differences, cooperate in resolving these differences. Engineering analyses prepared pursuant to this section shall include consideration of the technical characteristics of the transmitting equipment that an applicant proposes to use, as indicated by the FCC ID number of the transmitter and the make and model numbers for all antennas the applicant proposes to use. Applicants shall provide this information to the entities responsible for performing the frequency engineering analysis.

* * * * *

[FR Doc. 86-8911 Filed 4-22-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Part 242

Department of Defense Federal Acquisition Regulation Supplement; Indirect Cost Rates

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Department of Defense is considering changes to DoD Federal Acquistion Regulation Supplement (DFARS) Subpart 242.7 which extend the auditor determination of final indirect costs rates procedure to all commercial contractor locations where DoD has the predominant interest.

DATE: Comments on the proposed rule should be submitted in writing to the DAR Council at the address shown below no later than (30 days from date of publication), to be considered in the formation of the final rule. Please cite DAR Case 85-259 in all correspondence related to this issue.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, ODASD(P)/DARS, c/o OASD(A&L), Room 3C841, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

On 17 October 1985, the Deputy Secretary of Defense issued "Procedures for Implementation of Audit-Determined Indirect Cost Rates at all Contractor Locations." This proposed rule, if adopted, will implement the procedures directed by the Deputy Secretary of Defense.

B. Regulatory Flexibility Act Information

The proposed changes to DFARS Subpart 242.7 do not appear to have significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because this coverage pertains only to large businesses. Small businesses are already audit determined. Therefore, the Regulatory Flexibility Act does not apply.

C. Paperwork Reduction Act Information

The proposed rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 242

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, it is proposed that 48 CFR Part 242 be amended as follows:

PART 242—CONTRACT ADMINISTRATION

1. The authority citation for 48 CFR Part 242 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

2. Section 242.704 is added to read as follows:

242.704 Billing rates.

(a) The contracting officer is responsible for determining billing rates for those contractor locations listed at FAR 42.705–1(a) (1) through (6). If the contracting officer and the auditor agree, the auditor may determine the billing rates if any of the circumstances in FAR 42.705–2(a)(2) (i) through (iv) apply.

3. Section 242.705–1 is amended by adding paragraph (a), and by re-designating the existing paragraph (a)(1) as paragraph (1), as follows:

242.705–1 Contracting officer determination procedure.

(a) In accordance with Deputy Secretary of Defense decision of 17 October 1985, responsibility for determination of final indirect cost rates is being transitioned to DCAA. Contracting officer determination procedures will continue to apply at individual contractor locations until transitioned to DCAA responsibility.

* * * * *

4. Section 242.705–2 is amended by adding paragraphs (a), (b)(1), (b)(2)(i), and (b)(2)(ii); by revising paragraph (b)(2)(iii); by adding paragraph (b)(2)(iv), and by revising paragraph (b)(2)(v) to read as follows:

242.705–2 Auditor determination procedure.

(a) Auditor determination procedures will be used for commercial contractor locations where DoD has the predominant interest (on the basis of unliquidated dollar amount). Transition years for contractor locations will be published at a later date. This procedure, as it applies to DoD contractor locations meeting the FAR criteria for contracting officer determination, is a test. Results are to be evaluated at the end of FY 1986.

(b)(1) For multidivisional contractors, the proposal for each segment shall be submitted to the auditor responsible for conducting audits of that division and that divisional ACO, with a copy to the corporate ACO and auditor. The contractor's proposal must contain an executed Certificate of Overhead Costs.

(b)(2)(i) Upon completion of the audit, the auditor will issue to the contractor a written notification setting forth audit exceptions to the contractor's proposal. The notification will state that the contractor has 90 days to provide its agreement or rebuttal comments. A copy of the notification will be furnished to the cognizant ACO. The auditor may grant the contractor one 30-day extension upon receipt of a written request from the contractor. Upon receipt of the contractor's response to the written notification of audit exceptions, the auditor will evaluate the response and issue the audit report required in FAR 42.705–2(b)(2)(iv) to the cognizant ACO within 60 days. If the contractor fails to respond to the notification by the required date (initial or extended), the auditor will issue the audit report. Regardless of agreement or disagreement, the audit report will cover, as a minimum: (A) The contractor's indirect cost rate proposal; (B) the audit findings; (C) reconciliation of all costs questioned, with identification of all individual elements of cost and amounts allowed or disallowed in the final settlement if agreement was reached, or recommended for disallowance if agreement was not reached; (D) disposition of period costing or allocability issues; and (E) identification of cost or pricing data submitted and relied upon in reaching an agreement.

(ii) See paragraph (b)(2)(iii) of this section.

(iii) If the audit report details that agreement has been reached, the auditor will obtain from the contractor the Certificate of Current Cost or Pricing Data required in FAR 42.705–2(b)(2)(ii) and prepare an indirect cost rate agreement in accordance with FAR 42.705–2(b)(2)(iii). The agreement shall be signed by the contractor and the designated audit official.

(iv) See paragraph (b)(2)(i).

(v) If the audit report details that agreement with the contractor cannot be reached, the auditor will also issue DCAA Form 1 detailing the items of exception. Upon receipt of a DCAA Form 1, the contractor can submit a request, in writing, to the cognizant ACO to reconsider the auditor's determination and/or file a claim under the Disputes clause. Such request or claim shall be submitted within 60 days. In considering the contractor's request, the ACO will not resolve any questioned cost without obtaining adequate documentation and the opinion of the auditor. To the maximum extent practicable, the auditor should be present at any negotiation or meeting regarding the questioned costs. If agreement between the parties is reached, the ACO will obtain the Certificate of Current Cost or Pricing Data, prepare the indirect cost rate agreement, and prepare a negotiation memorandum containing the elements set forth in FAR 42.705–1(b)(5)(iii). Failure of the parties to reach agreement will be treated in accordance with FAR Subpart 33.2.

5. Section 242.706 is amended by revising paragraph (a), by removing paragraph (b)(1), and adding paragraph (b) to read as follows:

242.706 Distribution of documents.

(a) When the auditor executes the overhead rate agreement (see 242.705–2(b)(2)(iii)), copies of the agreement will be furnished to the contractor, the cognizant CACO (if assigned), and the cognizant ACO. In addition, copies will be distributed to other Departments, and (upon specific request) any other interested Government agencies. Departments may make further distrubition to activities within their Departments and shall insert one copy in each contractor general file (see S–101.2 and S2–102.4). When the ACO executes the overhead rate agreement (see § 242.705–2(b)(2)(v)), distribution is the same except that a copy will also be provided to the cognizant auditor.

(b) The audit report issued to the cognizant ACO pursuant to § 242.705–2(b)(2)(i) will also be furnished to the cognizant CACO (if assigned). If the ACO prepares a negotiation memorandum pursuant to § 242.705–2(b)(2)(v), copies will be furnished to the cognizant auditor and the cognizant

CACO (if assigned). Upon specific request, a copy of the auditor's report and/or the contracting officer's negotiation memorandum will be furnished to other Departments or Government agencies.

[FR Doc. 86-9051 Filed 4-22-86; 8:45 am]

BILLING CODE 3810-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1043 and 1084

[Ex Parte No. MC-5 (Sub-3) and Ex Parte No. MC-159 (Sub-2)]

General Investigation and Revocation Procedures Governing Failure To File or Maintain Prescribed Insurance or Other Security for Public Protection—Motor Carriers, Brokers and Freight Forwarders

AGENCY: Interstate Commerce Commission.

ACTION: Discontinuance of proposed rulemaking proceeding.

SUMMARY: The Commission is discontinuing the proceeding in which it proposed an ongoing general investigation and revocation mechanism applicable to all motor carriers, brokers, and freight forwarders that fail to maintain the required amounts of insurance or other security for public protection.

The notice instituting this proceeding, 47 FR 55980, December 14, 1982, indicated that the proposed procedures were intended to encourage greater compliance with the Commission's insurance and surety requirements and to provide increased protection to the public and shippers by expediting authority revocation proceedings involving non-compliant carriers. However, upon further consideration, we have determined that existing compliance monitoring and enforcement measures are adequate to support increased mandatory security limits and that the proposed general investigation and revocation procedures are unnecesary to afford the required protections. In a decision denying a petition seeking similarly enhanced enforcement and revocation procedures, we concurrently announced discontinuance of this proceeding. *See* Ex Parte No. MC-178 (Sub-No. 2), *Petition for Rulemaking of the American Bus Association Concerning Enforcement of Minimum Insurance Standards* (Not printed), served April 23, 1986.

EFFECTIVE DATE: This decision will be effective on May 23, 1986.

FOR FURTHER INFORMATION CONTACT:

Howell I. Sporn, (202)275-7691;

or

Suzanne Higgins, (202) 275-7181.

SUPPLEMENTARY INFORMATION: Additional information concerning discontinuance of the general investigation and revocation proceeding is contained in the Commission's decision in ex Parte No. MC-178 (Sub-No. 2), *Petition for rulemaking of the American Bus Association Concerning Enforcement of Minimum Insurance Standards* (not printed), served April 23, 1986. To purchase a copy of the full decision, write the TS InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC, or call: 289-4357 in the DC metropolitan area or toll-free (800) 424-5403.

Environmental and Energy Considerations

Discontinuance of the general investigation and revocation proceeding will not affect significantly the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10321, 10927, and 5 U.S.C. 553)

List of Subjects

49 CFR Part 1003

Brokers, Freight forwarders, Maritime carriers, Motor carriers, Securities.

49 CFR Part 1043

Insurance, Motor carriers, Surety bonds.

49 CFR 1084

Freight forwarders, Insurance, Surety bonds.

Decided: April 9, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Lamboley, joined by Commissioner Sterrett, dissented with a separate expression.

James E. Bayne,

Secretary.

[FR Doc. 86-9040 Filed 4-22-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

King Mackerel and Spanish Mackerel; Public hearing

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

ACTION: Notice of public hearing.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a public hearing on the Gulf group King and Spanish mackerel to discuss a total allowable catch for the King and Spanish mackerel for forthcoming seasons and possible changes in the permit system.

DATE: The hearing will begin at 6:30 p.m., and will adjourn at 8:00 p.m., on Monday April 28, 1986.

ADDRESS: The hearing will take place at the Inn on the Point, 7627 West Columbus Drive, Rocky Point Island, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, (813) 228-2815.

Dated: April 17, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-9093 Filed 4-22-86; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 78
Wednesday, April 23, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee of Judicial Review, Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 9:00 a.m. on Monday, May 5, 1986, at the offices of Cadwalader, Wickersham & Taff, 7th floor conference room, 1333 New Hampshire Avenue, NW., Washington, DC.

The committee will meet to discuss public comments received concerning Professor Mark Gruewald's study on the feasibility of establishing an administrative tribunal for the resolution of disputes under the Freedom of Information Act and concerning other possible alternatives for improving the process of resolving FOIA disputes.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during or after the meeting.

For further information concerning this meeting contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.
April 21, 1986.

[FR Doc. 86–9241 Filed 4–22–86; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

April 18, 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

- Economic Research Service

Nebraska and South Dakota Survey of Rental Practices
Once
Individuals or households; Farms; Businesses or other for-profit; 2,207 responses; 441 hours; not applicable under 3504(h)
Andy Bernat (202) 786–1425

- Food and Nutrition Service

Summer Food Service Evaluation
One-time data collection
State or local governments; Federal agencies or employees; Non-profit institutions; 448 responses; 436 hours; not applicable under 3504(h)
Jerry Burns (703) 756–3128

Revision

- Animal Plant and Health Inspection Service

Black Stem Rust Inspector's Report
PPQ Form 543
Annually
State or local governments; Farms; Businesses or other for-profit Federal agencies or employees; Small businesses or organizations; 600 responses; 600 hours; not applicable under 3504(h)
L. M. Sedgwick, Jr. (301) 436–8584

- Agricultural Stabilization and Conservation Service

7 CFR Part 760, Dairy Indemnity Payment Program
ASCS–373
Monthly
Farms; 480 responses; 240 hours; not applicable under 3504(h)
Susan Schneider (202) 447–5171

Jane A. Benoit,
Departmental Clearance Officer.
[FR Doc. 86–9076 Filed 4–22–86; 8:45am]
BILLING CODE 3410–01–M

Soil Conservation Service

Dry Fork Watershed, Oregon; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1960; the Council on Environmental Quality Guidelines (40

CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Dry Fork Watershed, Gilliam and Morrow Counties, Oregon.

FOR FURTHER INFORMATION CONTACT: Jack P. Kanalz, State Conservationist, Soil Conservation Service, 1640 Federal Building, 1220 SW. Third Avenue, Portland, Oregon 97204, telephone 503–221–2751.

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

The project concerns a plan for the watershed. The planned works of improvement include accelerated technical assistance for land treatment on cropland and rangeland.

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

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

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

Dean F. Fisher,

Deputy State Conservationist.

April 14, 1986.

[FR Doc. 86–9063 Filed 4–22–86; 8:45 am]

BILLING CODE 3410–16–M

Statistical Reporting Service

Modification of Program Reports

Notice is hereby given that the Statistical Reporting Service (SRS) plans a series of program reimbursements and a slight modification of the States included in the potato summer and fall seasonal groupings. The planned program reinstatements are in response to language in the Senate Committee on Agriculture report on fiscal year 1986 appropriations. These planned changes will be made during 1986.

SRS will work with commodity organizations and State agencies to expand these estimating programs (dry peas and lentils, white wheat, and bee and honey) being reinstated if funds for the collection, summarization, and publication can be provided.

Dry Peas and Lentils—Estimates discontinued after the 1981 crop have been reinstated on an annual basis only. Dry peas, lentils, and wrinkled seed peas will be estimated by Washington and Idaho and Austrian winter peas will be estimated by Idaho and Oregon. End-of-season estimates will be made for acreage planted and harvested, yield, production, prices received per ctw, and value of production. Acreage, yield and production data for 1986 dry peas, lentils and Austrian winter peas will be published in the October 10 *Crop Production* report. Wrinkled seed pea data will be collected later and published in the annual *Crop Production* summary scheduled for release in early 1987. Prices received and value of production will be published in *Crop Values* in February 1987.

Potatoes—Summer seasonal potato estimates for Indian and Ohio will be combined with the fall group beginning with the July 1986 acreage estimates. For a number of years, summer potatoes in these areas have been stored and marketed in competition with the fall crop making these changes necessary.

White Wheat—Estimates for the Pacific Northwest discontinued in 1982 have been reinstated on an annual basis only. End-of-season estimates of white wheat production will be made in Idaho, Oregon, and Washington. Data for 1986 will be published in each State's annual summary publication scheduled for release in early 1987. There will be no white wheat State level data published in the U.S. annual Crop Production summary.

Honey—An annual bee and honey survey which was discontinued in 1981 will be reinstated in 1986. Beekeepers with less than five colonies will be excluded. The survey will be conducted in mid-December with State and U.S. estimates published in January 1987. Items covered in the publication include colonies of bees and production, stocks and prices for honey and beeswax.

Comments regarding the proposed modifications outlined should be addressed to Richard D. Allen, Director, Estimates Division, Room 5847–S, SR/USDA, Washington, D.C. 20250.

Done at Washington, D.C. this 18th day of April 1986.

W.E. Kibler,

Administrator.

[FR Doc. 86–9077 Filed 4–22–86; 8:45 am]

BILLING CODE 3410–20–M

DEPARTMENT OF COMMERCE

National Bureau of Standards

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Publication of NVLAP Directory Supplement.

SUMMARY: The National Bureau of Standards (NBS) announces laboratory accreditation actions taken during the first quarter of 1986.

FOR FURTHER INFORMATION CONTACT: Harvey W. Berger Manager, Laboratory Accreditation, ADMIN A531, National Bureau of Standards, Gaithersburg, MD 20899 (301) 921–3431.

SUPPLEMENTARY INFORMATION: This supplement to the 1985–86 NVLAP Directory of Accredited Laboratories (NBSIR 86–3315) is published pursuant to § 7.6(b) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR 7.6(b)).

The following table summarizes NVLAP accreditation actions for the period January 1, 1986, through March 31, 1986.

	TIM	CON	CAR	STO	ACO	CPL	DOS	SEA	ECT	Totals
Initial accreditations						1	4			5
Renewed accreditations	1		1							2
Expired accreditations	1									1
Balance	37	28	22	11	8	5	39	1	0	151

TIM—Insulation LAP.
CON—Concrete LAP.
CAR—Carpet LAP.
STO—Stove LAP.
ACO—Acoustical Testing Services LAP.
CPL—Commercial Products LAP (Paint, Paper, Mattresses)
DOS—Dosimetry LAP.
SEA—Seals and Sealants LAP.
ECT—Electromagnetic Compatibility and Telecommunications.

The laboratories awarded initial accreditations are:

Commercial

Products

Weyerhaeuser Technology Center, Takoma, WA
T.S. Friberg (206–924–6207)

Dosimetry

Northeast Utilities Services Hartford, CT
Henry W. Siegrist (203–665–3591)
Commonwealth Edison, Chicago, IL
Eileen A. O'Conner (312–294–8520)
New Hampshire Yankee, Seabrook Sta. Seabrook, NJ
Priscilla J. Neault (603–474–9574)
Con Edison Indian Point, Buchanan, NY
Philip J. Gaudio (914–526–5248)

The laboratories whose accreditation were renewed are:

Insulation

Technical Micronics Control, Huntsville, AL
Bharathi Ujjani (205–837–4430)

Carpet

United States Testing, Hoboken, NJ
Carl B. Yoder (201–792–2400—

The laboratory whose accreditation has expired is:

Insulation

W.R. Grace & Company, Cambridge, MA

Dated April 17, 1986.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 86–9046 Filed 4–22–86; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Gulf of Mexico and South Atlantic Fishery Management Councils; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico and South Atlantic Fishery Management Councils and their intercouncil mackerel management committee will convene joint public meetings at the Inn on the Point, 7627 West Columbus Drive, Rocky Point Island, Tampa, FL, as follows:

Joint Council—will discuss setting the total allowable catch for king and Spanish mackerel for the forthcoming fishing seasons, amendments to the fishery management plan for mackerel, and mackerel reports provided by the Southeast Fisheries Center's Laboratory Directors; will convene April 29, 1986, at 1:30 p.m., recess at 5 p.m., reconvene April 30, at 8:30 a.m. and adjourn at 5 p.m.

Joint Committee—will convene April 28 at 3 p.m., recess at 5 p.m., reconvene April 29 at 8:30 a.m. and adjourn at noon. The agenda is the same as that of the Joint Councils', above.

The Gulf of Mexico Council and its Committee also will convene public meetings at the above address, as follows:

Council—will convene on April 30, from 1:30 p.m. and will adjourn at 5 p.m., to discuss statistical catch information on red drum. During a closed session (not open to the public) from 1:45 p.m. to 2:30 p.m., the Council will discuss employment/personnel matters regarding advisory panel (AP) and scientific and statistical committee (SSC) membership appointments for next year.

Committee—will convene April 28, with the same agenda as the Council's above, including a closed session from 1 p.m. to 3 p.m.

For further information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228–2815.

Dated: April 18, 1986.

Richard B. Roe,

Director, Office of Fisheries Management National Marine Fisheries Service.

[FR Doc. 86–9094 Filed 4–22–86; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Dates of Meeting: Thursday, May 8, 1986.

Times of Meeting: 0800–1700 hours.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board 1986 Summer Study Panel on C³I Requirements for AirLand Battle will meet to discuss Army Research Institute work dealing with tactical decision making. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86–9024 Filed 4–22–86; 8:45am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Friday, May 9, 1986.

Times of Meeting: 0800–1700 hours.

Place: Army Development and Employment Agency, Ft. Lewis, WA.

Agenda: The Army Science Board 1986 Summer Study Panel on C³I Requirements for Airland Battle will meet to discuss ADEA's functions, Division Combat Control System, and C³I systems work. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so intextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86–9025 Filed 4–22–86; 8:45 am]

BILLING CODE 3710–08–M

Coastal Engineering Research Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of committee: Coastal Engineering Research Board (CERB).

Date of meeting: May 14–16, 1986.

Place: Captain Bartlett Inn, Fairbanks, Alaska, and Lakewood Inn, Homer, Alaska.

Time: 8:15 a.m. to 5:45 p.m. on May 14 in Fairbanks and Prudhoe Bay, Alaska; 8:00 a.m. to 4:00 p.m. on May 15 in Valdez and Homer, Alaska; 8:00 a.m. to 5:30 p.m. on May 16 in Homer, Alaska.

Proposed agenda: The May 14 session will consist of presentations on Regulatory Functions in Alaska Coastal Areas, North Slope Hydraulic Modeling Activities, and Deep Draft Navigation Aspects of the Prince William Sound. A flight to Prudhoe Bay is also scheduled for May 14.

On May 15 a flight to Valdez, with a briefing and tour of the Valdez Terminal facilities is scheduled. A discussion of the field trips is planned at the Lakewood Inn in Homer, Alaska.

The May 16 session will consist of presentations and discussions on a review of previous CERB business, initiatives to meet the Chief of Engineers' charges to the CERB, updates on Duck 1986 experiment, Crescent City Dolos Monitoring, and Directional Spectral Wave Generator, Computer Aided Coastal Engineering, South Atlantic and North Pacific Divisions research needs, Floating Breakwaters, Anchorage Harbor Studies, St. George Harbor, (Alaska) Coastal Data Collection Program, Homer Spit Erosion, the Coastal Community in the State of Alaska, recommendations by members of the Board, and selection of date and place for the next CERB meeting.

There is an optional Chena Lakes tour scheduled on May 13 prior to the meeting and an optional Homer Harbor tour scheduled for the morning of May 17.

This meeting is open to the public; participation by the public is scheduled for 4:00 p.m. on May 16 in Homer, Alaska. The public may attend the tours on May 13, 14, 15, and 17, but must provide their own transportation.

The entire meeting is open to the public subject to the following:

1. Since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Allen F. Grum, Executive Secretary, Coastal Engineering Research Board, U.S. Army Engineer Waterways Experiment Station, P.O. Box 631, Vicksburg, Mississippi 39180-0631.

Patrick J. Kelly,

Brigadier General, U.S. Army, President, Coastal Engineering Research Board.

[FR Doc. 86-9034 Filed 4-22-86; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Navy Resale System Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Navy Resale System Advisory Committee will meet on May 12, 1986, in the Riviera Room, Westgate Hotel, 1055 Second Avenue, San Diego, California. The meeting will consist of two sessions: The first from 8:00 a.m. to 9:00 a.m; and the second from 9:10 a.m. until 3:45 p.m. The purpose of the meeting is to examine policies, operations, and organization of the Navy Resale System and to submit recommendations to the Secretary of the Navy. The agenda will include discussions of the organization of the Resale System, planning, financial management, merchandising, field support, and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting be closed to the public because it will involve discussions of information pertaining solely to trade secrets and confidential commercial or financial information. These matters fall within the exemptions listed in subsections 552b(c) (2), (4), and (9)(B) of title 5, United States Code. Therefore, the second session will be closed to the public.

For further information concerning this meeting, contact: Commander R. F. Hendricks, SC, USN, Naval Supply Systems Command, NAVSUP 09B, Room 516, Crystal Mall Building No. 3, Arlington, Virginia 22202, Telephone number: (202) 695-5457.

Dated: April 18, 1986.

William F. Roos, Jr.,

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

[FR Doc. 86-9055 Filed 4-22-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Vocational Education Indian and Hawaiian Natives Program; Noncompeting Continuation Awards

AGENCY: Department of Education.

ACTION: Application Notice for *Noncompeting Continuation Awards* under the Vocational Education Indian and Hawaiian Natives Program (for Indians) for Fiscal Year 1987 projects.

Programmatic and Fiscal Information

Applications are invited for noncompeting continuation awards under the Vocational Education Indian and Hawaiian Natives Program. This application notice is only for Indian tribes that received grants for Fiscal Year 1986. The purpose of the awards is to provide Federal support to Indian tribes to plan, conduct, and administer projects or portions of projects that are authorized by and consistent with the Carl D. Perkins Vocational Education Act (the Act) (Pub. L. 98-524, 20 U.S.C. 2301 et seq.) Pursuant to 34 CFR 410.10, projects funded under this program are in addition to other programs, services, and activities made available to eligible Indians under other provisions of the Act.

Under this program, the Secretary may award grants to the tribal organizations of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638 (25 U.S.C. 450 note) or the Act of April 16, 1934 (25 U.S.C. 452-457).

In accordance with 34 CFR 75.118, each applicant eligible for a continuation grant must submit a revised face page, revisions to other affected pages of the approved application, and new budget information. In addition, the applicant must submit a report of the project accomplishments to date, including documentation of the number of completers who have successfully obtained (1) employment (including place of employment), (2) service in military specialties related to their training, or (3) continuation of education in a field related to their training.

It is estimated that $3,436,721 from the Fiscal Year 1986 appropriation will be available for 19 noncompeting continuation awards for 12-month budget periods that will operate generally during 1987-88.

These estimates do not bind the Department of Education to a specific number of grants, or to the amount of any grants, unless that amount is otherwise specified by statute or regulations.

Closing Date for Transmittal of Applications

Applications for continuation awards should be mailed or hand delivered on or before July 15, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84.101B), Maryland Avenue SW., Washington, DC 20202.

If an application is late, the Department of Education may lack

sufficient time to review it with other applications for noncompeting continuation awards and may decline to accept it.

Applications that are hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building No. 3, 7th & D Streets SW., Washington, DC.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The regulations governing the Indian and Hawaiian Natives Program in 34 CFR Parts 400 and 410.

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

Application Forms

Application forms and program information packages iwll be sent to eligible applicants on April 23, 1986. Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance under this program. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations. [Approved under OMB control number 1830–0013.]

Further Information

For further information contact Harvey G. Thiel or Timothy D. Halnon, Program Specialists, Special Programs Branch, U.S. Department of Education, 400 Maryland Avenue, SW., 519 Reporters Building, Washington DC 20202–5516. Telephone: (202) 732–2380 or 732–2379.

Program Authority

20 U.S.C. 2313.

(Catalog of Federal Domestic Assistance No. 84.101, Vocational Education—Programs for Indian Tribes, Indian Organizations, and Hawaiian Natives)

Dated: April 18, 1986.

John K. Wu,

Acting Assistant Secretary for Vocational and Adult Education.

[FR Doc. 86–9059 Filed 4–22–86; 8:45 am]

BILLING CODE 4000–01–M

Vocational Education Indian and Hawaiian Natives Program; New Awards

AGENCY: Department of Education.

ACTION: Application Notice for New Awards under the Vocational Education Indian and Hawaiian Natives Program (for Indians) for Fiscal Year 1987 projects.

Programmatic and Fiscal Information

Applications are invited for new projects under the Vocational Education Indian and Hawaiian Natives Program. This application notice is for Indian tribes only and does not apply to organizations for Hawaiian Natives. The purpose of the awards is to provide Federal support to Indian tribes to plan, conduct, and administer projects or portions of projects that are authorized by and consistent with Carl D. Perkins Vocational Education Act (the Act) (Pub. L. 98–524, 20 U.S.C. 2301 et seq.) Pursuant to 34 CFR 410.10, projects funded under this program are in addition to other programs, services, and activities made available to eligible Indians under other provisions of the Act.

Eligible applicants are tribal organizations of Indian tribes that are eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, (25 U.S.C. 450 note) or the Act of April 16, 1934 (25 U.S.C. 452–457). A group of eligible applicants may also apply for a grant. Joint applicants should pay specific attention to 34 CFR 75.127–75.129 of the Education Department General Administrative Regulations (EDGAR) and 34 CFR 41020.

The program regulations in section 410.30 authorized the Secretary to distribute an additional 15 points among the criteria described in the regulations in section 410.31 to bring the total to a maximum of 100 points. For the purposes of this competition, the Secretary assigns the reserved 15 points as follows:

Need—5 additional points
Plan of operation—5 additional points
Quality of key personnel—5 additional points

The total of 100 points is allocated among the selection criteria as follows:

(a) *Need* (20 points)
(b) *Plan of operation* (25 points)
(c) *Quality of key personnel* (15 points)
(d) *Budget and cost efectiveness* (10 points)
(e) *Evaluation plan* (5 points)
(f) *Adequacy of resources* (5 points)
(g) *Private sector involvement* (10 points)
(h) *Employment opportunities* (10 points)

The amount of funds currently available from the fiscal year 1986 appropriation for new awards under this program is $6,127,643. (This amount reflects a reduction of $429,750 from the fiscal year 1986 appropriation pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. 99–177). At an anticipated average award of $200,000, it is estimated that these funds could support up to 30 new projects.

Applicants sould be aware that the President has proposed budget rescissions that may reduce the amount available for new awards to $3,436,721. However, the deadline in this notice will not be extended and applicants should prepare and submit applications by the closing date.

These estimates do not bind the U.S. Department of Education to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Closing Date for Transmittal of Applications

Applications for new awards must be mailed or hand delivered on or before June 16, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84.101A), 400 Maryland Avenue SW., Washington, DC 20202.

Each late applicant will be notified that its application will not be considered.

Applications that are hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC.

Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturdays, Sundays, and Federal holidays.

Application Regulations

Regulations applicable to this program include the following:

(a) The regulations governing the Indian and Hawaiian Natives Program in 34 CFR Parts 400 and 410.

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

Application Forms

Application forms and program information packages are expected to be available by April 23, 1986. These may be obtained by writing to the Special Programs Branch, Room 519, Reporters Building, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance under the program. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations (Approved under OMB control number 1830–0013).

The Secretary is soliciting applications for fully funded awards of up to 18 months duration.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages.

The Secretary further urges that applicants only submit required information.

Further Information

For further information contact Harvey Thiel or Timothy Halnon, Program Specialists, Special Programs Branch, Room 519, Reporters Building, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202–5516. Telephone: (202) 732–2380 or 732–2379.

Program Authority

20 U.S.C. 2313.

(Catalog of Federal Domestic Assistance No. 84.101, Vocational Education—Programs for Indian Tribes, Indian Organizations, and Hawaiian Natives)

Dated: April 18, 1986.

John K. Wu,

Acting Assistant Secretary for Vocational and Adult Education.

[FR Doc. 86–9060 Filed 4–22–86; 8:45 am]

BILLING CODE 4000–01–M

Meeting of the Elementary Education Study Group

AGENCY: Office of the Secretary of Education.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Secretary of Education will conduct a meeting on information and ideas about the improvement of elementary education in the United States.

DATE: April 28, 1986 at 9:00 a.m.–4:00 p.m.

ADDRESS: The Horace Mann Learning Center Auditorium, 400 Maryland Avenue SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Nelson Smith, Staff Director, Elementary Education Study Group, Room 556, 1200 19th Street NW., Washington, DC 20208. Telephone (202) 254–9721.

SUPPLEMENTARY INFORMATION: This fourth and final public meeting of the Elementary Education Study Group will review topics being considered for inclusion in the Secretary's forthcoming report to the nation on elementary education.

Dated: April 18, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86–9054 Filed 4–22–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER86-405-000 et al.]

Boston Edison Company et al.; Electric Rate and Corporate Regulation Filings

April 17, 1986.

Take notice that the following filings have been made with the Commission:

1. Boston Edison Company

[Docket No. ER86–405–000]

Take notice that on April 14, 1986, Boston Edison Company ("Edison") filed an agreement between itself and Cambridge Electric Light Company ("Cambridge") for the use by Cambridge of a 115/14 kv station in Brighton, Massachusetts, owned by Edison and known as Station 329. Edison requests that the agreement be made effective in accordance with its terms on June 1, 1985.

Cambridge and Edison had previously agreed that Cambridge would cease its use of Station 329 on notice from Edison which became effective on May 31, 1985; however, Cambridge notified Edison that it could not remove its load from the station for at least another two years. The agreement tendered for filing herewith permits Cambridge to continue to use Station 329 subject to payment to Edison of (1) an annual support charge developed according to a formula rate contained in Article II of the agreement, (2) a negotiated monthly charge of $41,667 to compensate Edison for the loss in service reliability as a result of Cambridge's continued use of Station 329 beyond May 31, 1985 and (3) costs of equipment modifications required by Edison to serve its own customers while continuing to serve Cambridge. The payments are treated as a revenue credit in Edison's retail rate filing currently pending before the Massachusetts Department of Public Utilities.

Edison requests waiver of the 60 day notice requirement in order to permit the agreement to become effective on June 1, 1985 in accordance with its terms. The negotiations could not be completed and the agreement executed in time to comply with the notice requirement.

Comment date: May 1, 1986, in accordance with Standard Paragragh E at the end of this notice.

2. Central Illinois Public Service Company

[Docket No. ER86–407–000]

Take notice that Central Illinois Public Service Company (CIPS) on April 14, 1986, tendered for filing Amendment No. 9 dated April 1, 1986 to the Interconnection Agreement between Commonwealth Edison (CE) and CIPS dated November 1, 1964.

Amendment No. 9 replaces Service Schedule B, Economy Energy, with a new Service Schedule B, Economy Energy; revises Service Schedule C, Short Term Power; replaces Service Schedule E, Non-Displacement Energy, with a new Service Schedule E, General Purpose Energy; and adds a Service Schedule F, Term Energy.

Copies of the filing were sent to Commonwealth Edison Company and the Illinois Commerce Commission.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Central Illinois Public Service Company

[Docket No. ER86–411–000]

Take notice that on April 15, 1986 Central Illinois Public Service Company ("CIPS") tendered for filing amended Rate Schedule W–2 (Flora) for Wholesale Electric Service to the City of Flora for Distribution and Retail Sale to Its Customers ("Rate Schedule W–2 (Flora)"). CIPS also tendered for filing an amendment to the supply contract between CIPS and the City of Flora ("City").

The tendered rate schedule and amendment to supply contract comprise integral parts of a comprehensive agreement between CIPS and the City, reached after negotiations, to continue

and extend their long-term customer-supplier relationship.

CIPS requests an effective date of January 1, 1986, and therefore requests a waiver of the Commission's notice requirements.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Central Louisiana Electric Company, Inc.

[Docket No. ER86-313-000]

Take notice that on April 14, 1986, Central Louisiana Electric Company, Inc. ("CLECO") submitted for filing additional information relating to the executed contract for the sale of Replacement Energy by CLECO to the City of Alexandria.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this document.

5. The Kansas Power and Light Company

[Docket No. ER86-404-000]

Take notice that on April 7, 1986, The Kansas Power and Light Company (KPL) tendered for filing a newly executed renewal contract dated March 4, 1986, with the City of Hillsboro, Kansas for wholesale service to that community. KPL states that this contract permits the City of Hillsboro to receive service under rate schedule WSM-12/83 designated Supplement No. 9 to R. S. FERC No. 188. The proposed effective date is October 1, 1986. The proposed contract change provides essentially for the ten year extension of the original terms of the presently approved contract. In addition, KPL states that copies of the contract have been mailed to the City of Hillsboro and the State Corporation Commission.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. The Kansas Power and Light Company

[Docket No. ER86-412-000]

Take notice that on April 14, 1986, the Kansas Power and Light Company (KPL) tendered for filing a newly executed renewal contract dated April 4, 1986, with the City of Sabetha, Kansas for wholesale service to that community. KPL states that this contract permits the City of Sabetha to receive service under rate schedule WSM-12/83 designated Supplement No. 9 to R. S. FERC No. 185. The proposed effective date is July 1, 1986. The proposed contract change provides essentially for the ten year extension of the original terms of the presently approved contract. In addition, KPL states that copies of the contract have been mailed to the City of Sabetha and the State Corporation Commission.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Company of Colorado

[Docket No. ER86-406-000]

Take notice that Public Service Company of Colorado (Public Service) on April 14, 1986, tendered for filing a Non-Firm Energy Agreement (Agreement) between Public Service and the City of Colorado Springs, Colorado (Colorado Springs).

Public Service states that the Agreement provides for the non-firm sale and purchase of electric energy between Public Service and Colorado Springs. The Agreement provides for establishing terms and conditions for such non-firm sales between the parties.

Public Service states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Company of New Mexico

[Docket No. ER86-408-000]

Take notice that on April 14, 1986, Public Service Company of New Mexico (PNM) submitted for filing Amendment No. 1 dated December 30, 1985, amending the PNM and City of Riverside (Riverside) Economy Energy Agreement, dated May 17, 1982. The Amendment permits the seller to offer economy energy at rates which permit the price to reflect the current market price of such energy or the seller's actual costs to generate such energy.

Copies of the filing have been served upon Riverside and the New Mexico Public Service Commission.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

9. Public Service Company of New Mexico

[Docket No. ER86-409-000]

Take notice that on April 14, 1986, Public Service Company of New Mexico (PNM) submitted for filing Amendment No. 1 dated December 30, 1985, amending the PNM and City of Anaheim (Anaheim) Economy Energy Agreement, dated June 15, 1982. The Amendment permits the seller to offer economy energy at rates which permit the price to reflect the current market price to reflect the current market price of such energy or the seller's actual costs to generate such energy.

Copies of the filing have been served upon Anaheim and the New Mexico Public Service Commission.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

10. San Diego Gas & Electric Company

[Docket No. ER86-410-000]

Take notice that on April 14, 1986, San Diego Gas & Electric Company (SDG&E) tendered for filing a revision to the Power Exchange and Sales Agreement between SDG&E and Washington Water Power Company (WWP).

Under the terms of the revision, points of delivery at Hot Springs, Montana, and Burke, Idaho will be added to the terms of the agreement.

SDG&E has requested an effective date of February 2, 1986 and, therefore, requests a waiver of the prior notice requirement.

Comment date: May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE. Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9084 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

Bangor Hydro-Electric Co.; Notice of Application

April 18, 1986.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory

Commission and is available for public inspection:

a. Type of Application: Amendment of License.

b. Project No: 2600–006.

c. Date Filed: March 21, 1986.

d. Applicant: Bangor Hydro-Electric Company.

e. Name of Project: West Enfield.

f. Location: On the Penobscot River in Penobscot County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Robert S. Briggs, Bangor Hydro-Electric Company, 33 State Street, Bangor, ME 04401, (207) 945–5621.

i. Comment Date: May 19, 1986.

j. Description of Project: The license for this project was issued on June 26, 1984. The project as licensed consists of a timber crib dam with 5.6-foot-high flashboards, an impoundment with a normal surface elevation of 151.1 feet mean sea level, an 800-foot-long canal, a powerhouse with 5 units with a total installed capacity of 13 MW, a 1,000-foot-long tailrace, an 800-foot-long transmission line, and fish passage facilities at the dam and at the powerhouse.

The licensee requests that the project description be amended as follows: (1) a 45-foot-high concrete dam composed of a 194-foot-long non-overflow spillway, a 107-foot-long gated spillway, and a 363-foot-long overflow spillway surmounted by 6-foot-high flashboards; (2) a reservoir with a storage capacity of 11,250 acre-feet and a normal surface elevation of 151.1 feet mean sea level; (3) a powerhouse at the dam with 2 turbine-generator units with a total installed capacity of 13 MW; (4) a vertical slot fish ladder at the powerhouse; (5) a 1,100-foot-long tailrace; (6) a 46-kV, 1,400-foot-long transmission line; and (7) other appurtenances.

k. This notice also consists of the following standard paragraphs: B, C, and D2.

B. *Comments, Protests, or Motions to Intervene.*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents.*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. *Agency Comments.*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–9073 Filed 4–22–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP86–419–000 et al.]

Natural Gas Certificate Filings; ANR Pipeline Company et al.

April 17, 1986.

Take notice that the following filings have been made with the Commission:

1. ANR Pipeline Company

[Docket No. CP86–419–000]

Take notice that on April 8, 1986, ANR Pipeline Company (Applicant), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP86–419–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing, the construction and operation of natural gas pipeline and related facilities and related transportation services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate 18.2 miles of 8⅝-inch pipeline in Forest and Marinette Counties, Wisconsin, and 17.1 miles of 36-inch pipeline in Oconto County, Wisconsin. In addition, Applicant requests authorization to construct and operate appurtenant facilities in Wisconsin and Ohio. These facilities, costing approximately $16,658,000, would be constructed in two phases and according to Applicant would enable it to transport up to 211,400 Mcf of natural gas per day after Phase I construction and up to 425,000 Mcf per day after Phase II.

Applicant states that it would transport Canadian and domestic natural gas for Transco Gas Services Company, Inc. (Gas Services), for a fifteen-year period and deliver the gas to Erie Pipeline System (Erie) as proposed in Docket No. CP86–329–000. Applicant would receive Canadian gas from Great Lakes Gas Transmission Company near Crystal Falls and Farwell, Michigan, and Gulf coast gas from Texas Gas Transmission Company near Eunice, Louisiana. The above volumes would be delivered to Erie for Gas Services' account at Defiance County, Ohio, it is explained.

Pursuant to an April 7, 1986, agreement, Gas Services would pay Applicant the following rates for transportation:

Point of receipt	Demand rate/Mcf per month	Commodity rate/Mcf (cents)	Demand volume (Mcf per day)
Phase I:			
Farwell	$1.71	5.67	37,500
Crystal Falls	$2.19	7.27	37,500
Eunice	$4.11	13.52	142,400
Total			217,400
Phase II:			
Farwell	$1.69	5.59	90,000
Crystal Falls	$2.96	9.75	160,000
Eunice	$4.09	13.44	186,500
Total			426,500

Comment date: May 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Southern Natural Gas Company

[Docket No. CP86–408–000]

Take notice that on March 31, 1986, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP86–408–000 an application pursuant to section 7 of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the transportation of natural gas for

Atlanta Gas Light Company (Atlanta), acting as agent for Anglo-American Clays Corporation (Anglo-American), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 4.7 billion Btu of natural gas per day for Atlanta, as agent for Anglo-American, on an interruptible basis, for a one-year term. It is indicated that Anglo-American would purchase the gas from Diamond Shamrock Partners Limited Partnership. Applicant states that it would receive the gas for the account of Anglo-American at the Diamond Shamrock receiving station, offshore Louisiana. Applicant proposes to redeliver equivalent volumes of gas, less 3.25 percent for fuel and company-use gas, at an existing delivery point to Atlanta in Washington County, Georgia.

Applicant proposes to charge Atlanta a transportation rate of 48.2 cents per million Btu where the aggregate of the volumes transported by Applicant for Atlanta under any and all transportation agreements between Applicant and Atlanta, when added to the volumes of gas delivered under Applicant's Rate Schedule OCD, does not exceed Atlanta's daily contract demand from Applicant. For those volumes that exceed Atlanta's daily contract demand, Applicant proposes to charge 77.6 cents per million Btu. In addition Applicant proposes to collect the GRI surcharge of 1.35 cents per Mcf.

Applicant states that the proposed transportation arrangement would enable Anglo-American to diversify its natural gas supply sources and to obtain gas at competitive prices. In addition, Applicant indicates that it would obtain take-or-pay credit on all volumes transported under the arrangement.

Applicant also requests flexible authority to add delivery points in the event that Anglo-American obtains alternative sources of supply. It is stated that the redelivery point, the recipient and the maximum daily transportation volume would remain unchanged. It is further stated that Applicant would file a report providing certain information with regard to the addition of any delivery points.

Comment date: May 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP86-415-000]

Take notice that on April 2, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Appliant), Post Office Box 2511, Houston, Texas 77001, filed in Docket No. CP86-415-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation and delivery of natural gas for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that pursuant to a gas transportation agreement, dated March 5, 1979, between Applicant and Southern, it transports up to 1,800 Mcf of natural gas per day, on a best-efforts basis, to the Placid Oil Company's plant, located in St. Mary Parish, Louisiana, for the account of Southern. It is stated that Applicant receives said volumes from the "B" production platform in South Marsh Island Block 243, offshore Louisiana. It is further stated that Southern has informed Applicant, by letter dated August 27, 1985, of its election to terminate the transportation arrangement, effective September 1, 1986.

Comment date: May 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice, that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission of its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless othewise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9085 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-325-000]

Samson Resources Co.; Application for Certificate of Public Convenience and Necessity and for an Order Permitting and Approving Limited-Term Abandonment and Pre-Granted Abandonment

April 18, 1986.

Take notice that on April 9, 1986, Samson Resources Company, (hereinafter referred to as Samson) filed an Application pursuant to sections 4 and 7 of the Natural Gas Act (NGA), the provisions of 18 CFR Parts 154 and 157 and 18 CFR 2.77(a)(1), seeking (i) a certificate of public convenience and necessity authorizing the sale for resale in interstate commerce of certain natural gas produced by Samson and its joint interest owners, and (ii) limited-term abandonment and pre-granted permanent abandonment of certain sales as described therein, to effectuate the sale and purchase of gas on the spot market, as more fully described in the Application which is on file with the Commission and open for public inspection. The term of the authorizations requested by Samson is two years. Alternatively, Samson requests that the Commission extend as to Samson for one year the blanker certificate and abandonment authority provided in *Tenneco Oil Company, et al.*, 33 FERC (CCH) ¶ 61,134 (1985), as extended for certain applicants in *Marathon Oil Company*, Docket Nos. CI85-651-001, *et al.* (March 31, 1986).

Samson states that the authority as requested is consistent with the Commission's rules and regulations and is necessary for Samson to continue making short-term and spot gas sales. Further, Samson states that, absent said authorization, the flexibility and efficiency necessary for successful operation in the spot market would be hindered.

Specifically, Samson requests that the Commission authorize Samson:

(i) To make sales for resale in interstate commerce for a period of two

years, without supply or market limitations, of gas subject to the Commission's NGA jurisdiction that is produced from various interests owned by Samson;

(ii) To make sales for resale in interstate commerce for a period of two years, without supply or market limitations, of gas subject to the Commission's NGA jurisdiction, produced from various interests attributable to other owners having interests in the same wells as Samson, to the extent that such joint interest owners agree to same;

(iii) To abandon for a two-year term sales for resale of gas subject to the Commission's NGA jurisdiction and previously certificated by the Commission, to the extent that such gas is released by interstate pipelines for resale in the spot market to third parties; and

(iv) To abandon permanently (pre-granted abandonment) any sale for resale in the spot market authorized pursuant any certificate issued herein.

Sales proposed to be made by Samson on behalf of itself and its joint interest owners will not involve a dedication of reserves but will be based on periodic nomination, either by purchasers or by Samson. The sales volumes, prices, purchasers, delivery points, transporter, and supply source will vary. Samson proposes to sell and deliver to various short-term and spot gas purchasers all or a portion of the gas Samson determines is available for sale at terms acceptable to Samson for a particular month. Samson will not be obligated to sell gas pursuant to any nomination or proposed nomination until the exact volumes, terms and conditions, and prices are agreed to by Samson and a purchaser. The actual contract between Samson and the short-term and spot gas purchaser may be for all or any portion of the quantity which was set out in the nomination or proposed nomination. All contracts entered into by Samson and the short-term and spot gas purchaser will be subordinate to the requirements of Samson's current pipeline purchasers.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 12, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirments of the Commission's rules of practice and procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9082 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM85-1-000]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (ANR Production Company); Order Denying Request for Waiver

Issued: April 21, 1986

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt, and C.M. Naeve.

On February 18, 1986, ANR Production Company (ProdCo) filed a request for a waiver of the restrictions in the transitional provisions of Order No. 436 so as to permit Transcontinental Gas Pipeline Corporation (Transco) to transport gas for ProdCo from Mustang Island Block A-85, offshore Texas, without becoming subject to the requirements of Order No. 436.[1]

On January 13, 1982, ANR Pipeline Conpany (ANR) entered into a transportation agreement with Transco whereby Transco would transport ProdCo's gas from Mustang Island under Part 284 of the Commission's Regulations. The transportation commenced on January 15, 1982. On October 17, 1983, Transco filed an extension report to continue service for an additional two years, to January 15, 1986. Transco did not file any further extension reports, and the transportation service ceased on Janaury 15, 1986. A new transportation agreement was executed on January 27, 1986.

The Commission has, on occasion, granted waivers of the restrictions in the transitional provisions under circumstances in which significant construction or expenditure of funds had occurred prior to October 9, 1985, in reliance on a transportation agreement, although the transportation had not commenced on or before October 9, 1985. But those are not the facts before us here. The transportation agreement was executed, and transportation commenced, prior to October 9, 1985. Thereafter, the parties allowed the transportation agreement to terminate, and the transportation ceased. The new transportation agreement was executed in 1986. Thus, there is no extant transportation agreement that predates the issuance of Order No. 436. Under these circumstances, the parties do not have an agreement eligible for transition treatment. Accordingly, the request for waiver is denied.

By the Commission.

Kenneth F. Plumb

Secretary

[FR Doc. 86-9072 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[1] 33 FERC ¶ 61,007 (1985), 50 FR 42408 (October 18, 1985) [FERC Statutes and Regulations ¶ 30,665].

[Docket No. GP86-20-000]

Atlas Energy Group, Inc.; Petition To Reopen and Vacate Final Well Category Determinations and Request to Withdraw

Issued: April 18, 1986.

State of Ohio, Department of Natural Resources, Section 107 NGPA Determinations Atlas Energy Group, Inc., Callahan Unit No. 1 Well, FERC No. JD 81-28565, Metropolitan Homes Investmment Corporation No. 1 Well, FERC No. JD 81-28548.

Take notice that on February 24, 1986, Atlas Energy Group, Inc. (Atlas) filed pursuant to § 275.205 of the Commission's regulations a petition to reopen and vacate final well category determinations under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA) for the wells listed in the caption of this notice, both of which are located in Ohio, and to withdraw its applications for the determinations. The Ohio Department of Natural Resources (Ohio) issued determinations that the wells qualified under NGPA sections 103 and 107(c)(5) and such determinations became final on or about June 15, 1981. Atlas desires to retain the final NGPA section 103 well category determinations for the wells.

Atlas states that in its well category applications it stated that the wells were completed subsequent to July 16, 1979 and were thus eligible for NGPA section 107(c)(5) status. Atlas states that, based on the Commission's subsequent clarification of its recompletion tight formation regulations regarding when a well is completed, it concluded that the wells were actually completed prior to July 16, 1979 and accordingly do not qualify as NGPA section 107(c)(5) recompletion tight formation wells.

The question of whether refunds, plus interest calculated under § 154.102(c) of the regulations, will be required is a matter which will be considered by the commission in ruling on the subject petition.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with rules 214 or 211 of the Commission's rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, not later than 30 days following publication of this notice in the **Federal Register**. All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with rule 214. Copies of this petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9086 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8950-004]

James Caples; Surrender of Preliminary Permit

April 18, 1986.

Take notice that James Caples, Permittee for the Twelve Mile Creek Project No. 8950, has requested that his preliminary permit be terminated. The preliminary permit for Project No. 8950 was issued on September 27, 1985, and would have expired on August 31, 1988. The project would have been located on Twelve Mile Creek in Lemhi County, Idaho.

The Permittee filed the request on April 7, 1986, and the preliminary permit for Project No. 8950 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 28 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9087 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

Citizens Energy Corp. and Citizens Resources Corp.; Application

[Docket No. CI86-56-001]

April 18, 1986.

Take notice that on April 14, 1986, Citizens Energy Corporation and Citizens Resources Corporation (jointly "Citizens") of 530 Atlantic Avenue, Boston, Massachusetts 02210, filed an application for extension for a one-year period of certificate and abandonment authority granted to them by the Commission on December 5, 1985, in Docket No. CI86-56-000.[1]

Any person desiring to be heard or to make any protests with reference to said application should on or before May 6, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR sections 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in the 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 Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9079 Filed 4-22-86; 8:45am]

BILLING CODE 6717-01-M

[Docket No. CI86-22-001]

Fina Oil and Chemical Co., Petrofina Delaware, Inc., Fina Oil & Gas, Inc., Application

April 16, 1986.

Take notice that on March 31, 1986, Fina Oil and Chemical Company (FOCC), Petrofina Delaware, Incorporated (PDI), and Fina Oil & Gas, Inc. (FOGI) of 8350 N. Central Expressway, Suite 1866, Dallas, Texas 75221, filed an application pursuant to Sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717-717z (1982) (NGA) and Section 157 of the Commission's Regulations, 18 CFR 157 (1985), requesting for an extension of the blanket certificate of public convenience and necessity issued by the Commission in Docket No. CI86-22-000 on November 1, 1985.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9068 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3195-014]

Joseph M. Keating; Notice Denying Motion for Reconsideration

April 18, 1986.

On January 27, 1986, the Commission issued an order denying the appeal of Harriet La Flamme in Project No. 3195.[1] On February 27, 1986, Ms. La Flamme filed a request for rehearing of that order. On March 21, 1986, a notice was issued rejecting the request as late-filed.

On April 1, 1986, Ms. La Flamme filed a motion for reconsideration of the March 21 rejection. The motion is in essence a request for an extension of the thirty-day deadline for submitting rehearing requests. The rehearing deadline is statutorily imposed,[2] and the Commission is not authorized to extend or waive it. Therefore, the motion for

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[1] Citizens Gas Supply Corporation, a wholly-owned subsidiary of Citizens Energy Corporation, also requests the Commission to grant it certificate and abandonment authority identical to that granted Citizens on December 5, 1985. Citizens Gas Supply Corporation was not in existence at the time Citizens filed its application to initiate this proceeding, but now has obtained corporate authority to engage in the transactions contemplated in that application. Citizens Gas Supply Corporation will promptly furnish the Commission with any documentation necessary to grant the instant request.

[1] 34 FERC ¶ 61,083 (1986).

[2] 16 U.S.C. 825*l* (1982).

reconsideration filed April 1, 1986, by Harriet La Flamme is denied.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9080 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5652-001]

George and Melvin Osborne; Surrender of Exemption

April 18, 1986.

Take notice that George and Melvin Osborne, exemptees for the Fall Creek Power Project No. 5652, have requested that their exemption be terminated because construction and operation of the project is not feasible at this time. The exemption for Project No. 5652 was issued on April 16, 1982. The project would have been located on Fall Creek in Power County, Idaho. The exemptees have stated that no ground disturbing activity has taken place; therefore, no conditions are needed concerning the restoration of lands.

The exemptee filed the request on March 24, 1986, and the exemption for Project No. 5652 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385. 2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9081 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA86-8-000]

Palo Duro Pipeline Co., Inc.; Petition For Adjustment

Issued: April 17, 1986.

On January 2, 1986, Palo Duro Pipeline Company, Inc. (Palo Duro) filed with the Federal Energy Regulatory Commission a petition for an adjustment from the requirements of 18 CFR 284.123(b), pursuant to section 502(c) of the Natural Gas Policy Act (NGPA). 15 U.S.C. 3412(c) (1982). Palo Duro seeks to establish a rate for NGPA section 311 transportation service by reference to the currently effective rate for comparable intrastate transportation on file with the Texas Railroad Commission. Palo Duro asserts that such relief is necessary to spare it the undue hardship of dual regulatory review.

In its petition, Palo Duro seeks an adjustment approving its transportation rate, as well as permission to file an Initial Full Report and a Termination Notice for the transportation. Palo Duro indicates that the rate of 20¢ per MMBtu, plus one percent of volumes for fuel costs, charged to industrial end-users, was determined by reference to the 30.88¢ currently effective rate for comparable intrastate service contained in a tariff on file with the Texas Railroad Commission. While noting that the rate used was not based on city gate service as required under § 284.123(b)(1)(ii) of the Commission's regulations, Palo Duro points out its petition that the rates used were on file with the Texas Railroad Commission and represent a discount of Palo Duro's filed rate. Palo Duro concludes that the relief is necessary to spare the company the burdens and undue hardship of unnecessary dual agency review, especially in view of the short-term nature of the transaction and the nonjurisdictional customers involved.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. 18 CFR Part 385, Subpart K (1985). Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within fifteen days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9069 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-307-000]

Sea Robin Pipeline Co.; Notice of Application for Abandonment Authorization

April 17, 1986.

Take notice that on April 7, 1986, Sea Robin Pipeline Company (Applicant), Post Office Box 1478, Houston, Texas 77251-1478, filed on behalf of Pogo Producing Company (Pogo) an application pursuant to § 7(b) of the Natural Gas Act and Section 157.30 of the Commission's Regulations for authorization to abandon Pogo's obligations established under certificates of public convenience and necessity issued in Docket Nos. CI76-653, CI76-648, CI76-706, CI78-935, CI78-938 and CI78-939. The reasons for the proposed abandonment are more fully set forth in the application, which is on file with the Commission and open to public inspection. Applicant states that Pogo is the producer and seller of natural gas. It received certificates of public convenience and necessity in the six (6) dockets identified above governing sales of natural gas to Applicant pursuant to six (6) sales contracts, all of which have expired by their own terms. The location, docket number, contract date, rate schedule and applicable price categories under each of the six sales are:

Location of sale	Authorized in docket No.	Contract date	Rate schedule No.	Applicable prices
East Cameron, block 334	CI76-653	06/17/76	12	§ 104 Post 1974, § 102(d).
East Cameron, block 335	CI76-648	06/17/76	11	§ 104 1973-1974 Biennium, § 104 Post 1974, and § 102(d).
South Marsh Island, block 128	CI76-706	07/02/76	13	§ 104 Post 1974, § 102(d).
Eugene Island, block 261	CI78-935	07/07/77	24	§ 104 Post 1974, § 102(d).
West Cameron, block 609	CI78-938	07/07/77	35	§ 104 Post 1974, § 102(d).
West Cameron, block 617	CI78-939	07/07/77	36	§ 104 1973-1974 Biennium, § 104 Post 1974, and § 102(d).

Applicant states that all contracts have terminated, and the reserves previously covered by the contracts are no longer required by Applicant to meet the needs of its customers. Applicant further states that on November 21, 1984, Pogo filed in the Fifteenth Judicial District Court for the Parish of Vermilion, Louisiana, in Docket No. 84-48823, a petition seeking preliminary and permanent injunctive relief requiring Applicant to continue to purchase volumes of gas under the expired contracts. Applicant states that on March 26, 1985, the Court issued a preliminary injunction ordering Applicant to take and pay for both the monthly minimum take and pay quantity of approximately 55% of delivery capacity and the annual take-or-pay quantity of 85% of delivery capacity under the expired contracts. Applicant further states that under such contracts it is required to purchase 44,259 Mcf/d

of gas from Pogo which has a weighted average cost of $3.04/Mcf, which is $0.68/Mcf higher than Applicant's total weighted average cost of gas of $2.36/Mcf.

Applicant states that the court's finding that it had any obligation to take gas from Pogo was based upon Section XI.06 of Article XI of the subject contracts and the court's belief that abandonment was not available to Pogo. According to Applicant, Section XI.06 states:

Section XI.06.—Deliveries After Termination of Contract

If Seller [Pogo] shall be required for any reason by an applicable law, rule, regulation or order to continue making deliveries to Buyer [Sea Robin] of the gas which is the subject matter of this Contract notwithstanding that this Contract shall have been terminated for any reason, whether by its own terms or by Seller or Buyer, it is expressly agreed and recognized by Seller and Buyer that Seller shall have no contractual obligations by reason of this Contract to Buyer in any such event, but Seller shall be entitled to enforce each and every provision of this contract against Buyer, such provisions being conclusively deemed, in the absence of a showing by Seller of a greater fair value, to be the fair value of the services performed and the subject matter delivered by Seller to Buyer under legal constraint, but without a contract. The obligation of Buyer under this Section XI.06 is absolute and unconditional and will remain in effect notwithstanding any event or circumstance whatsoever which might otherwise serve as a defense or relieve Buyer of any part of such obligation, *save and except that this obligation shall cease at such time as Seller shall become entitled in accordance with all applicable laws, rules, regulations and orders to cease once and for all making deliveries to Buyer of the gas which is the subject matter of this Contract.* (emphasis added.)

Applicant states that Pogo itself has not sought abandonment of these sales because Pogo is benefiting greatly by selling gas to Applicant far in excess of Applicant's needs at unrealistically high prices. Applicant states that while these purchases increase its average cost of gas and is therefore a significant detriment, such purchases also require it to reduce its purchases from other producers, thus increasing Applicant's potential take-or-pay exposure. Applicant states that the expeditious grant of the requested abandonment authorization on behalf of Pogo would remedy the above situation by removing the regulatory impediment that constitutes the foundation on which the injunction rests.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest 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 of the proceeding. Any person wishing to become a party in the 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9070 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-45-001]

Union Oil Company of California and Union Exploration Partners, LTD.; Application

April 16, 1986.

Take notice that on March 26, 1986, Union Oil Company of California and Union Exploration Partners, Ltd. (Union), of P.O. Box 7600, Los Angeles, California 90051, filed an application pursuant to Sections 4 and 7 of the Natural Gas Act, 15 U.S.C. sections 717c and 717f, and Part 157 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 157, requesting the Commission to amend its Order Permitting and Approving Limited-Term Abandonments and Granting Certificates in Vesta Energy Company, *et al.*, Docket Nos. CI85-400-001, *et al.* such that the term of the programs authorized by the Order may be continued for an additional one-year period, through March 31, 1987, or as may be otherwise extended.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1986, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9071 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-34-001]

Western Transmission Corporation Compliance Filing

April 18, 1986.

Take notice that on February 13, 1986, Western Transmission Corporation (Western) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1: Twenty-Sixth Revised Sheet No. 3-A, Substitute Seventh Revised Sheet No. 4.

Western states that these sheets reflect rates based on an updated cost and revenue study and are filed pursuant to letter order dated January 29, 1986 in Docket No. RP86-34-000. Western further states that the cost and revenue study reflects removal of the cash working capital allowance and use of the current gas cost adjustment to develop an amount for fuel usage. Western requests an effective date of February 1, 1986.

The February 13, 1986 filing was not accompanied by a filing fee or a petition for waiver and could not be processed pursuant to § 381.106 of the Commission's regulations. On March 31, 1986, Western filed a Petition For Waiver Of Filing Fee requesting waiver of the filing fee on the grounds that a fee of equal amount was submitted with its December 30, 1985 filing and that the February 13, 1986 filing merely provided an additional tariff sheet and one substitute tariff sheet as the Commission ordered in the same proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's rules of practice and procedure (18 CFR 385.214, 385.211 (1985)) All such motions or protests should be filed on or before April 25, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9083 Filed 4-22-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-66129; FRL-3004-4]

Pesticide Products Containing Carbon Tetrachloride; Notice of Intent To Cancel Registrations and Notice of Transmittal and Availability of Draft Notice To Cancel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Draft Notice of Intent to Cancel; Notice of Transmittal.

SUMMARY: This notice announces the availability for comment of a draft notice of intent to cancel the registrations of pesticide products containing carbon tetrachloride (CCl_4) used for grain fumigation pursuant to section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These products have the potential to cause oncogenic, mutagenic, and other chronic effects. The benefits of continued use of these products are limited. The remaining use on encased museum specimens will be allowed to continue because the current label instructions are sufficient to reduce applicator exposure and the risks from using this product are justified by the benefits.

DATE: Comments from the public on the draft notice must be received on or before [June 23, 1986, in the **Federal Register**].

ADDRESSES: Requests for copies of the draft intent to cancel should be submitted to:

Linda Zarow, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460;

Office location and telephone number: Rm. 711, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7453).

Submit three copies of written comments, identified with the document control number "OPP-66129," by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460;

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any 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 ser forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTRACT: Linda Zarow (703-557-7453).

SUPPLEMENT INFORMATION: Legally to be sold and distributed in the United States, a pesticide product must be registered or exempt from registration pursuant to FIFRA. A pesticide product may remain registered only if it does not pose unreasonable adverse effects on the environment, that is, if it does not present any unreasonable risk to man and the environment, taking into account the economic, social, and environmental costs and benefits of the use of the pesticide. FIFRA sections 2(bb) and 6(b). If the Agency determines that a product no longer satisfies this requirement for registration, the Administrator may initiate the process for concelling its registration by issuing a notice of intent to cancel pursuant to section 6(b) of FIFRA. Section 6(b) and 25(d) of FIFRA require that the Environmental Protection Agency submit any proposed notice of intent to cancel pesticide registrations to the Secretary of Agriculture and to the Scientific Advisory Panel (SAP) at least 60 days prior to issuing a notice of intent to cancel. Accordingly, copies of a draft notice of intent to cancel pesticide products containing, $CC1_4$ have been sent to Secretary and the SAP for comment.

The Special Review (RPAR) of carbon tetrachloride was started by the publication of a notice in the **Federal Register** of October 15, 1980 (45 FR 68535). The Special Review was started because the Agency determined that continued use of carbon tetrachloride posed a risk of oncogenic, mutagenic, and other adverse effects and that it satisfied the criteria for commencing a Special Review set forth at 40 CFR 162.11(a) (3) (ii). Based on the information submitted and developed by the Agency in the course of the Special Review, as well as other information developed since 1980, EPA has concluded that exposure to products containing carbon tetrachloride continues to pose oncogenic, mutagenic, and other adverse effects.

To characterize better the risk attributable to continued use of carbon tetrachloride, the Agency required registrants to submit, pursuant to section 3(c) (2) (B) of FIFRA, the following: a reproduction study, teratology studies in two species, residue chemistry data, updated Confidential Statements of Formula, and product chemistry information. Many registrants chose to cancel voluntarily their carbon tetrachloride registrations rather than submit or commit to produce the required data. None of the remaining registrants of grain fumigant products have agreed to produce the data, and their registrations have now been suspended pursuant to section 3(c) (2) (B). Thus, there is now no registered pestcide product containing carbon tetrachloride for gain uses which registrants may legally sell or distribute in the United States.

A single product containing $CC1_4$ for use on encased museum specimens remains registered and unsuspended. EPA is now proposing to cancel the registrations of carbon tetrachloride products which have been suspended. These products include those registered for use as fumigants on stored grain, in flour milling and grain processing plants. All use of carbon tetrachloride for these purposes will soon cease and is now insignificant. There are altnatives readily available for all uses of carbon tetrachloride. Because alternatives are available and efficacious, there will be no significant impact resulting from cancellation of $CC1_4$. Moreover, the remaining registrants and potential users have elected not to comply with the requirements which would permit products to be marketed again. Accordingly, there are not significant benefits from continuing the registrations of carbon tetrachloride for these purposes.

Based on the potential oncogenic, mutagenic, and other adverse risks of products containing carbon tetrachloride and the limited benefits of continued registration of these products, EPA has concluded that the continued registration of food-use pesticide products containing carbon tetrachloride poses unreasonable adverse effects of the environment, including man. The risks attributable to the continued use of carbon tetrachloride are largely

associated with the exposure to residues in the diet. These residues cannot be eliminated by changes in the use pattern because any use of carbon tetrachloride for treatment of food must result in some contamination of the treated food product. Thus, the Agency is proposing to cancel the food-use registrations of all pesticide products containing the active ingredient, carbon tetrachloride.

The registration of products containing $CC1_4$ for use on encased museum specimens will be allowed to continue. The current label instructions for these products are sufficient to reduce applicator exposures and risks. Therefore, the Agency has concluded the risks from using this product are outweighed by the benefits.

Copies of the proposed notice of intent to cancel are available upon request. Although not required to do so by FIFRA, the Agency invites comments from the public on the proposal. Such comments must be submitted by June 23, 1986. The Agency does not anticipate granting any extensions of time to submit comments.

A limited number of comments were submitted in response to the notice of special review. Most of the information in these comments is not outdated. Therefore, the Agency has chosen to respond formally to these comments at this time. The Agency, however, will respond to any significant comments submitted in response to the proposed notice of intent to cancel when it issues a final determination. Commenters are invited to reiterate any comments which were previously submitted to the extent the commenters believe their 1980 comments are still relevant. In addition, all interested persons are invited to submit any additional comments.

Dated: April 10, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

FR Doc. 86-8606 Filed 4-22-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/25F; FRL 3006-7]

Ethylene Dibromide; Amendment to EDB Registration for Postharvest Fumigation of Exported Citrus Fruit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has amended the registration under which ethylene dibromide (EDB) may be used to fumigate citrus fruit exported from the United States between now and the end of the 1988-1989 citrus harvest season. The label changes have imposed specific requirements on the fumigation of fruit and the shipping of fumigated fruit in an attempt to significantly reduce exposure to workers who fumigate, transport, and handle the treated crop. In addition, the amended label reduces the quality of EDB treated fruit to be shipped over the next 3 years.

FOR FURTHER INFORMATION CONTACT: By mail:

Linda K. Vlier, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW. Washington, DC 20460.

Office location and telephone number:

Rm. 711, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7451).

An administrative file containing information used in development of this label amendment is available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, except on legal holidays, in Rm. 236, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

SUPPLEMENTARY INFORMATION: On September 28, 1983, EPA issued a Notice of Intent to Cancer Registration of Pesticide Products Containing Ethylene Dibromide (EDB) which was published in the **Federal Register** of October 11, 1983 (48 FR 46234). The Notice proposed cancellation of the registrations for pesticide products containing EDB for use as a quarantine fumigant.

The Agency amended the Notice of Intent to Cancel to permit continued registration and use of EDB as a quarantine fumigant for exported citrus and papaya provided additional worker protection measures were instituted, as published in the **Federal Register** of April 10, 1984 (49 FR 14181). The amendment limited use of EDB on exported citrus to the months of October, November, December and January.

In August 1985, a request was made to the Agency to amend the EDB registration to eliminate the temporal restriction on application. On February 14, 1986, the Agency amended the registration to allow the use of EDB on exported citrus throughout the calendar year but replaced the limitation on the time of the season in which EDB may be used with a new limitation on quantities of fruit which can be fumigated. The label will expire in 3 years. The Agency is also issuing a Data Call-In Notice for additional worker exposure data. These data are being required to enable EPA to evaluate the effectiveness of the revised label requirements to reduce exposure of workers to EDB.

The label which expires at the end of the 1988/89 harvest season specifies: (1) Maximum volumes of citrus which may be treated with EDB each year; (2) a reduction in the maximum volume treated each harvest season; and (3) an increase in the use of containerized shipments to reduce worker exposure to EDB from treated citrus. The Agency will not consider amending this label to permit an increase in the volume of fruit treated or reduce the minumum percentage of fruit shipped containerized. However, the Agency may consider amending the label to modify workplace practices or equipment to further reduce worker exposure to EDB as new information becomes available. The label may also be amended to provide alternative programs for treatment of citrus.

The Agency may allow continued use of EDB past the 1988/89 harvest season if an evaluation of the relevant risk and benefit information shows an extension is warranted. The Agency is committed to reconsidering the continued availability of EDB for use on exported citrus before the June 30, 1989 expiration of the amended label.

The Agency will not extend the use of EDB if the exposure data indicate that any worker group is at significant risk when fumigating fruit, or handling treated fruit. The Agency however, may extend the use of EDB if the risks to workers are at relatively low levels and the economic impacts of eliminating EBD remain significant. Specifically, before an extension of EDB use will be permitted, the Agency will require:

1. Dramatic reductions in EDB exposure to workers.

2. Compliance with the requirements identified on the label.

3. Timely submission of all data required under the section 3(c)(2)(B) notice in full compliance with all quality assurance requirements.

The Agency commitment to reconsider and extension of use in no way precludes the Agency from taking either cancellation or suspension actions under section 6 of FIFRA prior to the expiration of the current label if such regulatory action is deemed appropriate.

Dated: April 14, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-9048 Filed 4-22-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30246A; (FRL-3006-3)]

Zoecon Corp.; Approval of a Pesticide Product Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of an application submitted by Zoecon Corp. to register the pesticide product Mavrik® 2E Insecticide containing an active ingredient involving a changed use pattern pursuant to the provision of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT:

By mail.

George LaRocca, Production Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St. SW., Washington, DC 20460.

Office of location and telephone number: Rm. 204, TS-767C, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA, (703-557-2400).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of November 21, 1984 (49 FR 45923), which announced that Zeocon Corp., 975 California Ave., Palo Alto, Ca 94304, had submitted an application to conditionally register the pesticide product Mavrik® 2E Insecticide containing the active ingredient (alpha *RS, 2R*)-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[chloro-4-(trifluoromethyl)anilino]-3-methyl-butanoate] at 25 percent; involving a changed use pattern of the product.

The application was approved on March 31, 1986 for Mavrik® 2E Insecticide for use on cotton. The product was assigned EPA Registration No. 20954-115.

The Agency has considered all required data on the risks associated with the proposed use of alpha *RS,2R*)-fluvalinate [(*RS*)-alpha-cayano-3-phenoxybenzyl (*R*)-2-[chloro-4-(trifluoromethyl) anilino]-3-methyl-butanoate] and information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of (alpha *RS, 2R*(-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[chloro-4-(trifluoromethyl)anilino]-3-methyl-butanoate] when used in accordance with widespread and commonly recognized practive, will not generally cause unreasonable adverse effects on the environment.

More detailed information on this registration is contained in a Chemical Fact Sheet on (alpha *RS, 2R*)-fluvalinate [(*RS*)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[chloro-4(trifluoromethyl)anilino]-3-methyl-butanoate].

A copy of this fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position, rationale, and data gaps may be obtained from Registration Division (TS-767C), Environmental Protection Agency, Registration Support and Emergency Response Branch, 401 M St. SW., Washington, D.C. 20460. In accordance with section 3(c)(2) of FIFRA, a copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Product Manager. The data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM#2, Arlington, VA 22202 (703-557-3262). Request for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St. SW., Washington, DC 20460.

Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

Dated: April 14, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-8833 Filed 4-22-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-53077; FRL-2995-5]

Premanufacture Notices; Monthly Status Report for August 1985

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for August 1985.

Nonconfidential portions of the PMNs may be seen in Rm. E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53077]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: This monthly status report is published in the **Federal Register** pursuant to section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)). Effective with this notice, the following nonsubstantive changes in format are being initiated: (a) the chemical identity listings, the **Federal Register** citations, and the review period expiration date listings are being eliminated from categories II (PMNs received in previous months and still under review) and III (PMNs for which the review period ended this month); and (b) the monthly cumulative listing in category V of PMNs for which the review period has been suspended will be replaced with biannual cumulative listings (January and July) and monthly updates of those listings for the remaining ten months. These changes do not significantly affect the quantity of information presented in this monthly status report.

Dated: March 21, 1986.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report August 1985

I. 149 Premanufacture Notices Received During the Month

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-1296	Generic name: Saturated and unsaturated alkylcarboxylic acid diethanolamine/triethanolamine salt	50 FR 32302 (32306) (8-9-85)	Oct. 29, 1985.
P 85-1297	Generic name: Poly-beta-fluoroalkylethyl acrylate and alkyl acrylate	50 FR 33630 (8-20-85)	Oct. 30, 1985.
P 85-1298	Generic name: Condensation product of an alkylphenol and alkylamine, and formaldehyde, calcium salt	50 FR 33630 (8-20-85)	Nov. 2, 1985.
P 85-1299	Generic name: Polymer from coconut fatty acids with alkanedioic acids and an alkanediol	50 FR 33630 (8-20-85)	Do.
P 85-1300	Generic name: Phenylene sulfide copolymer	50 FR 33630 (8-20-85)	Do.
P 85-1301	Generic name: Esterified polyamic acid	50 FR 33630 (8-20-85)	Do.
P 85-1302	Generic name: Functional alkyl methacrylate	50 FR 33630 (8-20-85)	Nov. 3, 1985.
P 85-1303	Generic name: Modified acrylic polymer	50 FR 33630 (8-20-85)	Do.
P 85-1304	Generic name: Modified acrylic polymer	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1305	Generic name: Modified acrylic polymer	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1306	Generic name: Substituted isothiazolanthracene	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1307	Generic name: Alkenoic acid, trisubstituted-benzyl disubstituted phenyl ester	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1308	Generic name: Amine salt of a carboxyl terminated polyester urethane polymer	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1309	Generic name: Amine salt of a carboxyl terminated polyester urethane polymer	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1310	Generic name: Polyether urethane polymer	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1311	Generic name: Polymer of tall oil rosin; phenolformaldehyde copolymer; calcium hydroxide; paraformaldehyde; acetic acid; p-tert-butylphenol-formaldehyde copolymer.	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1312	Generic name: Isononanoic acid, sodium salt	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1313	Polymer of tall oil rosin; phenolformaldehyde copolymer; calcium hydroxide; paraformaldehyde; acetic acid	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1314	Generic name: Substituted copper phthalocyanine	50 FR 33630 (33631) (8-20-85)	Nov. 4, 1985.
P 85-1315	Generic name: Nitrochlorophenylazo-*N*-ethyl-*N*-substituted aniline	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1316	Generic name: 2-Naphthalenesulfonic acid, 6-acetamido-4-hydroxy-[substituted]azo, 1:2 metal complex, trisodium salt	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1317	Hydrolyzed animal proteins	50 FR 33630 (33631) (8-20-85)	Do.
P 85-1318	Generic name: Functional polyurethane from polyalkylene oxide, aliphatic diisocyanate and substituted alkanol	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1319	Generic name: Fatty acids, amides from alkanolamines	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1320	Generic name: (Isocyanato oxazolidonyl) isocyanurate	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1321	Generic name: Aromatic polyester resin	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1322	Generic name: MDI-polyol prepolymer	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1323	Generic name: Nitrogen containing alkyl phenol	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1324	Generic name: Sulfurized ester	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1325	Generic name: Alkyl phenol	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1326	Generic name: Polysuccinimide amide	50 FR 33630 (33632) (8-20-85)	Do.
P 85-1327	Generic name: Aromatic polyester resin	50 FR 33630 (33632) (8-20-85)	Nov. 5, 1985.
P 85-1328	Generic name: Urethane polymer	50 FR 34189 (8-23-85)	Nov. 6, 1985.
P 85-1329	Chromate (5-), bis[3-carboxy-1-[4-[[6-[(2-carboxyphenyl)azo]-5-hydroxy-7-sulfo-2-naphthalenyl]amino]-6-[[4-[[4-sulfo-phenyl)azo]phenyl]amino]-1,3,5-triazin-2-yl]pyridiniumato(5-)]-, pentasodium dihydrate	50 FR 34189 (8-23-85)	Do.
P 85-1330	Copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl[[2-[[4-(3-carboxypyridinio)-6-methoxy-1,3,5-triazin-2-yl]amino]ethyl]amino]sulfonyl sulfo derivs., hydroxides, sodium salts	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1331	Naphthalene, 1,2,3,4-tetrahydro-(1-phenylethyl)-	50 FR 34189 (34190) (8-23-85)	Nov. 9, 1985.
P 85-1332	Mixture of diphenyl methane diisocyanate-2,4 and diphenyl methane diisocyanate-4,4 trimethylol propane	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1333	Generic name: Polymer of acrylic acid esters and methacrylic acid esters with an aliphatic acid monomer and an aromatic vinyl monomer.	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1334	Generic name: Polymer of acrylic acid esters and methacrylic acid esters with an aliphatic acid monomer and an aromatic vinyl monomer.	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1335	Generic name: Functional acrylate type polymer	50 FR 34189 (34190) (8-23-85)	Nov. 10, 1985.
P 85-1336	Generic name: Oil modified polyester of aromatic and dibasic acids	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1337	Generic name: Omega, omega'-dialkyl polyglycol ethers	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1338	Generic name: Polyurethane	50 FR 34189 (34190) (8-23-85)	Nov. 11, 1985.
P 85-1339	Generic name: Bisphenol A, epichlorohydrin, diethanolamine, polysubstituted alkane adduct polymer	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1340	Generic name: Polyester resin	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1341	Generic name: Sulfonates of ethoxylated alcohols	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1342	Generic name: Substituted diazo compound	50 FR 34189 (34190) (8-23-85)	Do.
P 85-1343	Generic name: Silicon substituted organic amine	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1344	Generic name: Alkali metal salt of substituted sulfo-aryl transition metal complex	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1345	Generic name: Polysubstituted sulfo-aryl transition metal complex	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1346	Generic name: Rosin maleated, fumarated ester with pentaerythritol, polypropylene glycol, and glycerine	50 FR 34189 (34191) (8-23-85)	Nov. 12, 1985.
P 85-1347	Generic name: Rosin maleated, fumarated ester with pentaerythritol and diethylene glycol	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1348	Generic name: Rosin maleated, fumarated ester with pentaerythritol, diethylene glycol, glycerine, ethylene glycol, and castor oil.	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1349	Generic name: Polyamide	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1350	Generic name: Polyamide	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1351	Polymer of poly(oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-, 1,1'-biphenyl, 4,4'-diisocyanato-3,3'dimethyl; water, silicone surfactant; and 1,4-diazabicyclo-[2.2.2]octane.	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1352	Polymer of poly(oxy-1,4-butanediyl), alpha-hydro-omega-hdroxy-, 1,1'biphenyl,4,4'-diisocyanato-3,3'-dimethyl, 1,4-butanediol, 1, 3-propanediol, 2-(hydroxy-methyl)-2-methyl, and 1,4-diazabycyclo-[2.2.2]octane.	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1353	1,3-benzenedicarboxylic acid, polymer with 1,6-hexanediol and nonanedioic acid; naphthalene, 1,5-diisocyanato-; phenol, 4,4'-(methanetetrayldinitrilo)bis(3,5-bis (1-methylethyl)-; hexamethylene 1,6-distearyldiurethane; ethanol, 2,2'(1,4-phenylenebis(oxy)bis-1,4 butanediol.	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1354	Polymer of poly(oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-, 1,1'-biphenyl, 4,4'-diisocyanato-3,3'-dimethyl, 1,4-butanediol, 1,3-propanediol, 2-(hydroxymethyl)-2-methyl, and 1,4-diazabicyclo-[2.2.2]octane.	50 FR 34189 (34191) (8-23-85)	Do.
P 85-1355	Polymer of poly(oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-, 1,1'-biphenyl, 4,4'-diisocyanato-3,3'-dimethyl, 1,4-butanediol, 1,3-propanediol, 2-(hydroxymethyl)-2-methyl, and 1,4-diazabicyclo-[2.2.2]octane.	50 FR 34189 (3419) (8-23-85)	Do.
P 85-1356	Polymer of hexanedioic acid, polymer with 1,2-ethanediol, naphthalene, 1,5-diisocyanato-; castor oil; phenol, 4,4'-(methanetetrayldinitrilo)bis(3,5-bis(1-methylethyl)-; castor oil, sulfonated; sodium salt, water silicone additive, triethylene diamine catalyst.	50 FR 34189 (34192) (8-23-85)	Do.
P 85-1357	Polymer of E-caprolactone and trimethylol propane, castor oil, 1,1'-biphenyl, 4,4'-diisocyanato-3,3'-dimethyl, phenol, 4,4'-(methanetetrayldinitrilo)bis(3,5-bis(1-methylethyl)-, 1,4-butanediol; 1,3-propanediol, 2-(hydroxymethyl)-2-methyl, 1,4-diazabicyclo[2.2.2]octane.	50 FR 34189 (34192) (8-23-85)	Do.
P 85-1358	Generic name: Aromatic acetamide	50 FR 35314 (8-30-85)	Nov. 13, 1985.
P 85-1359	Generic name: Phenolic resin	50 FR 35314 (8-30-85)	Do.
P 85-1360	Generic name: Esterified polyamic acid	50 FR 35314 (8-30-85)	Do.
P 85-1361	Generic name: Titanium IV neoalkoxy trisneodecanoate	50 FR 35314 (8-30-85)	Do.
P 85-1362	Generic name: Titanium IV neoalkoxy, trisdodecylbenzenesulfonato-O	50 FR 35314 (8-30-85)	Do.
P 85-1363	Generic name: Titanium IV neoalkoxy, tris[3-amino)phenylato	50 FR 35314 (8-30-85)	Do.
P 85-1364	Generic name: Titanium IV neoalkoxy, trisethylendiaminoethanolato	50 FR 35314 (8-30-85)	Do.
P 85-1365	Generic name: Titanium IV neoalkoxy, tris(diisooctyl)pyrophosphato-*O*	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1366	Generic name: Titanium IV neoalkoxy, trisdioctylphosphato-*O*	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1367	Generic name: Titanium IV neoalkoxy trioctyl	50 FR 35314 (35315) (8-30-85)	Do.

I. 149 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-1368	Generic name: Alkyl benzoic acid metal complex	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1369	Generic name: Ethenyl silane ester	50 FR 35314 (35315) (8-30-85)	Nov. 17, 1985.
P 85-1370	Generic name: Alkyl(heterocyclicyl) phenylazoheteromonocyclicpolyone	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1371	Generic name: Alkyl-heterocyclicquinazalone	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1372	Generic name: Substituted polyhydronaphthalenol	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1373	Generic name: 2-Hydroxyethyl trialkylacetate with carbon numbers of C_{11}-C_{15}	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1374	Generic name: Amine-modified epoxy resin	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1375	Generic name: Polypropylene toluene sulfonate	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1376	Generic name: Polypropylene toluene	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1377	Generic name: Alkyl fatty ester	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1378	Generic name: Reaction product of bismaleimide with aminoaryl hydrazide	50 FR 35314 (35315) (8-30-85)	Do.
P 85-1379	Generic name: Alkyl benzotriazole	50 FR 35314 (35316) (8-30-85)	Nov. 18, 1985.
P 85-1380	Generic name: Ester-modified epoxy resin	50 FR 35314 (35316) (8-30-85)	Do.
P 85-1381	Generic name: Unsaturated polyester	50 FR 35314 (35316) (8-30-85)	Do.
P 85-1382	Generic name: Amine-modified epoxy resin	50 FR 35314 (35316) (8-30-85)	Do.
P 85-1383	Generic name: Amine-modified epoxy resin	50 FR 35314 (35316) (8-30-85)	Do.
P 85-1384	Generic name: Butyltin carboxylate derivative	50 FR 35314 (35316) (8-30-85)	Nov. 19, 1985.
P 85-1385	Generic name: Butyltinmercaptide	50 FR 35314 (35316) (8-30-85)	Do.
P 85-1386	Polymer of styrene; acrylonitrile; and maleic anhydride	50 FR 36669 (9-9-85)	Nov. 20, 1985.
P 85-1387	Generic name: Carboxy substituted aromatic sulfonamide	50 FR 36669 (9-9-85)	Do.
P 85-1388	Generic name: Vinyl chloride-vinyl acetate hydroxyl modified copolymer	50 FR 36669 (9-9-85)	Do.
P 85-1389	Generic name: Fluoro polyaryl ether ketone	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1390	Generic name: (Dialkyl-substituted hydroxyphenyl)benzotriazole	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1391	4-Isopropyl thioxanthone	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1392	Generic name: Zinc salt of a carboxy substituted aromatic sulfonamide	50 FR 36669 (36670) (9-9-85)	Nov. 23, 1985.
P 85-1393	Generic name: Polymer of bisanhydride of bisphenol-A, and an aromatic diamine	50 FR 36669 (36670) (9-9-85)	Nov. 24, 1985.
P 85-1394	Benzenamine, N,N'-(1,4-phenylenedimethylidyne)bis[3-ethynyl]	50 FR 36669 (36670) (9-9-85)	Nov. 25, 1985.
P 85-1395	Generic name: Functionalized polyacrylate salt—acylate ester	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1396	Copolymer of 2-hydroxyethylmethacrylate and sodium styrenesulfonate	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1397	Generic name: Acrylic copolymer latex	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1398	Generic name: Aliphatic polyurethane aqueous dispersion	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1399	Generic name: Substituted phenylazo benzenesulfonic acid	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1400	Generic name: Disubstituted phenylazo disubstituted naphthalenesulfonic acid, salt	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1401	Generic name: Disubstituted phenylazo, disubstituted naphthalenesulfonic acid, substituted alkyl amine salt	50 FR 36669 (36670) (9-9-85)	Do.
P 85-1402	Substituted phenylazo disubstituted naphthalenesulfonic acid, salt	50 FR 36669 (36671) (9-9-85)	Do.
P 85-1403	Generic name: Substituted phenylazo disubstituted naphthaenesulfonic acid, substituted alkylamine salt	50 FR 36669 (36671) (9-9-85)	Do.
P 85-1404	Generic name: Substituted phenylazo substituted phenylazo benzenesulfonic acid, salt	50 FR 36669 (36671) (9-9-85)	Do.
P 85-1405	Generic name: Substituted phenylazo substituted phenylazo benzenesulfonic acid, compound with substituted alkylamine.	50 FR 36669 (36671) (9-9-85)	Do.
P 85-1406	Generic name: Substituted aryl-substituted aryl heterocycle, carboxylate salt	50 FR 36669 (36670) (9-9-85)	Nov. 26, 1985.
P 85-1407	Generic name: Phosphorodithioic acid, dialkyl ester, alkylammonium salt	50 FR 38194 (38195) (9-20-85)	Nov. 27, 1985.
P 85-1408	Generic name: Substituted alkyl, alkyl oxazolidine	50 FR 38194 (38195) (9-20-85)	Do.
P 85-1409	Generic name: Unsaturated polyester	50 FR 38194 (38195) (9-20-85)	Do.
P 85-1410	Generic name: Unsaturated polyester polymer	50 FR 38194 (38195) (9-20-85)	Do.
P 85-1411	Generic name: Alkyl aluminoxanes	50 FR 38194 (38195) (9-20-85)	Do.
P 85-1412	Generic name: N-(beta-substituted propyl) benzenesulfonamide	50 FR 38194 (38195) (9-20-85)	Do.
Y 85-115	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Aug. 22, 1985.
Y 85-116	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-117	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-118	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-119	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-120	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-121	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-122	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-123	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-124	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-125	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-126	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-127	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-128	Generic name: Dimer acid polyamide	50 FR 33628 (33629) (8-20-85)	Do.
Y 85-129	Generic name: Aliphatic polyurethane aqueous dispersion	50 FR 33628 (33629) (8-20-85)	Aug. 25, 1985.
Y 85-130	Generic name: Acrylic copolymer latex	50 FR 33628 (33629) (8-20-85)	Aug. 26, 1985
Y 85-131	Generic name: Polyester resin	50 FR 33628 (33629) (8-20-85)	Aug. 27, 1985.
Y 85-132	Generic name: Copolyetheresteramide	50 FR 34192 (8-23-85)	Sept. 3, 1985.
Y 85-133	Generic name: Alkali metal salt of ester polyfunctional alkylene oxide polymer	50 FR 34192 (8-23-85)	Sept. 4, 1985.
Y 85-134	Generic name: Water soluble acrylate random copolymer	50 FR 35913 (8-30-85)	Sept. 9, 1985.
Y 85-135	Generic name: Water soluble acrylate random copolymer	50 FR 35913 (8-30-85)	Do.
Y 85-136	Generic name: Water soluble acrylate random copolymer	50 FR 35913 (8-30-85)	Do.
Y 85-137	Generic name: Cross-linked polymeric acrylic micro particles	50 FR 35913 (8-30-85)	Do.
Y 85-138	Generic name: Modified acrylate terpolymer	50 FR 35913 (8-30-85)	Do.
Y 85-139	Generic name: Polyuethane dispersion	50 FR 35913 (8-30-85)	Do.
Y 85-140	Generic name: Water-based polyurethane elastomer	50 FR 35913 (8-30-85)	Sept. 10, 1985.
Y 85-141	Generic name: Polymer from coconut fatty acids with alkanedioic acids and alkanediol	50 FR 36671 (9-9-85)	Sept. 12, 1985
Y 85-142	Generic name: Polyurethane polyester	50 FR 36671 (9-9-85)	Sept. 18, 1985.
Y 85-143	Generic name: Polyester of carbomonocyclic acid, sulfonated carbomonocyclic ester and alkylene glycol	50 FR 36671 (9-9-85)	Do.
Y 85-144	Generic name: Polyester of carbomonocyclic ester, sulfonated carbomonocyclic ester and alkylene glycol	50 FR 36671 (9-9-85)	Do.
Y 85-145	Generic name: Epoxy ester	50 FR 38194 (9-20-85)	Sept. 19, 1985.
Y 85-146	Generic name: Acrylate-styrene modified oil	50 FR 38194 (9-20-85)	Do.

II. 156 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.

P 85-1141	P 85-1143	P 85-1147	P 85-1157	P 85-1166	P 85-1176
P 85-1142	P 85-1144	P 85-1148	P 85-1158	P 85-1167	P 85-1177
P 85-1145	P 85-1155	P 85-1149	P 85-1159	P 85-1168	P 85-1178
P 85-1146	P 85-1156	P 85-1150	P 85-1160	P 85-1169	P 85-1179
		P 85-1151	P 85-1161	P 85-1170	P 85-1180
		P 85-1152	P 85-1162	P 85-1171	P 85-1181
		P 85-1153	P 85-1163	P 85-1172	P 85-1182
		P 85-1154	P 85-1164	P 85-1173	P 85-1183
		P 85-1165	P 85-1175	P 85-1174	P 85-1184

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P 85-1295

III. 186 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.

P 83-418
P 83-875
P 83-876
P 84-15
P 84-17
P 84-18
P 84-36
P 84-50
P 84-597
P 84-669
P 84-713
P 84-796
P 84-861
P 84-954
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Y 85-132

IV. 73 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/generic name	Date of commencement
P 80-309	Cuprate(6-), [u-[[3,3'-[iminobis[(1-hydroxy-3-sulfo-8,2-naphthalendiyl)azo(5-hydroxy-2-methyl-4,1-phenylene)azo]] bis[1,5-naphthalene-disulfonato]](10-)]]di-hexasodium.	Aug. 5, 1985.
P 81-666	Generic name: Cycloalkyl aralkyl ether	Jan. 3, 1985.
P 82-298	Generic name: Polymer of alkyl acrylate and acrylamide	Aug. 20, 1984.
P 83-336	Methanesulfonic acid, tin (2+) salt	July 7, 1985.
P 83-337	Methanesulfonic acid, lead (2+) salt	July 22, 1985.
P 83-401	Generic name: Napthalenetrisulfonic acid, chlorotriazinyl-amino-methoxymethylphenylazo,-	Aug. 1, 1985.
P 83-455	Generic name: Alkenoyl disubstituted cycloalkane	July 10, 1985.
P 83-618	Generic name: C. I. direct red 259	Aug. 5, 1985.
P 83-619	Cuprate(5-), [u-[2-[[1-[4-[2-[4-[[4-[[4-[2-[4-[4-[[(2-carboxyphenyl)azo]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-1-yl]-2-sulfophenyl]ethenyl]-3-sulfophenyl]amino]-6-(phenylamino)-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-3-sulfophenyl]-4,5-dihydro-3-methyl]-5-oxo-1*H*-pyrazol-4-yl]azo]-5-sulfobenzoato(9-)]]di-, pentasodium.	July 18, 1985.
P 83-620	Generic name: C. I. direct red 260	Aug. 5, 1985.
P 83-621	Benzoic acid, 2-[[1-[4-[2-[4-[[4-[[4-[2-[4-[4-[[(2-carboxyphenyl)azo]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-1-yl]-2-sulfophenyl]ethenyl]-3-sulfophenyl]amino]-6-(phenylamino)-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-3-sulfophenyl]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-4-yl]azo]-5-sulfo-, pentasodium salt.	July 18, 1985.
P 83-808	2-, 3-, and 4-pinanol mixture	Aug. 1, 1985.
P 83-820	Generic name: Phosophoro carboxylic acid derivative	July 29, 1985.
P 83-1012	Generic name: Bis(sulfophenyl(chlorotriazine amino sulfophenylazo) hydroxyamino disulfonaphthalene	Aug. 1, 1985.
P 83-1055	Generic name: Trisubstituted heteromonocycle	Aug. 5, 1985.
P 83-1279	Generic name: Water dispersed oligourethane	July 31, 1985.
P 83-1280	Generic name: Polyurethane prepolymer resin	Do.
P 84-27	Generic name: Polyol carboxylate ester	May 10, 1984.
P 84-56	1,3-Benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol and 2,2,4-trimethyl-1,3-pentadiol	July 11, 1985.
P 84-164	Generic name: Fluorine substituted dioxolane	July 1, 1985.
P 84-233	Silicon aluminum oxynitrile	Aug. 15, 1985.
P 84-814	Generic name: Polysubstituted polyol	Aug. 5, 1985.
P 84-824	Generic name: Brominated aromatic	Aug. 19, 1985.

IV. 73 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/generic name	Date of commencement
P 84-884	1-methyl-1-phenylethyl peroxyneoheptanoate	July 26, 1985.
P 84-885	Generic name: Carboxylic acid choloride	Do.
P 84-1168	Generic name: Polysubstituted urethane	July 23, 1985.
P 85-63	1,2-Dimethyl-3-(1-methylethenyl)-cyclopentanol mixture	Aug. 1, 1985.
P 85-84	Generic name: Perfluoroalkyl substituted acrylate polymer	July 21, 1985.
P 85-108	Generic name: Acrylic copolymer	July 18, 1985.
P 85-126	Generic name: Unsaturated polyester	Aug. 28, 1985.
P 85-150	Generic name: Fluoranthenediamine-bis(substituted aminoanthraquinone)	July 16, 1985.
P 85-151	Generic name: Fluoranthenamine-substituted amino-anthraquinone	Do.
P 85-183	4,5-dihydro-5-ethyl-2-methyl-3-furane carboxylic acid ethyl ester	July 28, 1985.
P 85-316	Generic name: Aryl alkenyl aryl nitrile	July 29, 1985.
P 85-330	Generic name: Alkyl aryl ethoxylate sulfate, sodium salt	Do.
P 85-363	1,2-Dimethyl-3-(1-methylethenyl)-cyclo pentanol acetate mixture	Aug. 1, 1985.
P 85-509	9,10-Anthracenedione, 4-((4-(1,1-dimethylethyl)phenyl)amino)-5-hydroxy-1-((1-methylethyl)amino)-	Aug. 5, 1985.
P 85-510	Poly(oxy-1,2-ethanediyl), alpha-higher alkyl, C>30, omega-hydroxy	Aug. 15, 1985.
P 85-664	Generic name: Reaction product of metallic alkyls and polysiloxanes	Do.
P 85-665	Generic name: Reaction product of metallic alkyls, polysiloxanes and titanates	Do.
P 85-671	Generic name: Reacted modified cycloaliphatic diamine	Aug. 1, 1985.
P 85-695	Generic name: Acrylate copolymer	July 30, 1985.
P 85-696	Generic name: Acrylate copolymer	Do.
P 85-697	Generic name: Acrylate copolymer	Do.
P 85-698	Generic name: Acrylate copolymer	Do.
P 85-714	Generic name: Disubstituted urea	July 31, 1985.
P 85-736	Generic name: Modified rosin, calcium zinc salts	July 19, 1985.
P 85-797	Generic name: Diamine-polydimethylsiloxane	July 11, 1985.
P 85-799	Generic name: Modified polyacrylate polymer	Aug. 1, 1985.
P 85-801	Generic name: Adduct of polymeric 4,4'phenylmethane diisocyanate and hydroxyester of terephthalic acid	July 24, 1985.
P 85-819	Generic name: Tall oil fractions, unsaturated hydrocarbon resin, dieneophile modified polymer with pentaerythritol	Aug. 16, 1985.
P 85-821	Generic name: Alkyd resin	Aug. 2, 1985.
P 85-823	Generic name: Alkene-methacrylate copolymer	Aug. 1, 1985.
P 85-864	Generic name: Dimethylhydrogen terminated polysiloxane	Aug. 12, 1985.
P 85-865	Generic name: Substituted acetonitrile	Aug. 2, 1985.
P 85-887	Indium orthoborate	July 31, 1985.
P 85-899	Generic name: Ethoxylated polyester	Aug. 9, 1985.
P 85-905	Sodium aluminum tetrahydride	Aug. 1, 1985.
P 85-913	Generic name: Polyol sulfate	Aug. 5, 1985.
P 85-927	Generic name: Modified essential oil	Aug. 13, 1985.
P 85-940	Generic name: Saturated branched chain secondary alcohol/ketone mixture having 12 carbon atoms	Aug. 8, 1985.
P 85-945	Generic name: Acrylic ester terpolymer	Aug. 13, 1985.
P 84-998	Generic name: Mixed esters of butane polyols	Aug. 18, 1985.
Y 85-21	Polymer of castor oil, succinic anhydride, and propylene glycol	Aug. 5, 1985.
Y 85-39	Generic name: Polyester polymer	June 26, 1985.
Y 85-40	Polymer of isotridecyl alcohol, trimellitic anhydride, maleic anhydride, neopentylglycol	Aug. 5, 1985.
Y 85-43	1,4-Benzenedicarboxylic acid polymer with Jeffamine ED 2001 and 2-oxepanone	July 1, 1985.
Y 85-57	Generic name: 1-substituted propane, 2-methyl-2-[(1-OXO-2-propenyl)amino]-, monosodium salt, polymer with 2-propenamide and 2 propenoic acid, sodium salt.	July 8, 1985.
Y 85-74	Adipic, azelaic, glutaric acids, copolymer with 1,4-butane diol and 2-ethylhexanol	Aug. 18, 1985.
Y 85-98	Polymer of 2-propenoic acid, 2-methyl-, methyl ester, ethenylbenzene and methyl-2-propenoate	July 22, 1985.
Y 85-99	Generic name: Dimethyl terephthalate, alkanediols and trimellitic anhydride polymer	July 25, 1985.
Y 85-101	Acid terminated prepolymer polyester	Aug. 5, 1985.
Y 85-131	Generic name: Polyester resin	Aug. 28, 1985.

V. 39 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity/generic name	FR citation	Date suspended
P 84-597	Generic name: Blocked aliphatic polyisocyanate	49 FR 16835 (4-20-84)	Aug. 18, 1985.
P 84-713	Generic name: Acrylated alkoxylated aliphatic polyol	49 FR 22130 (5-25-84)	Aug. 7, 1985.
P 84-796	Generic name: Polyfunctional aziridine	49 FR 24782 (6-15-84)	Do.
P 85-16	Generic name: Acrylamide unsaturated quaternary ammonium copolymer	49 FR 41102 (41103) (10-19-84)	Aug. 22, 1985.
P 85-609	Generic name: Functionally modified methacrylate polymer	50 FR 9504 (9508) (3-8-85)	Aug. 26, 1985.
P 85-611	Generic name: Copper complex of substituted-disazonaphthalenetrisulfonic acid	50 FR 9504 (9508) (3-8-85)	Do.
P 85-620	Generic name: Functionally substituted acrylic/methacrylic/styrene polymer	50 FR 9504 (9509) (3-8-85)	Do.
P 85-725	Generic name: Polymer of alkyl methacrylates, substituted alkyl methacrylate and styrene	50 FR 14439 (4-12-85)	Do.
P 85-854	Generic name: Triglycidyl ether of substituted tri(hydroxyphenyl)methane	50 FR 18915 (18918) (5-3-85)	Aug. 1, 1985.
P 85-855	Generic name: Triglycidyl ether of substituted tri(hydroxyphenyl)methane	50 FR 18915 (18918) (5-3-85)	Do.
P 85-875	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19799) (5-10-85)	Aug. 24, 1985.
P 85-876	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-877	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-878	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-879	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-890	Generic name: Polypropylene glycol ether	50 FR 19798 (19800) (5-10-85)	Aug. 13, 1985.
P 85-891	Generic name: Polypropylene glycol ether	50 FR 19798 (19800) (5-10-85)	Do.
P 85-892	Generic name: Polypropylene glycol ether	50 FR 19798 (19800) (5-10-85)	Do.
P 85-929	Generic name: Alkylated aromatic diamine	50 FR 20596 (20599) (5-17-85)	Aug. 1, 1985.
P 85-932	Generic name: Disubstituted alkyltriazine	50 FR 20596 (20599) (5-17-85)	Aug. 21, 1985.
P 85-933	Generic name: Disubstituted alkyltriazine	50 FR 20596 (20599) (5-17-85)	Do.
P 85-941	Generic name: Substituted alkylamine salt	50 FR 21498 (21499) (5-24-85)	Aug. 22, 1985.
P 85-949	Generic name: Organosilane polymer	50 FR 21498 (21500) (5-24-85)	Aug. 12, 1985.
P 85-963	Generic name: Alkenylether-substituted polyester	50 FR 21498 (21501) (5-24-85)	Do.
P 85-966	3,9-diethyl tridecan-6-one	50 FR 21498 (21501) (5-24-85)	Aug. 9, 1985.
P 85-973	Generic name: Triglycidyl ether of a substituted tri(hydroxyphenyl)methane	50 FR 21498 (21502) (5-24-85)	Aug. 13, 1985.
P 85-976	Generic name: Reaction product of an organic polymer, silane, organosilanes and a functional organosilane	50 FR 21498 (21502) (5-24-85)	Aug. 12, 1985.
P 85-992	Generic name: Urethane acrylate	50 FR 23185 (23186) (5-31-85)	Aug. 18, 1985.
P 85-1042	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 34938 (24940) (6-14-85)	Aug. 28, 1985.
P 85-1043	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1044	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1045	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1046	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.

V. 39 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
P 85-1047	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1048	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1049	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1053	Generic name: Perfluoroalkyl methacrylate	50 FR 25778 (6-21-85)	Do.
P 85-1054	Generic name: Perfluoroalkyl methacrylate	50 FR 25778 (6-21-85)	Do.
P 85-1059	Generic name: Alkylene bis-anthranilate ester	50 FR 25778 (25779) (6-21-85)	Aug. 29, 1985.

[FR Doc. 86-6996 Filed 4-22-86; 8:45 am]

BILLING CODE 6560-50

[OPTS-53078 FRL-2995-3]

Premanufacture Notices Monthly Status Report for September 1985

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for September 1985.

Nonconfidential portions of the PMNs may be seen in Rm. E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53078]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room E-201, 401 M Street SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Contol Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-613, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during September; (b) PMNs received previously and still under review at the end of September; (c) PMNs for which the notice review period has ended during September; (d) chemical substances for which EPA has received a notice of commencement to manufacture during September and (e) PMNs for which the review period has been suspended. Therefore, the September 1985 PMN Status Report is being published.

Dated: March 21, 1986.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report September 1985

I. 138 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-1413	Polymer of chlorinated dicarboxylic acid, aromatic anhydride, aliphatic ester and polyol	50 FR 38194 (38195) (9-20-85))	Dec. 1, 1985.
P 85-1414	Generic name: Substituted aromatic polymer	50 FR 38194 (38195) (9-20-85))	Do.
P 85-1415	Generic name: Modified acrylic copolymer	50 FR 38194 (38195) (9-20-85)	Do.
P 85-1416	Generic name: Oligomeric hydroxy amidoester resin	50 FR 38194 (38195) (9-20-85)	Do.
P 85-1417	Generic name: Phenolic polyester	50 FR 38194 (38195) (9-20-85)	Dec. 2, 1985.
P 85-1418	Generic name: Unsaturated polyester	50 FR 38194 (38195) (9-20-85)	Do.
P 85-1419	Polymer of glycerol, phthalic, anhydride, phenol-formaldehyde, resin CK-1634, rosin, tall oil fatty acids and trimethylol propane.	50 FR 38194 (38196) (9-20-85)	Do.
P 85-1420	Generic name: Substituted allyl aniline	50 FR 38194 (38196) (9-20-85)	Do.
P 85-1421	d,d,d'd'-tetramethyl-, dihexyl ester	50 FR 38194 (38196) (9-20-85)	Do.
P 85-1422	Generic name: Aliphatic polyester reacted with diisocyanate and diol acid, amine salt	50 FR 38197 (38198) (9-20-85)	Dec. 4, 1985.
P 85-1423	Generic name: Aliphatic polyester reacted with aromatic diisocyanate and iol acid, amine salt	50 FR 38197 (38198) (9-20-85)	Do.
P 85-1424	Generic name: Copolymer of methacrylic acid ester and substituted methacrylic acid derivatives	50 FR 38197 (38198) (9-20-85)	Do.
P 85-1425	Generic name: Unsaturated acid and heterocyclic modified epoxy resin	50 FR 38197 (38198) (9-20-85)	Dec. 7, 1985.
P 85-1426	Generic name: Mixture of aliphatic alcohols	50 FR 38197 (38198) (9-20-85)	Do.
P 85-1427	Generic name: Substituted naphthalene	50 FR 38197 (38198) (9-20-85)	Do.
P 85-1428	Generic name: Oxime capped polyurethane	50 FR 38197 (38198) (9-20-85)	Dec. 8, 1985.
P 85-1429	Polymer of soya fatty acid, pentaerythritol, benzoic acid, isophthalic acid, styrene, and methyl methacrylate	50 FR 38197 (38198) (9-20-85)	Do.
P 85-1430	Generic name: Isocyanate-terminated polyester polyurethane	50 FR 38197 (38198) (9-20-85)	Do.
P 85-1431	Generic name: Isocyanate-terminated polyurethane	50 FR 38197 (38198) (9-20-85)	Do.
P 85-1432	Generic name: Substituted N,N-dialkyl-m-anisidine	50 FR 38197 (38198) (9-20-85)	Do.
P 85-1433	Generic name: Alkoxylated coconut glyceride	50 FR 38197 (38199) (9-20-85)	Do.
P 85-1434	Generic name: Halogenated peroxide	50 FR 38197 (38199) (9-20-85)	Do.
P 85-1435	Generic name: Polyester diol	50 FR 38197 (38199) (9-20-85)	Dec. 10, 1985.
P 85-1436	Generic name: Amine-boronhalide complex	50 FR 38197 (38199) (9-20-85)	Do.
P 85-1437	Generic name: Ethylene-vinyl fatty ester copolymer	50 FR 38197 (38199) (9-20-85)	Do.
P 85-1438	Generic name: Modified acrylate terpolymer	50 FR 38197 (38199) (9-20-85)	Do.
P 85-1439	Generic name: Reaction product of a substituted nitrile with a halogenated unsaturated compound	50 FR 39167 (39168) (9-27-85)	Dec. 11, 1985.
P 85-1440	Generic name: Polymer of benzene dicarboxylic acid, alkane diols, and alkane carboxylic acid	50 FR 39167 (39168) (9-27-85)	Do.
P 85-1441	Pyridinium,1,1'-[sulfonylbis[3,1-phenyleneimino[6-[[3-[[3-carboxy-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazol-4-yl]azo]-4-sulfophenyl]amino]1,3,5-triazine-4,2-diyl]]]bis [3-carboxy-, dihydroxide, tetrasodium salt.	50 FR 39167 (39168) (9-27-85)	Do.
P 85-1442	Benzoic acid, 2,5-bis[[4-[[4-[(4,8-disulfo-2-napthalenyl) azo-3-methylphenyl] amino-6-(4-morpholinyl)-1,3,5-triazin 2-yl]amino]-, pentasodium salt.	50 FR 39167 (39168) (9-27-85)	Do.
P 85-1443	Chromate (7-), bis[1-[4-[[3-(acetylamino]-4-[(4,8-disulfo-2-napthalenyl)azo] phenyl]amino]-6-[[6-[(2-carboxyphenyl)azo]-5-hydroxy-7-sulfo-3-naphthalenyl]amino]-1,3,5-triazin-2-yl]-3-carboxypyridiniumato(6-)]-, heptasodium, dihydrate.	50 FR 39167 (39168) (9-27-85)	Do.

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PMN No.	Identity/generic name	FR citation	Expiration date
P 85-1444	2,7-Napthalenedisulfonic acid, 5-[[4-chloro-6-[(2-sulfoethyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[(2-sulfophenyl)azo]-, tetrasodium salt.	50 FR 39167 (39168) (9-27-85)	Do.
P 85-1445	Generic name: Urethane-modified polyester-acrylic copolymer	50 FR 39167 (39168) (9-27-85)	Do.
P 85-1446	Generic name: Potassium salt of an alkoxylated fatty amine acid	50 FR 39167 (39168) (9-27-85)	Do.
P 85-1447	Polymer of methyl methacrylate, ethyl acrylate and 2-hydroxy ethyl acrylate	50 FR 39167 (39168) (9-27-85)	Do.
P 85-1448	Generic name: Amido amine	50 FR 39167 (39168) (9-27-85)	Dec. 14, 1985.
P 85-1449	Generic name: Polymer of bisanhydride of Bisphenol-A, aliphatic diamine and an aromatic diamine	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1450	Ethylene glycol benzoate trialkylacetate with carbon numbers C_{14}-C_{18}	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1451	2,2', 4-tris-(2-chlorophenyl)-5-(3,4-dimethoxyphenyl)-4', 5'-diphenyl-1,1'bi-1*H*-imidazole	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1452	Generic name: Blocked substituted-urea polyurethane	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1453	Generic name: Blocked amino-epoxy resin	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1454	Generic name: Polyurea polyurethane polymer	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1455	Generic name: Fatty polyol	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1456	Generic name: Sulfoaryl heterocyclic substituted triazinyl water substance aryldioxazine	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1457	Generic name: Aliphatic ammonium salt of substituted aromatic acid	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1458	Generic name: Acrylic polymer containing aromatic carboxyesters	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1459	Generic name: Acrylic polymer containing aromatic carboxyesters	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1460	Polymer of bis-(4-phenoxyphenyl) methanone and 1,4-benzenedicarbonyl dichloride	50 FR 39167 (39169) (9-27-85)	Dec. 15, 1985.
P 85-1461	Bis(4-phenoxyphenyl) methanone	50 FR 39167 (39169) (9-27-85)	Do.
P 85-1462	Generic name: Polyurethane elastomer	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1463	Generic name: Polyurethane elastomer	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1464	Generic name: Substituted pyrazol azo benzene sulfonic acid	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1465	Generic name: (Dialkylamino, alkyl)aryl and N-(alkysulfonyl amino and halo)phenyl substituted oxopentanamide	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1466	Generic name: (Dialkyl)phenoxy, (N-dialkylamino and alkyl)aryl and (cyanophenylureido) aryl substituted hexanamide	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1467	Polymer of Spenkel P49-A6-60 and diethyl toluene diamine	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1468	Generic name: Modified alkanolamine, salt with organic acid	50 FR 39167 (39170) (9-27-85)	Dec. 16, 1985.
P 85-1469	Generic name: Modified alkanolamine, salt with inorganic acid	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1470	Generic name: Methylene diphenyene diisocyanate polyol prepolymer	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1471	Generic name: Methylene diphenylene diisocyanate polyol prepolymer	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1472	Generic name: Methylene diphenylene diisocyanate polyol prepolymer	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1473	Generic name: Methylene diphenylene diisocyanate polyol prepolymer	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1474	Generic name: Polymeric diisocyanate polyol prepolymer	50 FR 39167 (39170) (9-27-85)	Do.
P 85-1475	Generic name: Methylene diphenylene diisocyanate polyol prepolymer	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1476	Generic name: Methylene diphenylene diisocyanate polyol prepolymer	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1477	Generic name: Methylene diphenylene diisocyanate polyol prepolymer	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1478	Generic name: Acyclic polyamine	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1479	Generic name: Mixed alkyl phosphate ester	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1480	Generic name: Substituted bis(phenyl)-isobenzofuranone	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1481	Generic name: Polyether triol	50 FR 39167 (39171) (9-27-85)	Dec. 17, 1985.
P 85-1482	Propylene glycol and propylene oxide	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1483	Propylene glycol and propylene oxide	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1484	Generic name: Amine terminated polyether polyol	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1485	Generic name: Phosphorated polyether polyol	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1486	Generic name: Phosphorated polyether polyol	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1487	Generic name: Polypropylene glycol ether with sugar	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1488	Generic name: Polypropylene glycol ether with sugar	50 FR 39167 (39171) (9-27-85)	Do.
P 85-1489	Generic name: Polyether triol	50 FR 39167 (39172) (9-27-85)	Do.
P 85-1490	Polymer of 2,2-dimethyl 1,3-propanediol, 2-butenedioic acid and dimethyl terephthalate	50 FR 40594 (40595) (10-4-85)	Dec. 18, 1985.
P 85-1491	Polymer of 1,2-ethanediol, 1,2-propanediol, 1,4-benzenedicarboxylic acid and 2,5-furandione	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1492	Acetate capped alkyl ester grafted alkoxylated polyol	50 FR 40595 (40595) (10-4-85)	Do.
P 85-1493	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40595 (40595) (10-4-85)	Do.
P 85-1494	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40595 (40595) (10-4-85)	Do.
P 85-1495	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40595 (40595) (10-4-85)	Do.
P 85-1496	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40595 (40595) (10-4-85)	Do.
P 85-1497	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40595 (40595) (10-4-85)	Do.
P 85-1498	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40595 (40595) (10-4-85)	Do.
P 85-1499	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1500	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1501	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1502	Generic name: Silyl substituted amine carboxylate-potassium salt	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1503	Generic name: Silyl substituted amino carboxylate-sodium salt	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1504	Amine, hydrogenated tallow amine, reaction product with toluene diisocyanate and para-toluidine	50 FR 40594 (40595) (10-4-85)	Dec. 21, 1985.
P 85-1505	Generic name: Alumina organometallic compound	50 FR 40594 (40595) (10-4-85)	Dec. 22, 1985.
P 85-1506	Generic name: Water-based polyurathane elastomer	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1507	[4-Sulformanido-benzene-ethyl sulfonyl sulfuric ester-sodium salt] 1,4-[sulfonic acid sodium salt] 2,6 of nickel-phthalocyanine.	50 FR 40594 (40596) (10-4-85)	Do.
P 85-1508	Generic name: Polymeric diphenylmethane diisocyanate prepolymer	50 FR 40594 (40596) (10-4-85)	Do.
P 85-1509	Mixed C_4 and C_5 methyl ethers	50 FR 40594 (40596) (10-4-86)	Dec. 23, 1985.
P 85-1510	Generic name: Ethylene, vinyl acetate, methacrylic acid, hydroxy substituted hydrocarbon copolymer	50 FR 40594 (40596) (10-4-85)	Do.
P 85-1511	Generic name: Polyester resin of an aryl dicarboxylic acid plus an alkane diol	50 FR 40594 (40596) (10-4-86)	Do.
P 85-1512	Reaction product of tallow amine with bisphenol-A diglycidyl ether, ethoxylated	50 FR 40594 (40596) (10-4-85)	Do.
P 85-1513	Generic name: Toluene diisocyanate and mixed alkane diols	50 FR 40594 (40596) (10-4-85)	Dec. 24, 1985.
P 85-1514	Generic name: Phenolic polyester	50 FR 40594 (40596) (10-4-85)	Do.
P 85-1515	Generic name: Phenolic polyester resin	50 FR 40594 (40596) (10-4-85)	Do.
P 85-1516	Generic name: Polyester containing amide groups	50 FR 41580 (10-11-85)	Dec. 25, 1985.
P 85-1517	Generic name: Bis(substituted arylazo substituted sulfo aryl) transition metal complex	50 FR 41580 (10-11-85)	Do.
P 85-1518	Generic name: Isocyanate terminated polyester urethane	50 FR 41580 (10-11-85)	Do.
P 85-1519	Generic name: TDI-polyol prepolymer	50 FR 41580 (41581) (10-11-85)	Do.
P 85-1520	Generic name: Isocyanate terminated prepolymer	50 FR 41580 (41581) (10-11-85)	Do.
P 85-1521	Generic name: Polyester of adipic acid, isophthalic acid with alkyl diols	50 FR 41580 (41581) (10-11-85)	Do.
P 85-1522	Generic name: Modified polymer of rosin and polyol	50 FR 41580 (41581) (10-11-85)	Do.
P 85-1523	Generic name: Acrylate modified polyester of a carbomonocyclic acid, tall oil fatty acids and diols	50 FR 41580 (41581) (10-11-85)	Do.
P 85-1524	Generic name: Alpha-substituted-3-phenoxybenzyl alcohol	50 FR 41580 (41581) (10-11-85)	Do.
Y 85-147	Generic name: Saturated polyester resin from dibasic acids and diols	50 FR 38194 (9-20-85)	Sept. 24, 1985.
Y 85-148	Generic name: Aromatic-aliphatic ketone/formaldehyde resin modified with a cyclo-aliphatic diisocyanate	50 FR 38194 (9-20-85)	Do.
Y 85-149	Generic name: Styrenated vegetable oil	50 FR 38194 (9-20-85)	Sept. 25, 1985.
Y 85-150	Generic name: Styrene maleimide	50 FR 38197 (9-20-85)	Sept. 30, 1985.
Y 85-151	Generic name: Sulfonated polystyrene imide	50 FR 38197 (9-20-85)	Oct. 1, 1985.
Y 85-152	Generic name: Oil free alkyd resin	50 FR 38197 (9-20-85)	Oct. 2, 1985.
Y 85-153	Generic name: Oil free alkyd resin	50 FR 38197 (9-20-85)	Do.
Y 85-154	Generic name: N-PMI styrenic terpolymer	50 FR 38197 (9-20-85)	Do.
Y 85-155	Generic name: Mixed alkyl phosphate ester	50 FR 38197 (9-20-85)	Do.

—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
Y 85-156	Generic name: Polyurethane dispersion	50 FR 38197 (9-20-85)	Do.
Y 85-157	Generic name: Polyester of carbomonocyclic acid and alkylene glycols	50 FR 39166 (9-27-85)	Oct. 3, 1985.
Y 85-158	Generic name: Polyester of carbomonocyclic ester and alkylene glycols	50 FR 39166 (39167) (9-27-85)	Do.
Y 85-159	Generic name: Dimer acids, dicarboxylic acid, ethylenediamine, diamine polyamide resin	50 FR 39166 (39167) (9-27-85)	Oct. 7, 1985.
Y 85-160	Generic name: An ammonia/water soluble random copolymer of butyl acrylate and acrylic acid	50 FR 39166 (39167) (9-27-85)	Oct. 8, 1985.
Y 85-161	Generic name: Styrene-acrylate random emulsion copolymer	50 FR 39166 (39167) (9-27-85)	Do.
Y 85-162	Generic name: Ammonium salt solution of a terpolymer of styrene, alpha methyl styrene and acrylic acid	50 FR 39166 (39167) (9-27-85)	Do.
Y 85-163	Generic name: A terpolymer of 2-ethylhexyl acrylate, butyl acrylate, and hydroxyethyl methacrylate	50 FR 39166 (39167) (9-27-85)	Do.
Y 85-164	Polymer of propylene glycol and propylene oxide	50 FR 39166 (39167) (9-27-85)	Oct. 9, 1985.
Y 85-165	Polymer of propylene glycol and propylene oxide	50 FR 39166 (39167) (9-27-85)	Do.
Y 85-166	Generic name: Ethylene oxide-propylene oxide copolymer triol ether	50 FR 39166 (39167) (9-27-85)	Do.
Y 85-167	Generic name: Alkyd resin	50 FR 40596 (40597) (10-4-85)	Oct. 10, 1985.
Y 85-168	Generic name: Polyester of carbomonocyclic acid, alkylene glycol and alkanedioate	50 FR 40596 (40597) (10-4-85)	Oct. 15, 1985.
Y 85-169	Generic name: Polyester of carbomonocyclic acid, alkylene glycol and alkanedioate	50 FR 40596 (40597) (10-4-85)	Oct. 15, 1985.
Y 85-170	Generic name: Ethylene oxide-propylene oxide copolymer triol ether	50 FR 41583 (41584) (10-11-85)	Oct. 20, 1985.
Y 85-171	Generic name: Polypropylene oxide triol ether	50 FR 41583 (41584) (10-11-85)	Do.
Y 85-172	Generic name: Ethylene glycol-propylene oxide polymer	50 FR 41583 (41584) (10-11-85)	Do.

II. 149 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.

P 85-1296
P 85-1297
P 85-1298
P 85-1299
P 85-1300
P 85-1301
P 85-1302
P 85-1303
P 85-1304
P 85-1305
P 85-1306
P 85-1307
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P 85-1407
P 85-1408
P 85-1409
P 85-1410
P 85-1411
P 85-1412

III. 152 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory.)

PMN No.

P 84-108
P 84-737
P 84-738
P 84-1005
P 85-16
P 85-18
P 85-141
P 85-142
P 85-198
P 85-296
P 85-298
P 85-360
P 85-444
P 85-459
P 85-612
P 85-680
P 85-693
P 85-703
P 85-813
P 85-814
P 85-815
P 85-816
P 85-817
P 85-996
P 85-1028
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Y 85-140
Y 85-141
Y 85-142
Y 85-143
Y 85-144
Y 85-145
Y 85-146

IV. 75 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture

PMN No.	Identity/generic name	Date of commencement
P 83-655	Generic name: Naphthalenesulfonic acid, derivative, ester hydroxybenzophenone	Sept. 27, 1984.
P 83-1007	7-[(6-((4-((3,6-disulfo-8-hydroxynaphthalene-1-yl)-azo)-2-methoxy-5-methylphenyl)amino-4-((2-hydroxyethyl)amino)-1,3,5-triazin-2-yl)amino)-4-hydroxy-3-((2-methoxy-5-sulfophenyl)azo)-2-naphthalene-sulfonic acid, tetrasodium salt.	Aug. 26, 1985.
P 83-1321	Generic name: Imide-amide polymer	Oct. 1, 1985.
P 83-1324	Generic name: Polyesteramide	Aug. 12, 1985.

IV. 75 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture—Continued

PMN No.	Identity/generic name	Date of commencement
P 84-61	Generic name: Copolyester polymer	June 22, 1985.
P 84-291	Generic name: Reaction product of alkenylsuccinic anhydride and substituted alcohol	Aug. 29, 1985.
P 84-555	Ethyltriphenylphosphonium chloride	Sept. 23, 1985.
P 84-596	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-(2-hydroxy-5-sulfophenyl)azo, potassium salt	Aug. 26, 1985.
P 84-856	Generic name: Blocked isocyanate	Sept. 8, 1985.
P 84-861	2[(2-hydroxy-1,1-bis(hydroxymethyl)ethyl)-amino]-ethanesulfonic acid, sodium salt (1:1)	Jan. 22, 1985.
P 84-862	4-(2-hydroxyethyl)piperazine-1-ethanesulfonic acid, sodium salt (1:1)	Nov. 6, 1984.
P 84-912	Benzoxazolium, 5-chloro-2-[2-[[5-chloro-3-[4-sulfobutyl]-2 (3H)-benzoxazolylidene]methyl]-1-butenyl]-3-(4-sulfobutyl)-triethyl ammonium salt	Mar. 25, 1985.
P 84-913	Generic name: N,N -bis(2-(2-(3-alkyl)thiazoline)vinyl)-1,4-phenylene diamine double salt	Aug. 16, 1985.
P 84-963	6-Nitro-2(3H)-benzoxazolone	Aug. 21, 1985.
P 84-1007	Generic name: 3-alkyl-2-(2-anilino)vinyl thiazolinium salt	Aug 16, 1985.
P 84-1126	Generic name: Methanone, alkyl-substituted phenyl	July 1, 1985.
P 84-1163	Generic name: Perfluoroalkyl substituted polyurethane	Aug. 28, 1985.
P 84-1171	Generic name: Perfluoroalkyl substituted polyurethane	Aug. 28, 1985.
P 84-1185	Generic name: Alkali metal salt of an unsaturated carboxylic acid	Aug. 20, 1985.
P 84-1199	Generic name: Polyester urethane polymer	Sept. 9, 1985.
P 85-165	Polymer of dehydrated castor oil fatty acids, pentaerithritol, isophthalic acid, linseed oil, dehydrated castor oil, dimethylethanolamine, isononanoic acid, maleic anhydride.	Apr. 4, 1985.
P 85-312	Generic name: Complex polyether-amine	Sept. 11, 1985.
P 85-332	Generic name: Acrylic copolymer	Aug. 20, 1985.
P 85-400	N-(9-ethyl-9H-carbazol-3-61)-9-octadecenamide	July 3, 1985.
P 85-403	Generic name: Mixed amine/alkane polycarboxylate	Aug. 14, 1985.
P 85-404	Generic name: Mixed amine/alkane polycarboxylate	Do.
P 85-472	1,3,5-triisoprpyl-phenylene-2,4-diisocyanate	Aug. 19, 1985.
P 85-473	Generic name: Alkylaluminum chloride	Aug. 20, 1985.
P 85-493	Ethanone, 1-(3-fluoro-phenyl)-	Sept. 9, 1985.
P 85-527	Generic name: Vinyl-epoxy ester	Aug. 20, 1985.
P 85-598	Generic name: Ditrisubstitutedhetermonocyclic(carbomonocyclicsubstituted)heterocycle	Aug. 16, 1985.
P 85-603	Generic name: (3-alkylhetermonocyclic-4-hydroxyphenyl-substituted)-3'-substituted-4'-hydroxyphenylsubstituted)alkyl	Aug. 11, 1985.
P 85-604	Generic name: Di(trisubstitutedheteromonocyclic(carbomono-cyclicsubstituted))-heteropolycycle	Aug. 14, 1985.
P 85-605	Generic name: Trisubstituted phenol	Aug. 7, 1985.
P 85-624	Generic name: Amino-hydroxy-naphthalene disulfonic acid, [[(dichloro-triazinyl)amino]substituted phenyl azo]-[(substituted phenyl)azo]-alkali metal salt	Sept. 1, 1985.
P 85-650	Generic name: Mixed amine-alkane spiropolycarboxylate octaesters	Aug. 14, 1985.
P 85-651	Generic name: Mixed amine/alkane spiropolycarboxylate octaesters	Do.
P 85-694	Generic name: 2-propenoic acid copolymer	July 30, 1985.
P 85-715	Poly(ethylene-butyl acrylate-maleic anhydride)	Sept. 10, 1985.
P 85-803	Generic name: 4,4' phenylmethane diisocyanate adduct of polyether polyol	Aug. 12, 1985.
P 85-808	Generic name: Polyester resin	Aug. 28, 1985.
P 85-818	Generic name: Benzenesulfonic acid, 4-[[4-substituted[-3-methyl-5-oxo-2-pyrazolin-1-yl]-, salt	Sept. 9,1985.
P 85-863	Polymer of ethylene, ethylene acrylate and maleic anhydride	Sept. 10, 1985.
P 85-866	Generic name: Substituted acetonitrile	Sept. 3, 1985.
P 85-871	Generic name: Hydroxyl-terminated polyurethane	Aug. 29, 1985.
P 85-885	Generic name: Unsaturated polyester resin	Sept. 12, 1985.
P 85-886	Generic name: Brominated unsaturated polyester resin	Do.
P 85-903	N,N,N-trimethyl-N-2-hydroxypropylammoniumhydroxide	Aug. 20, 1985.
P 85-917	Generic name: Copolyesters	Sept. 26, 1985.
P 85-928	Polymer of pentaerythritol, phthalic anhydride, benzoic acid, styrene, tall oil fatty acid, acrylic acid, neopentyl glycol, isophthalic acid	Aug. 30, 1985.
P 85-936	Benzenamide, N,N'-(14-chloro-5,6,7,12,13,17,22,23,25,28,-decahydro-5,7,12,17,22,25,28-heptaoxanaphthol[2,3-C]bisnaphth[2',3',6,7]indolo[3,2-a,3',2',-i]acridine-1,18-diyl].	Sept. 6, 1985.
P 85-944	Generic name: Phenol formaldehyde resoles	Aug. 28, 1985.
P 85-954	Generic name: Polydimethylsiloxy, methyl alkene siloxane copolymer	Oct. 1, 1985.
P 85-971	Generic name: Tetrafunctional mercapto-ester reaction product with propylene dicarboxylic acid	Aug. 13, 1985.
P 85-972	Generic name: Hydroxy-terminated polyether diol reaction product with Benzophenone tetracarboxylic dianhydride and hydroxy ethyl methacrylate	Do.
P 85-975	Generic name: Substituted alkenol	Aug. 23, 1985.
P 85-987	Generic name: Substituted sulfoaryl aryldioxazine	Aug. 25, 1985.
P 85-998	Generic name: Mixed esters of butane polyols	Sept. 10, 1985.
P 85-999	Generic name: Polyfunctional methacrylate of polyisocyanate adduct of alkoxylated polyol	Aug. 21, 1985.
P 85-1009	Generic name: Polyhydroxy ether diisocyanate acrylate polymer	Aug. 30,1985.
P 85-1015	Vinyl chloride interpolymer containing hydroxyl and carboxyl groups	Aug. 28, 1985.
P 85-1026	Generic name: Mercaptoalkylsiloxane	Sept. 15, 1985.
P 85-1027	Generic name: Polydimethylsiloxy, methyl-mercaptoalkyl siloxane copolymer	Oct. 1, 1985.
P 85-1029	Generic name: Polymer of alkane polyols, aromatic carboxylic acid, benzene dicarboxylic acids, polyamide resin, vegetable oil, and vegetable oil acids	Sept. 2, 1985.
P 85-1032	Generic name: Epoxy modified polyol	Sept. 9, 1985.
P 85-1033	Generic name: Epoxy modified polyol	Do.
P 85-1057	Generic name: Alkatriene	Oct. 9, 1985.
P 85-1072	Tetra isobutyl titanate	Sept. 11, 1985.
Y 85-55	Generic name: Polyoxyalkylene silsesquioxane	Aug. 7, 1985.
Y 85-100	Generic name: Polymer of an aromatic diisocyanate, alkane polyols, alkanolamine, alkanedioic acid, alkane alcohol	Aug. 27, 1985.
Y 85-102	Ethylene-propylene-styrene copolymer	July 24, 1985.
Y 85-114	Polymer of acrylamide-methylpropane sulfonic acid and acrylic acid sodium salt copolymer	Aug. 26, 1985.
Y 85-134	Generic name: Water soluble acrylate random copolymer	Sept. 9, 1985.
Y 85-135	Generic name: Water soluble acrylate random copolymer	Do.
Y 85-136	Generic name: Water soluble acrylate random copolymer	Do.

V. 18 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity/generic name	FR citation	Date suspended
P 85-730	Generic name: Substituted phosphate ester	50 FR 14439 (14440) (4-12-85)	Sept. 9, 1985.
P 85-875	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19799) (5-10-85)	Sept. 26, 1985.
P 85-876	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-877	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-878	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-879	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-957	Generic name: Alkyl alkylpolyethyl ether	50 FR 21498 (21500) (5-24-85)	Sept. 23, 1985.
P 85-994	Generic name: Benzothiazolesulfonic acid, [(substituted-substituted-pyrimidinyl) azo]carbomonocycle-, alkali metal salt	50 FR 23185 (23187) (5-31-85)	Sept. 20, 1985.
P 85-1063	Generic name: Acrylate modified heterocyclic urethane	50 FR 25778 (25779) (6-21-85)	Sept. 8, 1985.
P 85-1068	Generic name: Polyester polyurethane	50 FR 25778 (25779) (6-21-85)	Sept. 9, 1985.
P 85-1071	Generic name: Cationically modified acrylic copolymer	50 FR 25778 (25780) (6-21-85)	Sept. 4, 1985.

V. 18 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
P 85-1149	Generic name: Hydroxylated aromatic epoxy acrylate ester	50 FR 28464 (28465) (7-12-85)	Sept. 24, 1985.
P 85-1167	Generic name: Dichloropropene	50 FR 28464 (28466) (7-12-85)	Sept. 23, 1985.
P 85-1168	Generic name: Epoxy acrylate	50 FR 28464 (28466) (7-12-85)	Sept. 26, 1985.
P 85-1169	Generic name: Acid modified acrylated epoxide	50 FR 28464 (28466) (7-12-85)	Do.
P 85-1170	Generic name: Acid modified acrylated epoxide	50 FR 28464 (28467) (7-12-85)	Do.
P 85-1202	2-Naphthalenecarboxaldehyde, 5,6,7,8-tetrahydro-1-methoxy-3,5,5,8,8-pentamethyl-	50 FR 30513 (30515) (7-26-85)	Sept. 24, 1985.
P 85-1203	1-Cyclopentene-1-propanol, beta, beta, 2-trimethyle-5-(1-methylethenyl)-,propanoate	50 FR 30513 (30515) (7-26-85)	Do.

[FR Doc. 86-6997 Filed 4-22-86; 8:45 am]
BILLING CODE 6561-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Information Collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of information collection: Application for a Bank to (1) Establish a Branch, (2) Move its Main Office or Branch, and (3) Establish a Remote Service Facility (OMB No. 3064-0070).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget form SF-83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, D.C. 20429.

Comments: Comments on this collection of information should be submitted on or before May 8, 1986.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 898-3810.

SUMMARY: The FDIC is requesting OMB approval for extending the expiration date of the procedure followed by insured State nonmember banks in making application for the consent of the FDIC to establish and operate a new branch or move a main office or a branch from one location to another. (A remote service facility is considered to be a type of branch.) The procedure requires the applicant bank to submit a letter application to the FDIC containing information needed for evaluating certain factors as required by section 18(d)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(1)) before giving consent. The application procedure is contained in FDIC regulation 12 CFR 303.2. It is estimated that it takes the average applicant seven hours to prepare the letter application.

Dated: April 15, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-9036 Filed 4-22-86; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Notice of 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.: 202-010636-013.

Title: U.S. Atlantic-North Europe Conference (ANEC).

Parties:
Atlantic Container Line (G.I.E.)
Dart-ML Limited
Hapag-Lloyd AG
Intercontinental Transport (ICT)
Sea-Land Service, Inc.
Trans Freight Lines
United States Lines, Inc.
Compagnie Generale Maritime (CGM)

Synopsis: The proposed amendment would specify that when a party to the agreement is also a member of the Gulf-European Freight Association (GEFA) and routes a through shipment of cargo overland from a U.S. interior/coastal point via U.S. Gulf port area to a U.S. South Atlantic port for oncarriage by sea, the tariffs and service contracts of GEFA and not those of ANEC will apply. The parties have requested a shortened review period.

Agreement No: 202-010637-011.

Title: North Europe-U.S. Atlantic Conference.

Parties:
Atlantic Container Line (G.I.E.)
Dart-ML Limited
Hapag-Lloyd AG
Intercontinental Transport (ICT)
Sea-Land Service, Inc.
Trans Freight Lines
United States Lines, Inc.
Compagnie Generale Maritime (CGM)

Synopsis: The proposed amendment would modify the scope of the agreement to specify that any party who may also be a party of the North Europe-U.S. Gulf Freight Association, FMC Agreement No. 202-010656, and routes a through shipment of cargo overland from U.S. Atlantic ports south of Cape Hatteras to U.S. interior/coastal points via U.S. Gulf port areas following pre-carriage by sea, shall be subject to the tariffs and service contracts of that association and not those of this conference. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: April 18, 1986.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86-9042 Filed 4-22-86; 8:45 am]
BILLING CODE 6730-01-M

[Docket No. 86-14]

Union Carbide Corp. v. Waterman Steamship Corp.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Union Carbide Corporation, Battery

Division against the Waterman Steamship Corporation was served April 16, 1986. Complainant alleges that respondent has violated section 18(b) of the Shipping Act, 1916 and section 10(b) of the Shipping Act of 1984 by misapplying rates on various shipments of dry cell battery parts originating at U.S. Atlantic coast ports and desitined for Port Sudan, Sudan.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross examination in the direction of the presiding officer only upon 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 matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by April 16, 1987, and the final decision of the Commission shall be issued by August 17, 1987.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86-9035 Filed 4-22-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; First West Virginia Bancorp, Inc. et al.

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

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

Unless otherwise noted, comments regarding each of these applications must be received not later than May 16, 1986.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First West Virginia Bancorp, Inc.*, Wheeling, West Virginia; to acquire 100 percent of the voting shares of First West Virginia Bank, National Association—Buckhannon, Buckhannon, West Virginia.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Bank of Virginia Company*, Richmond, Virginia; to acquire 100 percent of the voting shares of Security National Corporation, Washington, DC, thereby indirectly acquiring Security National Bank, Washington, DC.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Bank Corporation of Georgia*, Fort Valley, Georgia; to acquire 100 percent of the voting shares of The Citizens Bank of Ashburn, Ashburn, Georgia.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Spring Valley Bancorp, Inc.*, Spring Valley, Illinois; to acquire 100 percent of the voting shares of Spring Valley City Bank, Spring Valley, Illinois.

Board of Governors of the Federal Reserve System, April 18, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-9074 Filed 4-22-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreements for Behavioral Risk Factor Surveillance Systems; Availability of Funds for Fiscal Year 1986

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1986, for cooperative agreements for State Behavioral Risk Factor Surveillance Systems (BRFSS).

Authority

These cooperative agreements are authorized by Section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)), as amended. The Catalog of Federal Domestic Assistance Number is 13.283.

Program Objective/Purpose

The purpose of this cooperative agreement program is to assist States in monitoring the prevalence of major behavioral risks associated with the 10 leading causes of premature death in the United States, and through this monitoring process, assist in the development of programs designed to reduce major behavioral risks in the population and determine progress toward achieving prevention goals.

Cooperative Activities

A. Recipient Activities

1. Formulate a plan for the development, implementation, and conduct of the behavioral risk factor surveillance mechanisms. The plan should provide:

a. A timetable for the development and implementation of the surveillance system.

b. Identification and selection of appropriate staff for the surveillance program and provision of adequate supervisory personnel who will be responsible for the timeliness and quality control of data collection. In addition, supervisors will train new subordinate staff and edit completed questionnaires.

c. For acquisition of behavioral risk factor information.

2. Establish and maintain the behavioral risk factor surveillance system.

3. Develop a plan for using available risk factor prevalence information and other morbidity and mortality data for improving and refining State program priorities and goals and assessing their attainment.

B. Centers for Disease Control Activities

1. Collaborate in assessing State geographic, demographic, and economic characteristics and developing an overall surveillance strategy.

2. Collaborate with each State on the compilation of specified information in a periodic, standardized, and uniform manner on risk factors relating to leading causes of morbidity and mortality.

3. Collaborate in the training and development of staff to implement and

conduct the program activities described herein.

4. Provide necessary statistical and epidemiological assistance for the compilation of risk factor prevalence information.

5. Provide technical assistance throughout the program implementation phase with special reference to development of quality control mechanisms appropriate to a State-level surveillance system.

6. Provide training for State personnel in data analysis and interpretation and develop State capacity for enhancing intervention strategy design and measuring program impact on the basis of statistically valid morbidity data.

7. Coordinate with other Federal agencies and organizations in both the public and private sector to ensure a coordinated, cooperative program for helping assess the attainment of the 1990 Objectives for the Nation.

8. Coordinate and facilitate the interchange of technical information with recipients.

Eligible Applicants

The official health agencies of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Trust Territories of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa are eligible to apply for a cooperative agreement.

Availability of Funds

Approximately $450,000 will be available in Fiscal Year 1986 for the support of about 26 BRFSS cooperative agreements. The average award of the cooperative agreements is expected to be $17,000, with individual awards ranging from $15,000 to $20,000.

Behavioral risk factor cooperative agreements will be funded for a 12-month budget period and a 5-year project period. The funding estimates described above are subject to change.

Review and Evaluation Criteria

During Fiscal Year 1986, the funding criteria for competing continuations and new behavioral risk factor cooperative agreement applications will be based upon the applicant's experience and/or ability to provide evidence of resources available to design, implement, and manage the timely collection and analysis of behavioral risk factor information and the applicant's commitment to continue the surveillance system in future years with State resources contributed to the system. Specific review of new and continuation behavioral risk factor applications will be based on the following criteria:

A. Experience

1. Successful implementation of a BRFSS as evidenced by the:

a. Timely and periodic collection of data.

b. Designation of interviewing and supervisory staff or designation of a competent contractor for interviewing services.

c. Use of a standard questionnaire.

d. Completion of appropriate data processing activities including keypunching and error corrections.

e. Adherence to a statistically correct sampling plan.

f. Adherence to appropriate quality control procedures including survey administration, rules of replacement, refusal conversion, and monitoring or verification of interviews.

g. Demonstrated ability to reduce errors.

2. Extent of other experience with timely collection and analysis of behavioral risk factor prevalence information.

3. Other evidence of the capability of the applicant to perform the tasks required for a BRFSS.

B. Workplan and Personnel

1. Relevance of the proposal to the scope and objectives provided in this request for applications.

2. Soundness in describing how the BRFSS will be designed, implemented, and managed as evidenced by the:

a. Description of lead persons/departments.

b. Definition of action steps, time frames, and persons responsible for completion.

c. Inclusion of appropriate quality control measures.

d. Description of specific, measurable objectives such that progress can be evaluated based on the completion of the stated processes.

e. Assurance that interviewing will not be interrupted for any given month.

f. Processing of interviews in a timely fashion.

g. Provision of a sound sampling plan.

h. Clear delineation of CDC versus State responsibilities.

i. Clear description of the programmatic uses of the data.

C. Budget

1. Appropriateness of requested budget relative to the work proposed.

Applications

A. Copies—Place of Submission

There will be one annual review cycle for new and continuation applications. The original and two copies of the application must be submitted on or before June 20, 1986 to:

Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Room 321, 255 E. Paces Ferry Road, N.E., Atlanta, Georgia 30305.

B. Deadlines

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

Applications which do not meet the criteria in either paragraph B.1. or B.2. immediately above are considered late applications and will not be considered for review or funding.

C. Reviews

Applications are not subject to review as governed by Executive Order 12372; however, they are subject to review as governed by Regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974.

Information

Information on application procedures, copies of application forms, and other material may be obtained from Luther DeWeese, Grants Management Specialist, at the above address (404) 262-6575. Technical assistance for preparation of an application may be obtained from Gary C. Hogelin, Chief, Field Services Branch, Division of Nutrition, Center for Health Promotion and Education, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333. The telephone number is (404) 329-3075, or FTS 236-3075.

Dated: April 17, 1986.

William E. Muldoon,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 86-9019 Filed 4-22-86; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 86E-0114]

Determination of Regulatory Review Period for Purposes of Patent Extension; Betagan

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (DFA) has determined the regulatory review period for Betagan and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

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

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time; a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continue until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Betagan, a solution of levobunolol hydrochloride, which is indicated for use in lowering intraocular pressure and may be use in patients with chronic open-angle glaucoma or ocular hypertension. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Betagan from Allergan Pharmaceuticals, Inc., and requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter dated March 21, 1986, advised the Patent and Trademark Office that the human drug product had undergone a regulatory review period and that its active ingredient, levobunolol hydrochloride, represented the first permitted commercial marketing or use of that active ingredient. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Betagan is 1,870 days. Of this time, 1,169 days occurred during the testing phase of the regulatory review period, while 701 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* November 7, 1980. The applicant claims that the notice of claimed investigational exemption (IND) was submitted on October 3, 1980. However, FDA did not receive the IND application until October 8, 1980. Therefore, under 21 CFR 312.1, the IND became effective on November 7, 1980.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* January 19, 1984. The applicant claims that the new drug application for the drug (NDA 19-219) was initially submitted on January 17, 1984, but FDA did not receive the application until January 19, 1984.

3. *The date the application was approved:* December 19, 1985. FDA has verified that NDA 19-219 was approved on December 19, 1985.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent extension.

Anyone with knowledge that any of the dates are published is incorrect may, on or before June 23, 1986, submit to the Dockets Management Branch (address above) written comments and ask for redetermination. Furthermore, any interested person may petition FDA, on or before October 20, 1986, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 15, 1986.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 86-9022 Filed 4-22-86; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Committee; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1986:

Name: National Advisory Council On Nurse Training.

Date and Time: May 12-14, 1986, 10:30 a.m.

Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on May 12, 10:30 a.m.—12:30 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of Title XXVII, National Health Service Corps, Health Professions Education, Nurse Training Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The Council also performs final review of grant

applications for Federal assistance, and makes recommendations to the Administrator, HRSA.

Agenda: Agenda items for the open portion of the meeting will cover announcements; consideration of minutes of the previous meeting; reports by the Director, Bureau of Health Professions, the Financial Management Officer, BHPr., the Director, Division of Nursing, and staff reports. The meeting will be closed to the public on May 12, at 12:30 p.m. for the remainder of the meeting for the review of grant applications for advanced nurse training grants, nurse practitoner grants, special project grants, national research service awards, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources and Services Administration, pursuant to section 10(d) of Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources and Services Administration, Room 5C–04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6193.

Agenda items are subject to change as priorities dictate.

Dated: April 17, 1986.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 86–9023 Filed 4–22–86; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Statue of Liberty-Ellis Island Centennial Commission; Renewal

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is renewing the Statue of Liberty-Ellis Island Centennial Commission. The purpose of the Commission shall be to serve as the primary citizen advisory body to the Secretary and the National Park Service on all matters pertaining to the preservation of Ellis Island and the Statue of Liberty, as well as the centennial celebrations of each. It is anticipated that the Commission will advise the Secretary, without limitation, on the means and schedules of preservation, the projected uses of the facilities, the needs and uses of donated funds, property and services, the programs and activities associated with centennial celebrations and the ongoing programs and activities associated with both the Statue of Liberty and Ellis Island.

Further information regarding the committee may be obtained from the Deputy Under Secretary, Statue of Liberty-Ellis Island Commission, Department of the Interior, 18th & C Sts., NW., Room 6124, Washington, D.C. 20240.

The certificate of renewal is published below.

Certification

I hereby certify that the renewal of the Statue of Liberty-Ellis Island Centennial Commission is in the public interest in connection with the performance of duties imposed on the Department of the Interior by 16 U.S.C. 1a–2(c) and 16 U.S.C. 431.

Dated: April 17, 1986.

Donald Paul Hodel,

Secretary of the Interior.

[FR Doc. 86–9031 Filed 4–22–86; 8:45 am]

BILLING CODE 4310–10–M

President's Commission on Americans Outdoors; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the President's Commission on Americans Outdoors (Commission) will be held Friday, May 9, 1986, starting at 2:00 p.m., in the En Banc Court Room, Room 209, of the U.S. Fifth Circuit Court of Appeals, 600 Camp Street, New Orleans, LA 70130.

This will be a hearing to obtain information on the kinds of programs that are provided and opportunities afforded in recreation programs in this country. Attendees have been invited by the Commission for this public hearing; however interested parties may request time to testify by contacting the Commission.

This meeting is opened to the public, interested persons may attend. The Commission contact is Mr. James Gasser, and he may be contacted at the President's Commission on Americans Outdoors, P.O. Box 18547, 1111–20th Street NW., Washington, DC 20036–8547 (202) 634–7310.

Dated: April 17, 1986.

Victor H. Ashe,

Executive Director, President's Commission on Americans Outdoors.

[FR Doc. 86–9045 Filed 4–22–86; 8:45 am]

BILLING CODE 4310–70–M

Bureau of Land Management

[OR 39468]

Reality Action; Exchange of Public Lands in Curry County, OR

SUMMARY: The following described public domain land located in Curry County, Oregon, has been examined and through the development of land use planning decisions based on public input and resource considerations, regulations, and Bureau policies, it has been determined that this public land is suitable for disposal by exchange under the authority of sections 205 and 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Willamette Meridian, Oregon

SW¼NW¼ section 35, T. 39S., R. 14 W., containing 40 acres.

All minerals in these public lands will be included in the exchange. The patent, when issued, will be subject to a reservation of right-of-way thereon for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

The exchange proponent, Mr. Charles Toth, will receive title to the federal land noted above which will serve to block up his private ownership.

In exchange for this land the United States will acquire private lands of equal value, listed below, which will enhance its' management program by providing legal, public access to the New River, Area of Critical Environmental Concern (A.C.E.C.) and also serve to consolidate its land ownership pattern. The value of the lands to be exchanged are approximately equal and acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The lands to be acquired, in priority order, are as follows:

Willamette Meridian, Oregon

T. 30S., R. 15 W., Portions of Lots 3 and 4 Sec. 2, containing 14.2 acres.

T. 40 S., R. 13 W., Lot 10 Sec. 9, containing 40.75 acres.

These 2 parcels are presently under third party ownership. Once the appraisals are finalized the exchange

proponent will acquire all or a portion of these lands to trade to the United States to consummate the exchange.

This exchange is consistent with the management objectives of the Coos Bay Management Framework Plan, the Management Plan for New River A.C.E.C., local government zoning plans and Oregon's Coastal Zone Management Program. The public interest will be well served by making this exchange.

The publication of this notice in the **Federal Register** segregates the public lands described herein from all other forms of appropriation and entry under the public laws, including the mining laws, for a period of two years from the date of publication. The exchange is expected to be completed before the end of that period.

ADDRESSES: Detailed information concerning the exchange, including the environmental analysis, is available for review at the Bureau of Land Management's Coos Bay District Office, 333 South 4th Street, Coos Bay, OR 97420.

DATE: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Coos Bay District Manager at the above address (Reference exchange number OR 39468). Objections will be reviewed by the Oregon State Director of the Bureau of Land Management who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Thom Green or Bob Bierer, Coos Bay District Office, at (503) 269-5880.

Dated: April 15, 1986.

Robert T. Dale,

District Manager.

[FR Doc. 86-9061 Filed 4-22-86; 8:45 am]

BILLING CODE 4310-33-M

Colorado; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Serial No. C-40267, Determination of land suitable for exchange under the authority of Sections 205, 206, 302(b), and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1715, 1716, 1732, and 1740).

SUMMARY: Approximately 549 acres of public land under the jurisdiction of the Bureau of Land Management have been determined suitable for exchange. The determination of suitability has been made in response to a Bureau-benefiting exchange proposal developed cooperatively between the Bureau and Double J Land and Cattle Company. In the proposal, Double J Land and Cattle Company have offered to exchange approximately 556 acres of private land. The exchange proposal has been made to facilitate the consolidation of land holdings, provide access to approximately 12,000 acres of unaccessible public land, and resolve unauthorized occupancy and enclosure of public lands. The consolidation would increase managerial efficiency and provide public access to natural resources on public land being managed by the Bureau.

The values of the land to be exchanged have been determined to be approximately equal. Upon completion of the final appraisal of the lands, the acreages will be adjusted or money will be used to equalize the exchange values.

Selected Public Land

Description of Land To Be Considered For Exchange in Garfield County, Colorado:

West Rifle Creek Area

Sixth Principal Meridian, Colorado

T. 4 S., R. 93 W.,
Sec. 18, NE¼NW¼;
Sec. 20, W½SE¼NW¼.

Description of Land To Be Considered For Exchange in Eagle County, Colorado:

Castle Peak Area

Sixth Principal Meridian, Colorado

T. 2 S., R. 84 W.,
Sec. 20, lots 1-3, E½NE¼, E½NW¼NE¼, SW¼NE¼, SE¼NW¼, E½SW¼NW¼;
Sec. 21, lot 2, SW¼NW¼, W½NW¼N W¼;
Sec. 28, lot 1 and 2.
Total selected: 549.24 acres.

Offered Private Land

Description of Land To Be Considered For Exchange in Eagle County, Colorado:

Sixth Principal Meridian, Colorado

T. 2 S., R. 84 W.,
Sec. 23, S½S½;
Sec. 25, lots 1 and 2, N½NW¼, SW¼NW¼, N½SW¼;
Sec. 26, N½NE¼, NW¼NW¼.
Total offered: 555.96 acres.

Terms and Conditions: The following reservations for existing uses and users would be made in a patent issued for public land.

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. The reservation to the United States of all mineral deposits in the land.

3. The reservation of Oil and Gas leases C-36936, C-36937, C-42897, C-18334.

4. The reservation of Power Transmission Line Right-of-Way C-16807.

5. The reservation of Telephone and Telegraph Right-of-Way C-30975, C-27649.

6. The reservation for access on Eagle County Road 41 and Garfield County Road 252.

7. The reservation for use of existing roads north of Alkali Creek, C-43071.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be considered as filed and shall be returned to the applicant.

FURTHER INFORMATION AND PUBLIC COMMENT: Additional information concerning this exchange, including the planning documents and environmental assessment, is available for review in the Glenwood Springs Resource Area Office at 50629 Highway 6 and 24, Glenwood Springs, Colorado.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Grand Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81506. Objections will be reviewed by the State Director who may sustain, vacate, or modify this action. In the absence of any objections, this Notice of Realty Action will become the final determination of the Department of the Interior.

Dated: April 10, 1986.

Dick Freel,

District Manager, Grand Junction District.

[FR Doc. 86-9021 Filed 4-22-86; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-225]

Certain Multi-Level Touch Control Lighting Switches; Commission Decision Not To Review Initial Determination Terminating Respondent on The Basis of a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination (ID) terminating a respondent on the basis of a settlement agreement.

SUMMARY: The U.S. International Trade Commission has determined not to review an ID terminating respondent Trivar, Inc. (Trivar), in the above-captioned investigation. On March 5, 1986, complainant Southwest Laboratories, Inc., and respondent Trivar filed a joint motion (Motion No. 225-36) for reconsideration of Order No. 17 which denied their earlier joint motion (Motion No. 225-20) to terminate Trivar as a respondent in the investigation on the basis of a settlement agreement. The presiding administrative law judge (ALJ) denied the joint motion for reconsideration during the March 3, 1986, prehearing conference. On March 17, 1986, the ALJ sua sponte issued an ID (Order No. 29) reversing Order No. 17 and granting Motion No. 225-20 terminating Trivar as a respondent. No petitions for review were received, nor were any comments received from other Government agencies or the public.

FOR FURTHER INFORMATION CONTACT: John Kingery, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1638.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C 1337) and Commission rule § 210.53 (19 CFR 210.53)

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: April 17, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-9095 Filed 4-22-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-286 (Final)]

Import Investigation; Anhydrous Sodium Metasilicate From the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigation.

EFFECTIVE DATE: March 31, 1986.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202-523-0399), 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.

SUPPLEMENTARY INFORMATION: On March 3, 1986, the Commission instituted the subject investigation and established a schedule for its conduct (51 FR 9535). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from May 10, 1986 to July 9, 1986 (51 FR 10897, March 31, 1986). The Commission, therefore, is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's new schedule for the investigation is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than June 23, 1986; the prehearing conference will be held in room 117 of the U.S. International Trade Commission Building on June 26, 1986; the public version of the prehearing staff report will be placed on the public record on June 20, 1986; the deadline for filing prehearing briefs is July 3, 1986; the hearing will be held in room 331 of the U.S. International Trade Commission Building on July 10, 1986; and the deadline for filing all other written submissions, including posthearing briefs, is July 17, 1986.

For further information concerning this investigation see the Commission's notice of investigation cited above and 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).

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).

By order of the Commission.

Issued: April 15, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-9097 Filed 4-22-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-229]

Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

In the matter of certain jewelry and parts thereof.

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Blair, Ltd. (Blair).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on April 14, 1986.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential

treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: April 14, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–9101 Filed 4–22–86; 8:45 am]

BILLING CODE 7020–02–M

[Docket No. 332–226]

Monthly Reports on the Status of the Steel Industry; Import Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation.

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Nita Kavalauskas (202–523–5413), Minerals and Metals Division, U.S. International Trade Commission, Washington, DC 20436.

Background and scope of investigation: The Commission instituted investigation No. 332–226, following receipt on March 14, 1986, of a letter from the Chairman, Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives, requesting that the Commission conduct an investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) to provide monthly monitoring reports on the status of the U.S. steel industry through September 30, 1989. This coincides with the scheduled expiration of the President's program of voluntary restraint arrangements (VRA's).

The report will provide historic and current year-to-date data for the industry as a whole on item such as production, employment, shipments, trade, and financial performance.

With respect to trade, information on imports of major carbon and specialty steel products (such as plates and sheets and strip) will be provided on a country-by-country or regional basis for each of the countries or regions subject to VRA's, and for other major suppliers. The data will show how imports of semifinished steel and other steel products relate to overall VRA limits.

In addition, information on market penetration in major products will be provided, as will information which will track imports into five major U.S. customs regions. Finally, the report will provide data on the unit values of imported steel.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724–0002.

By order of the Commission.

Issued: April 14, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–9100 Filed 4–22–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–234]

Certain Upper Body Protector Apparatus for Use in Motorsports; Commission Determination Not To Review Initial Determination Joining Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination (ID) joining two respondents to the investigation.

SUMMARY: Notice is hereby given that the Commission has determined not to review the presiding administrative law judge's (ALJ) ID to join One Up, S.r.l. and Jim O'Neal Distributing, Inc. as repsondents in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202–523–0375.

SUPPLEMENTARY INFORMATION: On February 21, 1986, complainants J.T. Racing, Inc. and John R. Gregory moved to amend the complaint and notice of investigation (Motion No. 234–3) to add two new respondents to the investigation: (1) One Up, S.r.l., of Italy, and (2) Jim O'Neal Distributing Inc., of California. The ALJ issued an ID granting the motion on February 18, 1986. No petition for review of the ID nor comments from other government agencies have been received.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW, Washington, DC 20436, telephone 202–523–0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: April 17, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–9096 Filed 4–22–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–83]

Import Investigation of Certain Window Shades; Issuance of Advisory Opinion

AGENCY: U.S. International Trade Commission.

ACTION: Issuance of advisory opinion.

SUMMARY: The Commission has issued an advisory opinion in which it finds that certain window shades sought to be imported by McCrory Corp. are not covered by the exclusion order issued by the Commission at the conclusion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202–523–0493. Hearing impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–724–0002.

SUPPLEMENTARY INFORMATION: At the conclusion of the above-captioned investigation, the Commission issued an order excluding from entry into the United States window shades or components thereof that infringe claims 1, 2, 7, 8, or 9 or U.S. Letters Patent 4,006,770 for the remaining term of the patent. By letter dated July 29, 1985, McCrory Corp. informed the Commission that the U.S. Customs Service had refused entry of certain window shades under the authority of the exclusion order and requested that the Commission advise Customs that the window shades are not encompassed by the exclusion order. The Commission instituted an advisory opinion proceeding to determine whether the window shades which McCrory seeks to import are subject to the exclusion order. The Commission has now determined that they are not.

Copies of the advisory opinion and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

By order of the Commission.
Issued: April 11, 1986.
Kenneth R. Mason,
Secretary.
[FR Doc. 86-9099 Filed 4-22-86; 8:45 am]
BILLING CODE 7020-02-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on May 2-3, 1986 from 9:00 a.m. to 5:30 p.m. and on May 4, 1986 from 9:00 a.m. to 1:00 p.m. in Room M-09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

A portion of this meeting will be open to the public on Friday, May 2, 1986 from 9:00 a.m. to 5:30 p.m. and Saturday, May 3, 1986 from 9:00 a.m. to 12:30 p.m. The topics for discussion will include Program Review and Guidelines for State Programs, Arts In Education, Folk Arts, Literature, Dance, and Music; plus future options for the Advancement Program, and the future of Challenge/Long Term Enhancement.

The remaining sessions on Saturday, May 3 from 2:30 p.m. to 5:30 p.m. and on Sunday, May 4 from 9:00 a.m. to 1:00 p.m. are for the purpose of Council review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants, and for discussion and development of confidential budgetary projections and related plans to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.
April 17, 1986.
[FR Doc. 86-9017 Filed 4-22-86; 8:45 am]
BILLING CODE 7537-01-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 April 9, 1986 (51 FR 12222), through April 14, 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 significant 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.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

By May 23, 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 afffected 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 service 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 (800) 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. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of amendments request: December 9, 1985, supplemented February 18, 1986.

Description of amendments request: The licensee proposes administrative changes to Technical Specifications (TS). These changes involve sixteen areas of the specifications described generally in the following groupings:

(1) Fire detection instruments of Table 3.3–12 contain smoke and heat detectors. TS 4.3.3.9.1 would be clarified by an administrative change to allow aerosol or heat, as appropriate, for testing. The numbers of detectors and room identification would also be corrected. New detectors would be added as an enhancement to the TS.

(2) TS 4.5.3.2 would be changed editorially to require the vertification of position of a breaker or disconnect device that is required to be locked open. Separate disconnect devices were added per NUREG–0737 for use in an emergency. Therefore, the change adds an administrative option and is considered as an editorial change.

(3) Editorial corrections would be made in surveillance (TS 4.7.7.b and 4.7.7.e.4) to reflect that heaters are only in the pressurization system of the control room ventilation system and are not also in the recirculation system.

(4) TS 4.7.11.1.3(c)(1) would be editorially corrected to delete "cell plates" from the 18-month visual inspection the 24-volt battery bank of the fire pump diesel. Plates are inside the battery and cannot be visually observed without destroying the integrity of the battery.

(5) TS Table 3.7–5 would be administratively corrected to add newly installed fire sprinkler systems in the Service Water Intake Structure.

(6) TS 4.7.11.3.2(b)(2) and 4.7.11.3.3(b)(2) would be clarified editorially to delete reference to nozzles for the "puff tests" during flow tests of high pressure CO_2 systems. The test will still be performed, and the administrative change would clarify how the surveillances are done to eliminate misinterpretations. Thus, a personnel hazard or an increase in the likelihood of plant transient would be reduced.

(7) TS Table 3.7–6 would be administratively corrected for room numbers and locations for fire hose stations and to reflect a newly installed hose storage locker inside containment.

(8) TS Table 3.7–7 would be editorially corrected to reverse hydrant numbers for the east and west Service Water intake structures in order to correct an existing error.

(9) TS 4.8.3.1. 3/4.8.3 and Table 3.8–1 (Unit 2 only) would be changed to eliminate periodic TS requirements for fuse testing. The NRC staff has indicated that surveillance testing of fuses is not meaningful and that additional handling of fuses during surveillance testing may compromise fuse integrity. Also, the change would renumber sections and delete the tabular listing of overcurrent protection devices. Thus, the Table 3.8–1 listing of overcurrent protection devices would be maintained by the licensee and controlled in accordance with 10 CFR 50.59 in a similar manner and consistent with NRC staff actions taken for Generic Letter 84–13 for the snubber listing.

(10 TS 3.9.14 Action 1 would be corrected administratively to show the correct valve size of the semi-purge isolation valves as 8 inches to agree with the existing plant design.

(11) TS Tables 4.11–1 and 4.11–2 for Radioactive Liquid and Gaseous Waste Sampling and associated table notations would be clarified. For Table 4.11–1 Notation b., and for Table 4.11–2 Notation i., a sentence is added to require reporting of deviations from

composite sampling requirements per TS 6.9.1.8. For Table 4.11–2 Item D "(I–131, Others)" is deleted to make the type of analysis consistent with Notation g.

(12) TS Figures 5.1–3 and 5.1–4 would be corrected editorially to reflect the Training/EOF Center as being complete. Previously figures reflected the Center as an incomplete information center.

(13) TS 6.9.1.10 would be corrected to show the Director, Office of Management and Program Analysis, as the proper NRC official to receive monthly operating reports.

(14) TS 6.10.2.i would be corrected as an editorial clarification to reflect retention of safety related quality assurance records to be maintained by the licensee for the life of the license.

Basis for proposed no significant hazards consideration determination: By letter dated February 18, 1986, the licensee supplemented the December 9, 1985, application for Technical Specification changes. By Attachment 1 of the February 18, 1986 letter, the licensee provided a detailed 10 CFR 50.92 significant hazards evaluation (thirty-three pages in length). The analyses utilized the three factor test for each of the sixteen proposed Technical Specification changes to determine that each change meets the standards of 10 CFR 50.92(c) and does not involve a significant hazards consideration.

We have reviewed the licensee's analyses and agree that the proposed changes would not increase the probability or consequences of an accident previously evaluated, would not create the possibility of a new or different kind of accident from any accident previously evaluated, or would not involve a reduction in a margin of safety.

Additionally, the Commission has provided examples likely to be found to involve no significant hazards considerations. The example which most likely fits the proposed changes is "(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." Therefore, on the basis of our review of the licensee's 10 CFR 50.92 analyses and on the additional Commission guidance of example "(i)" cited above, or proposed determination is that the changes do not involve 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, Jr., Esquire, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Lester S. Rubenstein.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2 Pope County, Arkansas

Date of Amendment Request: March 14, 1986.

Description of Amendment Request: The proposed amendment would delete license condition 2.C.(7) of Facility Operating License No. NPF–6 relating to the U.S./International Atomic Energy Agency (IAEA) Safeguards program. Under this program, the ANO–2 facility was subject to AEA inspections of nuclear material accounting and nuclear material control. The proposed amendment would not alter in any way the safeguards provisions required by NRC regulations.

The termination provisions of license condition 2.C.(7) provides that the IAEA program be terminated as of the date of such notice from the NRC. That notice was provided to the licensee in a letter dated January 21, 1986 and accordingly the IAEA inspection program was terminated at that time.

The proposed amendment would delete this license condition since it is no longer in effect.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided guidance concerning the application of the no significant hazards consideration standards by providing certain examples (48 FR 14870). One of the examples of actions not likely to involve significant hazards consideration relates to a purely administrative change.

As explained above, the amendment will delete a license condition which is no longer in effect. Therefore, the proposed action is purely administrative in nature, and similar to the example cited.

Therefore, since the application for amendment involves a proposed change that is similar to an example of actions that are considered not likely to involve significant hazards considerations, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room Location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for Licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC 20036.

NRC Project Director: George W. Knighton.

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 proposed amendment would delete Technical Specification Section 6.15 which imposes an implementation date of June 30, 1982, for final qualification of all safety-related electrical equipment. That date and the need for this technical specification were rendered obsolete by Rule 10 CFR 50.49 which established March 31, 1985 as the qualification deadline, with extensions allowable to a date no later than November 30, 1985 under certain circumstances.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning application of the standards for determining whether license amendments involve significant hazards considerations by providing certain examples (48 FR 14870). One example of an amendment considered not likely to involve significant hazards considerations is "(i) a purely administrative change to technical specifications: for examaple, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." Since the proposed change involves only the removal of an obsolete requirement, the staff considers it to be similar to example (i). On that basis the staff has made an initial determination that the proposed amendment 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.

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 proposed amendment would change the date for expiration of the Pilgrim Unit 1 Operating License, DPR–35, from August 26, 2008 to June 8, 2012. This change would add the plant construction time of 3 years 9½ months to the currently licensed term and, thus, extend the operating period to 40 years.

Basis for proposed no significant hazards consideration determination: The licensee has evaluated the potential impacts associated with the proposed license extension and has performed an analysis, using the standards in 10 CFR 50.92, concerning the issue of no significant hazards consideration. The results of that analysis show that the reactor vessel is the only non-replaceable plant component which could limit the plant operating life because of its irreplaceable nature. The reactor vessel was designed using parameters listed in Combustion Engineering Report No. CENC 1139 of March 9, 1971, and included neutron fluences as the basis for a 40-year operating life. These design parameters are considered conservative by present standards. Additonal studies, described in Southwest Research Institute Report SWRI 02–5951 of July 1981 and in General Electric Report NDE 277–1285 of November 27, 1985, have also indicated that expected cumulative neutron fluences will not be a limiting consideration of vessel life. As a result, jusitification for adding the construction duration to the present expiration period now exists, assuming the design criteria are not exceeded during the 40-year operating life.

Aging analysis has been performed for safety-related electrical equipment in accordance with 10 CFR 50.49, "Environmental Qualification of Electrical Equipment Important to Safety for Nuclear Power Plants." Qualified lifetimes have been identified for this equipment as part of this analysis. These lifetimes will be incorporated into the Pilgrim Station maintenance and replacement procedures to ensure that all safety-related equipment remains qualified for the life of the plant regardless of the overall age of the plant.

The original design criteria for Pilgrim Station included many conservative, operating life-limiting assumptions. These resulted in analyses that supported a 40-year operating life at an 80% capacity factor. Since the cumulative capacity factor from plant inception is less than 60%, it is not likely to exceed 80% in the future and the conservative operating criteria will not be comprised.

Upon considering the above the information, the licensee concluded that the requested extension of the operating license would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the plant was originally designed for a full 40 years; (2) create the possibility of a new or different kind of accident from any accident previously evaluated because original design features were incorporated which maximize the inspectability of structures, systems and equipment; or (3) involve any reduction in the margin of safety because safety margins were considered and incorporated into the original 40-year design.

The staff has reviewed the licensee's analysis and agrees with the conclusions. Therefore, the staff has made an initial determination that the proposed amendment involves 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.

Commonwealth Edison Company, Docket No. STN 50–454 Byron Station, Unit 1 Ogle County, Illinois

Date of application for amendment: March 18, 1986.

Description of amendment request: The amendment would revise Technical Specification Table 3.3–7 by changing the full scale range of the triaxial acceleration sensors which are part of the seismic monitoring instrumentation. This change has been requested because the instrumentation has been alarming although there is no other indication of a seismic event. This problem occurs because the alarm setpoint (0.02 g) is only 1% of the full scale range (2.0 g) of the sensors. The proposed amendment will reduce the full scale range of the sensors while maintaining the same alarm setpoint; thus, a larger signal will be required to actuate the alarm.

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; 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 amendment revises the measurement range of instruments used to measure the acceleration of a seismic event. These instruments do not perform any protective function. With respect to the first criterion the probability of accidents previously evaluated is not affected by a change to the measurement range of these monitoring instruments. Since these instruments do not perform any protective function, the consequences of accidents previously evaluated remains the same.

The sole purpose of these instruments is to perform a monitoring function. Therefore, a revision to the range of these instruments will not create the possibly of a new or different kind of accident; thus, the second criterion is satisfied.

With respect to the third criteria, there is no margin of safety associated with these seismic monitoring instruments.

Therefore, the staff proposes to determine that the amendment does not involve a significant 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. 50–237/249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Date of amendment request: October 29, 1985.

Description of amendment request: The proposed amendments would (1) implement the coolant leak detection requirements of Generic Letter 84–11, Attachment 1, Section B for Dresden Unit 2 as requested by the staff, (2) revise the time-period requirement for conducting the in-service inspection (ISI) program to reflect the second 10-year ISI period for Dresden Units 2 and 3 and (3) correct typographical errors in the technical specifications for Dresden Unit 2.

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 a determination of no significant hazards consideration as follows:

The proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated because the changes reflect either a more restrictive limit on increases in coolant leakage and a more stringent plant shutdown requirement (Item 1) or administrative changes (Items 2 and 3). The proposed changes do not impact the current

operation of plant equipment important to safety nor do they allow [for] any new equipment or new modes of operation.

The proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated because the changes are largely administrative and deal with monitoring requirements, action levels and surveillances. No new or different modes of operation or changes to plant equipment are allowed by the changes.

The proposed amendments do not involve a significant reduction in a margin of safety because the Item (1) change involves a more restrictive limit on coolant leakage increases, requires plant shutdown if this limit is exceeded regardless of the source of leakage and establishes reasonable equipment operability requirements consistent with previous NRC guidance. Items 2 and 3 reflect administrative changes which have no functional impact on operation of the plant and, therefore, no impact on the margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Based on this review, the staff has made a proposed determination that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Attorney for licensee: Mr. Michael I. Miller; Isham, Lincoln and Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Project Director: John A. Zwolinski.

Commonwealth Edison Company, Docket No. 50–249, Dresden Nuclear Power Station, Unit No. 3, Grundy County, Illinois

Date of amendment request: March 31, 1986.

Description of amendment request: The proposed amendment would revise the high-flow isolation setpoint for the Dresden Unit 3 Isolation Condenser (ISCO) Return Line and clarify the bases for operation of the flow monitoring devices.

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 a determination of no significant hazards consideration as follows:

The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated because the trip level setting change is due to the installation of the new annubar on the ISCO return line, and corresponds to the design trip flow rate of 2508 GPM. This trip flow rate is General Electric's original design of 300 percent of normal flow (836 GPM) which causes the system to automatically isolate from the reactor due to a condensate return line break. The setpoint change is therefore merely a number change due to the nature of the new instrument and provides for the same mode of operation for which the system was designed. The LCO Bases is being rewritten for clarity reasons only and does not functionally impact the system's operation or isolation.

The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated because the original isolation function of the ISCO system is maintained, and the change is necessary only to accommodate the new instrument. The ISCO system will still automatically isolate as designed due to high flow of 2508 GPM in either direction on the condensate return line. This change does not affect the actual trip flow rate and therefore does not functionally impact the isolation mode of the system.

The proposed amendment does not involve a significant reduction in the margin of safety because the change does not affect the design flow rate at which the system will isolate. In the event of a condensate return line break the ISCO system will isolate at 14.8" H_2O differential which corresponds to the design flow of 2508 GPM (300 percent of normal flow, 836 GPM). This isolation will prevent uncovering the core and exceeding site limits, thus maintaining the margin of safety.

The staff has reviewed the technical analysis presented in the licensee's submittal and the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Based on this review, the staff has made a proposed determination that the requested amendment involves no significant hazards considerations.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Attorney for licensee: Mr. Michael I. Miller; Isham, Lincoln and Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Project Director: John A. Zwolinski.

Commonwealth Edison Company, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: September 26, 1984.

Description of amendment request: The amendments would add limiting conditions for operation and surveillance requirements to the Technical Specifications (TS) for certain plant modifications required by NUREG–0737 TMI Action Plan Items that are covered by Generic Letter 83–36. The licensee has proposed TS for (1) Post Accident Sampling (II.B.3), (2) Sampling and Analysis of Plant Effluents (II.F.1.2), (3) Containment High-Range Radiation Monitor (II.F.1.3), (4) Containment Pressure Monitor (II.F.1.4), (5) Containment Water Level Monitor (II.F.1.5), and (6) Containment Hydrogen Monitor (II.F.1.6). Of the other items covered by GL 83–36, Item II.B.1 on Reactor Coolant System venting does not apply to a boiling water reactor not having an isolation condenser such as the Quad Cities units; Item II.F.1.1 on Noble Gas Effluent Monitors has already been reviewed under the 10 CFR Part 50 Appendix I review of radiological effluent technical specifications; and Item III.D.3.4 on Control Room Habitability has been reviewed in a separate review. These three items of GL 83–36 are therefore not included in this notice.

Basis for proposed no significant hazards consideration determination: Generic Letter 83–36 (issued November 1, 1983) requested all boiling water reactor licensees to review their TS to determine if they are consistent with the guidance provided with the generic letter. For items where licensees identified deviations or the absence of a specification, they were requested to submit an application for a license amendment. In response to this request, Commonwealth Edison, the licensee, determined that there were not adequate provisions in the Quad Cities Units 1 and 2 TS to address the TMI Items identified above. Therefore, the proposed amendment request was submitted.

The Commission has provided guidance concerning the application of the standards for determining whether a no significant hazards consideration exists by providing examples (April 6, 1983, 48 FR 14870). One of the examples (ii) of an action not likely to involve a significant hazards consideration is a change that constitutes an additional limitation, restriction, or control not presently included in the TS; for example, a more stringent surveillance requirement. As discussed in the licensee's submittal of the proposed amendments, the changes proposed for each of the TMI items would provide additional limiting conditions for operation and surveillance requirements not currently in the TS to assure the proper use of post-TMI modifications. Therefore, since all the proposed changes fall with the Commission guidance, the staff proposes to determine that the requested action would involve a no significant hazards consideration determination.

Local Public Document Room location: Moline Public Library, 504–17th Street, Moline, Illinois 61265.

Attorney for licensee: Mr. Michael I. Miller; Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Project Director: John A. Zwolinski.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: August 29, 1983.

Description of amendment request: The proposed amendment would revise the Technical Specifications to provide relief from reactor coolant pump casing surface and visual examinations and updates the technical justification for deferring volumetric examinations of the pump casing welds.

Basis for proposed no significant hazards consideration determination: The Commission has provided criteria for determining whether a proposed amendment involves no significant hazards considerations in 10 CFR 50.92 (48 FR 14871). A proposed amendment to an operating license for a facility 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 accident previously evaluated; or (2) create the possibility of a new or different kind of accident previously evaluated; or (3) involve a significant reduction in margin of safety.

The proposed revisions of the Technical Specifications will not involve a significant increase in the probability or consequences of an accident previously evaluated because Consolidated Edison will perform alternate inspections consisting of visual inspection of the pumps during inspection of system leakage and hydrostatic test per IWA 5000 and IWB 5000, plus a surface examination of the exterior portion of the welds on one pump during each inspection interval per IWA 2222 of ASME Section XI. These alternate examinations will substitute for the requirement for volumetric examination of the casing welds and visual examination of the casing interior as well as the requirement to visually and liquid penetrant examine the internal surface of one pump casing weld. These alternate examinations should provide reasonable assurance of component integrity.

The proposed revisions to the Technical Specifications will not create the possibility of a new or different kind of accident previously evaluated because the revision involves no changes to plant hardware or operating procedures. In addition and as discussed above, the alternative examination to be performed by the licensee will provide adequate assurance of component integrity.

The proposed revisions to the Technical Specifications will not involve a significant reduction in margin of safety because the licensee will perform adequate alternative testing.

Therefore, based on the above, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Steven A. Varga.

Florida Power and Light Company, Docket No. 50–335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: April 2, 1986.

Description of amendment request: The amendment would change the Linear Heat Generation Rate Limiting Condition for Operation Technical Specification Figure 3.2–1 to permit an increase in the allowable linear heat generation rate at core heights above 0.6, specifically, increasing to 14.0 kw/ft from 13.4 kt/ft at a relative core height of 0.81 and increasing to 10.81 kw/ft from 10.07 kw/ft at the top of the core. In addition, Technical Specification Figure 3.2–2 would be expanded to reflect the increase of the linear heat generation rate.

Basis for no significant hazards consideration determination: The Commission has made a proposed determination that the request for amendment 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 licensee provided a discussion of these standards as follows:

Standard (1): involve a significant increase in the probability or consequences of an accident previously evaluated.

St. Lucie 1 will be operated in the same manner as before and no change in plant design or configuration has occurred. Therefore, there is no increase in the probability of accidents previously evaluated. The large break Loss of Coolant Accident is the only accident that is affected by this increase in allowable Linear Heat Generation Rate and its reanalysis shows that the consequences of the accident are bounded by the acceptance criteria of 10 CFR 50.46. Therefore, there is no increase in the consequences of the accident.

Standard (2): create the possibility of a new or different kind of accident from any accident previously evaluated.

Since the proposed amendment will not affect the design, configuration or method of operation of the plant in any manner, it will not create the possibility of a new or different kind of accident.

Standard (3): involve a significant reduction in a margin of safety.

The Acceptance Criteria for emergency core cooling systems for light water nuclear power reactors are specified by 10 CFR 50.46. The safety analysis, accompanying the application, performed with accepted models and methods, shows that the input changes that result from this amendment provide results within the Acceptance Criteria of 10 CFR 50.46. Therefore, there is no reduction in safety margin.

The staff has conducted a preliminary review of the licensee's discussion of the standards and agrees that, since no change to the plant design, configuration or mode of operation will result from this change to Tables 3.2–1 and 3.2–2, there is no increase in the probability of accidents previously evaluated nor does it create the possibility of a new or different kind of accident previously evaluated. The staff also agrees that the large break Loss of Coolant Accident (LOCA) is the only accident that is affected by this increase in the allowable Linear Heat Generation Rate. The staff, as a result of its preliminary assessment, agrees that in using accepted models and methods in the reanalysis of the large break LOCA there is no increase in the consequences of this accident and the results are within the Acceptance Criteria of 10 CFR 50.46 and will not results in a reduction in a safety margin.

Based on the above discussion, the staff concludes that the proposed change to the Technical Specifications meets the criteria of 10 CFR 50.92 and, therefore, proposes to determine that the

changes would involve no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: Ashok C. Thadani.

Georgia Power Company, Oglethorpe Power Corporation, Municipal; Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366 Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of amendment request: February 28, 1986.

Description of amendment request: These amendments would change the expiration date for the Unit 1 Operation License, DPR 57, from September 30, 2009 to August 6, 2014 and change the expiration date for the Unit 2 Operating License, NPF–5, from December 27, 2012 to June 13, 2018.

Basis for proposed no significant hazards consideration determination: The currently licensed term for Hatch Units 1 and 2 is 40 years commencing with issuance of the construction permit. Accounting for the time that was required for plant construction, this represents an effective operating license term of about 35 years for Unit 1 and about 34 years for Unit 2. The licensee's application requests a 40-year operating license term for Hatch Units 1 and 2.

The licensee request for extension of the operating licenses is based primarily on the fact that a 40-year service life was considered during the design and construction of the plant. Although this does not mean that some components will not wear out during the plant lifetime, design features were incorporated which maximize the inspectability of structures, systems and equipment. Surveillance and maintenance practices which are implemented in accordance with the ASME code and the facility Technical Specifications provide assurance that any unexpected degradation in plant equipment will be identified and corrected.

The design of the reactor vessel and its internals considered the effects of 40 years of operation at full power with a plant capacity factor of 80% (32 effective full power years). Analyses have demonstrated that expected cumulative neutron fluences will not be a limiting consideration. In addition to these calculation, surveillance capsules placed inside the reactor vessel provide a means of monitoring the cumulative effects of power operation.

Aging analyses have been performed for all safety-related electrical equipment in accordance with 10 CFR 50.49, "Environmental qualification of electrical equipment important to safety for nuclear plants," identifying qualified lifetimes for this equipment. These lifetimes will be incorporated into plant equipment maintenance and replacement practices to ensure that all safety-related electrical equipment remains qualified and available to perform its safety function regardless of the overall age of the plant. Based upon the above, it is concluded that extension of the operating licenses for Hatch Units 1 and 2 to allow a 40-year service life is consistent with the safety analysis in that all issues associated with planting aging have already addresses. Since the proposed amendment involves no changes in the Technical Specifications of safety analyses, we conclude that the proposed amendment would not: (i) Involve any 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 any reduction in the margin of safety.

Based upon the above the Commission proposes to determine that the proposed amendments, which provide for a 40-year operating life for Hatch Units and 1 and 2, involves no significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley Georgia.

Attorney for licensee: Bruce W Churchill Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Daniel Muller

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: September 19, 1985.

Description of amendment request: Requests approval of an amendment to the license which would revise the requirement in Confirmatory Order dated March 14, 1983, to install interlocks on the recirculation pump loops at Oyster Creek to prevent isolating four recirculation loops. The licensee has proposed to install an alarm to indicate that a fourth recirculation loop has been isolated instead of its original design of electrical interlocks to prevent isolation of more than three recirculation loops. This revision does not change the schedule to implement the modification to the recirculation loops and the alarm must be installed, the procedures written to use the alarm and the operators trained before the resort from the Cycle 11 Refueling (Cycle 11R) outage which is scheduled for October 1986.

Basis for proposed no significant hazards consideration determination: By Confirmatory Order dated March 14, 1983, the licensee is required to implement NUREG–0737, TMI Action Plan, Item II.K.3.19 before the restart from the Cycle 11R outage. The licensee has requested a scope change for Recirculation Loop Interlock.

The staff's position on TMI Action Item II.K.3.19 in NUREG–0737 was that interlocks should be installed on nonjet pump plants (other than Humboldt Bay) to assure that at least two recirculation loops are open for recirculation flow for modes other than cold shutdown. This was to assure that the level measurements in the downcomer region are representative of the level in the core region. Isolation of all five recirculation loops results in inadequate communication of coolant between the downcomer and core regions in the reactor vessel.

The licensee presented that the Recirculation Loop Interlock requirement resulted from the evaluation of feedwater transients and small break loss of coolant accidents in General Electric boiling water reactors presented in NUREG–0626, "Generic Evaluation of Feedwater Transients and Small Break LOCA in GE-Design Operating Plants." For nonjet pump plants like Oyster Creek, isolation of all its five recirculation loops results in inadequate communication of coolant between the downcomer and core regions in the reactor vessel. Interlocks were recommended to assure that at least two recirculation loops are open for recirculation flow for modes other than cold shutdown so that level measurements in the downcomer region are representative of the level in the core region.

The licensee presented that the interlock, as originally proposed, consisted of an electrical interlock which would prevent closure of valves to isolate no more than three out of five recirculation loops. The modification also included an alarm to warn the operator that the interlock has been activated and a bypass switch and circuit to allow isolation of loops when conditions permit.

During the review of the interlock design, the licensee determined that by simplifying the modification to an alarm

only the interlock functional requirements could be adequately met. The licensee stated the alarm provides positive active indication to the operator that a fourth loop has been isolated. Since isolation of a fourth loop does not cause any short-term problems with core inventory, the operator has adequate time to recognize and correct the problem indicated by the alarm, therefore, a preventive electrical interlock is not necessary.

The licensee presented that the reduced scope modification has the advantage (1) of not requiring an additional control switch for electrical interlock bypass and additional indications on the control board of a bypass condition, (2) of greatly reducing the complexity of the valve control circuitry thereby minimizing the effect on circuit reliability and (3) of simplifying training requirements and procedural changes for operators.

The licensee presented that the NRC staff evaluation, presented in NUREG–0626, did not take into consideration a fuel zone level monitoring system for Oyster Creek vintage plants. During the 1979–80 Cycle 9 refueling outage wide range fuel zone level indication and recorder were installed. With recirculation pumps tripped this instrumentation provides the reactor operator with level indication in the core region. Also, the lo-lo-lo water level trip for automatic depressurization system initiation, concurrent with drywell pressure, is sensed within the core region.

Oyster Creek Technical Specifications (TS) require that at least two recirculation loop suction valves and their associated discharge valves be in the full open position during all modes of operation except when the reactor head is off and the reactor is flooded to a level above the main steam nozzles. This requirement is addressed in plant operating procedures and licensed operator training.

The licensee also presented that the Human Factors review of this modification determined that the functional requirements of preventing core region isolation from the downcomer can be met by the reduced scope modification which adds alarm capabilities and that the electrical interlock provides additional complexity not justified by the benefit gained. The licensee stated that the reduced scope modification would be installed during the upcoming Cycle 11 Refueling outage in accordance with the NRC Confirmatory Order dated March 14, 1983.

The alarm would alert the operator that the Safety Limit has been exceeded and that procedures have been violated. In addition, an alarm reflash capability has been incorporated into the annunciator design to indicate closure of the isolation valves for the fifth recirculation loop.

In the control room, there is the following indication of the status of the recirculation pump loops to the operators: (1) Recirculation inlet/outlet valve indication being opened or closed, (2) flow indicating ammeter for each pump, (3) frequency meter for each motor generator set for each pump and (4) a tag on the board above the valve position indicators that states that the operators must have at least two recirculation loops open.

The alarm-only modification would provide an active warning of a potentially unsafe condition, thus preventing accidental isolation of the recirculation loops. Even with the addition of an electrical interlock, operators would still have the ability to isolate more than three of five recirculation loops. This could be done using the interlock bypass feature. The bypass would be necessary to allow isolation of more than three loops when conditions permit. With the alarm-only modifications, an operator would have to disregard his training, violate procedures and ignore the posted warning, and be unaware of the significance of the control switch covers in order to exceed the Safety Limit.

Therefore, based on the above, operation of Oyster Creek with this TSCR:

(1) *Does not involve a significant increase in the probability or consequences of a previously evaluated accident because:* The alarm-only modification meets the functional requirements of providing an active warning of the isolation of four recirculation loops. One open recirculation loop is sufficient to assure adequate communication between the core and downcomer regions. The TS requirements for having at least two recirculation loops open and the alarm and operator training should suffice to maintain one loop open. The operator has adequate time to recognize and correct the problem indicated by the alarm that fewer than two loops are open.

(2) *Does not create the possibility of a new or different kind of accident from any accident previously analyzed because:* The alarm-only modification meets the functional requirements of providing an active warning of the isolation of four recirculation loops. One open recirculatioan loop is sufficient to assure adequate communication between the core and downcomer regions. The operator has adequate time to recognize and correct the problem indicated by the alarm that fewer than two loops are open.

(3) *Does not involve a significant reduction in a margin of safety because:* The alarm-only modification meets the functional requirements of providing an active warning of the isolation of four recirculation loops. One open recirculation loop is sufficient to assure adequate communication between the core and downcomer regions.

Therefore, because the licensee's request meets the above three criteria in 10 CFR 50.92(c), the staff proposes to determine that the licensee's proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: Ernest L. Blake Jr.; Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: John A. Zwolinski.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: March 11, 1986 (TSCR 145).

Description of amendment request: Request approval of a change to the Appendix A Technical Specifications (TS) pertaining to the operability of the Rod Worth Minimizer (RWM) during reactor startup. The licensee is proposing to add a note to TS 3.2.B.2.b in Section 3.2, Reactivity Control, of the TS. The note states that during Cycle 11 only, unlimited reactor startups are permitted without the RWM. The Control Pattern Templates (CRPT) must be used during Cycle 11 when the RWM is bypassed or inoperable until 50% control rod density (black and white pattern) is achieved or 10% power is reached whichever occurs first. All other provisions of TS 3.2.B.2.b would remain in effect.

The existing TS 3.2.B.2.b without the note states that should the RWM be inoperable before a startup is commenced or before the first 12 rods are withdrawn, one startup during each calendar year may be performed without the RWM provided that the second licensed operator verifies that the licensed operator at the reactor console is following the rod program and provided that a reactor engineer from the Core Engineering Group also

verifies that the rod program is being followed.

This proposed change to TS 3.2.B.2.b would require the use of a CRPT during control rod withdrawal with the reactor below 10% rated power and control rod insertion densities greater than 50% in a checkerboard withdrawal pattern when the RWM is inoperable. This is in addition to the current TS requirement for a second licensed operator and a core engineer to be present to verify that the operator at the reactor control console is following the rod program. In addition, this proposed change would alter the operability requirements for the RWM by eliminating the restriction of allowing only one reactor startup during each calendar year without the RWM. This proposed change would allow unlimited reactor startups without the RWM in Cycle 11 only.

Cycle 11 will run from the restart of the Cycle 11 Refueling (Cycle 11R) outage to the shutdown for the Cycle 12R outage. This Cycle 11 is expected to run from October 1986 to Summer of 1988.

Basis for proposed no significant hazards consideration determination: The licensee has proposed Technical Specification Change Request (TSCR) No. 145 to add a note to TS 3.2.B.2.b to allow an unlimited number of reactor startups without the RWM in Cycle 11. This would change the restriction in the TS from one startup during each calendar year to an unlimited number in Cycle 11 from Fall 1986 to Summer 1988. The plant should without operational problems run during Cycle 11 with only one startup, the startup from the Cycle 11R outage.

The RWM is discussed in Section 7.7.1.3 of the Oyster Creek Updated Final Safety Analysis Report. The RWM continuously monitors control rod positions, compares the operator selected rod movements and positions against a predetermined rod pattern, and prevents rod movements that are not in accordance with this pattern. The RWM consists of the following components: Digital Computer, Input/Output Control, Input Buffer, Output Buffer, Display and Control Panel, Teletypewriter, and Keylock Switch.

The desired control rod movements are stored in the computer memory together with the actual rod positions. The pre-established control rod pattern is entered into the computer by means of a punched tape; the actual rod-position data is received from the control rod position indicating system. Rod selection and rod drive motion are evaluated by the computer with reference to permissible and existing control rod patterns. If rod operation is in accordance with the selected withdrawal sequence, the RWM output is permissive. If the operator attempts a rod selection or movement that deviates significantly from the selected program, the RWM either alarms or blocks such action.

The present RWM hardware at Oyster Creek is original plant equipment. The licensee stated that, during the past several years, it has been increasingly difficult to maintain the RWM in an operable condition. This is due to the age of the equipment and lack of spare parts. In order to improve the reliability and availability of this system, a new RWM has been scheduled for installation during the upcoming Cycle 11R refueling outage. However, due to a delay in the projected delivery date for the new hardware, installation and startup testing will not be completed prior to the current plant restart date in October of 1986 from the Cycle 11R outage.

In anticipation of future problems with the old RWM during operating Cycle 11 and the possibility of an unplanned shutdown and subsequent restart during operating Cycle 11 while the changeover to the new RWM is in progress with neither the old or new RWM operable, the licensee is proposing a temporary change to the TS for Cycle 11 only, which will allow unlimited startups with an inoperable RWM. The licensee has stated that every effort will be made to maintain the old RWM in an operable status.

The design basis of the RWM is that it should serve as a backup for procedural control in limiting control rod worths so that, in the event of a control rod drop from the reactor core at a more rapid rate than can be achieved by the use of the control rod drive mechanism, the reactivity addition rate would not lead to damage of the Reactor Coolant System nor to significant fuel damage. The RWM is not intended by the licensee to replace operator selection of control patterns, but is intended simply to monitor and reinforce good procedures.

TS 3.2.B.2 addresses the RWM operability requirements during reactor startups. The basis in the TS addresses this as follows:

> The Rod Worth Minimizer provides automatic supervision of conformance to the specified control rod patterns. It serves as a back-up to procedural control of control rod worth. In the event that the RWM is out of service when required, a licensed operator can manually fulfill the control rod pattern conformance functions of the RWM in which case the normal procedural controls are backed up by independent procedural controls to assure conformance during control rod withdrawal.

The licensee started that the first barrier or line of defense in preventing the establishing of high worth control rods is the reactor operator and the control rod withdrawal sequence. By procedures, the reactor operator follows the rod-by-rod withdrawal sequence provided by the core engineer. This sequence, in addition to providing for an efficient startup, minimizes the reactivity worth of the control rods to be withdrawn. The RWM has been designed as a backup to the operator so that if procedures are violated, the RWM will block rod motion.

Given, however, that the RWM is out of service during operation at less than approximately 10% power, less favorable control rod patterns which contain high worth rods in the withdrawal sequence could be set up, but only if the reactor operator violates an operating procedure. If the reactor operator within the bounds established by procedures, whether the RWM is operational or not, the maximum control rod worths of in-sequence control rods are the same. There is nothing inherent in the RWM which, because it is operational, gives lower rod worths than when the operator is running the plant by the same rules without it.

If the RMW is out of service, normal startup procedure would still be followed but would not be automatically monitored. Additional personnel monitoring would be used instead, as discussed in paragraph 3.2.B.2.b of the TS. If no operational errors were committed, rod worths and accident potential would be exactly the same as if the RWM were in operation. Rod grouping in startup sequences utilized in the RWM are exactly those that are the basis for the detailed sequence employed in a normal startup whether monitored by the RWM or not. The question then becomes one of evaluation of the probability of significant operational errors occurring in a startup unmonitored by the RWM.

The mere existence in the core of a high worth rod presents no immediate safetly problem. If is required that a drive-to-blade coupling failure and drive withdrawal occur before an excursion potential exists.

The RWM ensures operator compliance with a predetermined rod withdrawal sequence. However, the functional intent of the RWM can be fulfilled using other methods. The method the licensee proposes in the requirement that the CRPT be employed with a second licensed operator and core engineer being present to verify

that the operator at the reactor control console is following the rod program. The CRPT are fabricated from plastic sheets. A set of CRPT is comprised of four sheets which stack together atop the control rod selection switches. The topmost sheet contains cutouts which permit selection only of the group 1 control rods; the second sheet enables the selection of group 1 and 2 rods, etc., until the bottom sheet which enables the selection of any rod in the checkerboard or black-white pattern. Since the order of withdrawal of control rods within a group is unimportant, the CRPT performs one of the RWM functions by allowing withdrawal of only those rods which are members of the group being withdrawn.

Visual and mechanical features assure the proper stacking order of the various CRPT and correct orientation over the rod selection swithes. First, each panel is clearly and conspicuously marked by group number order. In addition, adjacent sheets are keyed by uniquely positioned cutouts and raised areas, which by matching together, ensure the correct stacking order. Finally, the proper orientation over the rod selection panel is guaranteed by asymmetrical pegs on the console over which the CRPT fit.

There are two basic withdrawal sequences (A and B) which lead to a 50% control rod density or checkboard pattern. Consequently, there is a set of CRPT for Sequence A and another set for Sequence B. Although there are several variations in the basic A and B sequences used to shape the core power distribution, these sequences remain the same in their approach to the 50% rod density. Thus, by the use of the CRPT, the probability of achieving a maximum out-of-sequence rod withdrawal error is effectively reduced to zero. This is because the maximum out-of-sequence control rod worth for a given withdrawal sequence (A or B) is always obtained by inadvertently withdrawing a control rod which is a member of the alternate sequence (B or A, respectively). For this reason only the proper set of templates is provided to the control room; the alternate set is stored in an area not readily accessible to the control room operators.

During those startups where 50% rod density is reached prior to 10% power, rod movement after 50% rod density must proceed without protection from the CRPT. However, the additional operator and core engineer who are verifying that the reactor operator is following the rod program is protection against withdrawal of an out-of sequence rod and in conjunction with relatively low rod worths after 50% rod density and the increase in required rod worths needed to exceed the 280 calories/gram design limit for the rod drop accident compensates for rod withdrawal in this region without the CRPT. Analysis shows that at a reactor power level as low as 2% with a single worst operator withdrawal error, the local energy deposition in the fuel is less than the 280 cal/gram design limit.

This TSCR is being made to allow for more than one reactor startup during each calendar year in Cycle 11 when the RWM is inoperable. This proposed change is an extension of an already existing TS provision. The function of the RWM is manually fulfilled with the addition of a second licensed operator, core engineer and the use of CRPT to ensure conformance to the control rod pattern sequence.

Therefore, based upon the above, operation of Oyster Creek 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 TS allow for restart of the plant without the RWM and the licensee has proposed in its TSCR to follow the requirements in the TS with the additional restriction of using CRPT during startups. The number of restarts without the RWM may significantly increase from one in a calendar year to more than one, but the CRPT provides additional protection to prevent the operators from deviating from the proper withdrawal sequence and the TSCR would apply only for Cycle 11.

2. *Create the possibility of a new or different kind of accident from any accident previously evaluated* because the TS allow for restart of the plant without the RWM.

3. *Involve a significant reduction in a margin of safety* because the design basis of the RWM is to be a backup for the procedural control in limiting control rod worths in control rod withdrawals, the RWM is only required during reactor startup until reactor power reaches 10% of rated power and the licensee has proposed the additional restriction of CRPT to prevent the operators from deviating from the proper withdrawal sequence.

Local Public Document Room locations: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: Ernest L. Blake, Jr.; Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW. Washington, DC 20036.

NRC Project Director: John A. Zwolinski.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: February 28, 1986.

Description of amendment request: The proposed amandment would revise the Technical Specifications by removing the requirements for the sodium hydroxide as an additive to the spray system for inside containment.

Basis for proposed no significant hazards consideration determination: 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). One of the examples (vi) 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 proposed amendment is directly related to the example.

The sodium hydroxide in the containment sprays provides the required ph levels in the containment sump following an accident in order to control iodine levels inside containment. The caustic sump water also serves to minimize chloride-induced stress corrosion cracking of austennitic stainless steel components and to minimize the hydrogen produced by the corrosion of galvanized surfaces and zinc-based paints. At the D.C. Cook Nuclear Plant, the function of the sodium hydroxide in the sprays to control ph will be replaced by sodium tetreborate now in the containment ice for post-accident boration control. Although the removal of the sodium hydroxide can reduce the margin of safety now provided by both the sodium hydroxide and the sodium tetreborate, the required ph levels are maintained and the calculational methodologies have been previously found acceptable and the applicants calculated doses do not exceed those previously calculated for this facility. Therefore, the Commission proposes to find that the changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Reston Paleske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Geraid Charnoff, Esquire, Shaw, Pittman, Potts

and Trowbridge 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: B.J. Youngblood.

Kansas Gas and Electric Company, Kansas City Power and Light Company, Kansas Electric Power Cooperative, Inc., Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of application for amendment: March 27, 1986.

Brief description of amendment: This amendment request asks that the inservice visual inspection requirement for 130 out of 1210 snubbers (shock suppressors) be extended for 4 months until the beginning of the first refueling outrage in October 1986. Under the existing requirement these snubbbers are scheduled to be inspected by July 1986. These snubbers are located in areas that are inaccessible during reactor operation. No reactor shutdown is scheduled prior to the refueling outage, therefore compliance with this surveillance would require a plant shutdown solely for the purpose of completing this surveillance.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing examples of amendments that are not likely to involve significant hazards considerations (48 FR 14870). Among these examples 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 licensee has concluded and the NRC staff agrees that the proposed license amendment fits this example in that it reflects a four month extension of a visual surveillance requirement used to gather and establish baseline information on snubber assembly performance.

Wolf Creek Generating Station utilizes only mechanical snubbers with the exception of 16 large bore hydraulic snubbers used in conjunction with its four steam generators. Mechanical snubbers at Wolf Creek Generating Station were manufactured by Pacific Scientific and the hydraulic snubbers were manufactured by Paul Munroe.

Prior to initial installation in the power block, each snubber was visually inspected and mechanically tested to ensure their operability prior to installation. The mechanical portion of this test consisted in part of an acceleration test and a drag force test. Snubber assemblies were not actually installed in the power block until approximately one year prior to Hot Functional Testing. This served to preclude unnecessary exposure of the snubber assemblies to the construction environment present prior to this time. During installation, snubber assemblies were verified to have the correct pin-to-pin dimensions and appropriate swing clearance. A manual stroke test was also performed and verified.

Subsequent to installation, system walkdowns were performed by the constructor, KG&E and the Architect/Engineer to verify correct installation and appropriate configuration. Additionally, approximately 40 percent of the snubber assemblies were inspected to fulfill preservice inspection program requirements. Inspections were also performed during Hot Functional Testing and unit startup to assure snubber operability was not adversely affected by normal thermal expansion. The aforementioned comprehensive preservice testing and inspection program ensure that the snubber assemblies at Wolf Creek Generating Station were fully operational prior to the beginning of Commercial Operation.

In early September 1985, approximately three months after initial Power Operation at Wolf creek Generating Station, 238 snubbers were inspected by KG&E personnel to determine if any snubber assemblies were damaged during construction or unit startup. Although one snubber was found to be improperly oriented, no other anomalies were identified. The anomalous snubber was reoriented and all 238 snubber assemblies were determined to be fully operable.

Since initially entering Mode 3 (HOT STANDBY) on april 26, 1985, the Unit has not reentered Mode 4 (HOT SHUTDOWN). Wolf Creek Generating Station commenced POWER OPERATION on June 6, 1985. Although Wolf Creek Generating Station has experienced four inadvertent safety injections since initially loading fuel, its overall operating history has been exemplary for a first cycle unit, including a continuous run of 134 days. The good performance of the unit has served to minimize the number of cyclical loadings experienced by the snubber assemblies.

After a Unit trip on February 22, 1986, approximately 320 snubber assemblies inside containment were inspected. The majority of these had been categorized as inaccessible during POWER OPERATION. All inspected snubber assemblies were determined to be operable. One of the steam generator hydraulic snubbers was observed to be leaking some fluid, however, this did not impair its operability. The fluid reservoir level of this snubber is being monitored to assure it continued operability.

Since inspections of 64 percent of all safety related and special scope snubber assemblies and 70 percent of all inaccessible snubber assemblies confirmed that all inspected snubbers were visually acceptable and considered operable, it is probable that no inoperable snubbers will be identified during inspections of the remaining inaccessible snubbers. In addition, a period of continuous POWER OPERATION, is unlikely to have any effect on snubber assembly operability.

Technical Specifications require a visual inspection of all snubbers between four and ten months after initial POWER OPERATION. This requirement ensures that installed snubbers remain undamaged and in the appropriate configuration after plant thermal cycles, normally present during the early phase of Cycle 1 operation, have occurred. It further serves to provide baseline information upon which future visual snubbers assembly testing intervals can be established as provided in Technical Specifications. Since 70 percent of all inaccessible snubber assemblies have successfully passed an initial visual inspection, it is expected that any inaccessible snubber assemblies not yet inspected are fully capable of performing their design function as assumed in the FSAR accident analyses. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident over previous evaluations.

The proposed amendment does not involve hardware modifications, introduces no new systems, modes of operation, failure modes or other plant perturbations. During the current snubber inspections 780 of the 1210 installed snubbers have been visually inspected and found to be acceptable. An additional 300 accessible snubbers will be inspected before the required 10 month surveillance interval expires. Therefore, since only 130 snubbers will remain to be inspected, there is a high level of assurance of snubber operability during the requested 4 month extension.

Therefore, the proposed amendment does not create a possibility of a new or different kind of accident over previous evaluations.

The requested amendment merely extends an existing surveillance interval to allow continued POWER OPERATION until Refuel 1. During

periods of continuous operation at power, minimal cyclical wear of snubber assemblies occurs. The inspections performed to date indicate that the installed snubber assemblies have performed in a wholly satisfactory manner and can be expected to maintain that level of performance. Thus the proposed amendment does not involve a significant reduction in a margin of safety.

Based on the above analysis and the guidance provided by the Commission, it has been determined that the requested Technical Specification revision does not involve a significant increase in the probability of consequences of an accident or other adverse condition over previous evaluations; or create the possibility of a new or different kind of accident or condition over previous evaluation; or involve a significant reduction in a margin of safety. Therefore the requested license amendment does not present a significant hazard.

Accordingly the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: William Allen White Library, Emporia State University, Emporia, Kansas, and 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.

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 amendment request: March 21, 1986.

Description of amendment request: The amendment would make two changes in the Technical Specifications: (1) Add a strong motion accelerometer for reactor piping supports in Table 3.3.7.2–1, "Seismic Monitoring Instrumentation" and in Table 4.3.7.2–1, "Seismic Monitoring Instrumentation Surveillance Requirements;" and (2) add automatic depressurization system (ADS) actuation instrumentation, instrumentation set points and surveillance requirements in Tables 3.3.3–1, 3.3.3–2, and 4.3.3.1–1, respectively.

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. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a 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 licensee has provided an analysis of significant hazards considerations in its March 21, 1986, request for a license amendment. The licensee has concluded with appropriate bases, that the proposed amendment satisfies the three standards in 10 CFR 50.92 and, therefore, involves no significant hazards considerations. The NRC staff has made a preliminary review of the licensee's submittal. A summary of staff's review follows.

Change (1), the addition of a strong motion accelerometer for reactor piping supports, resulted from a design change required by License Condition 2.C.(7). The accelerometers will be installed on a piping support for the high pressure core spray system. It will be used, together with five other strong motion accelerometers already installed in the plant, to record data on the seismic response of major structures and systems. The data will be used to confirm that assumptions and methods used in seismic analyses are adequate and that allowable stresses for earthquake loadings are not exceeded so that reactor operation can continue. The instruments are not used for accident mitigation. Change (1) does not involve a significant increase in the probability or consequences of an accident previously evaluated nor does it create the possibility of a new or different kind of accident from any accident previously evaluated because the instrumentation is not a part of plant control instruments nor engineered safety feature actuation circuits but is used solely for monitoring purposes. Change (1) does not involve a significant reduction in a margin of safety because the addition of a sixth accelerometer improves the capability for accurately assessing stresses that occur in structures and piping systems during an earthquake.

Change (2), the addition of automatic depressurization system (ADS) actuation instrumentation, setpoints and surveillance requirements, results from a design change required by License Condition 2.C.(33)(f). A bypass timer will be added to bypass the high drywell pressure permissive if reactor water level remains low for a specified time and a manual inhibit switch will be added to allow the operator to more easily close the ADS valves, when required by the emergency operating procedures. This addition to the ADS logic is designed to satisfy the criteria of NUREG–0737, TMI Action Item II.K.3.18, and will function as a backup for operator action if ADS is required and the drywell high pressure signal is not present. In this case, ADS would be initiated on a low reactor water level signal alone. The accident affected by this change is a main steam line break outside of containment assuming a failure of the high pressure core spray system. For a time delay of 10 minutes, the fuel element peak cladding temperature is calculated to be 1862° F for this accident. The acceptance criterion of 10 CFR 50.46 is that the calculated peak cladding temperature shall not exceed 2200° F. Change (2) does not involve a significant increase in the probability or consequences of ar accident previously evaluated nor does it create the possibility of a new or different kind of accident from any accident previously evaluated because the addition of the ADS bypass timer makes accident mitigation more reliable by adding backup automatic ADS actuation for accidents which are presently mitigated by manual ADS actuation alone and because the ADS manual inhibit switch makes operator action required by the emergency operating procedures more reliable. Change (2) does not involve a significant reduction in a margin of safety because the procedures for mitigating the affected accident by manual ADS actuation are not changed and the backup automatic actuation results in a calculated peak cladding temperature for the affected accident that meets the acceptance criterion in 10 CFR 50.46.

Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

Project Director: Walter R. Butler.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request:

December 31, 1985.

Description of amendment request: The proposed amendment would modify Technical Specification Section 3.1.1(f), by eliminating the reference to Section 6.9.2 reportability requirement pertaining to reactivity anomalies. Currently, if the difference between an observed and predicted control rod inventory exceeds the equivalent of one percent in reactivity, the "AEC" must be notified within 24 hours in accordance with Specification 6.9.2 Reference to Section 6.9.2 is an inappropriate requirement and unnecessary due to the AEC's reorganization, the reportability requirements of Sections 50.72 and 50.73 to 10 CFR Part 50 and the intent of Section 6.9.2 being for fire protection related matters only.

Sections 50.72 and 50.73 to 10 CFR Part 50 require that the licensee shall notify the NRC as soon as practical and in all cases within 1 hour if a Technical Specification required plant shutdown occurs. This reportability requirement is also located in Section 6.6.1 of the Technical Specifications. Therefore, if a plant shutdown were to occur due to the conditions stated above, it would be a plant shutdown required by Technical Specifications and thereby reportable in accordance with Section 6.6.1. The current Technical Specifications list two reportability requirements. Therefore, in order to clarify the existing Technical Specifications, an amendment to Section 3.1.1(f) of the Technical Specification has been proposed. Additionally, the referenced Section 6.9.2 outlines actions that must be taken with respect to Fire Protection Program Reports. The referenced section is therefore inapplicable to Section 3.1.1(f) Reactivity Anomalies.

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 consideration as follows:

10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide the Commission its analysis, using the standards in Section 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 will clarify the reportability event actions that should be taken if Section 3.1.1(f) becomes effective. Thus the overall performance of Nine Mile Point Unit 1 will be improved.

The proposed amendment in accordance with the operation of Nine Mile Point Unit 1 will not create the probability of a new or different kind of accident from any accident previously evaluated.

The proposed change is not a new procedure. It will eliminate a reportability event action that is obsolete and has since been replaced.

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 will not change the current requirements of our Technical Specifications. Currently, there exists two reportability event actions for the same occurrence. This amendment would eliminate the requirement that is inappropriate and ensure that the correct reportability requirements of 10 CFR 50.72 and 73 are followed.

As determined by the analysis above, this proposed amendment involves no significant hazards considerations.

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 and 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 23, 1986.

Description of amendment request: The proposed amendment to the Nine Mile Point Unit 1 Technical Specifiations (TS) requests two principal changes. The first change would modify Section 4.2.6.a.2 to list systems containing nonconforming components, as defined in NUREG 0313 Rev. 1, covered under the augmented inservice inspection programs.

The second change would revise the bases to TS Sections 3.2.6 and 4.2.6 referencing the Inservice Inspection and Testing Programs which will be effective following the 1986 outage. In accordance with 10 CFR 50.55a, the inspection interval for both programs will last for 120 months.

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).

Niagara Mohawk Power Corporation (NMPC) has determined that the requested amendment does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed TS amendment reflects changes to the Inservice Inspection and Inservice Testing Programs. These programs have been revised in accordance with 10 CFR 50.55a for the next 120-month interval beginning after the 1986 refuel and maintenance outage. The reference programs have been updated to a newer version of the ASME Section XI Codes, 1983 Edition through Summer 1983 Addendum. This latest code has been reviewed by the Nuclear Regulatory Commission, as indicated in 10 CFR 50.55a. Incorporation of this code into the Inservice Inspection and Inservice Testing Programs will help to assure proper inspection and testing of Nine Mile Point Unit 1.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated for the same reasons as stated in item 1.

3. Involve a significant reduction in the margin of safety because the Inservice Inspection and Inservice Testing Programs have been revised in accordance with 10 CFR 50.55a and are subject to staff review and approval. In addition, Section 4.2.6.a.2 adds more more conservatism by referencing systems which contain nonconforming components, as defined in NUREG 0313, Rev. 1, instead of only service sensitive components. As a result, the reactor cleanup system is now referenced.

Based on the above, NMPC has determined that the proposed amendment involves no significant hazards consideration.

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.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: March 4, 1986.

Description of amendment request: The proposed amendment would modify the bases to Technical Specification (TS) Sections 3.1.8 and 4.1.8 and the notes for Tables 3.6.2k and 4.6.2k regarding high pressure coolant injection.

During the 1984 refueling and maintenance outage, Niagara Mohawk modified the high pressure coolant injection/feedwater system instrumentation and control equipment to provide a high reactor coolant trip of the motor-driven feedwater pumps. This modification reduces the probability of a reactor overfill event, and fulfills a prior commitment to the Nuclear Regulatory Commission in a letter dated April 1, 1982 in response to NUREG–0737, Action Item II.D.1.

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:

As required by 10 CFR 50.91, a licensee must provide to the Commission an 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.

1. *The proposed amendment in accordance with the operation of Nine Mile Point Unit 1 will not involve significant increase in the probability or consequences of an accident previously evaluated.*

The proposed change incorporates additional requirements on the limiting conditions of operation and surveillance requirements for the high pressure coolant injection system. These specifications place more stringent requirements assuring the proper operation of the high pressure coolant injection system (that is, protection against a reactor overfill event). Therefore, the proposed amendment will not result in a significant increase in the probability or consequences of a accident previously evaluated.

2. *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.*

As stated above, this technical specification amendment imposes more stringent limiting conditions and surveillance requirements. Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any previously evaluated.

3. *The proposed amendment in accordance with the operation of Nine Mile Point Unit 1 will not involve a significant reduction in the margin of safety.*

The increased requirements within Tables 3.6.2k and 4.6.2k will provide more stringent requirements on the high pressure coolant injection system. As a result, the margin of safety will not be reduced.

As determined by the analysis above, this proposed amendment has no significant hazards considerations.

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, N.W., Washington, D.C. 20006.

NRC Project Director: John A. Zwolinski.

Northeast Nuclear Energy Company, et al., Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: January 28, 1986

Description of amendment request: The proposed changes apply to the auxiliary electrical power system. The proposed amendment would change technical specification:

1. 3.9.A.3a by replacing "27.6 kv line" with "23 kv line" (postponed)

2. 3.9.B.2 by replacing "operating" with "operable" and eliminating "and the isolation condenser system is operable"

3. 3.9.B.3 by substituting a new requirement whenever power is unavailable from reserve station service transformer (RSST)

4. by renumbering existing T.S. 3.9.B.3 to 3.9.B.4 and changing 27.6 to 23 kv (postponed).

5. Base 3.9.B by replacing "operating" with "operable", eliminating the requirement for isolation condenser operability and adding a new paragraph relating to conditions for continued reactor operation without power from the RSST.

Basis for proposed no significant hazards consideration determination: Following telephone discussions on February 24, 26, March 3 and 21, 1986 between NRC and NNECO representatives, NNECO submittal dated January 28, 1986 was modified. On March 24, 1986, the licensee provided substitute technical specification pages ¾ 9–2 and 9–3 replacing page ¾ 9–2 and withdrew page ¾ 9–1 of the January 28, 1986 proposed technical specification revisions. Substitute Page ¾ 9–2 corrects a typographical error in section 3.9.B.3 (i.e. 3.4.F. changed to 3.5.F) and restores the 27 kv in the renumbered section 3.9.B.4. (consistent with withdrawal of TS page ¾ 9–1). T.S. page ¾ 9–3 with renumbered paragraph (3.9.B.3 to 3.9.B.4) was also provided. It was unintentionally omitted in the January 28, 1986 submittal.

NNECO has reviewed the proposed revisions in accordance with 10 CFR 50.92, and has concluded that they do not involve a significant hazards consideration. The basis for this conclusion is that the criteria of 10 CFR 50.92(c) are not compromised, a conclusion which is supported by the determinations made pursuant to 10 CFR 50.59. The proposed change is not precisely enveloped by the examples in 48 FR 14870 of amendments that are considered not likely to involve a significant hazards consideration. The licensee noted in a telecopy dated March 24, 1986 that the changes do not involve a significant hazards consideration because the changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated:

(a) Replacing "operating" with "operable" eliminates the requirement to operate the emergency power sources during reduced offsite power availability. The requirement for "operation" is an unnecessary challenge to the safety equipment. Frequent operation and testing of the emergency power sources increases the probability of failure of these power sources. In addition, operation of the diesel generator and gas turbine generator loaded increased this fault potential, reducing their reliability. Thus, this change is an improvement in terms of safety.

(b) Eliminating the requirement for isolation condenser availability would permit continued power operation with the plant condenser available as a heat sink. The existing FSAR analysis already discounts the availability of the isolation condenser and offsite power in the accident situation.

(c) The new paragraph in T.S. 3.9.B.3 adds more restrictions on plant operation without the RSST and has no impact on the design basis analysis.

Therefore, this change not increase the probability or consequencs of an accident.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated:

(a) Unnecessary exposure of the emergency power sources to electrical and mechanical damage will be eliminated. No realistic failure modes are introduced by this change.

(b) Deleting the requirement for isolation condenser availability yields an improved plant response to the postulated set of failures.

(c) The new LCO addressing operation without the RSST provides specific requirements which are in accordance with Regulatory Guide 1.93, "Availability of Electric Power Sources."

This change does not create any new situations with regards to events previously evaluated in the FSAR, and therefore, the possibility of a new a or different kind of accident has not been created.

(3) Involve a significant reduction in a margin of safety:

(a) The restrictive requirement to operate the emergency power sources during reduced offsite power availability is an unnecessary challenge. Loading the generators requires that they be paralleled with the degraded offsite power system, subjecting the units to increased fault potential, and significantly increasing the probability of damaging the emergency power sources at a time when their reliability is very critical.

(b) The FSAR accident evaluation was performed without taking credit for an operating isolation condenser. This change will allow for continued power operation when the isolation condenser is unavailable for 24 hours, with more decay heat removal operations available (the main condenser). This is a more favorable condition than the currently required immediate shutdown in a loss of offsite power situation with loss of the isolation condenser.

(c) More restrictions on plant operation have been made and this is conservative with respect to the design basis assumption.

Therefore, the margin of safety is not significantly reduced.

Based on the information provided by the licensee, the staff proposes to determine that the license amendment request, as modified, involves no significant hazards considerations.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry, & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Notheast Nuclear Energy Company, et al., Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: February 27, 1986.

Description of amendment request: The proposed amendment clarifies functional testing requirements for the safety/relief valve (SRV) position indication system. The proposed change revises technical specification 4.6.E.5 to read per operating cycle instead of every 18 months and adds the statement "Due to the inaccessibility of the pressure switches in the drywell, the functional test shall consist of injection of a simulated signal into the monitoring channel rather than into the instrument" to technical specification 4.6.E.4.

Basis for proposed no significant hazards consideration determination: On March 21, and April 8, 1986, following NNECO/NRC telephone discussions related to the completeness of the NNECO technical specification change request considering Generic Letter 86–03, NNECO telecopied additional information as a supplemental to the February 27, 1986 submittal. NNECO has reviewed the proposed change, in accordance with 10 CFR 50.92, and has concluded that it does not involve a significant hazards consideration. Operation of Millstone Unit No. 1 in accordance with this change would not:

(1) *Involve a significant increase in the probability or consequences of an accident previously evaluated.* Changing the surveillance cycle from once per 18 months to once per operating cycle brings the surveillance in line with current 18–20 month cycle lengths while allowing some flexibility in meeting the surveillance requirement if the cycle length fluctuates such that it is more or less than 18 months. The probability of any accident is not increased by allowing the surveillance cycle to follow the normal fuel cycle which could be more or less than the previously prescribed 18 months, nor is the consequence or probability of an accident previously evaluated increased by the point of injection of a simulated signal into the circuitry of a channel for monitoring the valve position of the SRVs. The valve position indication system is isolated from both the SRV control circuitry and the reactor coolant system pressure. Thus, no mode exists by which either electrical or mechanical failure of the pressure switches could degrade operation of the SRVs being monitored.

(2) *Create the possibility of a new or different kind of accident from any previously analyzed.* It has been determined that a new or different kind of accident is not possible as a result of this change. The surveillance frequency and/or surveillance methods for systems that have only a passive monitoring function do not create the possibility of a new or different kind of accident.

(3) *Involve a significant reduction in a margin of safety.* The point of introduction of the test signal into the monitoring system is in keeping with maintaining the monitoring system as testable as possible during power operation. Because of the proven operational stability of the pressure switches used for this installation, the seismicity of sensor mountings and the annunciation of circuit failure should the pressure switches fail, no margin of safety is affected by the change.

Additionally, the Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). The proposed change is most clearly enveloped by example (i) of examples considered not likely to involve a significant hazards consideration, a purely administrative change to technical specifications; for example, a change to achieve consistency throughout the technical specification, correction of an error or a change in nomenclature. The proposed change only clarifies functional testing and, therefore, is only administrative in nature.

Based on the information provided by the licensee and the staff safety evaluation for Amendment 98 to Provisional Operating License No. DPR–21 for Millstone Nuclear Power Station, Unit No. 1, which addresses functional testing requirements, the staff proposes to determine that the license amendment request involves no significant hazards consideration.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry, & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: March 7, 1986.

Description of amendment request: The proposed amendment would change the Technical Specifications (TS) necessary for the operation of Cycle 12. The changes are as follows: (1) Add four ARTS (Average Power Range Monitor, Rod Block Monitor and Technical Specification Improvements Program) curves to the TS, (2) Modify Table 3.11.1 to reflect the addition of Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) for the new BP8DRB299L fuel type; (3) Change the title of Table 3.11.2 and Minimum Critical Power Ratio (MCPR) limits for the fuel types listed in the table. The new title "Rated Minimum Critical Power Ratio" would be abbreviated as "MCPR(100)." And (4) Administrative changes to text and the tables for correct references to reflect the TS changes in the above three items.

Basis for proposed no significant hazards consideration determination: The Commission has provide standards for determining whether a significant hazards considerations determination exists as stated in 10 CFR 50.92(c). For Item (1) "Addition of ARTS curves", the licensee states the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. This change has no effect on the probability or consequences of previously evaluated accidents, since the same information is being used to determine the limiting MAPLHGR and MCPR values as in the existing specifications and only the location of the curves is changing.

The proposed amendment would not create the possibility of a new or different kind of accident from any accident previously analyzed. This change would not create the possibility of a new or different kind of accident, since the same information is being used to determine the limiting MAPLHGR and MCPR values as in the existing specifications and only the location of the curves is changing.

The proposed amendment would not involve a significant reduction in the margin of safety. This change has no effect on margin of safety, since the same curves are being used to determine the limiting MAPLHGR and MCPR values as in the existing specifications and only the location of the curves is changing.

In Item 2 above, the licensee proposes use of a new fuel type (BP8DRB299L, GE–7 Barrier Fuel) for Cycle 12 operation. In addition, five columns of Table 3.11.2 have been combined into two and MAPLHGR limits for the P8DRB284LB fuel type are extended to 45,000 MWD/ST. The licensee's evaluation of the proposed changes states that the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated because the methods used to analyze the Loss of Coolant Accident response of the BP8DRB299L and P8DRB284LB fuel types conform to 10 CFR Part 50 Appendix K requirements and are identical to those previously used. The results of the Loss of Coolant Accident response for BP8DRB299L fuel demonstrate compliance with 10 CFR Part 50, Appendix K.

The proposed amendment would not create the possibility of a new or different kind of accident from any accident previously analyzed because the Loss of Coolant Accident response demonstrates the similarity of this fuel type to previously analyzed fuel.

The proposed amendment would not involve a significant reduction in the margin of safety because the Loss of Coolant Accident response demonstrates compliance with 10 CFR Part 50 Appendix K. The infinite multiplication factor for the new fuel type is 1.25 which would conform with the requirements in Section 5.5 of the Monticello TS. Therefore, the addition of BP8DRB299L fuel and MAPLHGR extension of the P8DRB284LB fuel type would not involve a significant reduction in the margin of safety. This change is the result of a reactor core reloading in which no fuel assemblies are significantly different from those found acceptable previously in Monticello reloads.

In Item (3) above, MCPR limits are changed for fuel types listed in Table 3.11.2. This is the result of the transient analysis performed for the Cycle 12 operation. The changes in the title of the table and the abbreviations are administrative in nature. The licensee has evaluated the proposed change and states that the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes are the result of evaluation of the Cycle 12 transient analyses. The results demonstrate that the transient analyses results are within all acceptable criteria.
Therefore, this change would not involve a significant increase in the probability or consequences of an accident previously evaluated. With respect to thermal-hydraulic stability, it was not necessary to perform a stability analysis for Cycle 12, since Cycle 12 is typical of previously evaluated cores which had an acceptable stability margin.

The proposed amendment would not create the possibility of a new or different kind of accident from any accident previously analyzed because this reload is very similar to previous reloads.

The proposed amendment would not involve a significant reduction in the margin of safety as demonstrated by the transient analyses. This change is the result of a reactor core reloading in which no fuel assemblies are significantly different from those found acceptable previously in Monticello reloads. For these reasons, the proposed changes do not involve a significant hazards consideration.

In addition to the above changes, there are several administrative changes (Item 4) associated with the TS changes described in Items 1 through 3 (e.g., correction of the references, table of contents, associated bases of TS changes, change in the title of the table, etc.). 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). One of these examples (i), is a change that constitutes a purely administrative change to TS: for example, a change to achieve consistency throughout the TS, correction of an error, or a change in nomenclature. The administrative changes associated with the changes proposed in Items 1, 2 & 3 and grouped together as Item 4 fall in this category and thus the staff proposes to determine that these changes involve no significant hazards considerations.

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: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: John A. Zwolinski.

Pacific Gas and Electric Company, Docket No. 50–133, Humboldt Bay Power Plant, Unit No. 3 Eureka, California

Date of amendment request: December 16, 1983, as revised March 7, 1986.

Description of amendment request: The licensee requests that license

condition E.2.e be deleted. License condition E.2.e was established by the Order of the NRC dated May 21, 1976. The license condition required the reinstatement of a microseismic monitoring network to gather data for seismic studies as a part of the conditions for restarting Humboldt Bay Power Plant, Unit No. 3 (the facility). Since the above Order was issued the licensee has decided not to restart the facility and has submitted a decommissioning plan.

Basis for proposed no significant hazards consideration determination: License condition E.2.e was established to require a seismic data collection system as part of the conditions for restarting the facility following its shutdown on July 2, 1976. We have evaluated the proposed deletion of license condition E.2.e in accordance with 10 CFR Part 50.92. The proposed change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The microseismic network was required to obtain seismic information for studies related to the restart of the facility. It does not provide any function related to facility operations or the present shutdown condition of the facility, nor is it used in conjunction with any safety related system. Thus, the probability of an accident previously evaluated could not be affected by discontinuing operation of the network. In addition, the network does not provide mitigation of the consequences of any accidents. Therefore, the proposed amendment would not increase 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 because it was not installed for any safety related function and does not provide any function related to the operation or maintenance of the facility.

(3) Involve a significant reduction in the margin of safety because the monitoring network does not perform any safety related function and, therefore, could not contribute to the margin of safety. Thus, the deletion of the requirement for the microseismic monitoring network will not reduce the margin of safety.

Therefore, based on the above considerations and the fact that the facility is permanently shutdown the NRC Staff has determined that this proposed amendment will not involve a significant hazards consideration.

Local Public Document Room location: Eureka-Humboldt County Library, 421 I Street (County Court House) Eureka, California 95501.

Attorney for licensee: Phillip A. Crane, Jr., Pacific Gas and Electric Company, Post Office Box 7442, San Francisco, California 94120.

NRC Project Director: Herbert N. Berkow.

Power Authority of the State of New York, Docket No. 50–286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: July 1, 1985, as revised March 10, 1986.

Description of amendment request: This notice describes a revision to an application dated July 1, 1985, which was noticed on August 15, 1985 (50 FR 32801). The subject of the application relates to the Low Temperature Overpressure Protection System (LTOPS).

The revision contained in this application is based on the results of a recent reevaluation concerning the simplified use of LTOPS by the control room operators by including plant specific instrument uncertainties into the related Technical Specifications. Accordingly, the values given for the maximum permissible temperature differential between steam generators and RCS were reduced to account for total instrument errors. These values appear in the action statements of Section 3.1.A.1.h. (Pages 3.1–1a and 3.1–1b) and the curve block notes on the related figures (Figures 3.1.A–1 through 3.1.A–4).

In addition, it should be noted that the errors associated with RCS pressure and pressurizer level were also reevaluated. It was verified that the indicated parameters, provided by control room readings, account for the related process measurement uncertainties.

The purpose of the revision is to enhance the operators' use of the LTOPS Technical Specifications. This result will be achieved by enabling the operators to use direct control room readings, rather than having to compensate for various instrument errors themselves.

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. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a 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 of different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

A discussion of these standards as they relate to this amendment follows:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Neither the probibility nor the consequences of an accident are increased since only the operating requirements for Reactor Coolant Pump RCP starts, in the LTOPS range of operation, are adjusted to compensate for temperature related instrument errors. The secondary to primary maximum allowable temperature differential is reduced, thereby minimizing a possible heat input into the reactor vessel following the start of an RCP.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluate?

The possibility of a new kind of accident is not created since the initiating event for the heat input case is not changed, nor are any physical plant modifications being made. The proposed change will simplify the operators's use of the LTOPS Technical Specifications.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

By incorporating the instrument errors in the LTOPS Technical Specfications, the margin of safety regarding the reactor vessel pressure-temperature limits is not decreased. The calculated LTOPS temperature related measurement uncertainties for the maximum temperature differential between the steam generators and RCS do not take credit for any of the Appendix G curve conservatisms.

Based on the above, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Directorate: Steven A. Varga.

Southern California Edision Company et. al., Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: November 7, 1985.

Description of amendment request: The proposed change will delete the requirement to obtain a gross activity sample of the reactor at least once every 72 hours while in operational modes 5 and 6 (cold shutdown and refueling). Currently, existing technical specification 4.1 and Table 4.1.2 require sampling of the reactor coolant system (RCS) at least once every 72 hours in all operational modes.

Basis for proposed no significant hazards consideration determination: In the November 7, 1985 submittal, Southern California Edison Company (the licensee) stated that the proposed change has been determined not to constitute a significant hazards consideration as defined by 10 CFR 50.92. The licensee stated the following:

The basis for obtaining gross activity samples of the RCS is to detect potential increase in primary coolant activity which could impact the site boundary dose consequences in the event of a transient or accident. The associated Limiting Condition for Operation (Specification 3.1.1.) provides time constraints for power operation with increased RCS activity, but not constraints are given for Modes 5 and 6 operation. The premise on which RCS activity limits exist is to limit the potential transfer of RCS inventory beyond the fission product barriers. The worst case accident scenario would be a steam generator tube rupture during power operation. Assuming significant failed fuel prior to the transient, 10 CFR Part 100 dose limits may be exceeded.

Since the proposed change will eliminate requiring RCS gross activity sampling for Modes 5 and 6 only, at which time the RCS pressure is very low with little or no potenial for transfer of RCS activity beyond the fission product barrier, the consequences of a transient (for which sampling is intended to limit) will not be impacted by the change. Therefore, operation of the facility in accordance with the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

As stated above, the proposed change involves sampling of the RCS during periods when the RCS is at very low or atmospheric pressure. Based on this low pressure, the probability of transfer of the RCS activity beyond the fission product barriers is very low. Since the premise for RCS activity is ultimately to mitigate the dose consequences of a transient during startup or power operation, the consequences of operation of the facility in accordance with the proposed change are bounded by the more limiting conditions experienced during startup of a new or different kind of accident from any accident previously evaluated.

The margin of safety for Specification 4.1 is established by the associated Limiting Condition for Operation (LCO) (Specification 3.1.1). This LCO contains provisions to continue startup or power operation for pre-established durations in accordance with the projected dose consequences for a transient during that period of time. Since the assumed transient requires a high pressure in the RCS, and the proposed change relates only to periods when the RCS is at very low or atmospheric pressure, the margin of safety will not be impacted by the proposed change. Therefore, operation of the facility in accordance with the proposed change will not involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's submittal and agrees with the licensee's concludion with respect to 10 CFR 50.92. Therefore, the staff proposes to determine that the proposed action involves no significant hazards consideration.

Local Public Document Room location: San Clemente Public Library, 242 Del Mar, San Clemente, California 92672.

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.

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: December 17, 1985, and supplemented April 1, 1986 which revises a previous submittal dated June 8, 1984.

Description of amendment request: By letter dated December 17, 1985, Southern California Edison Company (SCE) modified Proposed Change No. 136 regarding fire protection equipment operability and surveillance requirements that had been previously requested on June 8, 1984 and noticed in the **Federal Register** on July 24, 1984 (49 FR 29922). The changes submitted on December 17, 1985 were requested as a result of the NRC staff's review of the June 8, 1984 submittal. The proposed changes are in seven general areas as described below.

Basis for proposed no significant hazards consideration determination: The first change deals with the concept of Fire Area accessibility for fire watches and patrols as a part of the Action requirements in the event that certain fire protection systems or equipment become inoperable. The concept of temporary inaccessibility of a fire area (due to radiation or other safety hazards) had been confused in the June 1984 submittal with the permanent inaccessibility during plant operation of certain other fire areas (e.g. containment). The ACTION statements which require the establishment of fire watches or fire patrols have been modified in the December 17, 1985 revised Technical Specifications (TS) to more clearly explain when such fire watches or patrols are required.

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). Example (i) of actions not likely to involve a significant hazards consideration involves 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. The proposed change described above is consistent with Example (i) since it is a clarification of wording to correct a possible error and to achieve consistency throughout the fire protection TS. On this basis, the staff proposes to determine that the change does not involve a significant hazards consideration.

The second change is associated with the elimination of a proposed alternative to the fire watch patrols required by the ACTION statements. In the event of inoperability of certain fire suppression or detection systems, the June 1984 proposed TS allowed as an alternative in lieu of a fire watch patrol, the establishment of the operability of the detection system in a fire area if the suppression system was inoperable; or the establishment of the operability of the suppression system, if the detection system was operable. The NRC staff indicated that this alternative was unacceptable; thus it has been eliminated from the December 17, 1985 revised Technical Specifications.

The Commission's Example (ii) of actions not likely to involve a signficant hazards consideration 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 elimination of the above-described alternative actions allowed if fire suppression or detection systems became inoperable is a more stringent requirement than the original proposal of June 1984. Thus this change is similar to Example (ii) of the Commission's guidance and on this basis the staff proposes to determine that it does not involve a significant hazards consideration.

The third change is related to the surveillance frequency of fire doors. The June 1984 proposed TS would have reduced the frequency of this surveillance. The NRC staff indicated that this deviation from Standard Technical Specification (STS)

surveillance frequencies was unacceptable. Thus the surveillance requirements for fire doors in the December 17, 1985 proposal have been increased to be consistent with the STS. Since the surveillance requirements will become more stringent, this change is consistent with Example (ii) of Commission's guidance discussed above. On this basis, the staff proposes to determine that the change does not involve a significant hazards consideration.

The fourth change relates to the use of automatic suppression as a compensatory measure when fire barriers become inoperable. Technical Specification 3.14.VII proposed in June 1984 stated that in event a fire barrier separating redundant safe shutdown equipment becomes inoperable, required actions were to either establish the operability of the fire detectors or the automatic suppression system in the area, or to establish a continuous fire watch. The December 17, 1985 submittal revised this TS so that in the event a fire barrier becomes inoperable, both the operability of the fire detectors on one side of the barrier and an hourly patrol must be established; otherwise a continuous fire watch is required. However, in certain areas in lieu of operable fire detectors, the establishment of the operability of certain specified automatic suppression systems is allowed in conjunction with an hourly fire patrol. This change is an additional limitation since it requires that operability be established for both fire detectors (or suppression systems in certain specific cases), *and* an hourly fire patrol whereas the previous proposal only required that the operability of fire detectors *or* automatic suppression systems be established. Since this change is an additional limitation, it is similar to Example (ii) of the Commission's guidance and on this basis the staff proposes to determine that it does not involve a significant hazards consideration.

The fifth change made by the December 17, 1985 submittal is the revision of Table 3.14.3, "Fire Detection Instruments," to further update the listing of the detector configuration at the plant. TS 3.14 VII requires the fire detectors shown in Table 3.14.3 to be operable whenever equipment in the associated fire zones is required to be operable. As indicated in the June 1984 proposal, this table was updated to reflect the new detectors added since the last issuance of the table. The revised table provided on December 17, 1985 reflects additional changes made to the fire detection systems as documented in the Updated Fire Hazards Analysis.

The changes to detectors in the Control Room Administration Building areas proposed by the December 17, 1985 submittal result in an increased number of fire detectors, and therefore represent more stringent operability requirements. Consequently, this proposed change is similar to the Example (ii) of the Commission's guidance on change not likely to involve significant hazards considerations. On this basis, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

The changes to Table 3.14.3 relating to the Sphere Enclosure Building result in a reduction in the number of fire detectors in that area. By letter dated April 1, 1986, the licensee stated:

> The reduced number of detectors in the Sphere Enclosure Building shown in Table 3.14.3 will not involve a significant increase in the probability or the consequences of an accident previously evaluated. This reduction is a result to plant modifications to replace the electrical penetrations. The old penetrations included a metal enclosure on the outboard side of containment which contained terminal blocks for penetration cabling. The enclosure contained thermal fire detectors which monitored the rate of temperature rise of the volume contained in the enclosure. The new replacement penetrations do not include the metal enclosures. Therefore, the thermal fire dectors would no longer be effective and have been removed. The remaining detectors in the fire zone will provide sufficient coverage to ensure timely detection of potential fires in the area.
>
> Since the replacement penetrations are not enclosed, the detectors would not provide additional fire protection and their removal has been shown to be acceptable based on the ability of the existing instruments to detect a fire in the area in sufficient time to take appropriate action. Therefore, the removal of these detectors from Table 3.14.3 will not result in a new or different kind of accident that has not been previously evaluated.
>
> The margin of safety for Technical Specification 3.14 and Table 3.14.3 is provided by early detection of a fire. The thermal detectors removed from Table 3.14.3 only provided detection in the penetration enclosures. Since detection for the replacement penetration will be adequately provided by existing detectors in the fine zone operation of the facility will not involve a significant reduction in th margin of safety.

The staff has reviewed the licensee's above statement and agrees with the licensee's conclusions. Therefore, the staff proposes to determine that the proposed action involves no significant hazards considerations.

The licensee's June 1984 proposal included a specification in all ACTION statements to note that if certain fire protection equipment was inoperable, the provisions of Technical Specification 3.0.A do not apply. TS 3.0.A states that reactor shutdown is required if the limiting conditions for operation are not met and the required action is not taken. However, License Amendment No. 83, issued on November 2, 1984 removed TS 3.0.A and replaced it with TSs 3.0.3 and 3.0.4, which are consistent with the NRC's Standard Technical Specifications. Thus, the licensee's December 17, 1985 proposed Technical Specifications were modified to state that neither TS 3.0.3 or TS 3.0.4 is applicable in the event that certain fire protection equipment is inoperable. This modification is consistent with the NRC's Standard Technical Specifications. TS 3.0.3 is identical to old TS 3.0.A. The staff concludes that the proposed change to renumber the references to old TS 3.0.A, which will be TS 3.0.3, is administrative in nature and is, therefore, consistent with Example (i) of the Commission's guidance discussed above. On this basis, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Existing Technical Specification 3.0.4 prohibits entry into an operational mode unless all limiting conditions for operation (LCO) are met without reliance on the provisions contained in the action statements. The proposed change to add the statement that TS 3.0.4 is not applicable when fire protection equipment LCO's are not met is consistent with the Standard Technical Specifications. This change is acceptable since these action statements are designed to provide an equivalent level of fire protection as was provided by the original LCO. Hence, it is acceptable to change operational modes without meeting all fire protection LCO's, as long as the Action statements are met.

Therefore, the proposed change will not result in facility operation that will involve a significant increase in the probability or consequences of an accident previously evaluated, since operation in accordance with the fire protection action statements provides equivalent fire protection as does compliance with the limiting conditions for operation. Similarly, operation of the facility in accordance with the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated and will not involve a significant reduction in a margin of safety. On this basis, the staff proposes to conclude that the

proposed change does not involve a significant hazards consideration.

The final changes related to backup fire suppression capability required when a suppression system is inoperable. Existing TS 3.14.B(3) requires that if a fire hose station is inoperable, and additional equivalent capacity fire hose shall be routed to the area from an operable hose station within 1 hour.

The December 17, 1985 submittal proposes to replace this action with the establishment of backup means of fire suppression, if applicable, within 4 hours and within 4 hours posting of signs above the inoperable hose station and related valves.

The phrase "if applicable" refers to the licensee's intent to define backup fire suppression as the response of the station fire brigade if an operable water source is available within 300 feet. If an operable water source is not available within 300 feet, fire hoses will be run to establish this backup suppression capability. The existing action statements for the LCO's for the other fire suppression systems (foam, sprinklers, spray and Halon) also would be revised to include the phrase "if applicable."

These proposed changes reflect the overalll improvement in fire protection capabilities including detection and suppression at the San Onofre 1 site. With improved detection and fire fighting capabilities, both automatic systems and manual, a slight increase (from 1 to 4 hours) in the time to take action in response to an inoperable fire hose will not significantly increase the probability or consequences of a fire on result in a significant decrease in margins of safety.

The intent of running a fire hose to an area with an inoperable suppression system is to ensure that any equipment needed for fire fighting would be available if required. The enhanced capabilities of the fire brigade, including two fire trucks with hoses and other equipment, provide assurance that prompt suppression will be provided. Routing a hose beforehand a backup suppression is needed only when the fire hose cannot be provided by the fire brigade truck, i.e., if the distance to the water source is longer than the hose carried on the truck (300 feet). The proposed definition of backup suppression, therefore, does not affect the probability of an accident already considered nor does it create the possibility of a new kind of accident. With the fire fighting capabilities of the San Onofre fire brigade, the lack of a routed fire hose in the area with an inoperable suppression system will not significantly affect the consequences of a fire or significantly reduce a margin of safety.

Therefore, the staff proposes to conclude that the proposed changes do not involve a significant hazards consideration.

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.

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: December 19, 1985.

Description of amendment request: The proposed amendment contains four different changes described below.

(1) Existing Technical Specification 3.7.1.B states that if in Modes 1, 2, 3, or 4, with one or two offsite electrical power circuits inoperable or one or two diesel generators inoperable or a combination of one offsite circuit and one diesel generator inoperable, then the operability of the remaining A.C. power sources must be demonstrated (a) by verifying correct cricuit breaker alignments and power availability of the remaining offsite circuits within one hour and at least once per eight (8) hours thereafter, and (b) by starting the remaining diesel generators within one hour and at least once each eight (8) hours thereafter. The proposed amendment would require that the initial diesel test start be performed with 24 hours for loss of either one offsite circuit or one diesel generator, and within 8 hours for loss of two offsite circuits or one offsite circuit and one diesel generator. The requirement to repeatedly start the diesel generator(s) every eight hours after a successful initial test would be eliminated.

(1) Existing Technical Specifications 3.7.1.B requires that if a diesel generator becomes inoperable, it must be restored to operable status within 72 hours or the plant be brought to cold shutdown within the next 36 hours. However, the existing Technical Specifications do not provide any limit on the frequency of diesel inoperability or the total number of days lost due to inoperability over a given period of time. The proposed change provides a limit of 800 hours on the combined out-of-service time available for the two diesel generators in one year (365 consecutive days). Should additional time be needed in a specific situation, the proposed change requires that the NRC be notified of the circumstances. Having thus established a minimum availability goal, this proposed change then increases the existing 72 hour individual out-of-service limit to 7 days (168 hours), thereby permitting greater flexibility in handling diesel generator malfunction and/or servicing needs without recourse to plant shutdown. Both of these proposed limits are applicable to Modes 1, 2, 3, and 4 only.

(3) In Items 1 through 5 of Technical Specification 3.7.I.B, the existing designation "Periodic Testing Requirement," for action statements A and B.1.A of Technical Specification 4.4, has been changed to "Surveillance Requirement."

(4) The first two paragraphs of the *Basis* to Technical Specification 3.7 have been revised to reflect the fact that four (instead of three) San Diego Gas & Electric Company high-voltage lines presently serve San Onofre. The last two paragraphs of the *Basis* have been revised to incorporate a discussion of the proposed out-of-service time limits and to add editorial clarifications.

Basis for proposed no significant hazards consideration determination: In the December 19, 1985 submittal, Southern California Edison Company (the licensee) stated that the proposed change has been determined not to constitute a significant hazards consideration as defined by 10 CFR 50.92. The licensee stated the following:

(a) *Surveillance Starts.* As noted under Description this proposed change affects only the surveillance requirements pertaining to the diesels and not those pertaining to the offsite circuits. Upon loss of required A.C. power, only one surveillance start is deemed necessary to confirm the operability of a diesel generator. By eliminating the repeat diesel surveillance starts as presently required at 8 hour intervals, this proposed change will prevent premature diesel engine degradation and contribute to enhanced plant safety over the long term. Whereas the existing Technical Specifications require demonstration of diesel generator operability within one hour of the initial power loss, this proposed change permits a delay of up to 24 hours after losing one source and 8 hours after losing two sources. These new time limits conform to Generic Letter 84–15 and are consistent with the philosophy to minimize wear on the diesel engine parts. These limits will permit the inoperable power source(s) to be repaired and restored if possible while avoiding and unscheduled diesel start. Although the new limits are a relaxation from the existing surveillance requirements, it is not considered a significant relaxation, in light of the requirement to test the offsite circuits within

1 hour of the inital power loss and every 8 hours thereafter for the duration of the loss. If the inoperable power source cannot be restored to service within a specified time interval, the Technical Specifications require plant shutdown within the next 36 hours. The specified time interval varies according to the type of loss and its safety significance: 2 hours for loss of two diesel generators, 12 hours for loss of one offsite circuit and one diesel generator, 24 hours for loss of two offsite circuits, (eight offsite circuits presently serve San Onofre) 72 hours for loss of one offsite circuit, and 7 days (168 hours) for loss of one diesel generator.

By emphasizing both long term diesel reliability and immediate plant safety requirements under different loss situations, a decrease in the probability or consequences of an accident is obtained.

(b) *Out of Service Time Limits.* Increasing the individual out of service limit from 72 hours to 7 days does not involve a significant increase in the probability or consequences of an accident previously evaluated, considering that

1. The Safety requirement to be in cold shutdown within 36 hours if the out-of-service limit has been exceeded and the inoperable power source remains inoperable is unchanged. (In practice, it takes about 12 hours to achieve cold shutdown from Model 1 temperature conditions).

2. The annual limit will insure that the actual out-of-service time is in all cases within reasonable limits and unnecessary diesel idle time is avoided.

3. In the history of San Onofre Unit 1, the switchyard has never been completely de-energized. Presently eight offsite transmission circuits serve San Onofre, whereas only two circuits are required by the Technical Specifications.

The proposed 800 hour limit on the total annually allowed diesel out of service time in Modes 1, 2, 3 and 4 will serve as an incentive in scheduling and completing all diesel maintenance in such a manner that diesel availability remains high. If downtime in excess of the 800 hour limit is needed, the Technical Specifications require notification to the NRC instead of requiring plant shutdown. This provision is based on the recognition that exceeding the 800 hour limit in itself does not represent an unsafe condition but each individual case should be evaluated in the light of all the relevant factors and concerns. Based on the above, it is concluded that the introduction of an annual out of service limit will not result in the probability or consequences of an accident previously evaluated being increased.

(c) *Periodic Testing Requirement.* The change from "Periodic Testing Requirement" to "Surveillance Requirement is editorial (no safety significance).

(d) *Basis to Technical Specification 3.7.* The various changes to the *Basis* are only for the purposes of updating and clarifying the text and including a discussion of the proposed out of service time limits. These changes do not affect the actual Technical Specifications.

These proposed changes do not change the configuration of the plant, or its manner of operation but rather, for sake of prolonging diesel engine life and providing better diesel maintenance, these changes reduce the amount of diesel testing and increase the time allowed for diesel repair and maintenance in individual cases. The safety requirement to complete cold shutdown within 36 hours if a limiting condition for operation is not met remains in place. Based on these considerations, these proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated. By preventing premature diesel generator degradation and by limiting the total amount of diesel engine downtime spent annually on repairs, maintenance, and servicing in Modes 1 through 4, the overall plant safety will actually be increased, without causing a significant reduction in any specific margin of safety.

The staff has reviewed the licensee's submittal and agrees with the licensee's conclusion with respect to 10 CFR 50.92. Therefore, the staff proposes to determine that the proposed action involves no significant hazards consideration.

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.

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: March 28, 1986.

Description of amendment request: Existing Technical Specification (TS) 4.10 delineates surveillance requirements for high energy fluid piping systems outside primary containment to monitor the continuing integrity of these systems. Periodic inservice inspection (ISI) of these piping systems provides a means for timely detection of flaws prior to failure of the piping. This inspection program henceforth referred to as the augmented ISI, is performed in areas where safety systems are not protected from any postulated breaks in the high energy fluid piping systems outside containment. A more comprehensive program, henceforth referred to as the overall ISI, establishes surveillance requirements for all Class 1, 2, and 3 pressure retaining components and their supports and is provided by Technical Specification 4.7, Inservice Inspection Requirements.

The purpose of the March 28, 1986 proposed change is to modify existing TS 4.10 to allow revision of the augmented ISI schedule to consistent with that of the overall ISI as delineated by Technical Specification 4.7. This revision will allow the consistent application of ISI techniques on a plant wide basis.

The existing TS 4.10 Part A. (2).b requires that the augmented ISI be conducted during successive 3⅓ year periods (40 months) and shall be updated to comply, to the extent practical, with the requirements in editions of Section XI of the ASME Code and Addenda in effect no more than six months prior to the start of each 40 month period, with due consideration given to physical access. Accordingly, TS 4.10 requires that the licensee, at present, use the 1980 Edition through 1981 Winter Addenda of Section XI of the ASME Code, henceforth referred to as the 1980 Edition, on the limited scope of structures and components noted above. The overall ISI program, however, is based on the 1974 Edition through 1975 Summer Addenda of Section XI for the ASME Code, henceforth referred to as the 1974 Edition.

The program that San Onofre Unit 1 current implements for augmented ISI of high energy lines outside of containment specifies that welds in these lines be 100% volumetrically inspected. Application of the 1980 Edition would instead require that the licensee perform a volumetric inspection of the inner one-third of the weld and perform a surface examination of the weld to be inspected.

Basis for proposed no significant hazards consideration determination:

In the March 28, 1986 submittal, Southern California Edison Company (the licensee) stated that the proposed change has been determined not to constitute a significant hazards consideration as defined by 10 CFR 50.92. The licensee stated the following:

This proposed change modifies the technical specifications for the augmented inservice inspection (ISI) of specific high energy lines outside containment to be consistent with the overall ISI program. The acceptability of consequences for the spectrum of accidents associated with the overall ISI program ensures that consistent application of ISI techniques will provide early detection of flaws and continued structural integrity of high energy lines. Therefore, it is concluded that operation of the facility in accordance with this proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

This proposed change will modify the technical specifications to require revision of the augmented ISI program on a 120 month schedule, consistent with the remainder of

the ISI program. It has been previously determined that the overall ISI program is appropriate for early detection of flaws in high energy lines. Further, this proposed change will allow continued application of an inspection technique currently being used at San Onofre Unit 1. Therefore, it is concluded that operation of the facility in accordance with this proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

This proposed change will allow revision of the augmented ISI program on an appropriate schedule. The revised schedule will be consistent with the overall ISI program and will ensure continue structural integrity of the effected piping systems over their service lifetime. This change will not involve a revision to the frequency at which inservice inspections are performed nor will it revise the current inspection technique. Based on these considerations, this change will not impact the margin of safety of this technical specification as defined by the ability to detect a potential flaw in a timely manner. Therefore, it is concluded that operation of the facility in accordance with this proposed change will not involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's submittal and agrees with the licensee's conclusion with respect to 10 CFR 50.92. Therefore, the staff proposes to determine that the proposed action involves no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, CA 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.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: December 19, 1985.

Description of Amendment Request: The proposed changes would revise the NA–1&2 Technical Specifications (TS) regarding Emergency Diesel Generator (EDG) surveillance testing. These changes would revise the present NA–1 TS surveillance test requirements by reducing the starting and loading practices for each test, and reducing the number of tests which apply to both routine surveillance and special tests. The proposed changes for NA–1 are in accordance with the appropriate recommendations provided in the Commission's Generic Letter 84–15, "Proposed Staff Actions to Improve and Maintain Diesel Generator Reliability" dated July 2, 1984. Additionally, the instant proposed changes for NA–1 are identical (except as noted below) to the Commission approved NA–2 Amendment No. 48 issued on April 25, 1985, which also addressed the subject of improving and maintaining EDG reliability.

A proposed change for NA–1 (which is different from the already approved NA–2 Amendment No. 48) would clarify the inconsistent usage of a defined termed that currently appears in the NA–2 TS in Surveillance Requirement (SR) 4.8.1.1.2.c Specifically, the proposed change would substitute the words "rotating test basis" for the words "STAGGERED TEST BASIS." The original intent of the SR was to require the fast starting and loading of the EDG's once every six months and to sequentially utilize one of three different initiating signals for each of these tests. This proposed change does not alter the original intent of the SR, but provides additional clarification of the requirement. This change is also being proposed for NA–2. Finally, administrative changes have been proposed for the NA–2 TS which correct three typographical errors.

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 Part 50.92(c). A proposed amendment to an operating license for a facility 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 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 probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated is not increased by the proposed changes. Reducing the test frequency and modifying starting and loading requirements consistent with Generic Letter 84–15 recommendations will enhance diesel reliability by minimizing severe test conditions which can lead to premature failures. Also, the possibility for an accident or malfunction of a type different than previously evaluated is not created since the proposed changes affect only testing frequency, starting and loading practices and have no actual impact on any previously analyzed accident in the Final Safety Analysis Report. Finally, the margin of safety as defined in the basis for any Technical Specification is not reduced. The changes in the testing requirements do not adversely affect the capability of the diesels to perform their function. Rather, the purpose of the changes is to increase overall diesel generator reliability. Therefore, based on these considerations and the criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

Based on the above, the proposed amendments will not result in a significant hazards consideration as specified in 10 CFR Part 50.92(c). Therefore, the NRC staff proposes to determine that the standards for determining that the proposed amendments to the licenses involve no significant hazards consideration are met, and that operation of the facility in accordance with the proposed amendments would not involve a significant hazards consideration.

Local Public Document Room location: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

NRC Project Director: Lester S. Rubenstein.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: January 3, 1986.

Description of Amendment Request: The proposed change would revise the NA–1&2 Technical Specifications (TS) by changing the negative end-of-cycle (EOC) moderator temperature coefficient (MTC) limit from the current value of -4.0×10^{-4} delta k/k°F to -4.4×10^{-4} delta k/k°F and change the corresponding 330 parts per million (ppm) equilibrium boron concentration value from -3.1×10^{-4} delta k/k°F to -3.3×10^{-4} delta k/k°F. In addition, because of the difficulty in performing MTC measurements near end of hot full power reactivity, the proposed changes would eliminate the MTC testing at EOC provided a measurement at less than or equal to ( ) 60 ppm is less negative than -4.0×10^{-4} delta k/k°F. The proposed changes would update the EOC MTC limits to reflect current plant

operating conditions. In addition, the proposed changes conservatively envelope plant operating conditions for a proposed core uprate to 2893 Megawatts thermal (MWt).

The NA–1&2 TS require that the MTC be confirmed as the fuel cycle approaches the 0 ppm boron concentration end point of EOC conditions. The negative EOC MTC limit is currently -4.0×10^{-4} delta k/k°F in the NA–1&2 TS (Section 3.1.1.4.b). The value of the EOC MTC is measured upon reaching an equilibrium boron concentration of 300 ppm. The current TS value for this measurement point is -3.1×10^{-4} delta k/k°F (Section 4.1.1.4.b). If the measured MTC is within this value, no further checks of MTC against the EOC negative MTC limit are necessary. If the measured MTC at the 300 ppm boron check point violates the TS value, operation of the unit may continue if MTC measurements are taken at least every 14 effective full power days and found to be within the -4.0×10^{-4} delta k/k°F EOC limit.

Bases Section 3/4.1.1.4 of the NA–1&2 TS identifies the source for the MTC limit and the conversions used to derive the value for measurement comparison at the 300 ppm equilibrium boron concentration point. The most negative MTC value is based on the limiting moderator density coefficient (MDC), used in the NA–1&2 Chapter 15 Final Safety Analyses Report analyses.

The resulting EOC negative MTC limit and negative MTC value at the 300 ppm equilibrium boron concentration measurement point are -4.4×10^{-4} delta k/k/°F and -3.3×10^{-4} delta k/k/°F, respectively. The differences between these values and the current TS of limits of -4.0×10^{-4} delta k/k/°F and -3.1×10^{-4} delta k/k/°F are primarily due to a difference in the derivative of water density with respect to temperature at the current core operating conditions.

Once the equilibrium boron concentration falls below about 60 ppm, dilution operations take an extended amount of time due to the large required volume of dilution water. For example, dilution of the Reactor Coolant System from 50 ppm to 40 ppm requires charging of about 17,000 gallons of primary grade water and would require over 2 hours. These extended dilution times make reliable MTC measurements difficult to obtain due to any of a variety of fluctuations in the system conditions which could take place over this time interval.

As a result of this difficulty, the proposed change to TS 4.1.1.4.b would eliminate further MTC measurements provided a measurement of 60 ppm equilibrium boron (all rods withdrawn, rated thermal power conditions) is less negative than -4.0×10^{-4} delta k/k/°F. Calculations have shown that this condition the -4.4×10^{-4} delta k/k/°F limit will always be met at the licensed end of cycle, conservatively accounting for the effects of control rods, burnup, boron concentration and end of cycle coastdown.

The proposed TS continue to ensure that the acceptance criteria for the NA–1&2 UFSAR accident analyses are met. The current NA–1&2 UFSAR accident analyses were reviewed and it has been concluded that none of the accidents are impacted by this proposed change. The limiting value used in the UFSAR safety analysis is the positive MDC limit value, and this value is not changed by the proposed TS changes, thus, the current analyses remain bounding.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a signficant hazards consideration exists as stated in 10 CFR Part 50.92(c). A proposed amendment to an operating license for a facility 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 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.

Based on the discussion above, the proposed change does not increase the probability of occurrence or the consequences of accidents important to safety as previously evaluated in the safety analysis. The limiting value of the MDC used in the transient analyses has not changed and the current accident analyses remain bounding. Also, the possibility for an accident or malfunction of a different type than any evaluated in the Safety Analysis Report is not created. This change does not affect any of the physical components in any of the plant systems and therefore does not produce any new or unique accident precursors. Finally, the margin of safety, as defined in the basis for the affected Technical Specifications, is not changed. Since the analyses remain bounding, there is no reduction in any of the plant safety margins involved.

Based on the above, the proposed amendment will not result in a significant hazards consideration as specified in 10 CFR Part 50.92(c). Therefore, the NRC staff proposes to determine that the standards for determining that the proposed amendments to the license involve no significant hazards consideration are met, and that operation of the facility in accordance with the proposed amendments would not involve a signficant hazards consideration.

Local Public Document Room location: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

NRC Project Director: Lester S. Rubenstein.

Virginia Electric and Power Company, Docket No. 50–338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of amendment request: May 17, 1985, as superseded November 15, 1985.

Description of amendment request: The proposed change would correct erorrs in the Technical Specifications (TS) of seismic instrument range and testing requirements. The proposed change would also delete the functional test requirement for the Auxiliary Building Mat, Reactor Heat Removal (RHR) Pipe Support and Component Cooling Heat Exchanger Support. In addition, the proposed change would modify the scope of the semiannual channel functional test of the containment mat triaxial recorder.

As presently specified, TS Table 3.3–7 lists the instrument measurement range to be 0g to 34g for the triaxial response spectrum recorders. The correct range should be 1.0 H_z to 30 H_z and is consistent with the American National Standards Institute (ANSI)/American Nuclear Society (ANS).

The current surveillance requirements for seismic monitoring instrumentation require semi-annual functional tests for the four triaxial response recorders listed in TS Table 4.3–4. Three of these recorders (the Auxiliary Building Mat, RHR Pipe Support and Component Cooling Heat Exchanger Support) are passive devices with no remote indications. Guidance provided by NRC Regulatory Guide 1.12, 1974, and ANSI/ANS Standard 2.2, 1978, indicate that these recorders do not require a channel functional test. Table 1 of ANSI/ANS Standard 2.2 on frequency of maintenance specifically recommends that no channel functional test be performed for self contained, passive instruments. The proposed change

would revise the specifications to be consistent with current regulatory guidance and also the manufacturer's recommendations.

The fourth of these triaxial response recorders is the Containment Mat triaxial response recorder. This recorder is an inaccessible, active device with a remote indication (annunciator). Present surveillance requirements as specified in the NA–1 TS require semiannual functional testing of this recorder. The containment mat triaxial response recorder is the only one of these passive devices with a remote indication (annunciator). The recorder itself is primarily a mechanical device, consisting of an event recording plate and a scriber. During a seismic event, the scriber will record scriber shank deflection by etching the motion on the plate. This plate would subsequently be removed for post-event analysis. The associated annunciator is used to alert the operator that the device has recorded scriber motion. Within the recorder, the annunciator circuitry consists of alarm contacts which interface with the scriber should significant motion occur. The current NA–1 TS require that this instrument be opened and the scriber be moved by hand until the contacts close and a light in the remote indicator illuminates to satisfy the channel functional test requirements.

Past semi-annual functional testing of the containment mat recorder has required containment entry (at power) which requires commensurate protective clothing self-contained breathing apparatus and limited access time because of ALARA concerns. Past semi-annual testing has also resulted in damage to the equipment such as a bent scriber shank or bent annunciator contacts since personnel must manipulate the scriber with bulky protective gloves. Also, based on past semi-annual testing, corrosion problems and broken contacts have occurred. It is postulated that the occurrence of corrosion within the recorder has been caused by the introduction of highly humidity environments into the internals of the containment mat triaxial device during functional testing.

The NRC staff finds the requirement to open the Containment Mat recorder and manipulate the scriber for the semi-annual Channel Functional Test to be unwarranted and, therefore, should be deleted. However, the proposed changes to the NA–1 TS would require a visual inspection and annunciator check (using the keyswitch) on a semi-annual basis. Finally, the TS, as presently specified, also require a calibration of the triaxial response recorder during refueling operations and include the Channel Functional Test.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). Examples of actions not likely to involve a significant hazard consideration include actions specified as (i) purely administrative changes to the TS to correct an error and (vii) changes made to conform with the regulations where the change results in very minor changes to facility operations clearly in keeping with the regulations. Also, 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 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 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 portion of the proposed change which addressed the instrument measurement range is similar to example (i) in that it corrects an incorrectly specified frequency range for the triaxial response spectrum recorders. The correct range is specified in the North Anna Updated Final Safety Analysis Report and is also consistent with applicable ANSI standards. Therefore, this portion of the change is enveloped by example (i).

The portion of the proposed change which addresses the three triaxial response recorders (Auxiliary Building Mat, RHR Pipe Support and Component Cooling Heat Exchanger Support) is similar to example (vii) in that the proposed change for the deletion of the periodic functional testing for the components is clearly within the acceptable criteria (NRC Regulatory Guides, ANSI Standards and manufacturer's recommendations) for the components. In fact, both current regulatory guidance and the manufacturer's recommendations indicate that the functional test requirement may be detrimental to proper equipment functioning. Assurance that the equipment will perform its intended function continues to be provided through periodic calibration requirements. Thus, this portion of the change is enveloped by example (vii). The portion of the proposed change which addresses the Containment Mat triaxial response recorder will not increase the probability or consequences of a malfunction of equipment previously evaluated in the NA–1&2 UFSAR. Rather, this portion of the proposed change will enhance instrument availability by eliminating an instrument test which has a high probability of damaging the response recorder. Also, the possibility of a new or different kind of accident from that which was previously evaluated in the NA–1&2 UFSAR has not been created. The change only modifies a surveillance test without reducing the capability of the response recorder to perform its intended function. Finally, the proposed change for the response recorder does not involve a significant reduction in a safety margin since operability of the remote indication will be verified by functional test. Moreover, operability is enhanced by eliminating a potential damaging test of the response recorder. Therefore, based on the above, the proposed change involving the response recorder will not result in a significant increase in the probability or consequences of an accident previously considered, will not create the possibility of a new or different accident from any evaluated previously, and will not significantly reduce the margin of safety.

Thus, the proposed changes as discussed above are either enveloped by examples (i) and (vii) as published in the **Federal Register** (48 FR 14870) or the criteria specified in 10 CFR 50.92(c). Therefore, the NRC staff proposes to determine that the standards for determining that the proposed change in its entirety involves no significant hazards considerations are met, and that operation of the facility in accordance with the proposed changes would not involve a significant hazards consideration.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

NRC Project Director: Lester S. Rubenstein.

Virginia Electric and Power Company, Docket No. 50–338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of amendment request: February 5, 1985.

Description of amendment request: The proposed change to the NA–1 Technical Specifications (TS) would revise Table 3.3.–1. Table 3.3.–1 identifies instrument operability requirements and associated action statements for Reactor Trip System Instrumentation.

The proposed changes to Table 3.3–1 correct a typographical error in the action statements for the Overtemperature Delta T and Overpower Delta T trip function instrumentation. Action statement number 2 is presently specified. The correct action statement number is 7. Correcting this error makes the NA–1 TS consistent with NA–2 and the Westinghouse Standard Technical Specifications.

The licensee believes that the presently specified number is the result of a typographical error which was introduced during initial plant licensing. Action statement number 2 is clearly not applicable as it refers to nuclear instrumentation inoperability.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a proposed action involves a significant hazards consideration by providing certain examples (See 48 FR 14870). Example (i) states: "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." The proposed change falls within the envelope of example (i) since the change would achieve consistency between the NA–1&2 TS and correct a typographical error presently existing in the NA–1 TS.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

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: December 13, 1985.

Description of amendment request: The proposed amendments to the Surry Power Station, Unit Nos. 1 and 2 licenses (DPR–32 and DPR–37, respectively) provide for the incorporation of the requirement to adhere to the Integrated Implementation Schedule Plan (the Plan). As stated to the NRC by letter dated December 13, 1985, Virginia Electric and Power Company (VEPCO) has conducted a comprehensive compilation and assessment of current and planned work issues, both regulatory and non-regulatory, and has developed a "schedule" for resolution of the issues. The proposed amendments would become effective on the date of issuance by the NRC for a period of three years, and may be renewed upon application by VEPCO.

The Plan describes the responsibilities and requirements associated with the process of incorporated the issues, initiated by the NRC or the licensee, into the Integrated Schedule. The "schedule" refers to the actual schedule of tasks/issues to be performed in the future. The proposed license condition specifies that the Plan shall be followed by the licensee from and after the effective date of the proposed amendments, and that changes to the dates for completion of issues may require a license amendment. In particular, all Schedule A issues, that is, issues established by existing rule, order, license condition, or technical specification, shall be changed only in accordance with applicable NRC procedures. Schedule B issues are comprised of:

(i) Regulatory issues of either a generic or plant specific nature identified by the NRC, which have dates committed to by the licensee, and which would result in either (a) plant modifications, (b) procedure revisions, or (c) changes in facility staffing requirements, and;

(ii) All other issues identified by VEPCO or other agencies.

Specifically, changes to the Plan and its issue resolutions and schedules shall be in accordance with the provisions of the Plan, and are summarized as follows:

(a) Changes to issue resolutions and/or schedules for Schedule A issues will continue to be sought through the applicable NRC approval process (e.g., license amendment, exemption or Order-date extension process).

(b) Changes to issue resolutions and/or schedules for Schedule B issues will require VEPCO to provide the NRC with prior notification of such changes to enable further explanation or discussion.

(c) Provisions have been established in the Plan for incorporating new regulatory issues into Schedules A and B as these are identified or formalized by rule, order or license condition by the NRC.

The objective of this program is to enable the licensee to utilize improved control of available resources and to perform required activities in a manner which would enhance plant safety. Concurrently, this program provides a method to assess, coordinate and schedule all necessary work at the facility including the performance of regulatory requirements. Periodic updating of the Integrated Implementation Schedule Plan for both Schedule A and B items shall occur semiannually. The revised Integrated Implementation Schedule Plan will include a progress summary, the identification of changes since the last update report, and a summary of the reasons for schedule changes associated with regulatory issues.

VEPCO recognizes that this proposed plan may require future modifications. Accordingly, the licensee will submit the proposed changes to the NRC as amendment applications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a no significant hazards exists by providing certain examples (48 FR 14870). An example of an action not likely to involve a significant hazards consideration is Example (ii) which states in part "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications . . . ." The entire proposed program plan places additional limitations and controls on activities to be performed for and at the facility. The proposed Plan is also designed to facilitate the licensee's action in satisfying regulatory issues more efficiently and effectively. All proposed revisions to the Plan must receive prior NRC approval. All changes to Schedule A items (as discussed above) must also receive prior NRC approval.

Therefore, since the incorporation of the Integrated Implementation Schedule Plan involves changes similar to those encompassed by Example (ii), the staff proposes to determine that the proposed

application 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.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Date of amendment request: January 17, 1986.

Description of amendment request: This proposed amendment, if approved, will modify the WNP–2 Technical Specifications by changing Technical Specification Table 3.8.4.3–1, "Motor Operated Valves Thermal Overload Protection" to add valves previously omitted, add valves as as result of system upgrades, and remove valves having no safety related function.

The valves previously omitted from the Technical Specifications Table were inadvertently left out of the original table when the Technical Specifications were created prior to licensing. The valves being added resulted from the fuel pool cooling modifications that were committed to prior to licensing and were recently effected. The valves being removed from the table were incorrectly inserted when the Table was created as they are not used in any safety related system.

Basis for 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; 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 licensee has determined, and the staff agrees, that the requested amendment does 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 and accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the staff agrees, that the requested amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes and additions to the list do not deviate from the existing overload design criteria and the removal of non-safety related valves from the list has no affect on the probability or consequences of a previously evaluated addident; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated because the overload design criteria have not been changed, the additions have adhered to the criteria and the deletion of non-safety related valves does not introduce a new or different kind of accident; or (3) involve a significant reduction in a margin of safety because as discussed in (1) the added valves conform to the overload design criteria and hence do not challenge a safety margin and the removal of non-safety related valves can not impact a safety margin.

Based on our review of the proposed modification, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the proposed change to the WNP–2 Technical Specifications involves no significant hazards considerations.

Local Public Document Room: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW, Washington, DC 20036.

NRC Project Director: E. Adensam.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Dates of Amendment Request: January 17, 1986 and February 18, 1986.

Description of Amendment Request: This proposed amendent, if approved, will modify the WNP–2 Technical Specification Table 3.6.3–1, "Primary Containment Isolation Valves" to reflect: (1) Corrections and additions to the Excess Flow Check Valve listings, Traversing Incore Probe System valve listings, and equipment qualification limits; (2) reidentify certain valves in accordance with current Supply System practices; (3) add valves previously omitted; (4) provide clarification to notes in the table; (5) correct typographical errors; and (6) delete maximum isolation time listings for valvs not performing an automatic containment isolation function.

Table 3.6.3–1 is provided to list containment isolation valves and to ensure operability of these valves so that the containment atmosphere can be isolated from the outside environment in the event of a release of radioactive material to the containment. Section (a) of the table provides those valves and maximum isolation time limits allowed so that on an automatic isolation demand, the containment will be isolated from the outside environment consistent with the assumptions used in the Final Safety Analysis Report Design Base Accident LOCA analyses.

Basis for 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; 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 licensee has determined, and the staff agrees, that the requested amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed isolation time deletions do not affect the response of the plant to a primary containment isolation demand and the remainder of the changes merely provide corrections to listings in the table that were previously evaluated in the Final Safety Analysis Report; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated because the changes are corrections and therefore can not introduce new or different accident scenarios and the deletion of isolation times for valves not required to isolate automatically does not alter systems or conditions previously evaluated; or (3) involve a significant reduction in a margin of safety because no safety related functions (limits for containment isolation) will be changed as a result of this proposed amendment.

Based on our review of the proposed modification, the staff finds that there exists reasonable assurance that this proposed change will have little or no

impact on the public health and safety. Accordingly, the Commission proposes to determine that the requested change to the WNP-2 Technical Specifications involves no significant hazards considerations.

Local Public Document Room: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventheenth Street NW., Washington, DC 20036.

NRC Project Director: E. Adensam.

Washington Public Power Supply System, Docket No. 50-397, WNP-2, Richland, Washington

Date of amendment request: February 26, 1986.

Description of amendment request: The proposed amendment would revise the WNP-2 Technical Specifications (TS) to support the operation of WNP-2 at full rated power during the upcoming Cycle 2. The proposed amendment request 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) reflects the replacment of approximately 132 initial core fuel assemblies with Exxon Nuclear Company (ENC) fuel assemblies for the upcoming Cycle 2 operation; and (3) modifies the Bases section of the Technical Specification to account for the use of Exxon fuel assemblies.

To support the license amendment request for operation of WNP-2 during Cycle 2, the Supply System submitted as attachments to the application the following:

I. WNP-2 Cycle 2 Reload Summary Report (WPPSS-EANF-101) Includes the Startup Physics Program
II. WNP-2 Cycle 2 Reload Analysis (XN-NF-86-01, Rev 1)
III. WNP-2 Cycle 2 Plant Transient Analysis (XN-NF-85-143, Rev 1)
IV. WNP-2 LOCA-ECCS Analysis MAPLHGR Results (XN-NF-85-139)
V. Technical Specification Changes

During the first refueling-outage approximately 132 General Electric (GE) initial fuel assemblies (approximately one fifth of the core) will be replaced with new but substantially similar Exxon, Type XN-1 (8 x 8 bundles, 2.72 (weight) percent enrichment), fuel assemblies.

Basis for proposed no significant hazards consideration determination: The proposed amendment to the WNP-2 Technical Specifications to support this reload is very similar to Example (iii) provided by the Commission (48 Federal Register 14870, April 6, 1983) of the types of amendments not likely to involve significant hazards considerations. Example (iii) is an amendment to reflect a core reload where:

(1) No fuel assembles 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, approximately 632 of which are once burned GE fuel assemblies and approximately 132 of which are new ENC, Type XN-1 fuel assemblies. The Exxon fuel assemblies are very similar to the GE fuel assemblies except for slight differences in the mechanical, thermal-hydraulic and nuclear design.

Although the Exxon fuel is very similar to the GE fuel, the slight differences in mechanical, thermal-hydraulic and nuclear design of the bundles, and the use of different analysis methodologies, required that a wide range of reanalyses be performed by Exxon. These reanalyses included reanalyzing for anticipated operational occurrences, performing LOCA and MAPLHGR analyses for the Exxon fuel and analyzing for the rapid drop of a high worth control rod to assure that excessive energy will not be deposited in the fuel. Analyses for normal operation of the reactor consisted of fuel evaluations in the areas of mechanical, thermal-hydraulic and nuclear design.

The use of the ENC type XN-1 fuel assemblies and the associated analytical methods used for the Cycle 2 reload analyses have been previously approved by the NRC Staff for use in other boiling water reactors (BWR's). Based on these prior reviews, the NRC staff has determined that there are only small differences between the use of Exxon and GE analytical methods.

Another difference between Cycle 1 core and the Cycle 2 core reload is the core loading pattern. Cycle 1 is a standard GE BWR/5 initial core configuration consisting of fuel assemblies of similar enrichments placed in a specific zone within the core. In constrast the Cycle 2 core will be based on the conventional scatter load principle where fresh reload assemblies are scatter loaded throughout the core except for the center region and the core periphery. Changing from a zone core loading pattern used during the first fuel cycle to a scatter loading pattern for the new reload assemblies during the second cycle is an accepted reload method that has been approved by the NRC staff for other BWR plant reloads.

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 amendment would change the Technical Specifications to reflect new operating limits associated with the fuel to be inserted into the core 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 Specification and those analytical methods used have previously been found acceptable by the NRC.

The only difference between this reload and Example (iii) provided by the NRC is related to the use of the Exxon analytical methods which are slightly different from the GE methods used for Cycle 1 as noted above. The Exxon analytical results are not significantly different from those previously found acceptable to the NRC for the initial core at WNP-2 and the methods previously have been approved by the NRC staff for use in other BWR's.

In addition to the similarity between the proposed amendment and the Commission's Example (iii), the Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 59.92(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 an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

On the basis of evaluation performed in accordance with 10 CFR 50.92, and the fact that the analytical methods used have been approved previously by the NRC staff and do not provide results significantly different, the Supply System has concluded, and the staff agrees, that operation of WNP-2 in accordance with the proposed reload amendment would not: (1) Involve a significant increase in the probability or

consequences of an accident previously evaluated because the proposed changes to the Technical Specification reflect new operating limits associated with the fuel to be inserted in the core and which are based on reanalyses using the new core physics with results that remain within the previous acceptance criteria; (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the ENC fuel technology and the design of the fuel is not significantly different from that used in the initial core which previously has been found acceptable to the NRC staff; or (3) involve a significant reduction in the margin of safety because the calculated safety limit for the new core is identical to that for the initial core.

Based on our review of the proposed modification, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the requested change to the WNP-2 Technical Specifications involves no significant hazards considerations.

Local Public Document Room: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW, Washington, DC 20036.

NRC Project Director: E. Adensam.

Washington Public Power Supply System, Docket No. 50-397, WNP-2, Richland, Washington

Date of Amendment Request: March 28, 1986.

Description of Amendment Request: This proposed amendment, if approved, will change a license condition of the WNP-2 Operating License NPF-21, Attachment 2, Paragraph 3. (a) of License Condition 2.C (16), now requires that the licensee shall implement (install or upgrade) requirements of Regulatory Guide 1.97, Rev. 2, with the exception of flux monitoring, prior to startup following the first refueling outage. The licensee has requested that implementation of this requirement be delayed until the second refueling outage for two specific systems: Suppression Pool Level Monitoring and Post Accident Sampling System (PASS).

The Supply System has been unable to demonstrate that the installed suppression poll level monitoring system is able to meet the accuracy requirements under post accident environmental conditions as originally specified in the design specifications. This failure to demonstrate accuracy has required pursuit of alternative designs. The selection process requires extended lead time for material procurement (up to 52 weeks) which does not provide sufficient time to replace the existing system on the present refueling schedule. The currently installed system will remain in service until the new system is installed. The parameter sensed by this instrumentation (i.e., suppression pool water level) is relied upon to mitigate the consequences of an accident and used with the plant emergency procedures to determine actions necessary to maintain primary containment integrity, but other methods for determining suppression poll level are in place and will be made available for use prior to startup from the current refueling (R1) outage.

For the PASS system there are six Process Sampling Radioactive (PSR) valves that the Supply System has analytically determined may fail when exposed to post accident environmental conditions added to service conditions resulting from heat tracing and insulating. Heat tracing and insulating these valves is accomplished in order to prevent plate-out of radioiodine and moisture condensation from the containment air sample thereby providing a more representative sample. In the event these valves become inoperable, alternate methods utilizing other plant instrumentation are available to measure the containment gas composition and thereby follow the extent of core damage and other post accident conditions.

Basis for 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; 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.

With respect to the suppression pool level monitoring system, the Supply System has determined, and the staff agrees, that the requested amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the instrument signals are not used as control signals, perform no automatic mitigating function, and are duplicated by other instrumentation; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the alternate methods to be employed are sufficiently accurate and reliable to direct actions necessary to respond as required by the emergency procedures; or (3) involve a significant reduction in a margin of safety because no protective functions are affected.

With respect to the PASS PSR valves, the Supply System has determined, and the staff agrees, that the proposed amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because these valves have no accident mitigation function; they provide a capability to determine the extent of an accident and that capability is also supported by other plant instrumentation; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated because no system modifications are involved; or (3) involve a significant reduction in a margin of safety because, if the valves fail they will fail in the closed position thus preserving their primary containment isolation function; otherwise they provide no direct mitigating function as discussed in (1), above.

Based on our review of the proposed modifications, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the requested change to the WNP-2 Technical Specifications involves no significant hazards considerations.

Local Public Document Room: Richland Public Library, Swift, and Nothgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC 20036.

NRC Project Director: E. Adensam.

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.

Arkansas Power and Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County Arkansas

Date of amendment request: December 20, 1985.

Brief description of amendment: Technical Specification changes to revise Section 6 (Administrative Controls).

Date of publication of individual notice in **Federal Register:** February 5, 1986 (51 FR 4545).

Expiration data of individual notice: March 6, 1986.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Duke Power Company, et al., Docket No. 50–413, Catawba Nuclear Station, Unit 1, York County, South Carolina

Date of amendment request: February 12, 1986, as supplemented March 3, 4, and 11, 1986.

Brief description of amendment: The amendment would extend, on a one-time basis, by a maximum of five months until the first refueling outage those 18-month Technical Specification surveillances associated with the Engineered Safety Features which can only be conducted with Unit 1 in COLD SHUTDOWN or REFUELING.

Date of publication of individual notice in **Federal Register:** March 21, 1986 (51 FR 9905).

Expiration date of individual notice: April 21, 1986.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina, 29730.

Kansas Gas and Electric Company, Kansas City Power and Light Company, Kansas Electric Power Cooperative, Inc., Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: January 20, 1986.

Brief description of amendment: The proposed amendment would revise Tecnnical Specifications to implement the Relaxed Axial Offset Control (RAOC) mode of operation after fuel burnup of 8000 MWD/MTU (megawatt days/metric ton of uranium) is achieved.

Date of publication of individual notice in **Federal Register:** March 20, 1986 (51 FR 9728).

Expiration date of individual notice: April 21, 1986.

Local Public Document Room location: William Allen White Library, Emporia State University, Emporia, Kansas and the Washburn University School of Law, Topeka, Kansas.

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 Evaluation 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 Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: February 22, 1985 and October 25, 1985 (partial responses).

Brief description of amendments: The amendments change the Unit 1 and Unit 2 Technical Specifications (TS) to: (1) Revise the Basis for the Containment Isolation Signal (CIS)/Safety Injection Actuation Signal (SIAS) setpoint for containment high pressure in TS Basis 2.2.1, "Reactor Trip Setpoints"; (2) change the allowable scheduling for moderator temperature coefficient (MTC) determination as required by TS 4.1.1.4.2c, "Moderator Temperature Coefficient"; (3) require that two charging pumps, required to be operable above 80% power, each be provided with an independent power supply per TS 3.1.2.4, "Charging Pumps—Operable" (Unit 1 only); (4) provide for additional channels associated with measurement of containment water level and change the statement regarding implementation of remedial actions in TS 3/4.3.3.6, "Post-Accident Instrumentation"; (5) correct a syntax error in TS 3.4.4, "Pressurizer" and a spelling error in TS 3/4.6.1.1., "Containment Integrity"; (6) update and clarify the reporting requirements of TS 6.9.2, "Special Reports"; (7) delete the Surveillance Requirements of TS 4.5.2g, "ECCS Subsystems T_{ave} [greater than or equal to] 300 °F"—and redesignate the remaining Surveillance Requirements; (8) delete the reference to the 1971 Edition of the ASME Boiler and Pressure Vessel Code in TS Basis 3/4.7.1.1, "Safety Valves"; (9) delete a seismic sway arrester (snubber) from the operability and Surveillance Requirements of TS 3/4.7.8, "Snubbers" (Unit 1 only); (10) replace a reference in TS Basis 3/4.3.3.4, "Meteorological Instrumentation", with an alternate reference; (11) Allow the use of a containment atmosphere grab sampling capability as a backup to the hydrogen analyzers in TS 3.6.5.1, "Hydrogen Analyzers," and (12) incorporate additional reporting requirements in TS 6.9.2, "Special Reports."

The remaining issue associated with BG&E's applications dated February 22, 1985 and October 25, 1985 will be addressed in future correspondence.

Date of issuance: April 14, 1986.

Effective date: April 14, 1986.

Amendment Nos.: 117 and 99.

Facility Operating License Nos. DPR-53 and DPR-69. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8584 at 8587) and January 15, 1986 (51 FR 1868 at 1870).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Carolina Power & Light Company, Docket No. 50-324, Brunswick Steam Electric Plant, Unit 2, Brunswick County, North Carolina

Date of application for amendment: August 12, 1985.

Brief description of amendment request: The amendments change the Technical Specifications relating to the surveillance requirements for the suppression pool cooling mode of the Residual Heat Removal System.

Date of issuance: March 27, 1986.

Effective date: March 27, 1986.

Amendment Nos.: 97 and 122.

Facility Operating License Nos. DPR-71 and DPR-62: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38910).

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: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Commonwealth Edison Company, Docket No. 50-373, La Salle County Station, Unit 1, La Salle County, Illinois

Date of Amendment Request: October 2, 1985.

Brief Description of Amendment: This amendment revises the La Salle Unit 1 Technical Specifications to reflect the replacement of eight 26-inch and two 8-inch vent and purge isolation valves with valves manufactured by Clow Corporation. These new valves meet all the requirements for containment vent and purge isolation valves. Since the new valves are qualified to close from any position, including the full open (90°) position, the Technical Specification 3.6.1.8, 4.6.1.8.1, and associated basis 3/4.6.1.8 are revised to remove the 50° limit on valve opening. This limit was required until original valves were replaced by new valves capable of closing during a loss-of-coolant accident or a steam line break. In addition, the new Clow valves do not contain resilient seals; and therefore, the once per 92 days leakage surveillance is no longer required. Technical Specification 4.6.1.8.2 is deleted. The purpose of the accelerated leakage rate testing (every 92 days) was to provide an early indication of material seal degradation. Finally, since these Clow valves are air operated, no thermal overload bypass functions are required. Technical Specification 3.8.3.3 is revised to delete these valves from Table 3.8.3.3-1.

The above items addressed in this amendment will be completed prior to startup after the first refueling.

Date of Issuance: April 2, 1986.

Effective Date: Upon startup following the first refueling outage.

Amendment No.: 37.

Facility Operating License No. NPF-11: Amendment revised the Technical Specifications.

Date of Initial Notice in **Federal Register:** October 23, 1985 (50 FR 43023).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation date April 2, 1986.

No significant hazards consideration comments received: None.

Local Public Document Room Location: Public Library of Illinois Valley Community College Rural route No. 1, Oglesby, Illinois 61348.

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, La Salle county Station, Units 1 and 2, La Salle County, Illinois

Dates of amendment requests: February 7, 1986, as supplemented by letter dated March 5, 1986.

Brief description of amendments: The amendments to Operating License NPF-11 and Operating License NPF-18 revise the La Salle Units 1 and 2 Technical Specifications to eliminate the chlorine monitoring system because of recent surveys indicating that chlorine is not and has not been shipped in bulk quantities by highway, railroad, or river near the La Salle County Station. This basis of elimination of the chlorine monitors is from Regulatory Guide 1.78, "Assumptions of Evaluating the Habitability of a Nuclear Power Plant Control Room during a Postulated Hazardous Chemical Release," which states that chlorine stored or situated at a distance greater than five miles from the control room need not be considered in evaluating the habitability of the control room. The closest industries to La Salle County Station, where chlorine is stoud, are greater than five miles away and the railroad and highways are further than five miles. Only the Illinois River is approximately 4.7 miles north of the station; however, in recent surveys the indication is that shipments of bulk chlorine are extremely low.

Date of issuance: April 11, 1986.

Effective date: April 11, 1986.

Amendment Nos: 38 and 20.

Facility Operating Licenses Nos. NPF-11, and NPF-18. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 48588).

The Commission's related evaluation of the amendment is contained in a Safety Evaluaton dated April 11, 1986.

No significant hazards consideration comments received: No.

local Public Document Room Location: Public Library of Illinois valley Community College, Rural Route No. 1, Oglesby, Illinois 61346.

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of appication of amendment: January 30, 1986.

. *Brief description of amendment:* the license amendment revises the plant technical specifications by: (1) Reducing the allowable leakage rate of reactor coolant outside containment from six (6) liters/hr tothree (3) liters/hr; (2) identifying additional potential sources of reactor coolant leakage outside of containment, such as normal makeup, seal injection and loop fill lines; and (3) changing the value tag number designations for two check valves in the emergency core cooling system.

Date of issuance: April 14, 1986

Effective date: April 14, 1986.

Amendment No. 73.

Facility Operating License No. DPR-61. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8589). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Russell Library, 124 Broad Street, Middletown, Connecticut 06457.

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of application for amendment: December 11, 1985.

Brief discription of amendment: The license amendment changes the technical specifications that are directly related to the fuel cycle design and safety analyses for plant operation during cycle 14. The technical specification change include: (1) The definition of quadrant power tilt ratio; (2) setpoints for protection instrumentation; (3) isothermal coefficient of reactivity; (4) limit heat generation rates; (5) power distribution monitoring and controls; and (6) reactor coolant system flow, temperature and pressure.

Date of issuance: April 14, 1986.

Effective date: April 14, 1986.

Amendment No. 74.

Facility Operating License No. DPR–61. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 29, 1986 (51 FR 3713).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Russell Library, 124 Broad Street, Middletown, Connecticut 06457.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of application for amendment: February 4, 1986.

Brief description of amendment: The amendment replaces the 1 KVA 1C inverter with a 5 KVA unit, adds a static transfer switch to the new inverter, and increases the generator plant battery's capacity from 480 amp-hours to 840 amp-hours.

Date of issuance: April 14, 1986.

Effective date: April 14, 1986.

Amendment No. 48.

Provisional Operating License No. DPR–45. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8589).

The Commission's related evaluation for the license amendment is contained in a Safety Evaluation dated April 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, 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 amendment: January 21, 1986, as revised March 17, 1986.

Brief description of amendments: The amendments revise a surveillance requirement associated with Technical Specification 3/4.6.1.2d to permit an alternate means of leak testing two containment penetrations associated with the ice condenser refrigeration system.

Date of issuance: April 1, 1986.

Effective date: April 1, 1986.

Amendment Nos.: 53 and 34.

Facility Operating License Nos. NPF–9 and NPF–17. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 24, 1986 (51 FR 6475).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 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.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenberg County, North Carolina

Date of application for amendments: July 22, 1985, as supplemented September 11, 1985.

Brief description of amendments: The amendments change Technical Specifications to increase the allowed out-of-service times for Reactor Trip System analog channels.

Date of issuance: April 7, 1986.

Effective date: April 7, 1986.

Amendment Nos.: 54 and 35.

Facility Operating License Nos. NPF–9 and NPF–17. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 18, 1985 (50 FR 51622).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 7, 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 24, 1986.

Brief description of amendment: The amendment changes the Technical Specifications for Beaver Valley Unit No. 1 to (1) add "Mode 4" to Table 4.3–2 so it is consistent with Table 3.3–3, and (2) change Surveillance Requirement 4.4.6.3 by replacing "operational conditon 1" with "Mode 1" to provide consistency current nomenclature.

Date is issuance: April 14, 1986.

Effective date: April 14, 1986.

Amendment No.: 101.

Facility Operating License No. DPR–66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8590).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Iowa Electric Light and Power Company, Docket No. 50.331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: January 3, 1986.

Brief description of amendment: This amendment revises the Technical Specifications to change (a) Main Stream Line high radiation scram setpoint, (b) Main Stream tunnel high radiation setpoint, and (c) the associated bases explaining the rationale for the changes.

Date of issuance: March 27, 1986.

Effective date: March 27, 1986.

Amendment No: 131.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1986 (51 FR 6826).

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: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Clairborne County, Mississippi

Date of application for amendment: November 14, 1985, as revised March 21, 1986.

Brief description of amendment: The amendment modifies the Technical Specifications relating to the offsite organization and the Nuclear Production Department and License Condition 2.C.(28).

Date of issuance: April 10, 1986.

Effective date: April 10, 1986.

Amendment No. 10.

Facility Operating License No. NPF-29. Amendment revised the Technical Specifications and License Condition 2.C.(28).

Date of initial notice in **Federal Register:** December 3, 1985 (50 FR 49633).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 10, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: April 22, 1985.

Brief description of amendment: The amendment changes the Technical Specifications to incorporate a section describing the conditions for peforming various special tests, and to outline in one place the conditions to be met for refueling.

Date of issuance: April 9, 1986.

Effective date: April 9, 1986.

Amendment No.: 97.

Facility Operating License No. DPR-62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 17, 1985 (50 FR 29011).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 9, 1986.

No siginficant hazards consideration comments received: No.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: May 31, 1985 supplemented August 21, 1985.

Brief Description of amendment: The amendment changes the Technical Specifications to reflect the addition of a Halon fire suppressjon system and fire detectors in the station service water pump room as part of the Appendix R fire protection program.

Date of issuance: April 10, 1986.

Effective date: April 10, 1986.

Amendment No.: 98.

Facility Operating License No. DPR-62. Amendment revised the Technical Specifications.

Data of initial notice in **Federal Register:** September 25, 1985 (50 FR 28916).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 10, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Northeast Nuclear Energy Company, et al., Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of application for amendment: October 30, 1985.

Brief description of amendment: The amendment approves tachnical specifications to allow control rods to be either electrically or hydraulically disarmed when control rods are inserted and refuel interlocks or reactor protection system trip functions are inoperable.

Date of issuance: April 4, 1986.

Effective date: April 4, 1986.

Amendment No. 110.

Provisional Operating License No. DPR-21. This amendment revised the technical specifications and the license.

Date of initial notice in **Federal Register:** February 25, 1986 (51 FR 6827).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 4, 1986.

No significant hazards consideration comments received: None.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: June 27, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to implement the requirements of NUREG–0737, Item II.K.3.16, "Improvement to Reduce Challenges and Failure of Safety/Relief Valves" requirements. The two changes are: (1) In Section 2.4.B, increase the safety/relief valve set-actuation setpoint from 1108 psig to 1120 psig (2). In Table 3.2.7, increase the low-low set logic opening and closing setpoints for Reactor Coolant System Pressure by 12 psig.

Date of issuance: April 8, 1986.

Effective date: June 1, 1986.

Amendment No.: 43.

Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 11, 1985 (50 FR 37087).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 8, 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 Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County, Minnesota

Date of application for amendment: January 13, 1986, supplemented by letter dated March 25, 1986.

Description of amendment request: The proposed amendments would: (1) Add reference to the WRB–1 DNB correlation for Westinghouse fuel and identify that the W–3 DNB correlation will be used for Exxon fuel. (2) Delete reference to the "moderator temperature coefficient" in Specification 3.1.F.1. In place of the existing restriction on isothermal temperature coefficient, require the isothermal temperature coefficient to be below 5 pcm/°F when below 70 percent power and negative above 70 percent power. Change the associated bases. Replace the existing action statement, specification 3.1.F.3, with the Standard Technical Specification action statements, specification 3.1.1.3, except the requirement to submit a special report in ten days has changed to allow 30 days to submit the report. (3) Change the volume requirement for the accumulators from "between 1250 and 1282.9 cubic feet to 1270 #20" cubic feet in specification 3.3A.1.b.(2). (4) Change the peaking factors limits in Section 3.10 as follows:

	Old value	New value
F_Q	2.32	2.30
$F_{\Delta H}$	1.55	1.60
$F_{\Delta H}$ equation	1 + 0.2(1–P)	1 + 0.3(1–P)

Note: The old F_Q for Westinghouse fuel was 2.21.

Revise the peaking factor equations on page TS.2.1–2. Delete definitions of

BU(E_i) and E_j in the specification and references to them in the bases.

Increase the required high neutron flux trip setpoint reduction from 1 percent to 3.33 percent for each percent that measured F_{dH} exceeds the limit. Revise the bases of Section 3.10, as necessary, for the peaking factor changes. The bases have also been edited to remove some outdated information, e.g., deletion of the definition of the term $F_Q(z)$, deletion of a description of the F_{dH} uncertainties and deletion of a discussion of rod bow. Delete Figure TS.3.10–7, renumber the next sequentially numbered curve and delete references to the curve. (5) On Figure TS.3.10–5, delete the third line segment and extend the second line segment to the 12 foot level. Change the associated bases.

Date of Issuance: April 3, 1986.
Effective date: April 3, 1986.
Amendment Nos.: 77 and 70.
Facility Operating License Nos. DPR–42 and 60. Amendments revise the Technical Specifications.
Date of initial notice in the **Federal Register:** February 26, 1986 (51 FR 6828).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 1986.

No significant hazard consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: April 11, 1985 as supplemented on August 15, September 11, November 4, December 4, 1985, and March 27, 1986.
Brief description of amendments: These amendments revise the Susquehanna Unit 1 and Unit 2 Technical Specifications to support long term operation with one recirculation loop out of service (Single Loop Operation (SLO)). These changes incorporate a new SLO Technical Specification, 3.4.1.1.2.a.

These amendments which support long term SLO change the Technical Specifications in the following manner: (1) Limit the allowable pump speed during SLO; (2) increase the Minimum Critical Power Ratio (MCPR) Safety Limit by 0.01; (3) establish appropriate Average Power Range Monitor (APRM) Flow Biased Scram Trip setpoints; (4) revise the Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) limits; and (5) revise the Rod Block Monitor (RBM)/APRM Control Rod Block setpoints. The licensee has additionally included as Applicability section and appropriately revised SURVEILLANCE REQUIREMENTS for long term SLO. The amendments also update the Bases section to reflect the addition of Technical Specification 3.4.1.1.2.a for SLO.

Date of Issuance: April 11, 1986.
Effective date: April 11, 1986.
Amendment Nos.: 56 and 26.
Facility Operating License Nos. NPF–14 and NPF–22: Amendment revised the Technical Specifications.
Dates of initial notice in the **Federal Register:** November 20, 1985 (50 FR 47867).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 11, 1986.

No significant hazard consideration comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: January 16, 1986, as supplemented on March 18, 1986.
Brief description of amendments: This amendment revised the Unit 1 Technical Specification (TS) to support the operation of the Susquehanna Steam Electric Station (SSES), Unit 1 at full rated power during Cycle 3 operation. This amendment revises the Technical Specifications in the following areas: (1) Establishes new operating limits for all fuel types to be used during Cycle 3 operation; (2) establishes Average Power Range Monitor setpoints; (3) reflects the replacement of approximately two fifths of the core with Exxon 8×8/2.89 w/o U235 (Exxon fuel assemblies fuel type XN–2) for Cycle 3 operation; and (4) modifies the bases section.
Date of issuance: April 11, 1986.
Effective date: Upon startup following the Unit 1 second refueling outage.
Amendment No.: 57.
Facility Operating License No. NPF–14: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8599).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 11, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket Nos. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of application for amendment: October 10, 1985.
Brief description of amendment: In the licensee's submittal the licensee requested that: (1) Technical Specification 4.8.4.1.a.1 be modified to achieve a greater level of clarity for this surveillance, which was previously ambiguous in cases where no trip setpoint or response time was provided. The difference between the current Technical Specification and this revision is in specifying how acceptance criteria are met for each type of breaker, i.e., magnetic-only (HFB–M) and thermal-magnetic (HFB–TM–KB–TM). The degree of testing for a given breaker remains unchanged due to this revision; (2) Technical Specification Table 3.8.4.1–1 be revised to reflect the replacement of magnetic-only circuit breakers with thermal-magnetic circuit breakers. Changing the containment penetration over-current protection from magnetic-only to thermal-magnetic circuit breakers allows detection of substantially lower short circuit currents; and (3) Additional change to Table 3.8.4.1–1 involving deletion of: Frame Rating/UL, Trip Setpoints and Response Time from the table. Addtional editoral changes were also proposed.
Date of Issuance: April 1, 1986.
Effective date: Upon start-up following the Unit 2 first refueling outage.
Amendment No.: 24.
Facility Operating License No. NPF–22. Amendments revised the Technical Specifications.
Date of initial notice in the **Federal Register:** December 30, 1985 (50 FR 53234).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1986.

No significant hazard consideration comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franking Street, Wilkes-Barre, Pennsylvania

Pennsylvania Power and Light Company, Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of application for amendment: December 19, 1985.

Brief Description of Amendment: This amendment changes the Unit 2 Technical Specifications. The setpoint for MSIV isolation on reactor vessel water level has been changed from Level 2 to Level 1 in order to reduce the number of challenges to the Safety Relief Valves (SRV). The change is consistent with the NRC recommendations in Item 16 of NUREG-0737, Section II.K.3, "Reduction of Challenges and Failures of Relief Valves—Feasibility Study and System Modification."

Date of Issuance: April 1, 1986.

Effective Date: Upon startup following the Unit 2 first refueling outage.

Amendment No.: 25.

Facility Operating License No. NPF-22: Amendment revised the Technical Specifications.

Dates of Initial Notice in **Federal Register:** February 26, 1986 (51 FR 6829).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1986.

No comments were received regarding the Commission's proposed no significant hazards consideration determination: No.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

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 for amendments: October 15, 1984.

Brief description of amendments: The amendments revise the operability requirements for the pressurizer safety valves during refueling.

Date of issuance: April 3, 1986.

Effective date: April 3, 1986.

Amendment Nos.: 74 and 49.

Facility Operating Licenses Nos. DPR-70 and DPR-75: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 31, 1985 (50 CFR 31071).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 3, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: March 18, 1985, as supplemented by letter dated August 2, 1985.

Brief description of amendment: The amendment revises the minimum required boron concentration in the primary system while loading and unloading fuel from the reactor.

Date of issuance: April 8, 1986.

Effective date: April 8, 1986.

Amendment No.: 79.

Facility Operating License No. DPR-54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:**

November 20, 1985 (50 FR 47869).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 8, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California 95814.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: November 25, 1986.

Brief description of amendment: This amendment adds operational criteria for several modifications which were incorporated in the facility as a direct consequence of lessons learned from the Three Mile Island accident. The operational criteria were promulgated by Generic Letter 83-37.

Date of issuance: April 14, 1986.

Effective date: April 14, 1986, to be implemented within 90 days, except for Technical Specification 6.18, which shall be implemented within 14 days.

Amendment No. 80.

Facility Operating License No. DPR-54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53236).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California 95814.

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

Dates of Applicant of Amendments: October 9, 1985.

Brief Description of Amendments: The amendments change the technical specifications related to boric acid concentration and flow paths.

Date of Issuance: March 27, 1986.

Effective Date: The amendment for Unit 2 and one page (¾ 5-1) of the amendment for Unit 3 are effective March 27, 1986, to be fully implemented within 30 days; the remainder of the amendment for Unit 3 is effective on initial entry into the applicable MODE of cycle 3.

Amendment Nos.: 43 and 32.

Facility Operating License Nos. NPF-10 and NPF-15: Amendments revised the Technical Specifications.

Date of Initial Notice in **Federal Register:** December 18, 1985 (50 FR 51629).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 1986.

No significant hazards consideration comments were received: No.

Local Public Document Room Location: General Library, University of California at Irvine, Irvine, California 92713.

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

Dates of Application of Amendments: February 20, July 1, October 10, and October 22, 1985.

Brief Description of Amendments: The amendments change the Surveillance Requirements of Technical Specification 3/4.4.8.2, "Reactor Coolant System-Pressurizer-Heatup/Cooldown" and the associated table to incorporate additional thermal transient conditions for calculation of cumulative thermal cycle usage factors.

Date of Issuance: April 4, 1986.

Effective Date: April 4, 1986, to be fully implemented within 30 days of issuance.

Amendment Nos.: 44 and 33.

Facility Operating License Nos. NPF-10 and NPF-15: Amendments revised the Technical Specifications.

Date of Initial Notice in **Federal Register:** December 18, 1985 (50 FR 51627).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 4, 1986.

No significant hazards consideration comments were received: No.

Local Public Document Room Location: General Library, University of California at Irvine, Irvine, California 92713.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of application for amendment: October 1, 1985.

Brief description of amendment: The amendments change the Technical Specifications to correct inconsistencies and typographical errors and add new surveillance requirements.

Date of issuance: March 31, 1986.

Effective date: Within 90 days from the date of issuance.

Amendment Nos.: 128, 123 and 99.

Facility Operating License Nos. DPR–33, DPR–52 and DPR–68. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 20, 1985 (50 FR 47876).

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: Athens Public Library, South and Forrest, Athens, Alabama 35611.

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: December 16, 1984.

Brief description of amendment: The amendment revises immediate reporting requirements and incorporates the new reporting system for significant events at nuclear power plants to comply with 10 CFR 50.72 and 50.73.

Date of issuance: April 8, 1986.

Effective date: April 8, 1986.

Amendment No.: 93.

Facility Operating License No. NPF–3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12166).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 8, 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.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: November 15, 1985, as supplemented December 13, 1985, January 28, 1986, February 18, 1986, February 24, 1986, and February 28, 1986.

Brief description of amendment: The amendment modifies the Technical Specifications to support a transition from a Westinghouse 17x17 low-parasitic fueled core to a Westinghouse 17x17 optimized fuel assembly fueled core.

Date of issuance: April 8, 1986.

Effective date: April 8, 1986.

Amendment No.: 15.

Facility Operating License No. NPF–30. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1986 (51 FR 6831).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 8, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: William Allen White Library, Emporia State University, Emporia, Kansas, and Washburn University School of Law, Topeka, Kansas.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: November 15, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to delete Technical Specifications pertaining to the recirculation system equalizer valves, which have been removed.

Date of issuance: March 27, 1986.

Effective date: March 27, 1986.

Amendment No.: 92.

Facility Operating License No. DPR–28. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register.** January 29, 1986 (51 FR 3720).

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: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Virginia Electric and Power Company, et al., Docket No. 50–339, North Anna Power Station, Unit No. 2, Louisa County, Virginia

Date of application for amendment: February 6, 1986.

Brief description of amendment: The amendment revises the NA–2 TS Table 3.6.1, "Containment Isolation Valves," to reflect the installation of a new containment isolation valve in the letdown line for NA–2.

Date of issuance: April 4, 1986.

Effective date: April 4, 1986.

Amendment No.: 63.

Facility Operating License No. NPF–7: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 6, 1986 (51 FR 7863).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 4, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia, 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company, et al., Docket No. 50–339, North Anna Power Station, Unit No. 2, Louisa County, Virginia

Date of application for amendment: September 26, 1985, as amended January 16, 1986.

Brief description of amendment: The amendment changes the NA–2 TS to allow the widening of the axial flux difference bands from the current ±5% about a target value to +6% to −15% at 100% power and +20% to −28% at 50% power.

Date of issuance: April 14, 1986.

Effective date: April 14, 1986.

Amendment No.: 64.

Facility Operating License No. NPF–7: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1986 (51 FR 6816).

The Commission's related evaluation of the amendment is contained in a Safety Evluation dated April 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Board of Supervisors Office,

Louisa County Courthouse, Louisa, Virginia, 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Bethesda, Maryland, this 16th day of April 1986.

For the Nuclear Regulatory Commission.

R. Wayne Houston,

Deputy Director, Division of BWR Licensing.

[FR Doc. 86-8981 Filed 4-22-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-323]

Pacific Gas and Electric Co., Diablo Canyon Nuclear Power Plant, Unit 2; Exemption

Correction

In FR Doc. 86-5055, beginning on page 8055 in the issue of Friday, March 7, 1986, make the following correction: On page 8056, in the third column, the third line from the bottom should read "February 21, 1986 and shall submit".

BILLING CODE 1505-01-M

Containment Performance Design Objective; Workshop Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Workshop.

SUMMARY: The safety goals for nuclear power plants, currently in the final stages of evaluation by the Nuclear Regulatory Commission, include two qualitative goals, supported by quantitative objectives with respect to mortality risks, core-melt frequenty, and safety-cost trade-offs. In response to a recommendation by the Advisory Committee on Reactor Safeguards, the NRC staff has undertaken development of a containment performance design objective (CPDO) for the Commission's consideration for possible addition to the safety goals. The NRC staff will hold a workshop to obtain the views of experts on the issues inherent in the development and implementation of a CPDO. These views will be taken into account by staff in the CPDO formulation process. The invited experts will have diverse backgrounds with special knowledge of nuclear power plants in general, and containments in particular.

DATE AND TIMES: May 12, 1986, 9:00 a.m. to approximately 6:00 pm.; May 13, 8:30 a.m. to 12:00 noon.

ADDRESS: This meeting will be held at Cliffside Inn, Route 340, Harper's Ferry West Virginia 25425.

Send comments to John Philips, Rules and Procedures Branch, Division of Rules and Records, Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Pradyot K. Niyogi, Division of Risk Analysis and Operations, Office of Nuclear Regulatory Research, Washington, DC 20555, (301) 443-7612.

SUPPLEMENTARY INFORMATION: To assist in the efficient conduct of the workshop, participants will receive an information package, which includes: (a) Purpose and scope of the workshop; (b) background on the safety goals and their status; (c) a detailed agenda with guidelines for discussion objectives and scope; and (d) the report "containment Performance Design Objective: Options, Implementation, and Issues," which contains descriptions of some CPDO option seleted for evaluation with discussions of pros and cons, the outline of a CPDO implementation approach, and identification of recognized issues of CPDO structure and implementation.

The workshop will be designed to obtain expert views on issues such as the merits and drawbacks of adding a CPD to the safety goals, and the choice among options for a CPDO formulation approach.

Active participation in the workshop will be limited to invitees, but the workshop will be open to the public for attendance as observers. Members of the public may send written comments on topics related to the workshop; limited verbal comments will be permitted at the workshop at specified times. A verbatim record will be kept, and a highlights report will be published. Prospective attendees should notify Pradyot K. Niyogi at (301) 443-7612 by May 6, 1986, of their intention to attend, to facilitate planning for accommodations. The information package for the workshop will be sent to observers upon request and will be available in the Public Document room, 1717 H Street, Washington, DC 20555. While comments will be welcome at any time, these will be particularly useful if received by June 13, 1986.

Dated at Rockville, Maryland, this 18th day of April 1986.

For the Nuclear Regulatory Commission.

Malcolm L. Ernst,

Director, Division of Risk Analysis and Operations, Office of Nuclear Regulatory Research.

[FR Doc. 86-9105 Filed 4-22-86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committe on Reactor Safeguards Subcommittee on Thermal Hydraulic Phenomena; Revised Agenda

The notice previously published on Monday, April 14, 1986 (51 FR 12663) concerning a meeting of the ACRS Subcommittee on Thermal Hydraulic Phenomena scheduled for April 29 and 30, 1986, Room 1046, 1717 H Street, NW., Washington, DC has been revised as noted below:

The agenda for the subject meeting shall be as follows:

Tuesday, April 29 1986—1:30 P.M. until 5:00 P.M.

Wednesday, April 30, 1986—8:30 A.M. until 5:00 P.M.

The Subcommittee will: (1) Continue its review of the NRC's proposal to revise 10 CFR 50.46 and Appendix K, and (2) continue discussions on defining the thermal hydraulic safety issues of most importance that need to be addressed in the future. All other items regarding this meeting remain the same as previously announced.

Dated April 18, 1986.

Thomas G. McCreless,

Assistant Executive Director for Technical Activities.

[FR Doc. 86-9103 Filed 4-22-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co., et al.; Granting of Exemption From Fire Protection Program

The U.S. Nuclear Regulatory Commission (the Commission) has granted an Exemption from certain requirements of Appendix R to 10 CFR Part 50 to Northeast Nuclear Energy Company, et al. (the licensee). The Exemption relates to the fire protection program for the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The Exemption is effective as of April 15, 1986.

A complete area-wide automatic fire suppression system will not be required for the Closed Cooling Water Pump Area, the Boric Acid Pumps Area, the Boric Acid Batch Tank-Chemical Addition Tank Area, the Cable Vault, the Main Control Room, the Intake Building, and the Charging Pump Room. The auxiliary feedwater pumps located in the Auxiliary Feed Pump Pit, the safe shutdown systems and related cables located in the Boric Acid Tank-Chemical Addition Tank Area and the service water pumps located in the Intake

Building will not be required to be separated by a complete 3-hour fire-rated barrier. Redundant shutdown related cables located in the Cable Vault and the charging pumps and related cables located in the Charging Pump Room will not be required to be separated by a complete 1-hour fire-rated barrier or by more than 20 feet with no intervening combustible material. Redundant shutdown divisions within the Control Room will not be required to have physical separation. Finally, the alternate shutdown capability will not be required to be independent of the Control Room. The Exemption is granted mainly on the basis that the existing fire protection, coupled with proposed modifications at Millstone Unit 2, is the most practical method for meeting the intent of Appendix R and literal compliance would not significantly enhance the fire protection capability. Details are provided in the Exemption.

The requests for the Exemption comply 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 which are set forth in the Exemption.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have not significant impact on the environment (51 FR 5120).

For further details with respect to this action, see (1) the requests for exemptions dated March 1 and July 2, 1982, April 15 and May 25, 1983, and January 31 and August 7, 1985, (2) the Commission's letter dated April 15, 1986 (3) the Exemption dated April 15, 1986, and (4) the staff's Safety Evaluation dated April 15, 1986. 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 Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing–B.

Dated at Bethesda, Maryland, this 15th day of April 1986.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, PWR Project Directorate No. 8, Division of PWR Licensing–B.

[FR Doc. 86–9104 Filed 4–22–86; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice modifies the Tariff Schedules of the United States (TSUS) to implement changes in allocations within the alloy tool steel category for Japan.

EFFECTIVE DATE: April 21, 1986.

FOR FURTHER INFORMATION CONTACT: Marie Haugen, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, (202) 377–4036.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provided for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel products imported into the United States, pursuant to section 203 of the Trade Act of 1974. Proclamation 5074 authorizes the U.S. Trade Representative to take such actions and perform such functions for the United States as may be necessary to administer and implement the relief, including negotiating orderly marketing agreements and allocating quota quantities on a country-by-country basis. The U.S. Trade Representative is also authorized to make modifications in the TSUS headnote or items proclaimed by the President in order to implement such actions.

Pursuant to the above authority, the U.S. Trade Representative has determined that certain quota quantities within the alloy tool steel category for Japan should be modified.

In confirmity with the above, subpart A, part 2 of Appendix to the TSUS is modified as follows:

(1) Item 926.22 is modified by increasing the quota quantity for "Japan" to "1633" short tons for the period of April 20, 1986 through July 19, 1986.

(2) Item 926.23 is modified by decreasing the quota quantity for "Japan" to "563" short tons for the period of April 20, 1987 through July 19, 1987.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 86–9271 Filed 4–22–86; 11:06 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22–14943]

Application and Opportunity For Hearing; Citicorp

April 18, 1986.

Notice is hereby given that Citicorp (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York (the "Trust Company") under four existing indentures, and two Pooling and Servicing Agreements (the "Agreements") each dated as of February 1, 1986 under which certificates evidencing interests in a pool of mortgage loans have been issued, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trust Company from acting as Trustee under either of such indentures or the Agreements.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such a conflicting interest, either eliminate the conflicting interest or resign as trustee. Subsection (1) of section 310(b) provides, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest in such trustee is trustee under another indenture under which securities of an obligor upon the indenture securities are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operaton of the subsection another indenture under which other securities of the same obligor are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under both the qualified indenture and such other indenture is not so likely to involve a material conflicf of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Applicant alleges that: (1) The Trust Company currently is acting as Trustee under four indentures in which the Applicant is the obligor. The indenture dated as of February 15, 1972 involved the issuance of Floating Rate

Notes due 1989, the indenture dated as of March 15, 1977 involved the issuance of various series of unsecured and unsubordinated Notes, the indenture dated as of August 25, 1977 involved the issuance of Rising-Rate Notes, Series A and the indenture dated as of April 21, 1980 involved the issuance of various series of unsecured and unsubordinated Notes. Said indentures were filed as, respectively, Exhibits 4(a), 2(b), 2(b), and 2(a) to Applicant's respective Registration Statements Nos. 2–42915, 2–58355, 2–59396 and 2–64862 filed under the Securities Act of 1933, and have been qualified under the Trust Indenture Act of 1939. Said four indentures are hereinafter called the Indentures and the securities issued pursuant to the Indentures are hereinafter called the Notes.

(2) The Applicant is not in default in any respect under the Indentures or under any other existing indenture.

(3) On February 24, 1986, the Trust Company entered into a Pooling and Servicing Agreement dated as of February 1, 1986 (the "1986–A Agreement") with Citibank, N.A., Originator and Servicer, and Citicorp Homeowners, Inc., under which there were issued on February 24, 1986 Mortgage Pass-Through certificates, Series 1986–A 10.50% Pass-Through Rate (the "Series 1986–A Certificates"), which evidence fractional undivided interests in a pool of conventional one-to-four-family mortgage loans (the "1986–A Mortgage Pool") originated and serviced by Citibank, N.A. and having adjusted principal balances aggregating $104,826,271.22 at the close of business on February 1, 1986, which mortgage loans were assiged to the Trust Company as Trustee simultaneously with the issuance of the Series 1986–A Certificates. On February 24, 1986, Applicant, the parent of Citibank, N.A., entered into a guaranty of even date (the "1986-A Guaranty") pursuant to which applicant agreed, for the benefit of the holders of the Series 1986–A Certificates, to be liable for 5.5% of the initial aggregate principal balance of the 1986–A Mortgage Pool and for lesser amounts in later years pursuant to the provisions of the 1986–A Guaranty. The 1986–A Guaranty states that Applicant's obligations thereunder rank *pari passu* with all unsecured and unsubordinated indebtedness of Appliciant, and accordingly, if enforced against Applicant, the 1986–A Guaranty would rank on a parity with the obligations evidenced by the Notes. The Series 1986–A Certificates were registered under the Securities Act of 1933 (Registration Statement on Forms S–11 and S–3, File No. 33–780) as part of a delayed or continuous offering of $1,000,000 aggregate amount of Mortgage Pass-Through Certificates pursuant to Rule 415 under the Act. The Series 1986–A Certificates were offered by a Prospectus Supplement Dated February 13, 1986, supplemental to a Prospectus dated October 9, 1985. The 1986–A Agreement has not been qualified under the Trust Indenture Act of 1939.

(4) On February 24, 1986, the Trust Company entered into a Pooling and Servicing Agreement dated as of February 1, 1986 (the "1986–B Agreement") with Citbank, N.A., Originator and Servicer, and Citicorp Homeowners, Inc., under which there were issued on February 24, 1986, Mortgage Pass-Through Certificates, Series 1986–B 10.00% Pass-Through Rates (the "Series 1986–B Certificates"), which evidence fractional undivided interests in a pool of conventional one-to-four-family mortgage loans (the "1986–B Mortgage Pool") originated and serviced by Citibank, N.A. and having adjusted principal balances aggregating $51,017,629.42 at close of business on February 1, 1986, which mortgage loans were assigned to the Trust Company as Trustee simultaneously with the issuance of the Series 1986–B Certificates. On February 24, 1986, Applicant, the parent of Citibank, N.A., entered into a Guaranty of even date (the "1986–B Guaranty) pursuant to which Applicant agreed, for the benefit of the holders of the Series 1986–B Certificates, to be liable for 5.5% of the initial aggregate principal balance of the 1986–B Mortgage Pool and for lesser amounts in later years pursuant to the provisions of the 1986–B Guaranty. The 1986–B Guaranty states that Applicant's obligations thereunder rank *pari passu* with all unsecured and unsubordinated indebtedness of Applicant, and accordingly, if enforced against Applicant, the 1986–B Guaranty would rank on a parity with the obligations evidenced by the Notes. The Series 1986–B Certificates were registered under the Securities Act of 1933 (Registration Statement on Forms S–11 and S–3, File No. 33–780) as part of a delayed or continuous offering of $1,000,000,000 aggregate amount of Mortgage Pass-Through Certificates pursuant to Rule 415 under the Act. The Series 1986–B Certificates were offered by a Prospectus Supplement dated February 14, 1986 supplemental to a Prospectus dated October 9, 1985. The 1986–B Agreement has not been qualified under the Trust Indenture Act of 1939.

The 1986–A Agreement and the 1986–B Agreement are hereinafter called the 1986 Agreements and the 1986–A Guaranty and the 1986–B Guaranty are hereinafter called the 1986 Guarantees.

(5) The obligations of Applicant under the Indentures and the 1986 Guarantees are wholly unsecured, are unsubordinated and rank *pari passu*. Any differences that exist between the provisions of the Indentures and the 1986 Guarantees are unlikely to cause any conflict of interest among the trusteeships of the Trust Company under the Indentures and the 1986 Agreements.

(6) The Applicant Company has waived notice of hearing, waived hearing, and waived any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, File No. 22–14943, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC.

Notice is Further Given that any interested person may, not later than May 13, 1986, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–9089 Filed 4–22–86; 8:45 am]

BILLING CODE 8010–01–M

[File No. 81–728]

Application and Opportunity for Hearing: Dataserv, Inc.

April 18, 1986.

Notice is hereby given that Dataserv, Inc., ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as

amended, (the "1934 Act") for an order exempting Applicant from the registration requirements under Section 12(g) of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission in the Public Reference Room, 450 Fifth Street NW., Washington, DC 20549.

Notice is further given that any interested person not later than May 13, 1986, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof. At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-9088 Filed 4-22-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24065]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

April 17, 1986.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated there under. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 12, 1986 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Middle South Utilities, Inc., et al. (70-7119)

Middle South Utilities, Inc., ("Middle South"), a registered holding company, 225 Baronne Street, New Orleans, Louisiana 70112, has filed an amendment to the declaration filed pursuant to section 12(b) of the Act and Rule 45 thereunder.

A notice of the original declaration was issued on June 20, 1985, HCAR No. 23739. Middle South now proposes to guarantee the performance by Middle South Services, Inc. ("Services") of its lease obligations with respect to two new computer systems, and any upgrading thereof, without recourse to Services first being required. The leases are noncancellable during the initial 48-month terms thereof except in certain circumstances. Rental payments during the initial 48-month terms of the leases are being made by Services in monthly installments in the amounts of $175,893 and $176,737, respectively. Services may also subsequently determine to upgrade the new computer systems. Monthly rental payments by Services therefor would not be expected to exceed $137,500 and $127,000, respectively.

Eastern Utilities Associates (70-7161)

Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed amendments to its application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), and 10 of the Act and Rule 50(a)(5) promulgated thereunder.

EUA, through Montaup Electric Company ("Montaup"), a wholly owned, generation and transmission company, presently has a 2.89989% joint ownership interest in the Seabrook nuclear generating project ("Seabrook Project"). There are fifteen other owners which are tenants in common with Montaup ("Participants") under an Agreement for Joint Ownership, Construction and Operation of New Hampshire Nuclear Units, dated as of May 1, 1973, as amended from time to time. On October 15, 1985 (HCAR No. 23866), notice was given of EUA's proposal, if necessary approvals are received, to acquire through a new, wholly owned, New Hampshire subsidiary, EUA Power Corporation ("EUA Power"), the interests of four Participants: Bangor Hydro-Electric Company ("Bangor") 2.17391%; Central Maine Power Company ("CMP") 6.04178%; Central Vermont Public Service Company ("Central Vermont") 1.59096%; and Maine Public Service Company ("MPSC") 1.46056%, (collectively, "Sellers").

Certain changes have been made in the proposed transactions, including the following: EUA will make additional payments aggregating $30.9 million as follows: $6.0 million to Bangor, $16.5 million to CMP, $4.4 million to Central Vermont, and $4.0 million to MPSC. EUA Power expects to make all payments (except in the case of CMP) in cash or immediately available funds but, if EUA and CMP (or any of the other Sellers) agree, it is proposed that payments to such Seller or Sellers may include one or more promissory notes secured by mortgages and security interests, or othewise. It is further proposed that EUA Power issue $200 million of notes rather than $170 million. Certain changes have also been made in the terms of EUA Power's proposed preferred stock.

Southwestern Electric Power Company (70-7248)

Southwestern Electic Power Company ("Swepco"), P.O. Box 21106, Shreveport, Louisiana 71156, an electric utility 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.

Swepco proposes to issue and sell up to $125,000,000 of its first mortgage bonds in one or more series with a maturity of up to 30 years in accordance with alternative competitive bidding procedures. The proceeds are to be used in connection with the following proposals by Swepco: (1) To repurchase for cash, through tender offers, the outstanding $5,166,000 principal amount of the company's First Mortgage Bonds, Series R, 15-1/2%, due May 1, 2012, and $80,000,000 principal amount of the company's First Mortgage Bonds, Series S, 11-3/8%, due August 1, 2015; (2) to redeem the outstanding 200,000 shares of the company's 8.84% Preferred Stock, par value $100.00 per share, at the

general redemption price of $104.21 per share plus accrued and unpaid dividends to the redemption date; and (3) to provide funds for the defeasance of the outstanding $17,125,000 principal amount of Titus County Fresh Water Supply District No. 1, Pollution Control Revenue Bonds, 1981 Series A (Southwestern Electric Power Company Project), 12–1/8%, due August 1, 2011. Additional funds required for such proposed repurchases, redemption, and defeasance will be provided from internally generated funds or short-term borrowings. Open market and negotiated purchases are proposed to be made after the expiration of the tender offers with terms no more favorable to the holders than those of the tender offers.

Central Power and Light Company (70–7249)

Central Power and Light Company ("CPL"), 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.

CPL proposes to issue and sell up to $100 million of its first mortgage bonds and $100 million of its debentures in accordance with alternative competition bidding procedures. The proceeds are to be used in connection with CPL's proposed acquisition, for cash by tender offer, of up to $85 million aggregate principal amount of its outstanding first mortgage bonds and up to $100,742,000 aggregate principal amount of its outstanding debentures in two series. Open market and negotiated purchases are proposed to be made after the expiration of the tender offers with terms no more favorable to the holders than those of the tender offers.

West Texas Utilities Company (70–7250)

West Texas Utilities Company ("WTU"), 301 Cypress, Abilene, Texas 79601, 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.

WTU proposes to issue and sell up to $60 million of its First Mortgage Bonds, Series O, in accordance with alternative competitive bidding procedure. The proceeds will be used, together with internally generated funds, if necessary, to repurchase for cash by tender offer ("Tender Offer") up to $50 million of its outstanding First Mortgage Bonds, Series M, and up to $815,000 of its 16-1/8% Debentures, Series 1982.

WTU presently intends to hold open the Tender Offer for up to ten days but, if market conditions require or particular security holders require, WTU requests authority to shorten or extend the Tender Offer period. In addition, WTU request authority to purchase securities from individual security holders after the expiration of the Tender Offer on terms no more favorable to such security holders than the terms extended pursuant to the Tender Offer.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–9091 Filed 4–22–86; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2231]; Amdt. #4]

Declaration of Disaster Area; California

The above-numbered Declaration (51 FR 7514), as amended (51 FR 8610, 51 FR 9912 and 51 FR 12256), is hereby further amended in accordance with the Notice of Amendment to the President's declaration, dated March 12, 1986, to include the adjacent Counties of Trinity and Nevada 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 13, 1986.

Gerald J. Fico, Jr.,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 86–9027 Filed 4–22–86; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 09/09–5369]

Application for License To Operate as a Small Business Investment Co.; Best Finance Corp.

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 (1986) by Best Finance Corporation, 2863 W. Olympic Boulevard, Los Angeles, California 90006, for a license to operate as a small business investment company (SBIC) under the Small Business Investment act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and shareholders are:

Name	Title or relationship	Percentage of shares owned
Robert G. Brown, 13503 De Ancala Dr., La Mirada, CA 90638.	General Manager	0
Ray-Sek Yun, 831 5th Street, Los Angeles, CA 90006.	President/Director	25
In-Cho Hwang, 3763 North Prestwick Dr., Los Angeles, CA 90027.	Secretary/Director	25
Duk-Soo Yum, 19220 Fagan Ave., Cerritos, CA 90701.	Chief Financial Officer/Director	25
Yeon-Yong Hong, 1112 Fairview Dr., La Canada, CA 91011.	Director	25

The Applicant will begin operations with a capitalization of $1,000,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

The Applicant will conduct its operations in the State of California.

As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management including profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, DC 20416.

A copy of the Notice will be published in a newspaper of general circulation in Los Angeles, California.

Dated: April 18, 1986.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-9108 Filed 4-22-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee CCITT) will meet on Tuesday, May 13, 1986, in Room 1107, Department of State, 2201 C Street, NW., Washington, DC. The meeting will begin at 1:00 p.m.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities; provides advice on matters of policy and positions in the preparation for CCITT Plenary Assemblies and meetings of the International Study Groups; provides advice and recommendations in regard to the work of the U.S. CCITT study Groups; and recommends the disposition of proposed U.S. contributions to the international CCITT which are submitted to the Committee for consideration.

The purpose of the meeting is to:

a. Discuss and adopt U.S. positions to upcoming CCITT Study Group Special "S";

b. Assess need for U.S./Canada meeting to discuss Special "S" and ISDN charging principles.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, D.C.; telephone (202) 647-6700. All attendees must use the C Street entrance to the building.

Dated: April 11, 1986

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86-9064 Filed 4-22-86; 8:45 am]

BILLING CODE 4710-07-M

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organizations for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Tuesday, May 13, 1986 at 9:30 a.m. in Room 1107, Department of State, 2201 C Street NW., Washington, DC.

Study Group A deals with international telecommunications policy and services.

The purpose of this meeting is to:

a. Debrief of PTC-1 and CCITT Study Group I Working Party Meetings in Montevideo;

b. Finalize U.S. Delegation to CCITT Meeting, to be held in Kobe, Japan;

c. Review CCITT contributions, both U.S. and others, for Study Group III meeting in Kobe; and

d. Prepare future program for upcoming meetings of Study Group I, III, PC-WATTC, etc.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, D.C.; telephone (202) 647-6700. All attendees must use the C Street entrance to the building.

Dated: April 16, 1986.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86-9065 Filed 4-22-86; 8:45 am]

BILLING CODE 4710-07-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Certain Industry Advisory Committees; Determination of Closing of Meetings

The Industry Advisory Committees for Trade Policy Matters (including the Industry Policy Advisory Committee, the Committee of Chairmen of Industry of Advisory Committees, the Industry Sector Advisory Committees, and the Industrry Functional Advisory Committees) (the Advisory Committees) have been established to advise the United States Trade Representative and the Secretary of Commerce, in accordance with subsection 135(a) of the Trade Act of 1974, as amended. These groups will be providing advice on trade matters referred to in section 102 of the Trade Act of 1974; as amended; with respect to the operation of any trade agreement once entered into; and with respect to other matters arising in connection with the administration of the trade policy of the United States.

I, therefore, determine that meetings of the Advisory Committees will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions and with matters listed in section 552b(c) of Title 5 of the United States Code. Therefore, meetings of the Advisory Committees will be closed to the public unless otherwise determined by the United States Trade Representatives or his designee.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 86-9029 Filed 4-22-86; 8:45 am]

BILLING CODE 3190-01-M

Trade Policy Staff Committee; Generalized System of Preferences (GSP) Subcommittee Notice of Results of Expedited Review of Certain Chemical Mixtures Containing Ethanol

This publication provides the disposition of the expedited review of certain chemical mixtures containing ethanol under the Generalized System of Preferences (GSP) initiated by the Trade Policy Staff Committee (TPSC) on February 7, 1986. The GSP is provided for in the Trade Act of 1974 (19 U.S.C. 2461-2465).

The President signed Proclamation 5452 on March 31, 1986 removing certain chemical mixtures containing ethanol from the list of GSP eligible items effective immediately. Proclamation 5452 appeared in the **Federal Register** of April 4, 1986.

Donald M. Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 86-9028 Filed 4-22-86; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 15-86]

Treasury Notes of April 30, 1988, Series Y-1988

Washington, April 17, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury,

under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,750,000,000 of United States securities, designated Treasury Notes of April 30, 1988, Series Y–1988 (CUSIP No. 912827 TN 2), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities.

2. Description of Securities

2.1. The Notes will be dated April 30, 1986, and will accrue interest from that date, payable on a semiannual basis on October 31, 1986, and each subsequent 6 months on April 30 and October 31 through the date that the principal becomes payable. They will mature April 30, 1988, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, April 23, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, April 22, 1986, and received no later than Wednesday, April 30, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalists; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accomplished by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject all or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers

it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Wednesday, April 30, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, April 28, 1986. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Wednesday, April 30, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the approriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not advesely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-9109 Filed 4-21-86; 12:44 pm]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported For Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of June 27, 1985 (50 FR 27393, July 2, 1985), I here-by determine that the objects to be included in the exhibit, "Treasures of Hungary: Gold and Silver from the Ninth to Nineteenth Century" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the Smithsonian Institution Traveling Exhibition Services (SITES) and the Hungarian National Museum. I also determine that the temporary exhibition or display of the listed exhibit objects at the Cooper-Hewitt Museum, New York, New York, beginning on or about May 20, 1986, to on or about August 10, 1986; the Art Institute of Chicago, Chicago, Illinois, beginning on or about September 6, 1986, to on or about November 2, 1986; the Santa Barbara Museum of Art, Santa Barbara, California, beginning on or about December 6, 1986, to on or about February 1, 1987; the Blaffer Gallery, Houston, Texas; and at other nonprofit exhibitions beginning on or about May 23, 1987, to on or about January 3, 1988, is in the national interest.

Public notice of the determination is ordered to be published in the **Federal Register.**

Dated: April 17, 1987.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 86-9052 Filed 4-22-86; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document. A copy of this list may be obtained by contacting Mr. John Lindburg of the Office of the General Counsel of USIA. The telephone number is 202-485-7976, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547

Sunshine Act Meetings

Federal Register
Vol. 51, No. 78
Wednesday, April 23, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 18, 1986.

TIME AND DATE: 10:00 a.m., Tuesday, April 22, 1986.

PLACE: Room 600, 1730 K St., NW., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)].

MATTERS TO BE CONSIDERED: In addition to the previously announced item, the Commission will consider and act upon the following:

2. Commission Procedural Rule 44, 29 CFR § 2700.44, dealing with temporary reinstatement of miners.

It was determined by a unanimous vote of Commissioners that this item be added to the meeting and that no earlier announcement of the addition was possible.

CONTACT PERSON FOR MORE INFO: Jean Ellen, 202–653–5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 86–9170 Filed 4–21–86; 12:45 pm]

BILLING CODE 6735–01–M

2

FEDERAL RESERVE SYSTEM

(BOARD OF GOVERNORS)

TIME AND DATE: 11:00 a.m., Monday, April 28, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Compressed work week policy.

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.

Dated: April 21, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86–9122 Filed 4–21–86; 10:51 am]

BILLING CODE 6210–01–M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE–86–12A/13/A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETINGS: 2:00 P.M., Monday, April 14, 1986; and 11:00 A.M., Friday, April 18, 1986.

CHANGES IN THE MEETINGS:

Meeting scheduled for Monday, April 14, 1985 is cancelled.

Addition of agenda items for Friday, April 18, 1986:

3. Agenda
4. Minutes
5. Ratification List
6. Any items left over from previous agenda.

In conformity with 19 CFR 201–37(b), Commissioners Stern, Eckes, Lodwick, and Rohr determined by unanimous vote that Commission business required the cancellation of the meeting scheduled for Monday, April 14, 1986, and required the change in subject matter of the meeting on April 18, 1986 by addition of the agenda items, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time. Commissioners Liebeler and Brunsdale were not present for the deliberations.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

Kenneth R. Mason,

Secretary.

April 14, 1986.

[FR Doc. 86–9098 Filed 4–18–86; 4:40 pm]

BILLING CODE 7020–02–M

4

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, April 30, 1986.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423.

STATUS: Open Special Conference.

MATTER TO BE DISCUSSED: Ex Parte No. 346 (Sub-No. 19)—Boxcar Car Hire and Car Service.

CONTACT PERSON FOR MORE INFORMATION: Alvin H. Brown, Office of Legislative and Public Affairs, Telephone: (202) 275–7252.

James H. Bayne,

Secretary.

[FR Doc. 86–9149 Filed 4–21–86; 11:44 am]

BILLING CODE 7035–01–M

5

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of April 21, 28, May 5, and 12, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of April 21

Wednesday, April 23

10:00 a.m.
- Discussion/Possible Vote on Full Power Operating License for Palo Verde-2 (Public Meeting)

3:30 p.m.
- Affirmation/Discussion and Vote (Public Meeting)
  - a. Braidwood QA Contention (tentative)
  - b. Advanced Reactor Policy Statement
  - c. Final Rule Establishing Criteria for Reopening Records for Formal Licensing Proceedings

Week of April 28

Tentative

Thursday, May 1

9:30 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 and 6)
11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of May 5

Tentative

Wednesday, May 7

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Catawba-2 (Public Meeting)

Thursday, May 8

2:00 p.m.
Meeting with Advisory Committee on Reactor Safeguards on Safety Goal Policy (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of May 12

Tentative

Thursday, May 15

9:30 a.m.
Briefing by AIF on State of the Industry (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of "Request for Hearing on Amendments to Source Materials Licenses" (Public Meeting) was held April 16.

Affirmation of "Perry Appeal Board Decision to Hold an Exploratory Hearing on Safety Significance of Issues Raised in Intervenor's Motion to Reopen" (Public Meeting) was held April 17.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: L. Ong (202) 634–1410.

L. Ong,

Office of the Secretary.

April 17, 1986.

[FR Doc. 86–9102 Filed 4–18–86; 4:40 pm]

BILLING CODE 7590–01–M

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 A.M., Thursday, May 1, 1986.

PLACE: Room 410, 1825 K Street, N.W., Washington, D.C. 20006.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED: Possible Revisions to the Commission's Rules of Procedure, Subpart D. Pre-hearing Procedures and Discovery, 29 CFR 2200.51 through 2200.59.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Mary Ann Miller. (202) 634–4015.

Earl R. Ohman, Jr.,

General Counsel.

Date: April 21, 1986.

[FR Doc. 86–9179 Filed 4–21–86; 1:21 pm]

BILLING CODE 7600–01–M

Federal Register

Wednesday
April 23, 1986

Part II

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Calciners and Dryers in Mineral Industries; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2939-9]

Standards of Performance for New Stationary Sources; Calciners and Dryers in Mineral Industries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule and Notice of Public Hearing.

SUMMARY: The proposed standards would limit emissions of particulate matter (PM) from new, modified, and reconstructed calciners and dryers at mineral processing plants. The proposed standards implement section 111 of the Clean Air Act and are based on the Administrator's determination that emissions from the source categories that include mineral calciners and dryers, cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intent is to require new, modified, and reconstructed mineral calciners and dryers to control emissions to the level achievable by the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

A public hearing will be held, if requested, to provide interested parties an opportunity for oral presentations of data, views, or arguments concerning the proposed standards.

DATES: *Comments.* Comments and requests for a public hearing must be received on or before July 7, 1986.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by May 14, 1986, a public hearing will be held on June 9, 1986, beginning at 10:00 a.m. Persons interested in attending the hearing should call Ms. Shelby Journigan at (919) 541-5578 to verify that a hearing will be held.

Request To Speak at Hearing. Persons wishing to present oral testimony must contact EPA by May 14, 1986.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), Attention Docket Number OAQPS-A-82-39, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Shelby Journigan, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

Background Information Document. The Background Information Document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Calciners and Dryers in Mineral Industries—Background Information for Proposed Standards" [EPA-450/3-85-025a].

Docket. Docket No. A-82-39, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Bell or Mr. David Painter (919) 541-5624, Standards Development Branch, concerning regulatory decisions and the standard, or Mr. Kenneth Durkee (919) 541-5595, Industrial Studies Branch, concerning technical aspects of the industries and control technologies. The address for all parties is Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. New Source Performance Standards—General

New source performance standards (NSPS) implement Section 111 of the Clear Air Act. The NSPS are issued for categories of sources which cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. They apply to new stationary sources of emissions, i.e., sources whose construction, reconstruction, or modification begins after a standard for them is proposed.

An NSPS requires these sources to control emissions to the level achievable by "best demonstrated technology," or "BDT," which is defined in item B.3 below.

B. NSPS Decision Scheme

An NSPS is the product of a series of decisions related to certain key elements for the source category being considered for regulation. The elements identified in this "decision scheme" are generally the following:

1. *Source category to be regulated.* Usually an entire industry but can be a process or group of processes within an industry.

2. *Pollutant(s) to be regulated.* The particular substance(s) emitted by the source that the standard will regulate.

3. *Best demonstrated technology.* The technology on which the Agency will base the standards, i.e.,

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

4. *Affected facility.* The pieces or groups of equipment that comprise the sources to which the standards will apply.

5. *Emission points to be regulated.* Within the affected facility, the specific physical location emitting pollutants (e.g., vents, stacks, and equipment leaks).

6. *Format for the standard.* The form in which the standards are expressed, i.e., as a percent reduction in emissions, as pollutant concentrations, or as equipment standards.

7. *Actual standards.* Based on what BDT can achieve, the maximum permissible emissions.

> Note.—In general, standards do not require that a specific technology be used to achieve them. The source owner/operator may select the method for achieving the pollution control required.

8. *Other possible considerations.* In addition, NSPS often include: standards for visible emissions, modification/reconstruction considerations, monitoring requirements, performance test methods, and reporting and recordkeeping requirements.

C. Overview of This Preamble

This preamble will:

1. Summarize the important features of the NSPS by discussing the conclusions reached with respect to each of the elements in the decision scheme.

2. Describe the environmental, energy, and economic impacts of the NSPS.

3. Present a rationale for each of the decisions in the decision scheme.

4. Discuss administrative requirements relevant to this action.

II. Summary of the NSPS

A. Source Category To Be Regulated

The proposed standards would apply to new, modified, and reconstructed calciners and dryers at mineral processing plants. For the purpose of the proposed standards, a mineral processing plant is any facility that processes or produces any of the following minerals or their concentrates: alumina, ball clay, bentonite, diatomite, feldspar, fire clay, fuller's earth, gypsum, industrial sand, kaolin, lightweight aggregate (clay, shale, and slate), magnesium compounds, perlite, roofing granules, talc, titanium dioxide, and vermiculite.

The affected facility for mineral processing plants in each of the industries listed above would be each calciner and each dryer. The types of dryers to which the proposed standards would apply include: rotary (direct), rotary (indirect), fluid bed, vibrating-grate, flash, and spray dryers. The types of calciners to which the proposed standards would apply include: rotary, flash, and kettle calciners; multiple hearth furnaces; and expansion furnaces.

The following processes and process units used at mineral processing plants would not be regulated under the NSPS: vertical shaft kilns in the magnesium compounds industry; the chlorination-oxidation process in the titanium dioxide industry; coating kilns, mixers, and aerators in the roofing granules industry; and tunnel kilns, tunnel dryers, apron dryers, and grinding equipment that also dries the process material used in any of the 17 mineral industries. The reasons for their exclusion are discussed in Section IV.A. of this preamble.

B. Pollutant(s) To Be Regulated

The proposed standards would limit emissions of PM from new, modified, and reconstructed mineral calciners and dryers.

C. Best Demonstrated Technology

The BDT is the technology for emission reduction on which the proposed emission standards are based. The BDT for controlling emissions from calciners and dryers in this source category is the use of a fabric filter, wet scrubber, or electrostatic precipitator (ESP). In cases where either of two control devices can be used on the same type of process unit and both devices are cost effective, both control devices are considered BDT.

Many of the control devices on existing calciner and dryer facilities are, or are capable of, achieving emission levels below the State implementation plan (SIP) level. This same control technology that is used at existing plants can also be used at new plants to achieve the NSPS. However, in most cases, facilities that become subject to the NSPS will only have to perform control device maintenance more frequently than is typical at existing plants, or modify control device operating parameters (i.e., increase the pressure drop on a wet scrubber) from those at existing facilities to ensure compliance with the NSPS. By requiring better operation and maintenance procedures, the NSPS will preclude the deterioration in performance of new source control devices to the PM SIP levels or to the allowable State opacity limits.

D. Affected Facility

The affected facility in each mineral industry is the calciner or dryer process unit. Feed and product conveyors are not considered part of the affected facility.

E. Format for the Standards

The format selected for these standards would be the concentration of PM emissions per standard unit of gas flow, i.e., grams of particulate per dry standard cubic meter of gas (g/dscm) (grains per dry standard cubic foot of gas [gr/dscf]).

F. Actual Standards

The proposed standards would limit the concentration of PM at the outlet of a control device to 0.09 g/dscm (0.04 gr/dscf) for calciners and for calciners and dryers installed in series and 0.057 g/dscm (0.025 gr/dscf) for dryers.

G. Standard for Visible Emissions

Stack emissions would also be limited to 10 percent opacity for process units controlled with dry control devices. The visible emissions standard would not apply to affected facilities that use wet scrubbers to control emissions. Instead, monitoring and reporting of the operating parameters of wet scrubbers (pressure drop and liquid flow rate) would be required to indicate that the control device is properly operated and maintained on a routine basis.

H. Modification/Reconstruction Considerations

According to the General Provisions (40 CFR 60.14), a modification is defined as certain physical or operational changes to an existing facility that would increase the PM emission rate to the atmosphere from that facility. If a raw material or fuel change occurs for which the calciner or dryer was originally designed, the change is not considered a modification. However, if a change is made that allows a unit to burn a fuel or process a new material for which it was not originally designed and any increase in PM emissions occurs because of this change, the change is considered to be a modification.

According to the General Provisions (40 CFR 60.15), reconstruction is defined as the replacement of the components of an existing facility to the extent that (1) the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost required to construct a comparable new facility and (2) it is technically and economically feasible for the facility to meet the applicable standards. Because replacement or refurbishing of equipment parts subject to high temperatures, abrasion, and impact (e.g., end seals, flights refractory lining) is performed on a regular basis, it is considered routine maintenance rather than reconstruction or modification.

I. Compliance Testing

Under the proposed standards, compliance tests for PM emissions would be required for all air pollution control devices on new, modified, and reconstructed calciners and dryers. The PM emissions would be measured using EPA Reference Method 5 to determine compliance with the stack emissions standards. Visible emissions from dry control devices would be measured using EPA Reference Method 9.

J. Monitoring Requirements

With the exception of the four process unit/control device combinations discussed below, the owner or operator of a calciner or dryer who uses a fabric filter or a dry ESP control device to comply with the mass emissions standards would be required to install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the control device. In lieu of a continuous opacity monitoring system, the owner or operator of a gypsum flash or kettle calciner or of a perlite rotary dryer or expansion furnace who uses a dry control device could have a certified observer record three 6-minute averages of the opacity of visible emissions from the control device, once per week of operation, in accordance with EPA Reference Method 9.

When a wet scrubber is used to comply with the calciner or dryer mass emission standard, the owner or operator would be required to install, calibrate, maintain, and operate

monitoring devices that continuously measure and record the pressure loss of the gas stream through the scrubber and the scrubbing liquid flow rate to the scrubber. The pressure loss monitoring device must be certified by the manufacturer to be accurate within ±1 inch of water column (in. w.c.) gauge pressure and must be calibrated on a simiannual basis in accordance with manufacturer's instructions. The liquid flow rate monitoring device must be certified by the manufacturer to be accurate within ±5 percent of design scrubbing liquid flow rate and must be calibrated on a semiannual basis in accordance with the manufacturer's instructions.

K. Reporting and Recordkeeping

The proposed standards would require industry to provide the reports required under the General Provisions (40 CFR 60.7, 60.8 and 60.11). The General Provisions require the owner or operator of an affected facility to notify the Administrator or his designated representative of the construction, anticipated startup, actual startup, and control system performance test of an affected facility, including initial compliance testing for the visible emissions standards.

During the most recent performance test, an average value of each wet scrubber operating parameter will be determined for the control device. Exceedances of this value, defined as less than 90 percent or greater that 110 percent of the average pressure drop, or less than 80 percent or greater than 120 percent of the average liquid flow rate, will be required to be reported to the Administrator semiannually. All 6-minute periods during which the average opacity from dry devices is greater than 10 percent will also be required to be reported semiannually.

III. Impacts of the NSPS

At present, 48 industry/process unit combinations are known to exist. A total of 87 model facilities were developed to represent one to three production sizes for each industry/process unit combination. As a result, no single "typical facility" exists that can be used as the basis for analyzing the impacts of the proposed standards. Instead, impacts were determined for model facilities representative of the typical-size process unit for each of the 48 industry/process unit combinations. There are expected to be 198 affected facilities in the first 5 years after the NSPS would become applicable. Of the 198 affected facilities, 94 will be constructed to provide new production capacity and 104 will replace existing facilities. Impacts to the NSPS were based on this projection.

A. Air

In the fifth year after the NSPS would become applicable (1990), nationwide emissions of PM would decrease by 7,900 Mg (8,800 tons) compared to emissions allowed under typical SIP's. This represents a 78 percent reduction in emissions.

B. Water

The standards would not produce adverse water pollution impacts.

C. Solid Waste

The nationwide increase in solid waste (as a sludge containing 70 percent moisture) in 1990 would be 7,500 Mg (8,300 tons), compared to the SIP level.

D. Noise

The noise introduced by air pollution control devices at new or modified facilities (e.g., fan noise) would not significantly increase the noise levels beyond those already produced by processing equipment at the plant.

E. Radiation

There will be no radiation impacts resulting from the proposed standards.

F. Energy

In the fifth year after the NSPS would become applicable, the maximum increase in energy consumption for mineral calciner and dryer control devices nationwide would be 17,000 megawatt-hours (MWh), compared to the SIP level for typical facilities. This incremental energy requirement due to the NSPS to operate control equipment would be less than 1 percent of the energy demands to operate the calciner and dryer process units.

G. Control Costs

1. *Nationwide Costs.* Based on industry growth projections, it is estimated that 62 new calciners and 32 new dryers will be installed in the first 5 years that the NSPS is in effect. In addition, during this same time period it is expected that 60 calciners and 44 dryers will be replaced at existing facilities at the end of their useful lives.

The total nationwide incremental capital cost of pollution control equipment in 1990 would range from $2.2 to $3.0 million under the proposed standards compared to the SIP level. The variation in costs is due to those process units for which either a fabric filter or a wet scrubber could be installed. If only wet scrubbers were installed, the capital cost of installation would be lower than if only fabric filters were installed.

The total nationwide incremental annualized cost of pollution control equipment in 1990 would range from $0.7 to $1.0 million. If only wet scrubbers were installed where an option exists, the annualized costs would be higher than if only fabric filters were installed because of the additional energy costs associated with operating a scrubber and the product recovery credits associated with operating a fabric filter.

At the 94 new facilities, capital control costs would be incurred for wet scrubbers and ESP's where the control device design parameters (pressure drop, plate area) are upgraded to achieve an NSPS emission limit more stringent than the SIP emission limit. For these same facilities, annualized control costs would be incurred under the NSPS for fabric filters because of improved operation and maintenance and for wet scrubbers and ESP's because of the energy demand associated with upgraded design parameters. For the 104 new process units that are projected in the first 5 years of the NSPS to replace existing units at the end of their useful lives, capital control device costs would increase over baseline levels in 23 percent of the cases as a result of upgrading the design of the control devices (e.g., increased pressure drop for a wet scrubber). In 11 percent of the cases, the existing wet scrubber control devices are operated at pressure drops that achieve both the SIP and NSPS emission limits, and, therefore, no incremental capital costs would be incurred as a result of the NSPS. In 66 percent of the cases, fabric filters installed to meet SIP emission limits would achieve the NSPS emission limit with improved operation and maintenance. Therefore, there is no capital cost increase for fabric filter control devices. The annualized control device costs for these 104 projected process units would increase as a result of improved operation and maintenance of fabric filters (66 percent of the cases) or as a result of upgrading the design of a wet scrubber or ESP (23 percent of the cases). As with the capital costs, annualized control costs would not change in 11 percent of the cases where wet scrubbers achieve both the SIP and NSPS emission limits.

H. Economic Effects

The projected growth and profitability of the 17 mineral industries are not expected to be affected adversely by implementation of the NSPS. For 15 of the 17 industries included in the analysis, the product price increases

that would be required as a result of implementation of the NSPS would typically be less than 0.5 percent. Typical-size facilities in the fire clay and lightweight aggregate industries could experience product price increases of 1 and 1.75 percent, respectively, as a result of implementation of the NSPS. Additional discussion about the economic effects on these two industries in presented in Section IV.C.5 of this preamble.

IV. Rational for Proposed Standards

A. Selection of Source Category

1. *Threat to Public Health and Welfare Posed by Mineral Calciners and Dryers.* The mineral industries being covered by the NSPS already have been shown to be major contributors to air pollution that may reasonably be anticipated to endanger public health or welfare. There are 6 source categories currently listed on the NSPS priority list (44 FR 49225, August 21, 1979, revised January 8, 1982) that include 15 of the 17 mineral industries being covered by the NSPS. Number 13 on the priority list is Nonmetallic Mineral Processing, which includes sand and gravel, clay (ball clay, bentonite, fuller's earth, kaolin), talc, feldspar, diatomite, and vermiculite. Number 14 on the priority list, Metallic Mineral Processing, includes aluminum and titanium. The lightweight aggregate industry (clay, shale, and slate) is Number 32 on the NSPS priority list. Numbers 34, 46, and 54 on the priority list are Gypsum, Brick and Related Clay Products (fire clay), and Perlite, respectively. For the Brick and Related Clay Products source category, only calcining and drying of raw materials prior to firing of the brick are included in this source category.

The two industries covered by the NSPS that are currently not included in the Nonmetallic Mineral Processing or Metallic Mineral Processing source categories listed on the priority list are roofing granules and magnesium compounds. The Agency is proposing to expand these two source categories (Nos. 13 and 14) to include roofing granules and magnesium compounds. Roofing granules logically belong in the Nonmetallic Mineral Processing source category and magnisum compounds belong in the Metallic Mineral Processing source category and are, therefore, being added. The calciner and dryer processing units in these two industries process materials that can be controlled with similar effectiveness, costs, and control techniques as calciner and dryer units in the other industries being covered by the NSPS.

2. *Inclusions and Exclusions from the Source Category.* The standards would apply to new, modified, and reconstructed calciners and dryers used in the 17 mineral industries discussed above. Drying in defined as the removal of uncombined (free) water from the mineral material through direct or indirect heating. Calcining is the removal of combined (chemically bound) water and/or gases from the mineral material through direct or indirect heating. Combined calciner/dryer systems, which are common in the diatomite industry, would also be included and would be required to meet the emission limits established for calciners.

The following processes or process units will not be regulated under the NSPS: barite and borate manufacturing, iron ore pelletizing, pumice and sodium sulfate manufacturing, chlorination/oxidation processes in the titanium dioxide industry, apron and tunnel dryers, grinding mills that dry process material, coating kilns in the roofing granules industry, vertical shaft kilns in the magnesium compounds industry, and coolers. The reasons for their exclusion are discussed below.

In 1981, all mineral industries were reviewed to ascertain which industries had process equipment that could be considered dryers or calciners. The following 20 industries were selected for further analysis in the generic source category: alumina, ball clay, barite, bentonite, borates, diatomite, feldspar, fire clay, fuller's earth, industrial sand, iron ore pelletizing, kaolin, magnesium compounds, magnesium metal, pumice, roofing granules, sodium sulfate, talc, titanium dioxide, and vermiculite. Five of these original 20 industries, barite, magnesium metal, pumice, sodium sulfate, and iron ore pelletizing were subsequently dropped from consideration due to their limited growth potential. In addition, the Agency determined that chlorination/oxidation processes in the titanium dioxide industry did not involve the use of calciners or dryers to remove water, and, therefore, these processes were also dropped from this generic source category. The borate industry was dropped from further consideration along with the following process units: apron dryers, tunnel dryers, coolers, grinders that also dry process material, coating kilns in the roofing granules industry, and vertical shaft kilns in the magnesium compounds industry. The borate industry was dropped from further consideration because the potential emission reduction below the baseline level in the fifth year would be less than 91 Mg (100 tons) for the entire industry. Apron dryers and tunnel dryers are used infrequently and are typically uncontrolled at existing facilities. Based on State compliance test data, apron and tunnel dryers have uncontrolled particulate emission levels lower than the proposed emission limit for other mineral dryers. All cooler types were also dropped from further consideration because of their lack of emission reduction potential. Grinding equipment that also dries the process material is currently regulated by the nonmetallic minerals NSPS for any of the industries covered by the NSPS. Two other process units, coating kilns and vertical shaft kilns, were deleted because they did not fit the definition of a typical calciner. Coating kilns used in the roofing granules industry bake colored clay pigments onto already dried granules. Vertical shaft kilns are used in the magnesium compounds industry, and they sinter the raw material after it has been calcined in a multiple hearth furnace.

B. Pollutant(s) to be Regulated

1. *Particulate matter.* Particulate matter is the principal pollutant emitted to the atmosphere from mineral calciners and dryers. Nationwide PM emissions in 1990 from calciners and dryers in the 17 mineral industries would be approximately 10,200 Mg (11,300 tons) under existing SIP regulations. Continuous emission reduction systems are available that would reduce emissions as much as 78 percent below the SIP level.

2. *Other Pollutants Considered.* Most calciners and dryers are fired with natural gas and generate oxides of nitrogen (NO_x) and small quantities of sulfur dioxide (SO_2) as combustion products. It is expected that natural gas will continue to be the primary fuel used to fire most of these units. Bentonite, fire clay, and lightweight aggregate are the only industries covered by the NSPS that routinely use coal for fuel. None of the data obtained from the 17 industries showed the usage of NO_x or SO_2 control technology.

The Agency tested one fire clay rotary calciner and four lightweight aggregate rotary kilns to obtain an SO_2 data base for future investigation of SO_2 emissions. The results of these five tests are presented in the BID for the NSPS. and they indicate that both fire clay and lightweight aggregate rotary calciners show a potential to be major sources of SO_2 emissions. This limited data base is insufficient, however, to develop technology transfer for SO_2 control from other source categories, such as

industrial boilers, that use flue gas desulfurization systems for SO_2 control.

Data for NO_x emissions were obtained for five rotary calciners in the fire clay, lightweight aggregate, and titanium dioxide industries. These data show that both fire clay and lighweight aggregate rotary calciners are potential major sources of NO_x emissions. However, control technology for NO_x emissions has not been demonstrated on mineral calciners.

Because SO_2 and NO_x control technologies are not used in the 17 mineral industries, and because the data base is insufficient at this time to develop technology transfer for SO_x and NO_2 control, the Agency is not regulating SO_2 and NO_x emissions from mineral calciners and dryers.

C. Selection of Best Demonstrated Technology

Section 111 of the Clean Air Act requires that standards of performance reflect BDT, which is the technology that yields the greatest emission reduction without imposing unreasonable impacts. *Essex Chemical Corp.* v *Ruckelshaus*, 486 F.2d 427. (D.C. Cir. 1973).

1. *Applicable Control Technologies.* An efficient PM collection device used in the mineral industries is the fabric filter. Data gathered during emission tests on fabric filters used to control emissions from a variety of calciners and dryers indicate that variations in the size distribution of PM and the mineral processed do not typically affect fabric filter performance. Other collection devices used in the mineral industries include dry ESP's and wet scrubbers. Dry ESP's are used only in the alumina, bentonite, gypsum, lightweight aggregate, and magnesium compounds industries. Both fabric filters and ESP's can achieve greater than 99 percent PM collection efficiency for calciner and dryer emissions in a variety of mineral industries.

The effectiveness of wet scrubbers for the control of calciner and dryer PM emissions is directly related to the pressure drop across the scrubber. The collection efficiency for a given particle size distribution increases as pressure drop increases. Pressure drops for wet scrubber-controlled calciners and dryers range form 0.5 to 70 in. w.c. For example, higher pressure drops are required for the smaller particle size distributions of titanium dioxide than are required for the larger particle size distributions of industrial sand to achieve the same emission limit.

The cost of operating pollution control equipment for calciners and dryers increases with increased maintenance and improved efficiency. Fabric filters must be equipped with heat-resistant bag materials such as Teflon® or Nomex® to control PM entrained in heated gas streams from calciners and dryers. The cost of complying with an emission limit increases as the emission limit decreases because more labor hours are required to maintain the fabric filter in its most efficient state. Maintenance of ESP's also must be performed more frequently to achieve greater emission reduction. In addition, the specific collection area of an ESP may need to be increased or multistage ESP's may need to be used to obtain a greater PM emission reduction. The cost of operating a wet scrubber increases with increasing pressure drop because of the additional energy required to achieve the higher pressure drop across the scrubber.

In many instances, a particular calciner or dryer could be controlled by either a dry control device (fabric filter or ESP) or a wet scrubber. For these units, wet scrubbers would typically have lower capital costs and higher annualized costs than fabric filters or ESP's.

2. *Regulatory Alternatives Considered.* The EPA considered the following regulatory alternatives as the means of achieving control of emissions:

a. Regulatory Alternative I (RA I) is equivalent to no additional regulatory action beyond that required by typical SIP's, i.e., baseline. Allowable PM emission limits under SIP's vary widely as discussed below.

Individual States use a variety of regulations and formulas to determine allowable PM emissions from calciners and dryers used in mineral processing industries. For the determination of RA I levels for each process unit, each mineral industry was surveyed, and the number and type of control devices used to control PM emissions from calciners and dryers were tabulated. The most commonly used control device on each process unit was selected as baseline control technology for that type of unit. To determine the range of emissions allowed by States for a particular industry, concentration emission limits equivalent to allowable emissions under the SIP's were calculated for each size and type of model process unit. Typical size process units were then used to develop a single, nationwide average SIP emission limit using a weighted average of total production by State. If the calculated baseline emission limit was greater than 0.45 g/dscm (0.20 gr/dscf) and the baseline control technology was a fabric filter, it was assumed, based upon EPA studies relating plume opacities to mass concentrations of PM, that the typical State opacity limits of 20 percent are more stringent than the corresponding SIP mass emission limits. For these cases, a baseline emission concentration that would approximate an exhaust gas opacity of 20 percent, i.e., 0.34 g/dscm (0.15 gr/dscf), was selected for evaluation.

Data obtained from EPA-conducted tests or from State compliance tests approved by EPA show that, in some instances, controlled emission levels from calciners and dryers at existing facilities are significantly lower than the mass emission limits stipulated by the appropriate SIP regulations. Therefore, the same control technology that is used at existing facilities could also be used at affected facilities to achieve the NSPS. However, in many cases, facilities subject to the NSPS would have to perform control device maintenance more frequently than is typical at existing plants or modify control device operating parameters from those at existing facilities to ensure compliance with the NSPS. By requiring better operation and maintenance procedures, the NSPS would reduce the deterioration in performance of new source control devices to the SIP levels or to the allowable State opacity limits.

b. Regulatory Alternative II (RA II) is equivalent to an emission control level for both calciners and dryers of 0.09 g/dscm (0.04 gr/dscf). As discussed below, the results of emission tests and scrubber performance modeling indicate that this level could be achieved by all affected facilities in all of the 17 mineral industries.

c. Regulatory Alternative III (RA III) is equivalent to an emission control level for calciners of 0.09 g/dscm (0.04 gr/dscf) and an emission control level for dryers of 0.057 g/dscm (0.025 gr/dscf). The emission test results indicate that a higher degree of emission control for dryers versus calciners is achievable. The additional emission reduction achievable by RA III over RA II requires only a small amount of additional maintenance on the control devices for dryers.

Emission test data from 52 source tests comprise the data base. Of the 52 tests, 25 were conducted on dryers. These data show that all ESP- and fabric filter-controlled dryers can achieve the emission level associated with RA III of 0.057 g/dscm (0.025 gr/dscf) during normal operation. Tests of 15 wet scrubber-controlled dryers in 7 industries indicate that for 10 of the 15 dryers, relatively low-energy wet scrubbers (3- to 10-in. w.c. pressure drop) were able to reduce emissions to less than the level of RA III. The other

five dryers were unable to achieve the level of RA III with a low-energy scrubber. The emissions for all 15 dryers averaged 0.04 g/dscm (0.02 gr/dscf) and never exceeded 0.09 g/dscm (0.04 gr/dscf).

Of the 52 source tests comprising the data base, 27 tests were conducted on calciners. These data show that all ESP- and fabric filter-controlled calciners can achieve the emission level associated with RA III of 0.09 g/dscm (0.04 gr/dscf) during normal operation. Of the 27 tests, 9 tests were conducted on wet scrubber-controlled calciners in 5 industries. Of the nine tests, six of the calciners had emissions at or below the level of RA III. The concentration of PM emissions from these units averaged 0.09 g/dscm (0.04 gr/dscf) and never exceeded 0.17 g/dscm (0.08 gr/dscf).

Several dryers and calciners tested did not meet the emission limits of RA III using low-energy wet scrubbers as control equipment. To evaluate the performance of a higher energy scrubber on these systems, an EPA computerized scrubber model, as described in EPA report No. EPA–600/7–78–026, was used. These analyses indicate that dryers that had emissions in excess of 0.057 g/dscm (0.025 gr/dscf) could be controlled below that level by increasing scrubber pressure drops from 2 to 15 in. w.c. Calciners could be controlled to below 0.09 g/dscm (0.04 gr/dscf) with 17- to 24-in. w.c. pressure drop scrubbers in place of low-energy scrubbers (6 to 14 in. w.c.) now in use. Higher pressure drops (17 to 43 in. w.c.) are required for industries such as titanium dioxide, whose calciner and dryer emissions are composed of smaller particles, than are required for industries such as fuller's earth (11 in. w.c.), whose calciner and dryer emissions are composed of larger particles.

Representatives of the lightweight aggregate industry commented at the National Air Pollution Control Techniques Advisory Committee meeting that it would be unreasonable to require the pressure drop of wet scrubbers used to control rotary calciners to be increased by 13 in. w.c. to reduce emissions from certain tested facilities, which had emissions ranging from 0.10 to 0.11 g/dscm (0.042 to 0.048 gr/dscf), to the NSPS level of control. However, the 13 in. w.c. is the increase in the pressure drop that would be required to reduce emissions from the SIP level (0.20 g/dscm [0.09 gr/dscf]) to the NSPS level (0.09 g/dscm [0.04 gr/dscf]) of control. The pressure drop would have to be increased by only 3 to 5 in. w.c. to reduce emissions from the tested facilities to the NSPS level of control.

Electrostatic precipitators are used primarily in the alumina, bentonite, and magnesium compounds industries. Test data for ESP-controlled process units were obtained for a bentonite dryer, two alumina calciners, and two magnesium compounds calciners. Emissions from the dryer were 0.014 g/dscm (0.006 gr/dscf), and emissions from the calciner ranged from 0.037 to 0.056 g/dscm (0.016 to 0.025 gr/dscf).

There are 19 process unit combinations where no emission data were obtained. For these cases, one of two approaches was used to demonstrate whether the emission limit of RA III is achievable for that process unit: (1) Transfer of fabric filter technology from similar process units in other mineral industries whose PM emissions are more difficult to control than emissions from process units for which no data are available, or (2) if wet scrubbers were used on existing process units of the type in question, then the scrubber performance model discussed earlier was used to determine the pressure drop required by a venturi scrubber to achieve the emission limit of RA III. For both of these approaches, it was necessary to determine the process units that are most difficult to control. The Agency collected grab samples of the product materials from all process units for which emission data were unavailable and performed sieve analyses on them to determine particle size distributions. Similar analyses were performed for grab samples of materials collected during EPA-conducted emission tests. Analysis of the results of the sieve analyses indicates that the products of bentonite rotary dryers (69 percent less than 1.2 μm), fire clay rotary dryers (46 percent less than 1 μm), and kaolin multiple hearth furnaces (62 percent less than 2 μm), have the smallest particle size distributions of all of the process units covered by the NSPS. Emission tests were performed on process units utilizing these three materials. The bentonite rotary dryer was controlled by a fabric filter and had emissions of 0.047 g/dscm (0.02 gr/dscf). The fire clay rotary dryer was controlled by a 12-in. w.c. pressure drop scrubber and had emissions of 0.088 g/dscm (0.038 gr/dscf). The kaolin multiple hearth furnace was also controlled by a 12-in. w.c. pressure drop scrubber and had emissions of 0.047 g/dscm (0.020 gr/dscf).

In addition to the sieve analyses and outlet mass emission data obtained, inlet PM loading to the control device was measured during the emission tests conducted by the Agency. The highest loading, 259 g/dscm (113 gr/dscf), was measured at the inlet of a product recovery cyclone preceding a fabric filter controlling the bentonite rotary dryer. The inlet loading to the wet scrubber controlling the fire clay rotary dryer was 12 g/dscm (5 gr/dscf). The kaolin multiple hearth furnace had an inlet loading concentration of 9 g/dscm (4 gr/dscf).

These data are representative of the most difficult to control process unit combinations covered by the NSPS. Technology transfer analysis of the fabric filter-controlled bentonite dryer, with controlled emissions of 0.047 g/dscm (0.02 gr/dscf), indicates that other fabric filter-controlled calciners and dryers processing minerals with larger particle size distributions and lower inlet loading concentrations can achieve the emission limits of RA III. Similarly, wet scrubber-controlled calciners and dryers processing materials with a larger particle size distribution and lower inlet concentration than fire clay or kaolin can achieve the emission limits of RA III with the appropriate pressure drop.

The scrubber performance model was used to determine the pressure drop required to achieve the emission limits of RA III for those units for which emission test data were unavailable and for those units controlled by low-energy wet scrubbers whose emissions exceeded the emission limits of RA III. For those units for which emission test data were unavailable, input variables for the scrubber model were based on the smallest inlet particle size distribution and highest inlet loading concentration obtained from emission test data for process units that had similar or smaller product material particle size distributions. Modeling of scrubber performance was performed on 17 process units in 10 industries. The estimated pressure drop for larger materials such as industrial sand and roofing granules was approximately 3 in. w.c. Smaller-sized materials such as fire clay, kaolin, and titanium dioxide would require scrubber pressure drops of 14 to 43 in. w.c. to achieve the emission limits of RA III. For both fabric filter- and wet scrubber-controlled mineral calciners and dryers, the data base supports the achievability of the emission limits of RA III by the most difficult to control process units. Emission test data for ESP-controlled calciners and dryers were all below the emission limits of RA III and, therefore, ESP-controlled calciners and dryers can also achieve the emission limits of RA III.

3. *Environmental Impacts.* The environmental impacts associated with the NSPS include air, water, solid waste, and noise. The primary air pollution impact is from PM emissions. Regulatory Alternative I is equivalent to no additional regulatory action beyond that required by typical SIP's, i.e., baseline. As shown in Tables 1 and 2, the emission reduction attributable to RA II would be 3,550 Mg (3,920 tons) for dryers and 3,970 Mg (4,370 tons) for calciners in the fifth year (1990). The emission reduction attributable to RA III would be 4,000 Mg (4,420 tons) for dryers and 3,970 Mg (4,370 tons) for calciners in the fifth year. The total annual PM emission reduction below baseline for all dryers and calciners in the fifth year for RA II would be 7,500 Mg (8,300 tons), or 73 percent. The total annual PM emission reduction below baseline for all dryers and calciners in the fifth year for RA III is 7,900 Mg (8,800 tons), or 78 percent.

TABLE 1.—REGULATORY ALTERNATIVE IMPACTS FOR DRYERS

Regulatory alternative considered	Emission reduction, Mg/yr [a]	Average cost effectiveness versus baseline, $/Mg	Average incremental cost effectiveness, $/Mg [b]
I (baseline)	(c)		
II	3,550 [d]	380	380
III	4,000 [d]	270	310

[a] Emission reduction range for typical size units. Reduction credit was given to the fabric filter where an option exists. Breakdowns are based on existing percentages of each device.
[b] Incremental cost effectiveness = additional cost of next-more-restrictive control technique.
[c] Emission reduction attributable to the SIP versus uncontrolled dryers = 337,300 Mg/yr.
[d] Emission reduction below baseline.

TABLE 2.—REGULATORY ALTERNATIVE IMPACTS FOR CALCINERS

Regulatory alternative considered	Emission reduction, Mg/yr [a]	Average cost effectiveness versus baseline, $/Mg	Average incremental cost effectiveness, $/Mg [b]
I (baseline)	(c)		
II and III [d]	3,970 [e]	410	410

[a] Emission reduction range for typical size units. Reduction credit was given to the fabric filter where an option exists. Breakdowns are based on existing percentages of each device.
[b] Incremental cost effectiveness = additional cost of next-more-restrictive control technique.
[c] Emission reduction attributable to the SIP versus uncontrolled calciners = 158,600 Mg/yr.
[d] The level of control for calciners for both RA II and RA III is 0.09 g/dscm.
[e] Emission reduction below baseline.

Wet scrubbers are the only control devices on calciners and dryers in the mineral industries that generate wastewater streams requiring treatment or disposal. Typically, a PM-contaminated water stream from a scrubber is pumped to a settling pond on the site and not discharged into navigable waterways. The solids settle in the pond, and the water is recirculated to the scrubber. When solids fill the pond, the pond can be dredged, and the solids can be landfilled, or a new pond can be constructed. Therefore, there would be no adverse water pollution impacts due to implementation of any of the regulatory alternatives.

The material collected by fabric filters and ESP's is typically recycled back to the production process or is sold directly. Therefore, little solid waste is generated by fabric filters and ESP's. The main source of solid waste would be the solids in the sludge produced by wet scrubbers. Typical dewatered sludge from a settling pond contains about 30 percent solids. The solids in the sludge are mainly the mineral processed by the dryers and calciners. The nationwide solid waste (as sludge containing 70 percent moisture) increase over baseline levels in 1990 would be 7,000 Mg (7,700 tons) for RA II and 7,500 Mg (8,300 tons) for RA III. In the case of the titanium dioxide industry, the sludge generated by wet scrubbers is recycled to the process, and, therefore, no solid waste is generated. Solid wastes from dryers and calciners in mineral industries presently are not classified as hazardous wastes under the Resource Conservation and Recovery Act.

The noise introduced by air pollution control devices that would be required by either RA II or RA III will not significantly increase the noise levels beyond those already produced by processing equipment at the plant.

4. *Energy Impacts.* Operation of fabric filters, ESP's, and wet scrubbers to control PM emissions requires electrical energy. For RA II and RA III, the nationwide annual increase in energy demand of control devices over baseline levels would be 16,000 MWh and 17,000 MWh, respectively. These values represent the highest incremental electric energy requirement between fabric filters and wet scrubbers where an option exists. The additional energy required to operate the control equipment under RA II and RA III compared to RA I is less than 1 percent of the energy demand to operate the dryer and calciner process units. Therefore, the application of additional emisson control above the baseline level will not significantly increase the electrical energy demand of the mineral processing plants.

5. *Economic Impacts.* To determine the economic impacts of the proposed NSPS on each of the 17 mineral industries, financial analysis techniques were applied to the model facilities to evaluate the affordability of the pollution controls. The principal technique employed is the calculation of the maximum percent product price increase. The annualized control costs of RA III were used in the analysis because these costs are generally higher than those of RA II but are still considered to be reasonable. However, in a number of cases the annualized control costs for the two alternatives are the same and, in a few cases, the RA III costs are lower due to the product recovery credits resulting from fabric filter use, a high product value, and the greater emission reduction achieved under RA III compared to RA II.

The effect on product prices from implementation of the NSPS using the least costly control option for each of the model facilities in the 17 industries could range from a slight product price decrease for some industries to an increase of 1.75 percent for the lightweight aggregate industry. The product price increase for 15 of the 17 industries would typically be less than 0.5 percent. For the fire clay industry, a typical-size vibrating-grate dryer by itself has a 0 percent product price increase. However, the combination of a typical-size rotary dryer (0.28 percent) and a typical-size rotary calciner (0.95 percent) to produce a single product could have a 1.2 percent product price increase. Although the possible percent product price increases for fire clay and lightweight aggregate are higher than for the other 15 industries, these increases are not expected to have a significant effect on the output of either industry.

6. *Cost and Cost Effectiveness.* The Agency is not requiring that any particular control device by used to meet the recommended standards. It is technically possible to meet the emission levels associated with RA III with any of the control technologies currently in use in each respective industry. For every industry, there is at least one control technology that is cost effective. It is the improved operation and maintenance of these devices that enables the same control device to achieve a lower emission level under RA II or RA III than under RA I (e.g., the same scrubber would be operated at a higher pressure drop or fabric filter bags are replaced more frequently).

The cost-effectiveness (C/E) values for the model sizes of each process unit would range from a net credit of $1,000/Mg ($910/ton) to a cost of $5,500/Mg ($5,000/ton) for RA II versus baseline. All but one process unit, however, would have C/E values of less than or equal to $1,700/Mg ($1,500/ton) for RA II versus baseline. As shown in Tables 1 and 2, the average C/E for the least

costly control option for all model sizes of calciners and dryers used in the 17 industries would be $410/Mg ($370/ton) and $380/Mg ($350/ton), respectively, for RA II versus baseline. The C/E of the perlite rotary dryer controlled by a fabric filter is $5,500-Mg ($5,000/ton). This unit has a high C/E because the emission reduction potential is small while the cost of achieving this small amount of emission reduction is relatively high. However, the additional emission reduction that would be achieved under RA III would decrease the C/E to $2,200/Mg ($2,000/ton), which is reasonable.

For RA III versus baseline, the C/E would range from a net credit of $1,000/Mg ($940/ton) to $2,200/Mg ($2,000/ton). As shown in Tables 1 and 2, the average industry-wide C/E for calciners and dryers would be $410/Mg ($370/ton) and $270/Mg ($250/ton), respectively.

For RA III versus RA II, the C/E values for the model sizes of dryers would range from a net credit of $1,200/Mg ($1,100/ton) to $1,900/Mg ($1,700/ton). The average incremental C/E for dryers for RA III versus RA II is $310/Mg ($280/ton). Because the emission levels of RA II and RA III are the same for calciners, there is no average incremental C/E value.

The C/E values are highly dependent on the product recovery credits for dry control devices. The product values used to calculate product recovery credits ranged from $9.00/Mg ($8.00/ton) for gypsum to $1,430/Mg ($1,300/ton) for titanium dioxide. The high dollar value of mineral materials such as titanium dioxide results in large product recovery credits, and, therefore, negative C/E values for some dry control devices. For this same reason, if only wet scrubbers are used where an option exists, the C/E is typically higher than it would be if only fabric filters are used.

7. *Rationale for selecting Regulatory Alternative III.* Comparison of the regulatory alternatives indicates that RA III would result in a significant reduction in PM emissions with minimal adverse water pollution, solid waste, and noise impacts. For RA III, the increase in energy consumption compared to baseline levels would not be significant and the costs and economic impacts would be reasonable. Selection of RA III results in the maximum emission reduction below baseline levels at a reasonable cost for this source category. The data base indicates that dryers can achieve a lower emission limit than calciners can achieve, across all 17 industries, without a significant additional cost compared to the additional emission reduction obtained. Therefore, RA III was selected as the recommended emission limit for regulation of calciner and dryer emissions.

D. Selection of Affected Facility

1. *General Principles.* The choice of the affected facility is based on the Agency's interpretation of Section 111 of the Clean Air Act and on the judicial construction of its meaning. See *ASARCO, Inc.*, v. *EPA*, 578 F. 2d 319 (D.C. Cir. 1978). Under this section, standards of performance must apply to new stationary sources of pollution, i.e., sources that begin construction, reconstruction, or modification after EPA proposes the standards.

"Source" is defined as "any building, structure, facility, or installation which emits or may emit any air pollutant" [Section 111(a)(3)]. Most industrial plants, however, consist of numerous pieces or groups of equipment that emit air pollutants and that may be viewed as "sources." The EPA therefore uses the term "affected facility" to designate the equipment, within a particular kind of plant, that is chosen at the "source" covered by a given standard.

In designating the affected facility, EPA determines which piece or group of equipment is the appropriate unit (the source) for separate emission standards in the particular industrial context involved. The determination is made in light of the terms and purpose of section 111. One major consideration in this decision is that a narrow designation usually brings replacement equipment under standards of performance sooner.

If, for example, an entire plant is designated as the affected facility, the standards would cover no part of the plant unless the replacement causes the plant as a whole to be "modified" or "reconstructed." The plant as a whole is *modified* only if its aggregate emissions are increased by the physical change in it, or by the change in its method of operating. Similarly, the plant is *reconstructed* only if: (1) Its cost of replacement exceeds 50 percent of the fixed capital costs required to build a comparable new facility and (2) meeting the applicable standards is technologically and economically feasible.

On the other hand, if each piece of equipment is designated as the affected facility, then as each piece is replaced, the new piece will be a new source subject to the standard. Since one purpose of section 111 is to minimize emissions by achieving emission limitation reflection BDT at all new sources, a narrow designation of the affected facility is generally the appropriate choice. It ensures that the standard will cover new emission sources within plants as they are installed. For this reason, the proposed NSPS would designate each calciner and dryer as the affected facility because to do so would maximize the coverage of the standards without causing unreasonable costs or other unreasonable impacts.

2. *Other Affected Facilities.* The definition of an affected facility in each mineral processing industry is each calciner or dryer process unit. Selection of other affected facilities for the NSPA was not required because the equipment other than calciners and dryers, i.e., crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck or railcar loading stations, is already covered by the metallic and nonmetallic minerals NSPS.

3. *Rational for Selecting Affected Facility.* Designation of each calciner and each dryer as the affected facility will ensure the greatest emission reductions and will ensure that replacement calciners and dryers will be regulated by the NSPS. This designation will also maximize the coverage of the standards by the modification and reconstruction provisions. Therefore, each calciner and each dryer is designated as an affected facility.

E. Selection of Emission Sources

The emission sources to be regulated are calciners and dryers. Particulate matter emissions from calciners and dryers are typically controlled by a fabric filter, wet scrubber, or an ESP. To ensure that all PM emissions from affected facilities are regulated by the proposed standards, it is necessary to have an emission limit. A visible emission standard would also be enforced for dry control devices.

F. Selection of Format for Standards.

1. *Alternative Formats Considered.* Two different formats could be selected to limit stack emissions from calciners and dryers at mineral processing plants. These are: (1) A mass standard, limiting emissions in terms of mass emissions per unit of production, and (2) a concentration standard, limiting the concentration of PM in the effluent gases.

2. *Rational of Format Selection.* A mass standard may appear more meaningful than other formats because it relates directly to the quantity of emissions discharged to the atmosphere. However, a major disadvantage of a mass standard for calciners and dryers is that, typically, the production or feed rate of a process operation is not

measured over the short term. Thus, an accurate determination of the weight of material processed through an affected facility during compliance testing would not be possible under typical plant operating conditions.

A concentration format (g/dscm [gr/dscf]) was selected for the recommended emission limits of the NSPS because of its ease of enforcement across 17 different mineral industries and because it adequately reflects best demonstrated technology. Monitoring of the production process is not necessary to determine compliance with the PM emission limits. However, the process unit must be operated at its maximum production rate during compliance testing. A concentration-based standard could be circumvented by adding dilution air to the gas stream. However, this is unlikely to occur at mineral calciner and dryer facilities because the size and operating costs of fans and motors increases with increasing gas volume to be moved. Also, the General Provisions contain adequate language to allow enforcement agencies to prevent such attempts to circumvent the standards.

To help ensure that air pollution control systems are properly installed, operated, and maintained, a visible emissions standard also is being proposed for all facilities controlled by fabric filters and dry ESP's. As discussed later in this preamble, a visible emissions standard for scrubbers would not be a meaningful indication of scrubber performance at mineral processing plants. However, the monitoring of operating parameters of wet scrubbers (pressure drop across the unit and scrubber liquid flow rate) would be required by the proposed standards.

G. Selection of Actual Standards

1. *Rationale for Standards Selected.* Section 111 of the Clean Air Act allows the Agency to distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing standards. In the NSPS, based upon an analysis of the available test data, it was necessary to establish a separate standard for calciners, dryers, and calciners and dryers installed in series. The standards selected represent the levels of control achievable with the best system of continuous emission reduction.

2. *Need for Multiple Standards.* As discussed earlier, fabric filters, wet scrubbers, and ESP's are used to control PM emissions from calciners and dryers at mineral processing plants.

Results of emission tests approved by EPA were obtained for 25 dryers in 12 industries for all dryer types. All test results were less than 0.057 g/dscm (0.025 gr/dscf) except for four dryers controlled by low-energy wet scrubbers and one dryer controlled by a fabric filter. The scrubber modeling analysis indicated that the four dryers controlled by low-energy wet scrubbers could achieve an emission level of 0.057 g/dscm (0.025 gr/dscf) with a high-energy wet scrubber. One dryer controlled by a fabric filter had an emission concentration of 0.059 g/dscm (0.026 gr/dscf). The test report for this dryer states that most of the emissions were caused by leakage through a closed bypass damper. The fabric filter should have been able to achieve an emission limit of 0.09 g/dscm (0.025 gr/dscf) if no leakage had occurred.

Results of emission tests conducted or approved by EPA also were obtained for 26 calciners in 9 industries for all calciner types. All test results were less than 0.09 g/dscm (0.04 gr/dscf) except for three calciners controlled by low-energy wet scrubbers. Again, the scrubber modeling analysis indicated that these three calciners achieve an emission level of 0.09 g/dscfm (0.04 gr/dscf) with a high-energy scrubber. Therefore, an emission level of 0.057 g/dscm (0.025 gr/dscf) was selected for dryers, and an emission level of 0.09 g/dscm (0.04 gr/dscf) was selected for calciners.

The available data for calciners and dryers operated in series indicate that the proposed PM emission concentration of 0.04 gr/dscf for calciners can be achieved. Because the data did not indicate that the more stringent PM concentration of 0.057 g/dscm (0.025 gr/dscf) proposed for dryers can be achieved, the Agency is proposing that the NSPS for calciners and dryers operated in series be established at the less stringent concentration of 0.09 g/dscm (0.04 gr/dscf) and requests that interested individuals provide additional comments on this proposal during the public comment period.

H. Visible Emission Standards

Section 302(1) of the Act defines "standard of performance" to include "any requirement relating to the operation or maintenance of a source to assure continuous emission reduction."

1. *Reason for Including Visible Emission Standards.* A 10 percent opacity limit (based on 6-minute averages) is proposed for dryers and calciners in all 17 mineral industries using dry control devices (fabric filters and dry ESP's) to control emissions. A visible emission standard is included in the NSPS to ensure that dry control devices are properly operated and maintained. This visible emission standard will also serve as a tool for enforcement personnel in determining whether a facility should be tested for compliance with the mass standard.

2. *Rationale for These Provisions.* The opacity of visible emissions from a dry control device on an affected facility would be limited to 10 percent. This visible emission limit is based on 513 6-minute averages obtained during tests conducted on fabric filters used to control emissions from 6 calciners and 3 dryers in 5 industries and on 3 data points obtained during 1 test on a dry ESP used to control emissions from a flash calciner. The highest average opacity reading observed at any of the fabric filters was 8.3 percent, and the highest individual reading was 10 percent. The 8.3 percent 6-minute average opacity was measured at the outlet of a bentonite rotary dryer. Bentonite rotary dryer product material has the smallest sieve analysis particle size distribution of all of the mineral materials being covered by the NSPS. Process units for which both outlet mass and visible emission data are unavailable have larger product particle size distributions than those for which data are available and, therefore, would be expected to have lower opacities. In addition, the bentonite rotary dryer, with mass emissions of 0.05 g/dscm (0.02 gr/dscf), was in compliance with the proposed mass emission limit of 0.057 g/dscm (0.025 gr/dscf). The minerals with the largest percentage of small particles (≧50 percent less than 2.5 μm) in the outlet gas stream have maximum average opacities of less than 1 percent. All of these units also comply with the proposed mass emission limits. From these data, it can be concluded that process units for which both mass and visible emission data are unavailable would be less difficult to control than those for which data are available and could, therefore, achieve the proposed mass emission limits and a 10 percent visible emission standard under normal operating conditions.

The highest average opacity reading observed at the outlet of the flash calciner ESP was 6.7 percent, and the highest individual reading was 10 percent. The flash calciner had mass emissions of 0.057 g/dscm (0.025 gr/dscf) and, therefore, had mass emissions below the level of the proposed mass standard. When the opacity data from the ESP were normalized to the largest stack diameter known to exist on an ESP in the mineral industries, the average opacity at the normalized stack diameter was 7.1 percent. Therefore, all ESP's on calciners and dryers in the

mineral industries should be capable of meeting a visible emission limit of 10 percent under normal operating conditions.

Based on the results of the visible emission tests, a 10 percent opacity limit is being proposed to ensure the proper operation and maintenance of dry air pollution control devices on calciners and dryers. This standard, as shown by the data presented above and in the BID, is achievable in all cases through the application of properly designed, operated, and maintained fabric filters and dry ESP's. Facilities controlled with wet scrubbers would be exempt from the proposed visible emission standard as discussed below.

3. *Other Considerations.* The visible emissions standard for stack emissions would be applicable in all cases unless EPA were to approve establishment of a special or adjusted visible emission standard under the provisions of 40 CFR 60.11(e). The provisions allow an owner or operator to apply to EPA for establishment of an adjusted visible emission standard for any source that meets the applicable concentration standard (demonstrated through performance tests under conditions established by EPA) but is unable to meet the visible emission standard, despite operating and maintaining the control equipment so as to minimize opacity. An adjusted visible emission standard might be established, for example, where an unusually large diameter stack precludes compliance with the proposed opacity limit.

Wet scrubber control devices frequently have a steam plume exiting from their exhaust stacks. Under these conditions, EPA Reference Method 9 specifies that the opacity of emissions be determined at a point after the steam plume has dissipated. Thus, opacity of emissions is determined at some variable distance from the stack outlet at a point where the emissions have been diluted. This distance and the amount of dilution vary with gas moisture content and meteorological conditions. Therefore, on a nationwide basis, an opacity limit for scrubber-controlled mineral calciners and dryers is not as demonstrative of proper operation and maintenance as the monitoring of pressure drop and liquid flow rate. Monitoring of wet scrubber parameters is discussed in Section IV.J of this preamble.

I. Modification/Reconstruction Considerations

A modification is defined as certain physical or operational changes to an existing facility that result in an increased emission rate of any pollutant to which the standards apply (40 CFR 60.14). Upon modification, an existing facility becomes an affected facility and, therefore, becomes subject to the NSPS. Routine maintenance procedures such as replacement or repair of calciner or dryer components subject to high temperatures and impact (e.g., end seals, flights, refractory lining) would not constitute a modification (40 CFR 60.14(e)(1)). Additional activities considered routine maintenance for calciners and dryers in mineral industries are described in Chapter 5 of the BID for the NSPS, referenced in the **ADDRESSES** section of this preamble.

When expansions at existing plants take place, usually a completely new calciner or dryer is added. Such an increase in production would not be considered a modification but rather a new source. Calcining and drying operations usually operate below 100 percent of capacity and are capable of handling increased throughput without additional equipment. If a new raw feed material is used or a fuel change occurs for which the calciner or dryer was originally designed, the change is not considered a modification. However, if a conversion is made allowing a unit to burn a fuel or to process a new material for which it was not originally designed, and an increase in emissions occurs because of this change, the change is considered to be a modification (40 CFR 60.14(e)(4)).

An existing facility may become subject to an NSPS if it is reconstructed. Reconstruction is defined in 40 CFR 60.15 as the replacement of the components of an existing facility to the extent that: (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost required to construct a comparable new facility and (2) it is technically and economically feasible for the facility to meet the applicable standards. Because EPA considers reconstructed facilities to constitute new construction rather than modification, reconstruction determinations are made irrespective of changes in emission rates.

If an owner or operator of an existing facility is planning to replace components and the fixed capital cost of the new components exceeds 50 percent of the fixed cost of a comparable new facility, the owner or operator must notify the appropriate EPA regional office 60 days before the construction of the replacement commences, as required under 40 CFR 60.15(d).

These modification and reconstruction provisions should not cause many calciners and dryers in the 17 mineral industries to become affected facilities because most of the physical and operational changes made to existing calciners and dryers are considered routine maintenance. Calciners and dryers at existing plants are more likely to become affected facilities when they are replaced by new process units at the end of their useful lives. Owners and operators of modified, reconstucted, or replaced facilities controlled by wet scrubbers of ESP's will probably incur retrofit costs if the design operating parameters of the existing wet scrubber or ESP must be increased to achieve the emission limit of the proposed NSPS. However, the cost of retrofitting wet scrubbers or ESP's would be similar to the cost of installing wet scrubbers or ESP's on new facilities because site-specific factors that might normally increase retrofit costs (e.g., availability of land and configuration of equipment) typically are not limiting factors at mineral processing plants. If site-specific factors are limiting at a plant, the capital cost of retrofiting wet scrubbers or ESP's may be greater than the capital cost of wet scrubbers and ESP's installed on new facilities (e.g., more ductwork). However, the annualized costs of retrofitting wet scrubbers or ESP's would not differ significantly from the annualized cost of wet scrubbers and ESP's installed on new facilities. Owners and operators of modified, reconstructed, or replaced facilities controlled by fabric filters should not incur retrofit costs because the emission limits of the proposed NSPS can be achieved by increasing the operation and maintenance of fabric filters.

J. Monitoring Requirements

Section 302(1) of the Act defines "standards of performance" to include "any requirement relating to the operation or maintenance of a source to assure continuous emission reduction." Section 114(a) authorizes EPA to require sources to monitor, test, keep records, and make reports.

With the exception of the four process unit/control device combinations discussed below, the owner or operator of a calciner or dryer who uses a dry control device to comply with the mass emission standard will be required to install and operate a continuous monitoring system to measure the opacity of emissions discharged into the atmosphere from the control device. In lieu of a continuous opacity monitoring system, the owner or operator of a gypsum flash or kettle calciner or of a perlite rotary dryer or expansion furnace who uses a dry control device could have a certified observer make three 6-minute observations of the opacity of visible emissions from the

control device, once per week of operation using EPA Reference Method 9.

When a wet scrubber control device is used to comply with the calciner or dryer mass emission standard, the owner or operator would be required to install and operate a monitoring device to continuously measure and record the pressure loss of the gas stream through the scrubber and the scrubbing liquid flow rate to the scrubber.

1. *Rationale for Including Monitoring Requirements.* Visible emission limits will help ensure that proper fabric filter and ESP operation and maintenance procedures are performed and monitored. This monitoring can indicate when fabric filter bags are torn or loose and when ESP electrodes are damaged or malfunctioning. Similarly, monitoring of scrubber pressure loss and liquid flow rate can indicate malfunctions in the water pumping equipment, blockage of pipes, and the need to adjust the variable throat opening (if applicable).

Monitoring of visible emissions from dry control devices and recording of exceedances of the 10 percent opacity limit by a certified observer or a continuous monitoring system will alert industry and enforcement personnel of potential violations of the mass emission standard. Continuous opacity monitoring using a transmissometer is an effective means of ensuring the proper operation and maintenance of particulate control equipment. As a result, operation of a transmissometer is an integral part of the improved control device operation and maintenance practices that account for the emission reduction below baseline levels associated with RA III.

The absence of an opacity limit in the NSPS for wet scrubber emissions requires that an alternative method be used to ensure proper operation and maintenance of these devices. Therefore, to monitor the potential degradation in the performance of wet scrubbers over time, the proposed standards would require the owner or operator of wet scrubbers to measure and record selected control device operating parameters. These recorded values would then be available to enforcement and industry personnel for comparison against the range of values of each operating parameter recorded during the performance test when the mass emission limit was being met. Under Section 60.7(d) of the General Provisions, the owner or operator is required to maintain the monitoring records at the source for a minimum of 2 years and to make these records available for inspection, upon request, by Agency personnel or their representatives.

The Agency believes that changes in the values of operating parameters from those measured during a performance test are good indicators for an owner or operator and an enforcement agency to use to verify proper operation and maintenance of a control device. Not maintaining the operating parameters at levels within the range recorded during the performance test could indicate a violation of the requirements to properly operate and maintain the control equipment, as stated in Section 60.11(d) of the General Provisions.

Although periods of excursions from, or reductions in, the various operating parameters would not, of themselves, constitute a violation of the numerical emission limit, they may indicate to an enforcement agency the need to conduct a performance test. The results of the performance test would be used to determine compliance with the numerical emission limit in accordance with Section 60.11(a) of the General Provisions.

To evaluate the cost of continuous opacity monitoring systems under RA III, the annual operating cost of the transmissometer was added to the annual operating cost of the PM control device, and the C/E of control was calculated. With the exception of the four process unit/control device combinations discussed below, all of the C/E values were less than or equal to $3,000/Mg ($2,700/ton). The C/E was $4,590/Mg ($4,170/ton) for the gypsum flash calciner, $3,060/Mg ($2,780/ton) for the gypsum kettle calciner, $3,670/Mg ($3,340/ton) for the perlite rotary dryer, and $7,530/Mg ($6,840/ton) for the perlite expansion furnace.

For the gypsum flash and kettle calciners and the perlite rotary dryer and expansion furnace, a less costly monitoring method could be used. The C/E of control, including a certified observer to obtain three 6-minute averages of the opacity of visible emissions once per week of operation of these facilities in accordance with EPA Reference Method 9, would range from $1,740 Mg ($1,580/ton) to $2,760/Mg ($2,510/ton).

K. Performance Test Methods

1. *Method Selected.* Under the proposed standards, performance tests for PM emissions would be required for all air pollution control devices on calciners and dryers. Particulate matter would be measured by Reference Methods 1, 2, 3, 4, and 5 to determine compliance with the stack emission standards. Compliance with the visible emissions standard would be determined using Reference Method 9 to measure stack opacity as 6-minute averages.

2. *Applicability of Method 5 to Standard.* Reference Method 5 provides the concentration of PM in the stack exhaust gas stream as g/dscm (gr/dscf). The NSPS requires that calciners achieve a level of 0.09 g/dscm (0.04 gr/dscf) and that dryers achieve a level of 0.057 g/dscm (0.025 gr/dscf). Method 5, therefore, provides an accurate determination of compliance directly, without requiring any additional monitoring of the production process (e.g., production rate).

L. Reporting and Recordkeeping Requirements

Section 302(1) of the Act defines "standard of performance" to include "any requirement relating to the operation or maintenance of a source to assure continuous emission reduction." Section 114(a) authorizes EPA to require sources to monitor, test, keep records, and make reports.

The owner or operator of a dry control device controlling PM emissions from an affected calciner or dryer facility will be required to record visible emissions using a continuous monitoring system, or to have a certified observer record three 6-minute averages (24 consecutive readings each) of the opacity of visible emissions from the control device, once per week of operation, in accordance with EPA Reference Method 9, as described in Section IV.J. of this preamble.

When a wet scrubber is used to control particulate emissions from an affected calciner or dryer facility, the owner or operator will be required to record both the pressure loss of the gas stream through the scrubber and the scrubbing liquid flow rate to the scrubber once per day of normal operation.

Each owner or operator will be required to submit written reports semiannually of exceedances of the 10 percent visible emission limit and any exceedances of the wet scrubber operating parameters discussed above. For the purpose of these reports, an exceedance of wet scrubber operating parameters is defined as less than 90 percent or greater than 110 percent of the average pressure drop, or less than 80 percent or greater than 120 percent of the average liquid flow rate determined during the most recent performance test successfully passed to demonstrate compliance with the mass emission limit. The owner or operator will be required to submit written documentation of semiannual

calibrations of monitoring devices as part of the semiannual reports.

Records of the measurements discussed in this section must be retained for at least 2 years. The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under Section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such State. In that event, affected facilities within the State will be relieved of the obligation to comply with this section provided that they comply with the requirements established by the State. [Section 114 of the Clean Air Act, as amended (42 U.S.C. 7414)].

V. Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the proposed standards in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see **ADDRESSES** section of this preamble).

B. Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) to allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials [Section 307(d)(7)(A)]).

C. Clean Air Act Procedural Requirements

1. *Administrator Listing—Section 111.* As prescribed in Section 111 of the Clean Air Act, as amended, establishment of standards of performance for calciners and dryers in mineral industries was preceded by the Administrator's determination (40 CFR 60.16 44 FR 49222, dated August 21, 1979 and 40 CFR 60.16 47 FR 950, dated January 8, 1982) that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare.

2. *Periodic Review—Section 111.* This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

3. *External Participation—Section 117.* In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. In addition, numerous meetings were held with industry representatives and trade associations during development of the proposed standards. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and technological issues.

Comments are also specifically invited on the achievability of the standard with regard to calciners and dryers combined in series. Any comments submitted to the Administrator on this issue should contain specific information and data pertinent to an evaluation of the magnitude and severity of its impact and suggested alternative courses of action that could avoid this impact.

4. *Economic Impact Assessment—Section 317.* Section 317 of the Clean Air Act requires the Administration to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to ensure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the BID.

D. Office of Management and Budget Reviews

1. *Paperwork Reduction Act.* The information collection requiements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked "Attention: Desk Officer for EPA," as well as to EPA. The final rule will respond to any OMB or public comments on the information collection requirements.

2. *Executive Order 12291 Review.* Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because it would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be major. The total nationwide incremental annualized costs in the fifth year after the standards would go into effect would range from $0.7 to $1.0 million, less than the $100 million established as the first criterion for a major regulation in the Order. The maximum estimated price increase of 1.75 percent associated with the proposed standards would not be considered a "major increase in costs or prices" specified as the second criterion in the Order. The economic analysis of the proposed standards' effect on the industry did not indicate any significant adverse effects on competition, investment, productivity, employment, innovation, or the ability of U.S. firms to compete with foreign firms (the third criterion in the Order).

This regulation was submitted to OMB for review as required by Executive Order 12291. All written communications between EPA and OMB are in the docket.

E. Regulatory Flexibility Act Compliance

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. The EPA definition of significant effect involves four tests: (1) Prices for small entities rise 5 percent or more, assuming costs are passed on to consumers; or (2) annualized investment costs for pollution control are greater than 20 percent of total capital spending; or (3) control costs as a percentage of sales for small entities are 10 percent greater than control costs as a percentage of sales for large entities; or (4) the requirements of the regulation are likely to result in closures of small entities.

The Act's definition of "small business" is based on definitions developed by the Small Business Administration (SBA). The SBA's definitions are listed in 13 CFR Part 121

by Standard Industrial Classification (SIC) categories. For most of the mineral dryer and calciner industries, the SBA defines a small business as one with 500 or fewer employees (the 2 exceptions are gypsum and titanium dioxide, each of which is 1,000 employees). As part of the development of this proposed standard a considerable amount of effort has been devoted to the task of identifying small businesses in the 17 industries. Steps that have been taken to identify small businesses include an extensive review of standard financial reference sources such as Moody's and Standard & Poor's, a mailing of Section 114 information requests, and an electronic data base search. Most of the mineral dryer and calciner industries do include small businesses according to the SBA definition. Because the standard under consideration here is an NSPS, the standard would apply to all businesses (both small and large) in the 17 industries, and as a result the test of a substantial number of small businesses is met.

Although there are a substantial number of small businesses, the measure of significant effects is not likely to be met. As described earlier, the absolute level of the percent product price increases is quite small for most of the industries, typically about 0.5 percent or less. Thus, the first test is never triggered. Neither are the second or fourth tests triggered. The third test is occasionally triggered, but the absolute sizes of the numbers are so small as to make this test inapplicable. For example, in the diatomite industry, a small flash dryer (4 Mg/h) has control costs as a percentage of sales that are 23 percent higher than the corresponding percentage for a larger flash dryer (11 Mg/h). But the absolute levels of these two percentages are 0.16 percent and 0.13 percent, and the 23 percent difference between them is virtually meaningless. Thus, because the absolute level of the percent product price increases is quite small for most of the industries, and because the tests are presented as guidelines, an interpretation of the spirit and purpose of the Act indicates that the industries do not exceed the Act's tests. Because these standards impose no adverse economic impacts, a Regulatory Flexibility Analysis has not been conducted.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small business entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Reporting and recordkeeping requirements, Incorporation by reference, Intergovernmental relations, Metallic minerals, and Nonmetallic minerals.

Dated: April 12, 1986.

Lee M. Thomas,

Administrator.

PART 60—[AMENDED]

It is proposed that 40 CFR Part 60 be amended as follows:

1. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 301(a), Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7601).

2. By adding a new Subpart UUU consisting of §§ 60.730 through 60.736 as follows:

Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries.

Sec.

60.730 Applicability and designation of affected facility.
60.731 Definitions.
60.732 Standards for particulate matter.
60.733 Reconstruction.
60.734 Monitoring of emissions and operations.
60.735 Recordkeeping and reporting requirements.
60.736 Test methods and procedures.

Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries

§ 60.730 Applicability and designation of affected facility.

(a) The affected facility to which the provisions of this subpart apply is each calciner and dryer at mineral processing plants. Feed and product conveyors are not considered part of the affected facility.

(b) An affected facility that is subject to the provisions of Subpart LL, metallic mineral processing plants, is not subject to the provisions of this subpart.

(c) The owner or operator of any facility under paragraph (a) of this section that commences construction, modification, or reconstruction after April 23, 1986, is subject to the requirements of this subpart.

§ 60.731 Definitions.

As used in this subpart all terms not defined herein shall have the meaning given them in the Clean Air Act and in Subpart A of this part.

"Calciner" means the equipment used to remove combined (chemically bound) water and/or gases from mineral material through direct or indirect heating. This definition includes expansion furnaces and multiple hearth furnaces.

"Control device" means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more affected facilities.

"Dryer" means the equipment used to remove uncombined (free) water from mineral material through direct or indirect heating.

"Installed in series" means a calciner and dryer installed such that the exhaust gases from one flow through the other and then the combined exhaust gases are discharged to the atmosphere.

"Mineral processing plant" means any facility that processes or produces any of the following minerals or their concentrates: alumina, ball clay, bentonite, diatomite, feldspar, fire clay, fuller's earth, gypsum, industrial sand, kaolin, lightweight aggregate, magnesium compounds, perlite, roofing granules, talc, titanium dioxide, and vermiculite. The following processes and process units used at mineral processing plants would not be regulated under the NSPS: vertical shaft kilns in the magnesium compounds industry; the chlorination-oxidation process in the titanium dioxide industry; coating kilns, mixers, and aerators in the roofing granules industry; and tunnel kilns, tunnel dryers, apron dryers, and grinding equipment that also dries the process material used in any of the 17 mineral industries.

§ 60.732 Standards for particulate matter.

Each owner or operator of any affected facility which is subject to the requirements of this subpart shall comply with the emission limitations set forth in this secton on and after the date on which the initial performance test, required by § 60.8 is completed, but not later than 180 days after the initial startup, whichever date comes first. No emissions shall be discharged into the atmosphere from any affected facility that:

(a) Contain particulate matter in excess of 0.09 gram per dry standard cubic meter (g/dscm) (0.04 grain per dry standard cubic foot [gr/dscf]) for calciners and for calciners and dryers installed in series and in excess of 0.057 g/dscm (0.025 gr/dscf) for dryers; and

(b) Exhibit greater than 10 percent opacity, unless the emissions are discharged from an affected facility using a wet scrubbing control device.

§ 60.733 Reconstruction.

The cost of replacement of equipment subject to high temperatures and

abrasion on processing equipment shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital cost that would be required to construct a comparable new facility" under § 60.15. Calciner and dryer equipment subject to high temperatures and abrasion are: end seals, flights, and refractory lining.

§ 60.734 Monitoring of emissions and operations.

(a) With the exception of the process units described in paragraph (b) of this section, the owner or operator of an affected facility subject to the provisions of this subpart who uses a dry control device to comply with the mass emission standard shall install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the control device. Each owner or operator who uses a continuous monitoring device to comply with the requirements of this paragraph shall recalibrate the device semiannually in accordance with procedures under § 60.13.

(b) In lieu of a continuous opacity monitoring system required in paragraph (a) of this section, the owner of operator of a gypsum flash or kettle calciner or of a perlite rotary dryer or expansion furnace who uses a dry control device may have a certified visible emissions observer measure and record three 6-minute averages of the opacity of visible emissions to the atmosphere once per week of operation in accordance with EPA Reference Method 9.

(c) The owner or operator of an affected facility subject to the provisions of this subpart who uses a wet scrubber to comply with the mass emission standard for any affected facility shall install, calibrate, maintain, and operate monitoring systems that continuously measure and record the pressure loss of the gas stream through the scrubber and the scrubbing liquid flow rate to the scrubber. The pressure loss monitoring device must be certified by the manufacturer to be accurate within ± 1 inch of water column gauge pressure. The liquid flow rate monitoring device must be certified by the manufacturer to be accurate within ± 5 percent of design scrubbing liquid flow rate. All monitoring devices required under this paragraph are to be recalibrated semiannually in accordance with manufacturer's instructions.

§ 60.735 Recordkeeping and reporting requirements.

(a) Records of the measurements required in § 60.734 of this subpart must be retained for at least 2 years.

(b) Each owner or operator shall submit written reports semiannually of exceedances of control device operating parameters required to be monitored by § 60.734 of this subpart. Each owner or operator also shall submit written reports semiannually that document corrective maintenance required as a result of semiannual calibrations of the monitoring device that is required in § 60.734. For this purpose of these reports, exceedances are defined as all 6-minute periods during which the average opacity from dry control devices is greater than 10 percent, or any wet scrubber pressure drop that is less than 90 percent or greater than 110 percent, or each wet scrubber liquid flow rate that is less than 80 percent or greater than 120 percent of the average value recorded according to Section 60.736(c) during the most recent performance test that demonstrated compliance with the particulate matter standard.

(c) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under Section 111(c) of the Clean Air Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such State. In that event, affected facilities within the State will be relieved of the obligation to comply with this section provided that they comply with the requirements established by the State.

§ 60.736 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with the standards prescribed under § 60.732 as follows:

(1) Method 1 for sample and velocity traverses;

(2) Method 2 for stack gas velocity and volumetric flow rate;

(3) Method 3 for stack gas dry molecular weight;

(4) Method 4 for stack gas moisture content;

(5) Method 5 for the measurement of particulate emissions; and

(6) Method 9 for the opacity of visible emissions.

(b) The sampling time for each test run shall be at least 2 hours and the minimum volume of gas sampled shall be 1.7 dscm (60 dscf).

(c) During the initial performance test of a wet scrubber, the owner or operator shall measure and record an arithmetic average of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.

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COMPANY OR PERSONAL NAME

ADDITIONAL ADDRESS/ATTENTION LINE

☐ REMITTANCE ENCLOSED (MAKE CHECKS PAYABLE TO SUPERINTENDENT OF DOCUMENTS)

STREET ADDRESS

☐ CHARGE TO BY DEPOSIT ACCOUNT NO.

CITY STATE ZIP CODE

(OR) COUNTRY

PLEASE PRINT OR TYPE

Customer's Telephone No.'s
Area Code Home Area Code Office

MasterCard and VISA accepted.

Credit Cards Orders Only
Total charges $_____
Fill in the boxes below.

Credit Card No.

Expiration Date Month/Year

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

Rev 1-1-86