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Friday
May 9, 1986

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Environmental Protection Agency

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National Archives and Records Administration

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Freedom of Information
National Archives and Records Administration

Government Procurement
Blind and Other Severely Handicapped, Committee for Purchase From

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegation of Authority; Agricultural Statistics

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to reflect the renaming of the Statistical Reporting Service as the National Agricultural Statistics Service and the renaming of the Crop Reporting Board as the Agricultural Statistics Board.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Raymond R. Hancock, Deputy Administrator, National Agricultural Statistics Service, USDA, Room 4117, South Building, 12th and Independence Avenue SW., Washington, DC 20250. Telephone (202) 447-4415.

SUPPLEMENTARY INFORMATION: The Statistical Reporting Service collects and publishes agricultural statistics vital to farmers, processors, handlers, and government policymakers. Each year, through its Crop Reporting Board, the agency issues about 300 national and 7,000 State reports providing broad statistics about agriculture. These reports cover about 120 crops and 45 livestock items. Concurrent with an internal reorganization, the Statistical Reporting Service is being renamed the National Agricultural Statistics Service and the Crop Reporting Board is being renamed the Agricultural Statistics Board to better reflect assigned responsibilities.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required and this rule may be made effective in less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Also, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, 7 CFR Part 2 is amended as follows:

1. The authority citation for Part 2 continues to read as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, except as otherwise stated.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.27 is amended by revising the text of paragraph (a)(6) to read as follows:

§ 2.27 Delegations of authority of the Assistant Secretary for Economics.

* * * * *

(a) * * *

(6) Prepare crop and livestock estimates and administer reporting programs including estimates of production, supply, price and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, construction and maintenance of sampling frames, and related activities. Prepare reports of the Agricultural Statistics Board of the Department of Agriculture covering official state and national estimates (7 U.S.C. 411(a), 475, 476, and 951).

* * * * *

3. Section 2.28 is amended by revising the text of paragraph (a)(2) to read as follows:

§ 2.28 Reservations of authority.

* * * * *

(a) * * *

(2) Final action on rules and regulations for the Agricultural Statistics Board.

Subpart K—Delegations of Authority by the Assistant Secretary for Economics

4. Section 2.85 is amended by revising the heading, introductory paragraph (a), and paragraph (a)(1) to read as follows:

§ 2.85 Administrator, National Agricultural Statistics Service.

(a) *Delegations.* Pursuant to § 2.27 (a) and (c), subject to reservations in § 2.28(a), the following delegations of authority are made by the Assistant Secretary for Economics to the Administrator, National Agricultural Statistics Service:

(1) Prepare crop and livestock estimates and administer reporting programs including estimates of production, supply, price and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, construction and maintenance of sampling frames, and related activities. Prepare reports of the Agricultural Statistics Board of the Department of Agriculture covering the official state and national estimates (7 U.S.C. 411(a), 475, 476, and 951).

* * * * *

For Subpart C:

Richard E. Lyng,

Secretary.

Dated: April 30, 1986.

For Subpart K:

Robert L. Thompson,

Dated April 30, 1986.

[FR Doc. 86-10477 Filed 5-8-86; 8:45 am]
BILLING CODE 3410-20-M

Commodity Credit Corporation

7 CFR Part 704

Conservation Reserve Program (CRP) Amendments

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to amend the regulations governing the Conservation Reserve Program (CRP) which were published as

an interim rule on March 13, 1986, to: (1) Correct a typographical error in 7 CFR § 704.10, and (2) provide that the Commodity Credit Corporation (CCC) may reject any or all contract offers to place land in the CRP including offers submitted by persons who have revoked a prior offer to place such land into the CRP in violation of the provisions of 7 CFR 704.10(c) and by persons who have violated the terms and conditions of an earlier CRP contract covering such land.

Since this interim rule amends provisions of Title 7 of the Code of Federal Regulations which were added by an interim rule published on March 13, 1986, (51 FR 8780), the comment period for the previously published interim rule has been extended to coincide with the comment period applicable to this interim rule.

EFFECTIVE DATE: May 5, 1986. Comments must be received on or before June 9, 1986, in order to be assured of consideration.

ADDRESS: Comments may be mailed to the Director, Conservation and Environmental Protection Division, ASCS, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Mr. Gordell A. Brown, Director, Conservation and Environmental Protection Division, ASCS, P.O. Box 2415, Washington, DC 20013, (202) 447-6221.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and provisions of Departmental Regulation 1512-1 and has been classified as "nonmajor." It has been determined that these provisions will not result in: (1) An annual effect on the national economy of $100 million or more; (2) major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental assessment that this action will have no significant adverse impacts on the quality of the human environment. Therefore, an environmental impact statement is not needed. Copies of the environmental assessment are available upon written request.

The titles and numbers of the Federal Assistance Program to which this rule applies are: Title: Conservation Reserve Program; Number 10.069, as found in the catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See Notice related to 7 CFR Part 3015 Subpart V, published at 48 FR 29115 (June 24, 1983).

Subtitle D of Title XII of the Food Security Act of 1985 (the "Act"), approved December 23, 1985, provides that the Secretary of Agriculture shall establish the Conservation Reserve Program for the 1986 through 1990 crop years. The Act authorizes the Secretary to enter into long-term contracts with owners and operators of highly erodible cropland to assist such owners and operators in converting such land to permanent vegetative cover in order to conserve and improve the Nation's soil and water resources.

On March 13, 1986, an interim rule was published (51 FR 8780) which set forth the terms and conditions of the CRP authorized by Subtitle D of Title XII of the Act. It has been determined that the interim rule should be amended in order to make corrections and to make certain changes which are necessary for the administration of the CRP as follows:

Section 1234(C) of the Act provides that the Secretary may determine annual rental payments which are to be made to participants in the CRP through the submission of bids or by such other means as the Secretary deems appropriate and cost effective. The legislative history of the Act indicates that Congress considered the competitive bid system to be the most cost-effective means of identifying the least productive and most erosion prone acreage. However, the efficacy of the bidding process is undermined if persons are able to withdraw offered bids or are able to unilaterally terminate CRP Contracts which have already been executed in order to submit a higher bid with respect to the same land at a later time. Therefore, it has been determined that § 704.10 of the interim rule should be amended to provide that CCC may reject any and all offers received to place land into the CRP, including offers received from: (1) Applicants who have submitted a previous offer to place such land into the CRP at a lower annual rental rate and revoked such earlier offer in violation of the provisions of § 704.10(c); and (2) applicants who have violated any other terms and conditions of an earlier CRP Contract covering such land.

It is the intention of CCC to waive the assessment of liquidated damages against persons who have revoked offers to participate in the CRP in violation of the provisions of § 704.10(c) if such persons resubmit their offers to CCC at the same bid level as the original offer.

In addition, § 704.10(b)(2) of the interim rule is being revised in order to correct a typographical error.

Since a second period during which persons may submit offers to participate in the CRP is scheduled to begin on May 5, 1986, it has been determined that this interim rule shall be effective May 5, 1986. However, comments are requested with respect to this interim rule and such comments, in addition to the comments received in response to the interim rule published on March 13, 1986 (51 FR 8780), shall be considered in developing the final rule.

Since this interim rule amends provisions added to Title 7 of the Code of Federal Regulations by the interim rule published on March 13, 1986 (51 FR 8780), the comment period for the interim rule published at 51 FR 8780 is extended to June 9, 1986.

Lists of Subjects in 7 CFR Part 704

Administrative practices and procedures, Conservation plan, Contracts, Technical assistance, Natural resources, Wildlife.

Interim Rule

PART 704—[AMENDED]

Accordingly, the regulations at 7 CFR Part 704 Subpart—Conservation Reserve Program, are amended as follows:

1. The authority citation for 7 CFR Part 704, Subpart—Conservation Reserve Program, continues to read as follows:

Authority: Secs. 1201, 1231-1244, Pub. L. 99-198, 99 Stat. 1354.

2. Section 704.10 is amended by correctly adding paragraph (b)(2) and by adding a new paragraph (f) to read as follows:

§ 704.10 CRP Contract.

* * * * *

(b) * * *

(2) The offer of the applicant, and

* * * * *

(f) CCC may reject any and all offers to place land into the CRP, including offers received from:

(1) applicants who have submitted a previous offer to place such land into the CRP at a lower annual rental rate and revoked such earlier offer in violation of the provisions of § 704.10(c); and

(2) applicants who have violated any other terms and conditions of an earlier CRP Contract covering such land.

Signed at Washington, DC on May 2, 1986.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 86-10453 Filed 5-6-86; 2:01 pm]

BILLING CODE 3410-05-M

Office of the Secretary

7 CFR Part 3015

Uniform Federal Assistance Regulations; Competition in the Awarding of Discretionary Grants and Cooperative Agreements

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This final rule amends 7 CFR Part 3015, Subpart Q, by adding a new section to implement Secretary's Memorandum (SM) 5000-2, "Competition in the Awarding of Contracts, Grants, and Cooperative Agreements to Further Research, Extension, and Teaching Programs", dated August 13, 1984. SM 5000-2 established USDA policy regarding competition in the awarding of grants and cooperative agreements to further research, extension, or teaching programs in the food and agricultural sciences. This final rule establishes Departmentwide standards and procedures for carrying out the objective of USDA to support competiton in its awarding of discretionary grants and cooperative agreements reflecting assistance relationships.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Lyn Zimmerman, Office of Finance and Management, USDA, Room 2117-B, Auditors Building, 201 14th Street, SW., Washington, DC 20250 (Telephone (202) 382-1553).

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been classified "not major." The rule will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Because this rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

Although this final rule may directly affect recipients of Federal assistance awards administered by the Department, it has been determined that this rule will not involve a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in costs or prices for consumers, individuals, industries, Federal, State or local government agencies, or geographical regions. Additionally, John E. Carson, Director, Office of Finance and Management, has certified that it will not have a significant impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601).

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), any reporting and recordkeeping provisions that may be required by this rule will be submitted to the Office of Management and Budget (OMB) and will not be effective until OMB has approved them.

Environmental Impact Statement

This regulation does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Background

Section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3318), confers general authority upon the Secretary of Agriculture to enter into contracts, grants, and cooperative agreements to further research, extension, or teaching programs in the food and agricultural sciences. Unless otherwise provided in the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended, it further authorizes the Secretary to enter into these contracts, grants, and cooperative agreements without competition.

Section 1472, therefore, authorizes an exception, in part, to the provisions of 31 U.S.C. 6301-6308, formerly the Federal Grant and Cooperative Agreement Act of 1977, which requires Federal agencies to distinguish between acquisition and assistance relationships and encourages competition in awarding grants and cooperative agreements reflecting assistance relationships. Since the Department believes in open and free competition for discretionary assistance awards, the Secretary issued policy (SM 5000-2), which restricts an individual USDA agency's authority to award grants and cooperative agreements without competition. The Secretary's policy provides that competition, to the maximum extent practicable, shall be sought in the award of USDA discretionary grants and cooperative agreements.

The benefits of competition are many. Competition gives all qualified potential recipients an opportunity to know what awards are available, provides adequate opportunity to submit proposals, and discourages favoritism. Competition also encourages improved ideas and technology and often increases the effectiveness of programs.

To ensure the benefits of competition, it is the Secretary's policy that USDA discretionary assistance awards may only be made without regard to competition in those instances where it can be determined that they are in the best interest of the Government and necessary to the accomplishment of the program or project as defined in this rule. Otherwise, all USDA discretionary grants and cooperative agreements reflecting assistance relationships shall be entered into only after competition unless the awarding official makes a determination, in writing, that competition is not deemed appropriate for the particular transaction.

On April 18, 1985, the Department published a proposed rule entitled "Competition in the Awarding of Grants and Cooperative Agreements to Further Research, Extension, and Teaching Programs" (50 FR 15433, April 18, 1985). This rule proposed to establish Departmentwide standards for carrying out the objective of USDA to support competition in the awarding of its grants and cooperative agreement activities. Comments on the proposed rule were requested by June 17, 1985.

During the comment period, the Department received 35 letters in response to the proposed rule on competition. Letters were received from

22 universities, 3 public interest groups, and 10 Federal agencies.

In light of the comments received, the Department has made various changes, primarily expanding the applicability of the competition requirement to all discretionary assistance awards, and clarifying policies and procedures.

Discussion of Comments

Preamble

Three commenters supported the rule and indicated that it was expressed in an acceptable manner, was sufficiently flexible, and was essential for research programs.

One commenter supported the process of competition for research, extension, and teaching programs but did not feel that the rule was necessary. Secretary's Memorandum (SM) 5000–2, "Competition in the Awarding of Contracts, Grants, and Cooperative Agreements to Further Research, Extension, and Teaching Programs," sets forth the Department's policy regarding competition in awarding grants and cooperative agreements and requires that the Assistant Secretary for Administration implement the policy by amending the Department's Uniform Federal Assistance Regulations.

Six commenters stated that the rule conflicts with legislative provisions, such as Sections 1402, 1405, 1409, and 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (The Act), and the proposed Agricultural Adjustment Act of 1985, commonly known as the "Farm Bill." Sections 1402, 1405, and 1409 of the Act do not address competition. Thus, there is no conflict with the policy on competition. On the other hand, Section 1472 provides that the Secretary *may* (emphasis added) enter into grants and cooperative agreements without regard to any requirements for competition. This provision gives the Secretary discretion as to whether or not USDA discretionary grants or cooperative agreements will be awarded without competition. The Secretary has indicated a preference to compete discretionary grants and cooperative agreements through issuance of SM 5000–2. We note, however, that the "Farm Bill" (since enacted as the Food Security Act of 1985, Pub. L. 99–198) contains provisions authorizing the use of cooperative agreements to document relationships other than assistance relationships. These include section 1424, which amended section 1472(b) of the Act, to authorize the use of cooperative agreements to document partnership arrangements or joint ventures in the pursuit of common research, extension or teaching objectives. In addition section 1427 of Pub. L. 99–198 added a new section 1473C to the Act to authorize the use of cooperative agreements ". . . to share the cost of a research project or to allow the use of a Federal facility or service on a cost sharing or cost reimbursable basis to develop new agricultural technology to further a research program of the Secretary." Because such uses of cooperative agreements do not reflect assistance relationships, they are not subject to the requirements of the Department's Uniform Federal Assistance Regulations. Accordingly, language has been inserted in § 3015.150, *Scope and applicability*, to clarify that the competition requirements made applicable to discretionary assistance transactions do not apply to cooperative agreements entered into pursuant to the provisions of sections 1472(b) or 1473C of the Act.

Eight commenters indicated that the rule does not recognize the difference between grants and cooperative agreements. According to 31 U.S.C. 6304 and 6305, the only difference between grants and cooperative agreements reflecting assistance relationships is that, in using the latter, substantial involvement is expected between the executive agency and the recipient when carrying out the activity contemplated in the agreement. The principal purpose of both relationships is to transfer something of value to the recipient to carry out a public purpose of support or stimulation authorized by Federal law. There is no need to distinguish between the two in the competition policy. As indicated above, however, there is a need to distinguish between cooperative agreements documenting assistance relationships and cooperative agreements documenting the relationships authorized by sections 1472(b) and 1473C of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended.

Six commenters stated that the rule would weaken the land grant university system and lessen the ties between the USDA and land grant institutions. One commenter proposed that all discretionary grants and cooperative agreements administered by the Cooperative State Research and Extension Service be excluded from the rule because they have the special responsibility to work with the State-related partners of USDA. Another commenter recommended that cooperative agreements be excluded from the rule in order to allow for the continued partnership relationship between USDA and State agricultural experiment stations.

This rule only applies to discretionary grants and cooperative agreements reflecting assistance relationships. Such discretionary grants and cooperative agreements are authorized by Federal statute, but are not required to be awarded. Further, the Federal agency makes a choice as to whom the potential recipient will be. On the other hand, if a Federal agency is required by legislation to provide assistance to a particular institution or other recipient, such awards are nondiscretionary and are thus exempt from the competition requirements. This rule does not intend to replace procedures now in place for nondiscretionary awards.

Additionally, the fact that a land grant institution provides certain nonmonetary considerations to a USDA agency or that a USDA agency has had a longstanding relationship with a particular institution are not reasons, in and of themselves, to make grant or cooperative agreement awards noncompetitively to that institution. The merits of the proposals based on the solicitations must be taken into account. Competition is viewed as a way to give land grant institutions, as well as other potential recipients, a chance to effectively and efficiently apply for Federal assistance programs.

Nine commenters stated that the rule would increase administrative costs, while ten commenters said it would increase the administrative burden and impede the award process. The Department considered this and has included an exception to competition for awards of less than $75,000. On the other hand, if a USDA agency must compete awards, but currently has no competitive awards process for grants and cooperative agreements, this rule may increase administrative costs and burden in terms of preparing solicitations and reviewing proposals in a more formal setting. If a competitive awards process is already in place, increases in the administrative costs because of this rule would be minimal. In both cases, requests for proposals should be viewed as an added efficiency in the awards process. Proposals from a number of potential applicants give the USDA agency a chance to evaluate each proposal in order to select the applicant with the best ideas. Consequently, in view of the dollar threshold, the benefits of competition should outweigh the administrative costs and efforts of a competitive awards process.

One commenter indicated that USDA policy exceptions for restricting competition in grants and cooperative

agreements should be patterned after the exceptions permitted under Pub. L. 98-369 (Competition in Contracting Act of 1984) so that there will be a uniform practice established for all award instruments. Contracts are procurement instruments, while grants and the cooperative agreements that are the subject of this regulation are assistance instruments. 31 U.S.C. 6303-6305 clearly distinguishes between the two types of relationships. Therefore, we do not think it would be beneficial to try to parallel procurement with assistance in competition.

One commenter said that all USDA agencies should have the option to enter into cooperative agreements without competition. The rule provides that the awarding official may make a determination in writing that competition is not appropriate for a particular transaction. Reasons for noncompetitive awards are listed in § 3015.158(d) but are not all inclusive. As long as the awarding official can show that competition is not in the best interest of the Government for a specific project, competition can be waived.

One commenter stated that the rule relates to a program's appropriation language for the requirement for competition. As mentioned earlier, Federal legislation is a basis for deciding recipient eligibility to receive assistance under particular programs. If the language indicates that only one recipient is eligible, then competition would not be appropriate. However, if it indicates that one type of recipient is eligible, but there are several recipients of that type who can apply, then competition would be appropriate.

Only one commenter addressed our question on whether this policy should apply only to discretionary grants and cooperative agreements made to further research, extension, or teaching programs or whether the policy should be extended to all discretionary awards. The commenter thought competition should be restricted as set forth in the proposed rule. However, the Department sees no logical reason to distinguish between awards made to further research, extension, and teaching programs and other discretionary assistance awards. Since competition is deemed beneficial in either instance, the Department is applying the competition policy to all discretionary awards.

Section 3015.158(a)(1)

Two commenters stated that the delay in publishing announcements in the **Federal Register**, professional trade journals, agency or program handbooks, the Catalog of Federal Domestic Assistance or other appropriate means of solicitation is justification to eliminate that requirement. The Department's view is that, when the process is in place, USDA agencies will be able to plan for, and assign priorities to, program needs so that time will not become a critical factor in publishing announcements. The results of competition should prove beneficial to the Federal programs involved.

One commenter recommended that a provision be included in the rule to allow for use of an informal system that canvasses appropriate institutions to determine their capacity to conduct a particular project. Again, awards of less than $75,000 will not have to be competed. For those over $75,000, the Department does not believe that an informal canvass of certain institutions will reach the highest number of potential applicants. The canvass would cover known potential applicants, not the unknown. All potential recipients will not have an opportunity to submit applications or proposals. The Department believes that a formal solicitation will produce a higher number of quality proposals.

One commenter indicated that solicitation for proposals can be efficiently made via regular communication channels between Extension Service/USDA and all the States without the time consuming delays of publishing solicitation documents. The commenter did not indicate what the regular communication channels are. The point is that the request for proposals should reach the universe of potentially eligible applicants and not just those who are dealt with on a regular basis. This helps to eliminate the appearance of favoritism in making awards and gives new potential program participants an opportunity to apply.

Section 3015.158(a)(2)

Three commenters stated that the peer review process would be more expensive. The rule calls for independent reviewers who may be from the private sector, another agency, or within the awarding agency. Even though the reviewers would lose time from their regularly assigned duties, it is hoped that their time would be voluntary. At any rate, the Department believes that any costs, which may be incurred because of an independent review, would be surpassed by the benefits of competition and the quality results of the award.

One commenter stated that it is not necessary to use the Federal procurement competitive proposal procedures for the peer review system to work effectively for grants and cooperative agreements. The Department is not using procurement procedures which, in many cases, are more complex than the standards in this rule. In competition, a request for proposals is a logical way to give qualified applicants a chance to submit applications for funding. An independent review is a method to receive unbiased evaluations of those applications. Peer review may still be considered independent as long as the reviewers do not have approval authority for the applications being reviewed or do not appear to have conflicts of interest in that role. A conflict of interest is a factor for the reviewer because the whole process should be fair and impartial. If conflict of interest is not considered, a fair and objective selection process cannot be assured.

Section 3015.158(a)(3)

One commenter recommended that a clarification of procedures for treating unsolicited applications be made. The Department agrees and has revised the rule accordingly.

Section 3015.158(b)

No comments were received on this section.

Section 3015.158(c)

One commenter suggested that it would be more cost effective and consistent if the Department developed procedures for a Departmentwide uniform appeals process. The Department is examining this suggestion and other alternatives for due process procedures in handling appeals relating to all aspects of the administration of assistance transactions including the award process. If, as a result of that examination, a decision is made to adopt a Departmentwide procedure applicable to the award process, this section will be changed accordingly. Until such time, this section shall remain as proposed.

Section 3015.158(d)

One commenter recommended that the Administrators of the Agricultural Research Service and of the Cooperative State Research Service have an opportunity to exercise their own judgment in deciding when contracts and grants can and should be competitive in order to permit flexibility in addressing high priority research areas. Another commenter recommended that the decision for competitive awards should be left to the discretion of the appropriate Agency Administrators. We believe that

flexibility in setting high priority research areas already rests with Agency Administrators. Competition should not hinder that flexibility. Agency Administrators have the opportunity to demonstrate or justify that a noncompetitive award is in the best interest of the Government and necessary to the accomplishment of their programs.

Two commenters stated that the additional time and cost to develop justifications for noncompetitive awards would reduce responsiveness and generate paperwork. This may be true to some extent. However, the Department believes that full and free competition will promote greater economy, efficiency, and effectiveness in the use of USDA funds. Exceptions should be justified to establish the necessity to restrict potential applicants from applying for USDA awards. The justification for a noncompetitive award would further support the documentation if an applicant appealed non-receipt of an award.

One commenter questioned the term "demonstrated" to mean to attempt competition and fail. The phrase "adequate justification" was suggested. The Department has made this change.

Another commenter requested that eradication and control of plant and animal diseases be exempt from the competitive process because it would hinder collaborative and beneficial relationships established with Federal/State entities. The Department does not believe that it is necessary to address this in the rule. The awarding/approving official has authority to justify that a noncompetitive award is in the best interest of the Government and the particular program concerned. Further, it is likely that many of these activities will be the subject of cooperative agreements under the provisions of sections 1472(b) and 1473C of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended. Such cooperative agreements are not subject to this regulation.

Four commenters suggested that the dollar limit for noncompetitive awards set forth in § 3015.158(d)(2) be raised. The Department has considered the proposals and has raised the dollar limitation for noncompetitive awards to $75,000.

One commenter suggested that the conditions in § 3015.158(d) (1), (2) and (3) permitting noncompetitive awards be eliminated. The Department believes that these exceptions are necessary. Nonmonetary awards of property and services are frequently provided by awarding agencies to assist recipients in keeping costs at a minimum, especially in those cases where a pervious recipient no longer has a need for the specialized property. Because of the number of small awards made by USDA, the Department believes it would neither be cost beneficial nor increase the number of applicants to publicize awards of less than $75,000. Additionally, the Department believes that awards to fund work already in progress under a previous award are in the best interest of the Government and promote high quality and cost effective results.

One commenter agreed with § 3015.158(d)(3).

Two commenters recommended adding peer review availability and geographic proximity as exceptions for a noncompetitive award. The Department believes that, for these factors to be used as a general exception, would be too restrictive. In some cases, e.g., research on reindeer in Alaska, these factors could possibly be used to justify a noncompetitive award.

However, the Department would expect that this would be a rare justification for a noncompetitive award.

List of Subjects in 7 CFR Part 3015

Grant programs (Agriculture), Intergovernmental relations.

Issued at Washington, DC on May 2, 1986.

John J. Franke, Jr.,

Assistant Secretary for Administration.

Approved: April 21, 1986.

Richard E. Lyng,

Secretary of Agriculture.

PART 3015—UNIFORM FEDERAL ASSISTANCE REGULATIONS

Accordingly, USDA amends Subpart Q of 7 CFR Part 3015 as follows:

1. The authority citation for Part 3015 continues to read as follows:

Authority: 5 U.S.C. 301.

2. The Table of Contents is amended to add § 3015.158 as follows:

Subpart Q—Application for Federal Assistance

* * * * *

§ 3015.158 Competition in the Awarding of Discretionary Grants and Cooperative Agreements.

3. A new paragraph (d) is added to § 3015.150 as follows:

* * * * *

Subpart Q—Application for Federal Assistance

§ 3015.150 Scope and applicability.

* * * * *

(d) This subpart also prescribes standards for competition to be used by USDA agencies in awarding discretionary cooperative agreements and grants. (This subpart is not applicable to cooperative agreements awarded pursuant to the provisions of sections 1472(b) and 1473C of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended.)

4. A new § 3015 is added as follows:

§ 3015.158 Competition in the Awarding of Discretionary Grants and Cooperative Agreements.

(a) *Standards for competition.* Except as provided in paragraph (d) of this section, awarding agencies shall enter into discretionary grants and cooperative agreements only after competition. An awarding agency's competitive award process shall adhere to the following standards:

(1) Potential applicants must be invited to submit proposals through publications such as the **Federal Register**, professional trade journals, agency or program handbooks, the Catalog of Federal Domestic Assistance, or any other appropriate means of solicitation. In so doing, awarding agencies should consider the broadest dissemination of project solicitations in order to reach the highest number of potential applicants.

(2) Proposals are to be evaluated objectively by independent reviewers in accordance with written criteria set forth by the awarding agency. Reviewers should make written comments, as appropriate, on each application. Independent reviewers may be from the private sector, another agency, or within the awarding agency, as long as they do not include anyone who has approval authority for the applications being reviewed or anyone who might appear to have a conflict of interest in the role of reviewer of applications. A conflict of interest might arise when the reviewer or the reviewer's immediate family members have been associated with the applicant or applicant organization within the past two years as an owner, partner, officer, director, employee, or consultant; has any financial interest in the applicant or applicant organization; or is negotiating for, or has any arrangement, concerning prospective employment.

(3) An unsolicited application, which is not unique and innovative, shall be competed under the project solicitation it comes closest to fitting. Awarding agency officials will determine the solicitation under which the application is to be evaluated. When the awarding agency official decides that the unsolicited application does not fall

under a recent, current, or planned solicitation, a noncompetitive award may be made, if appropriate to do so under the criteria of this section. Otherwise, the application should be returned to the applicant.

(b) *Project solicitations.* A project solicitation by the awarding agency shall include or reference the following, as appropriate:

(1) A description of the eligible activities which the awarding agency proposes to support and the program priorities;

(2) Eligible applicants;

(3) The dates and amounts of funds expected to be available for awards;

(4) Evaluation criteria and weights, if appropriate, assigned to each;

(5) Methods for evaluating and ranking applications;

(6) Name and address where proposals should be mailed and submission deadline(s);

(7) Any required forms and how to obtain them;

(8) Applicable cost principles and administrative requirements;

(9) Type of funding instrument intended to be used (grant or cooperative agreement); and

(10) The *Catalog of Federal Domestic Assistance* number and title.

(c) *Approval of applications.* The final decision to award is at the discretion of the awarding/approving official in each agency. The awarding/approving official shall consider the ranking, comments, and recommendations from the independent review group, and any other pertinent information before deciding which applications to approve and their order of approval. Any appeals by applicants regarding the award decision shall be handled by the awarding agency using existing agency appeal procedures or good administrative practice and sound business judgment.

(d) *Exceptions.* The awarding/approving official may make a determination in writing that competition is not deemed appropriate for a particular transaction. Such determination shall be limited to transactions where it can be adequately justified that a noncompetitive award is in the best interest of the Government and necessary to the accomplishment of the goals of the program. Reasons for considering noncompetitive awards may include, but are not necessarily limited to, the following:

(1) Nonmonetary awards of property or services;

(2) Awards of less than $75,000;

(3) Awards to fund continuing work already started under a previous award;

(4) Awards which cannot be delayed due to an emergency or a substantial danger to health or safety;

(5) Awards when it is impracticable to secure competition; or

(6) Awards to fund unique and innovative unsolicited applications.

[FR Doc. 86-10331 Filed 5-8-86; 8:45 am]

BILLING CODE 3410-KS-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Coverage of Employees of State and Local Governments

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: In these regulations, we are revising our rules on agreeing to extensions of the periods during which we may assess a State for amounts due and in which a State may file its claim for refund of, or credit for, overpayments under its coverage agreement with the Secretary of Health and Human Services. (Coverage of services performed by State and local governmental employees is by agreement under section 218 of the Social Security Act (the Act)). We will agree to extend or reextend the time limit for no more than 6 months at a time and, further, will enter into reextension agreements only if certain conditions are met. With these revisions of the rules, we believe we will be more closely complying with the intent of sections 218 (q) and (r) of the Act.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Room 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6785.

SUPPLEMENTARY INFORMATION: Section 218(q)(4)(A) of the Act provides that a State and the Secretary of Health and Human Services (the Secretary) may agree in writing to extend or reextend the period specified in section 218(q)(2) in which we may assess a State for amounts due to the Secretary of the Treasury for the Social Security coverage of services performed by certain State and local governmental employees. Section 218(r)(2)(A) of the Act similarly provides for a State and the Secretary to agree in writing to extend the specified period in which a State may file a claim for a credit or refund of its overpayments. The purpose of the time limits, which became effective January 1, 1962 is to eliminate the need for the Secretary and the States to investigate the accuracy of contributions paid many years in the past and to eliminate the need for the States to keep records of employment and wages for many years.

We believe that our current policy on extensions has not had the effect intended by the law because of the increased administrative burden on the States and Social Security Administration (SSA) as a result of easily available extensions and reextensions. Therefore, we are changing our policy to achieve more efficient and effective administration. Accordingly, we are revising §§ 404.1281 and 404.1286 to provide that we will agree to extensions and reextensions for no more than 6 months at a time. In addition, the proposed extension or reextension agreement must involve and identify a known issue or reporting error, and must also identify the periods involved, the time limitation which is being extended and the date to which it is being extended, and the coverage group(s) and position(s) or individual(s) to which is applies. Further, we will enter into a reextension agreement only if at least one of five specified conditions is met.

Comments

These rules were published as a Notice of Proposed Rulemaking at 50 FR 49397 on December 2, 1985. We received no comments. We are therefore adopting these rules as proposed, except to add Office of Management and Budget approval.

Regulatory Procedures

Executive Order 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation because they affect only the States' administration of their coverage agreements with SAA. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

These regulations contain reporting requirements in 20 CFR 404.1281 and 404.1286. As required by section 3504(h) of the Paperwork Reduction Act of 1980, we submitted a copy of the proposed rule to the Office of Management and Budget (OMB) for review of the reporting requirements. OMB approved the reporting requirements on January 3, 1986 under Approval No. 0960-0425

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they involve only exceptions to the time limitations on assessments of and claims for credit for, or refund of, amounts due or overpaid, respectively, by States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance, 13k.803 Social Security—Retirement Insurance, 13.805 Social Security—Survivors Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-age, survivors, and disability insurance.

Dated: March 31, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: April 23, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 404—[AMENDED]

Subpart M of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart M is revised to read as follows:

Authority: Secs. 205, 218, and 1102, of the Social Security Act, 53 Stat. 1368, 64 Stat. 514, 49 Stat. 647; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 631; 42 U.S.C. 405, 418, and 1302.

2. Section 404.1281 is amended by revising paragraph (a) and by removing the authority citation, to read as follows:

§ 404.1281 Exceptions to the periods of limitation.

(a)(1) *Extension by agreement.* The applicable time period described in § 404.1280 for assessment of an amount due may, before the expiration of such period, be extended for no more than 6 months by written agreement between the State and the Secretary. The agreement must involve and identify a known issue or reporting error. It must also identify the periods involved, the time limitation which is being extended and the date to which it is being extended, and the coverage group(s) and position(s) or individual(s) to which the agreement applies. The extension of the period of limitation shall not become effective until the agreement is signed by the appropriate State official and the Secretary. (See § 404.3(c) for the applicable rule where periods of limitation expire on nonwork days.) An assessment made by the Secretary before the extended time limit ends shall be considered to have been made within the time period limitation specified in section 218(q)(2) of the Act. (See § 404.1280(b)).

(2) *Reextension.* An extension agreement provided for in paragraph (a)(1) of this section may be reextended by written agreement between the State and the Secretary for no more than 6 months at a time beyond the expiration of the prior extension or reextension agreement, and only if one of the following conditions is met:

(i) Litigation (including intraState litigation) or a review under §§ 404.1270 or 404.1275 involving wage reports or corrections on the same issue is pending; or

(ii) The State is actively pursuing corrections of a known error which require additional time to complete; or

(iii) The Social Security Administration is developing a coverage or wage issue which was being considered before the statute of limitations expired and additional time is needed to make a determination; or

(iv) The Social Security Administration has not issued to the State a final audit statement on the State's wage or correction reports; or

(v) There is pending Federal legislation which may substantially affect the issue in question, or the issue has national implications.

(*The reporting requirements in this section have been cleared with the Office of Management and Budget (OMB No. 0960-0425).*)

* * * * *

3. Section 404.1286 is amended by revising paragraph (a) and by deleting the authority citation, to read as follows:

§ 404.1286 Exceptions to the periods of limitation.

(a)(1) *Extension by agreement.* The applicable time period described in § 404.1285 for filing a claim for credit for, or refund of, an overpayment may, before the expiration of such period, be extended for no more than 6 months by written agreement between the State and the Secretary. The agreement must involve and identify a known issue or reporting error. It must also identify the periods involved, the time limitation which is being extended and the date to which it is being extended, and the coverage group(s) and position(s) or individual(s) to which the agreement applies. The extension of the period of limitation shall not become effective until the agreement is signed by the appropriate State official and the Secretary. (See § 404.3(c) for the applicable rule where periods of limitation expire on nonwork days.) A claim for credit or refund filed by the State before the extended time limit ends shall be considered to have been filed within the time period limitation specified in section 218(r)(1) of the Act. (See § 404.1285).

(2) *Reextension.* An extension agreement provided for in paragraph (a)(1) of this section may be reextended by written agreement between the State and the Secretary for no more than 6 months at a time beyond the expiration of the prior extension or reextension agreement, and only if one of the following conditions is met:

(i) Litigation (including intraState litigation) or a review under §§ 404.1270 or 404.1275 involving wage reports or corrections on the same issue is pending; or

(ii) The State is actively pursuing corrections of a known error which require additional time to complete; or

(iii) The Social Security Administration is developing a coverage or wage issue which was being considered before the statute of limitations expired and additional time is needed to make a determination; or

(iv) The Social Security Administration has not issued to the State a final audit statement on the State's wage or correction reports; or

(v) There is pending Federal legislation which may substantially affect the issue in question, or the issue has national implications.

(*The reporting requirements in this section have been cleared with the Office of Management and Budget (OMB No. 0960-0425).*)

* * * * *

[FR Doc. 86-10503 Filed 5-8-86; 8:45 am]

BILLING CODE 4190-11-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

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

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

Correction

In FR Doc. 86-5750 beginning on page 9439 in the issue of Wednesday, March 19, 1986, make the following correction: On page 9440, in the first column, in the second line, the date should read "March 15, 1987".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 251 and 255

[Docket No. R-86-1275; FR 2194]

Technical Amendment to Provisions Relating to Section 223(f) Full Insurance and Multifamily Coinsurance; Correction

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

ACTION: Final rule; Correction.

SUMMARY: This document corrects a final rule that appeared in the **Federal Register** on Thursday, April 17, 1986 (51 FR 13140) which adopted as final certain provisions in 24 CFR Parts 207, 251 and 255 relating to section 223(f) full insurance and the coinsurance of multifamily housing projects. All revisions made in the final rule were technical in nature. This document corrects certain typographical errors and erroneous sectional cross references found in the published final rule.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC, 20410. Telephone (202) 755-7055. (This is not a toll free telephone number.)

Accordingly, the Department is correcting FR Document 86-8532, published on April 17, 1986 (51 FR 13140) as follows:

§ 251.822 [Corrected]

1. In item 5, § 251.822, on page 13159, column one, in the introductory language to the section the reference "§251.818(a)(1)" is corrected to read "§ 251.820(a)(1)".

§ 251.828 [Corrected]

2. In item 5, § 251.828(b), on page 13160, column one, in paragraph (b) the reference to "§ 251.823(b)" is corrected to read "§ 251.824(b)".

3. In item 21, § 225.404, on page 13162, column two, the entire item is corrected to read:

§ 255.404 [Redesignated as § 255.406]

21. Section 255.404 is redesignated as § 255.406.

4. In item 22, § 225.405, on page 13162, column two, the entire item is corrected to read:

§ 255.405 [Redesignated as § 255.407]

22. Section 255.405 is redesignated as section 255.407.

§ 225.503 [Corrected]

5. In item 23, § 225.503, on page 13162, column two, each of the two references to "§ 225.503" are corrected to read "§ 255.503".

6. In Item 23, § 225.503, on page 13162, the top of column two, line 9, the phrase "partial of" is corrected to read "partial or".

Dated: May 6, 1986.

Grady J. Norris,

Assisant General Counsel for Regulations.

[FR Doc. 86-10481 Filed 5-8-86; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 251 and 252

Geological and Geophysical Explorations (G&G); Oil and Gas Information Program; Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning reimbursement by the Minerals Management Service (MMS) for certain costs of data it acquires from businesses authorized to explore the OCS under permits issued by MMS. The amendments remove existing regulatory requirements for the reimbursement of permittees for costs of processing and reprocessing data and information in a form and manner utilized by the permittee in the normal conduct of business. This action is necessary to conform the regulations to the legislation appropriating funds for the Department of the Interior (DOI) in Pub. L. 99-190 for Fiscal Year (FY) 1986.

EFFECTIVE DATE: June 9, 1986.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke; Chief, Rules, Orders, and Standards Branch; Offshore Rules and Operations Division; Minerals Management Service; 12203 Sunrise Valley Drive; Mail Stop 646; Reston, Virginia 22091; Telephone: (703) 648-7816, (FTS) 959-7816.

SUPPLEMENTARY INFORMATION: Exploration of the OCS for the purpose of acquiring G&G data and information is conducted by the oil and gas industry under permits and leases issued by DOI's MMS. These data and information are used to identify and evaluate areas and tracts having potential for oil, gas, and strategic mineral resources. Under section 26 of the OCS Lands Act (OCSLA) (43 U.S.C. 1352), lessees and permittees are required to provide access to and copies of such data and information obtained from their activities in the OCS as may be requested by the Secretary of the Interior (Secretary). This section also authorizes the Secretary to prescribe regulations concerning Government acquisition of these data and information and to authorize reimbursement of permittees and lessees for some of the costs associated with providing data and information to the Government.

The MMS acts for the Secretary and selectively acquires G&G data and information to augment its existing data base and to support the analyses required throughout the leasing process. The data and information are required, among other things, for the economic evaluation of offshore resources and lease sale bids to assure that the Government receives fair market value for leased lands. The types of data and information provided to MMS include processed and reprocessed, analyzed, and interpreted information.

With respect to processed and reprocessed information, section 26 of the OCSLA and the implementing regulations distinguish between data and information which are processed or reprocessed in the manner and form utilized in the normal conduct of business and those which are processed or reprocessed "in such other form and manner as the Secretary may request." For this latter category of special processing and reprocessing, both permittees and lessees are reimbursed for the reasonable costs of the processing or reprocessing and the reproduction costs.

However, with respect to reimbursement for costs of processing and reprocessing in a form and manner utilized in the normal conduct of business, lessees and permittees have been treated differently. Under the OCSLA and the regulations, lessees are not reimbursed for costs of processing and reprocessing data requested by MMS when the processing or reprocessing is in a form and manner utilized in the normal conduct of business. In contrast, the OCSLA and the regulations provide for permittees to be reimbursed for this same type of processing or reprocessing at the lowest rate available to any purchaser. Both permittees and lessees are reimbursed for the costs of reproduction of data provided to MMS.

Public Law 99–190 making continuing appropriations for FY 1986 eliminates the authorization in the OCSLA for the reimbursement of permittees for costs of processing and reprocessing data requested by MMS in a form and manner utilized in the normal conduct of the permittee's business. This amendment implements that legislation. This change results in the same reimbursement provisions for lessees and permittees for data and information provided to MMS.

Publication of this rule as a proposed rule is unnecessary because amendment of regulations is mandatory to conform with the provisions of Pub. L. 99–190. This can be accomplished only by the elimination of the provisions for reimbursement as set forth in these amendments. For these reasons, DOI has determined that notice and opportunity to comment are unnecessary, and good cause exists to issue a final rule.

The DOI has also determined that this action does not constitute a major Federal action affecting the quality of the human environment; therefore, an environmental impact statement is not required.

The DOI certifies that this document is not a major rule within the meaning of Executive Order 12291 because the annual economic effect is less than $100 million. The savings to the Federal Government are expected to be approximately $5.4 million annually from reductions in reimbursement costs for processed geophysical data. While these costs will be paid by the oil and gas industry, they are costs which are likely to be incurred in any event in the normal course of permittees' activities in the OCS.

The DOI also certifies that the rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The capital requirements and technical complexity of hydrocarbon and other mineral or material activities in the OCS are so great that small entities generally do not have these capabilities and do not conduct business in the OCS.

The information collection requirement in § 251.13(b) has been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned clearance number 1010–0031. As permittees will no longer be reimbursed for costs of processing or reprocessing in a form and manner utilized in the normal conduct of business, a reduction in requests for reimbursement and thus of information collection is expected to result from this rule change.

Author: The document was prepared by Mary B. McDonald, Offshore Rules and Operations Division, Minerals Management Service.

List of Subjects

30 CFR Part 251

Continental shelf, Freedom of information Oil and gas exploration, Public lands/mineral resources, Reporting and recordkeeping requirements, Research.

30 CFR Part 252

Continental shelf, Freedom of information, Intergovernmental relations, Oil and gas exploration, Public lands/mineral resources, Reporting and recordkeeping requirements.

Dated: March 7, 1986.

Wm. D. Bettenberg,

Director, Minerals Management Service.

For the reasons set forth above, 30 CFR Parts 251 and 252 are amended as follows:

PART 251—[AMENDED]

1. The authority citation for Part 251 is revised to read as follows:

Authority: OCS Lands Act, 43 U.S.C. 1331 et seq., as amended, 92 Stat. 629; National Environmental Policy Act of 1969, 42 U.S.C. 4332 et seq.(1970); Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq.; § 251.13 also issued under Pub. L. 99–190 making continuing appropriations for Fiscal Year 1986, and for other purposes.

2. Section 251.13(b) is revised to read as follows:

§ 251.13 Reimbursement to permittees.

* * * * *

(b) After the delivery to the Director of processed or reprocessed geophysical information selected and retained by the Director in accordance with § 251.12(b) and upon receipt of a request for reimbursement and a determination that the requested reimbursement is proper, the permittee or third party shall be reimbursed for the reasonable costs attributable to processing and reprocessing such information (as distinguished from the cost of data acquisition) if the processing or reprocessing was in the form and manner of processing other than that used in the normal conduct of business at the Director's request.

* * * * *

3. The authority citation for Part 252 is revised to read as follows:

Authority: OCS Lands Act, 43 U.S.C. 1331 et seq., as amended, 92 Stat. 629; Freedom of Information Act, 5 U.S.C. 552; § 252.3 also issued under Pub. L. 99–190 making continuing appropriations for Fiscal Year 1986, and for other purposes.

4. Section 252.3 is amended by revising paragraph (b)(1), removing paragraph (b)(2), revising paragraph (e)(1), and removing paragraph (e)(3). The revised paragraph read as follows:

§ 252.3 Oil and gas data and information to be provided for use in the OCS Oil and Gas Information Program.

* * * * *

(b)(1) Whenever a lessee or permittee provides any data or information, at the request of the Director and specifically for use in the OCS Oil and Gas Information Program in a form and manner of processing which is utilized by the lessee or permittee in the normal conduct of business, the Director shall pay the reasonable cost of reproducing the data and information if the lessee or permittee requests reimbursement. The cost shall be computed and paid in accordance with the applicable provisions of paragraph (e)(1) of this section.

* * * * *

(e)(1) After delivery of data or information in accordance with paragraph (b)(1) of this section and upon receipt of a request for reimbursement and a determination by the Director that the requested reimbursement is proper, the lessee or permittee shall be reimbursed for the cost of reproducing the data or information at the lessee's or permittee's lowest rate or at the lowest commercial rate established in the area, whichever is less. Requests for reimbursement must be made within 60 days of the delivery date of the data or information requested under paragraph (b)(1) of this section.

5. Other paragraphs in § 252.3 are redesignated by renumbering as follows:

(b)(3) is renumbered (b)(2).

(e)(4) is renumbered (e)(3).

[FR Doc. 86–10418 Filed 5–8–86; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

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

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

ACTION: Final rule.

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

By letters dated July 25 and 26, 1985, Iowa submitted proposed program amendments to IAC Chapter 4 including requirements for aerial inspections, clarification of incidental boundary revisions, and requirements to pay all reclamation fees. The Iowa submission also included an amendment establishing IAC Chapter 26 Blaster Training, Examination and Certification for Coal Mines. Another rule, IR 780–4.61(83)—Penalty Schedule was also included. OSMRE published a notice in the **Federal Register** on October 25, 1985, inviting public comment on the adequacy of the proposed amendments (50 FR 43411). The public comment period closed on November 25, 1985.

OSMRE's review of Iowa's proposed amendments identified concerns relating to the handling of follow-up inspections to aerial inspections, reducing the liability on phase II reclamation sites prior to considering them to be inactive operations, and length of time a blaster's certificate is valid. OSMRE notified the Iowa Department of Soil Conservation (DSC) about its concerns on January 13, 1986. Iowa responded by supplying OSMRE with two policy statements dated February 13, and March 4, 1986, that set forth how Iowa will implement the proposed amendments. Accordingly, on March 18, 1986, OSMRE reopened the public comment period on Iowa's July 25, and 26, 1985 proposed amendments as clarified by the policy statements dated February 13, and March 4, 1986 (51 FR 9219).

After providing opportunities for public comment and conducting a thorough review of the program amendments, the Director of OSMRE has determined that the amendments meet the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving the program amendments. The Federal rules at 30 CFR Part 915, which codify decisions on the Iowa program, are being amended to implement these sections.

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

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Kansas City Field Office, Professional Building, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64106; Telephone: (816) 374–5527.

SUPPLEMENTARY INFORMATION:

I. Background

The Iowa program was conditionally approved by the Secretary of the Interior on January 21, 1981. The approval was made effective April 10, 1981. Information pertinent to the general background, revisions, modifications, and amendments to the Iowa program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Iowa program can be found in the January 21, 1981 **Federal Register** (46 FR 5885). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 915.11 and 915.15.

II. Discussion of Amendments

By letters dated July 25, and 26, 1985, Iowa submitted proposed program amendments consisting of:

1. Amendments to IAC Chapter 4 rules for Iowa's Coal Regulatory Program requiring payment of all reclamation fees from previous and existing operations as required by section 402 of SMCRA: modifying the provision for a presiding officer at contested case hearings; correcting the requirement for local filing of permit applications—permit applications will be available for public inspection in the county recorder's office; clarifying the provision for incidental boundary changes over the life of the permit; modifying requirement for frequency and type of inspections including inactive operations and aerial inspections, and establishing the standards for extension of abatement periods for notices of violation beyond 90 days.

2. An amendment establishing IAC Chapter 26 "Blasting Training, Examination and Certification for Coal Mines". This chapter establishes the requirements and the procedures applicable to the development of regulatory programs for training, examination, and certification of persons engaging in or directly responsible for the use of explosives in surface or underground coal mining operations.

3. The Iowa submission included a final rule, IR 780–4.61(83) "Penalty Schedule". This rule was approved by the Office of Surface Mining Reclamation and Enforcement on May 24, 1985 (50 FR 21440). In adopting this as a final rule, Iowa made some minor editorial changes. The changes do not affect the regulatory language. Therefore, it was not reproposed in the October 25, 1985 **Federal Register** (50 FR 43411). The State's final rule was placed in the Administrative Record.

On October 25, 1985, OSMRE published an announcement of the receipt of the amendments as inviting public comment on the adequacy of the proposals (50 FR 43411). The notice stated that a public hearing would be held only if requested. Since there were no requests for a hearing, a hearing was not held. The comment period closed November 25, 1985. In response to OSMER's concerns, Iowa submitted policy statements clarifying the amendments on February 13, 1986 and March 4, 1986. The public comments period was reopened and extended in the March 18, 1986 **Federal Register** (51 FR 9219). The comment period closed April 2, 1986. No comments were received.

III. Director's findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Iowa on July 25 and 26, 1985, as modified on February 13, and March 4, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII, as discussed in the Findings below.

Iowa Administrative Code (780) Chapter 4 "Surface Coal Mining and Reclamation Operations"

Item 1. Subrule 4.35 (6) o. is amended to require the applicant to pay all reclamation fees as required by section 402 of SMCRA. This regulation is no less effective than the Federal regulations at 30 CFR 773.15(c)(7).

Item 2. Subrule 4.361 (9) a. 1. is amended to delete the provision that evidentiary hearings be conducted in the presence of the committee. This is no less effective than the Federal regulations at 43 CFR Part 4.

Item 3. Subrule 4.321(8) is amended to specify that the county recorder's office is where a permit application is to be placed for public inspection. This provision is no less effective than the Federal provision at 30 CFR 773.13.

Item 4. Subrule 4.35(1) is amended to clarify that permit applications must be placed with the county recorder and other minor editorial changes that clarify what information is required in permit applications. This regulation is no less effective than the Federal regulations at 30 CFR 773.13.

Item 5. Subrule 4.37(2) d. is amended so that a total of twenty acres of

incidental boundary changes will be allowed over the life of a permit. Any changes over the twenty acres must be treated as a new permit application. This regulation is no less effective than the regulation at 30 CFR 774.13 which provides that any extensions to the area covered by the permit, except incidental boundary revisions, shall be made by application for a new permit.

Item 6. Subrule 4.6(1) is amended to allow the use of aerial inspections for a partial inspection. The subrule also establishes the inspection frequency for inactive surface coal mining and reclamation operations, and defines an inactive operation. The Iowa rule mirrors the Federal regulatory language. The Iowa Department of Soil Conservation in its February 13, 1986 policy statement stated that any follow-up of a potential violation observed during an aerial inspection will not be considered an additional inspection for the purposes of meeting inspection frequency requirements. This policy statement meets the requirement in 30 CFR 840.11(d)(2). OSMRE finds that this is consistent with the Federal program. This rule is no less effective than the Federal rule at 30 CFR 840.11.

Item 7. Subrule 4.6(4) is amended to set forth the circumstances under which an extension to a 90 day abatement notice may be granted. The Iowa regulation is no less effective than the Federal regulation at 30 CFR 843.12.

Item 8. *Iowa Administrative Code (780) Chapter 26 "Blaster Training, Examination and Certification for Coal Mines"* establishes the training and certification requirements for persons engaging in or directly responsible for the use of explosives in surface or underground coal mining operations. The regulations also set forth the procedures applicable for training, examination and certification of blasters. The Director finds that Iowa Chapter 26 is in accordance with SMCRA and no less effective than the Federal regulations at 30 CFR Part 850.

IV. Public Comments

No public comments were received on the proposed amendments.

V. Director's Decision

The Director, based on the above findings, is approving the July 25 and 26, 1985 amendments as modified on February 13, and March 4, 1986. The Director is amending Part 915 of 30 CFR Chapter VII to reflect approval of the State program amendments.

VI. Procedural Matters

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

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

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

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

List of Subjects in 30 CFR Part 915

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

Dated: May 5, 1986.

James W. Workman,

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

PART 915—IOWA

30 CFR Part 915 is amended as follows:

1. The authority citation for Part 915 continues to read as follows:

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

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

§ 915.15 Approval of Regulatory Program Amendments.

* * * * *

(d) The following amendments submitted to OSMRE on July 25 and 26, 1985, and modified on February 13, and March 4, 1986, are approved effective May 9, 1986: Iowa Administrative Code 780-4.35(6), 780-4.361(9), 780-4.321(8), 780-4.35(1), 780-4.37(2), 780-4.6(1), 780-4.6(4), and 780-Chapter 26.

[FR Doc. 86-10478 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

32 CFR Part 145

[DoD Directive 5500.19]

Cooperation with the Office of Special Counsel of the Merit Systems Protection Board; Policy Procedures and Delegations of Authority

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: This rule establishes DoD policy, assigns responsibilities, and provides procedures for cooperation with the Office of Special Counsel (OSC) of the Merit Systems Protection Board in carrying out the OSC's responsibilities under Pub. L. 95-454 and 5 CFR 1201 and 1250. These responsibilities are to conduct investigations of alleged prohibited personnel practices and to ensure the investigation of other allegations of improper or illegal conduct that the OSC refers to DoD.

EFFECTIVE DATE: December 6, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Gilliat, Assistant General Counsel (Personnel & Health Policy), Department of Defense, The Pentagon, Washington, DC 20301-1600, telephone 202-697-9341.

SUPPLEMENTARY INFORMATION: This rule provides internal guidance to DoD officials, and does not establish an independent basis for any person or organization to assert a right, benefit, or privilege.

List of Subjects in 32 CFR Part 145

Conduct Standards, Litigation.

Accordingly, 32 CFR is amended to add Part 145 as follows:

PART 145—COOPERATION WITH THE OFFICE OF SPECIAL COUNSEL OF THE MERIT SYSTEMS PROTECTION BOARD

Sec.
145.1 Purpose.
145.2 Applicability and scope.
145.3 Definitions.
145.4 Policy.
145.5 Responsibilities.
145.6 Procedures.
Appendix—Legal Representation.

Authority: 5 U.S.C. 301; 10 U.S.C. 133.

§ 145.1 Purpose.

This part establishes policy, assigns responsibilities, and prescribes procedures for cooperation with the Office of Special Counsel (OSC) of the Merit Systems Protection Board (MSPB) in fulfilling the responsibilities of the Special Counsel under Pub. L. 95–454 and 5 CFR 1201 and 1250 to conduct investigations of alleged prohibited personnel practices and to ensure the investigation of other allegations of improper or illegal conduct referred to the Department of Defense by the OSC. This part provides internal guidance to DoD officials, and does not establish an independent basis for any person or organization to assert a right, benefit, or privilege.

§ 145.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Joint Chiefs of Staff (OJCS), the Inspector General, Department of Defense (IG, DoD) and the Defense Agencies (hereafter referred to collectively "as DoD Components").

(b) The provisions of this part that relate to prohibited personnel practices do not apply to the Defense Intelligence Agency (DIA) or the National Security Agency (NSA), as prescribed by 5 U.S.C. 2302(a)(2)(C)(ii.).

(c) This part does not restrict the IG, DoD, in coordinating investigative efforts on individual cases with the OSC where concurrent jurisdiction exists.

§ 145.3 Definitions.

Improper or Illegal Conduct

(a) A violation of any law, rule, or regulation in connection with Government misconduct; or

(b) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Office of the Secretary of Defense (OSD)

(a) The immediate offices of the Secretary, the Deputy Secretary, the Assistant Secretaries, Assistants to the Secretary, and other officials serving the Secretary of Defense directly.

(b) The field activities of the Secretary of Defense.

(c) The Organization of the Joint Chiefs of Staff.

(d) The Unified and Specified Commands.

Personnel Action

(a) An appointment.

(b) A promotion.

(c) An adverse action under 5 U.S.C. 7501 *et seq.* or other disciplinary or corrective action.

(d) A detail, transfer, or reassignment.

(e) A reinstatement.

(f) A restoration.

(g) A reemployment.

(h) A performance evaluation under 5 U.S.C. 4301 *et seq.*

(i) A decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, performance evaluation, or other personnel action.

(j) Any other significant change in duties or responsibilities that is inconsistent with the employee's salary or grade level.

Prohibited Personnel Practice

Action taken by an employee who has authority to take, direct others to take, recommend, or approve any personnel action:

(a) That discriminates for or against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation, as prohibited by certain specified laws (see 5 U.S.C. 2302(b)(1).

(b) To solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests, or is under consideration for, any personnel action, unless the recommendation or statement is based on the personal knowledge or records of the person furnishing it, and consists of an evaluation of the work performance, ability, aptitude, or general qualifications of the individual, or an evaluation of the character, loyalty, or suitability of such individual.

(c) To coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity.

(d) To deceive or willfully obstruct any person with respect to such person's right to compete for employment.

(e) To influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment.

(f) To grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment.

(g) To appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in 5 U.S.C. 3110) of the employee if the position is in the agency in which the employee is serving as a public official (as defined in 5 U.S.C. 3110) or over which the employee exercises jurisdiction or control as an official.

(h) To take or fail to take a personnel action with respect to any employee or applicant for employment as a reprisal for being a whistleblower. (See whistleblower)

(i) To take or fail to take a personnel action against an employee or applicant for employment as a reprisal for the exercise of any appeal right granted by law, rule, or regulation.

(j) To discriminate for or against any employee or applicant for employment on the basis of conduct that does not adversely affect the performance of the employee or applicant or the performance of others.

(k) To take or fail to take any other personnel action if the taking of, or failure to take, such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in 5 U.S.C. 2301.

Whistleblower

A present or former Federal employee or applicant for Federal employment who discloses information he or she reasonably believes evidences:

(a) A violation of any law, rule, or regulation.

(b) Mismanagement, a gross waste of funds, or an abuse of authority.

(c) A substantial or specific danger to public health or safety.

(d) Such disclosure qualifies if it is not specifically prohibited by statute and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(e) Where the information disclosed affects only the personal situation of the complaintant, it is generally to be regarded as an allegation of a prohibited personnel practice or violation of other civil service law, rule, or regulation, and the complainant will not be considered a whistleblower.

§ 145.4 Policy.

It is DoD policy that:

(a) Civilian personnel actions taken by DoD management officials, civilian and military, shall conform to laws and regulations implementing established

merit system principles and must be free of any prohibited personnel practices, as described in 5 U.S.C. 2302 and 145.3 of this part.

(b) It is the responsibility of each DoD management official to take vigorous corrective action and, when appropriate, to initiate disciplinary measures when prohibited personnel practices occur.

(c) DoD Components shall cooperate with the Office of Special Counsel by:

(1) Promoting merit system principles in civilian employment programs within the Department of Defense.

(2) Investigating and reporting on allegations of improper or illegal conduct forwarded to the Component by the OSC pursuant to 5 U.S.C. 1206(b) (2) or (3).

(3) Facilitating orderly investigation by the OSC of alleged prohibited personnel practices and other matters assigned for investigation to the OSC by law, such as the Freedom of Information Act and the Hatch Act.

(d) DoD Components shall cooperate with the OSC by providing appropriate assistance and information to its representatives during their investigations and by furnishing to the OSC investigators copies of releasable documents requested under the authority of the Civil Service Reform Act of 1978, 5 CFR 1250, the Privacy Act, and Civil Service Rule V.

(e) Close coordination between DoD and OSC personnel during an OSC investigation is encouraged to eliminate duplication of effort, and to avoid unnecessary delay in initiating, when appropriate, corrective or disciplinary action. This coordination shall be conducted in full recognition of the independent statutory basis for the OSC, as provided in Pub. L. 95–454 and of the responsibilities of the Department of Defense.

(f) OSC investigative requests involving classified information shall be accorded special attention and prompt consideration under existing administrative procedures.

(g) When OSC and a DoD Component or an employee assigned DoD counsel are engaged in litigation, release of information shall be accomplished pursuant to MSPB rules of discovery (5 CFR 1201, Subpart B.).

§ 145.5 Responsibilities.

(a) The *Secretaries of the Military Departments* and the *Director, Defense Logistics Agency (DLA)*, shall prescribe implementing documents to ensure that:

(1) The policies, standards, and procedures set forth in this part are administered in a manner that encourages consistency in responding to investigations of alleged prohibited personnel practices.

(2) Alleged illegal or improper conduct referred to a Military Department or the DLA by the OSC or by OSD is carefully investigated.

(3) There is full cooperation with the IG, DoD, and the General Counsel, Department of Defense (GC, DoD), including assignment of military and civilian attorneys to represent employees suspected or accused by the OSC of committing a prohibited personnel practice or an otherwise illegal or improper act.

(b) The *General Counsel, Department of Defense* (GC, DoD) shall provide overall legal guidance, whether by the issuance of regulations or otherwise, on all issues concerning cooperation with the OSC. This authority extends to:

(1) Ensuring that DoD legal counsel is assigned upon request to represent a DoD employee suspected or accused by the OSC of committing a prohibited personnel practice or an illegal or improper act when the act complained of was within the scope of the employee's official responsibilities and such representation is in the interest of the Department of Defense; or, in unusual situations, that outside legal counsel is engaged where the use of DoD counsel would be inappropriate, and the same conditions are satisfied.

(2) Providing DoD legal counsel to seek intervention for the purpose of representing the interests of OSD or a Defense agency (other than the DLA) in an MSPB hearing resulting from charges of misconduct against an employee of OSD or a Defense agency, under the authority of the Civil Service Reform Act of 1978.

(3) Seeking the assistance of the Department of Justice in responding to requests by employees for legal representation in obtaining judicial review of an order by the MSPB, under 5 U.S.C. 1207.

(4) Modifying § 145.3 and Appendix to this part and issuing supplementary instructions concerning all aspects of DoD cooperation with the OSC, including instructions on OSC investigations of allegedly arbitrary and capricious withholding of information under the Freedom of Information Act or violations of the Hatch Act.

(5) Reviewing for adequacy and legal sufficiency with the IG, DoD, each report of an investigation that must be personally reviewed by the Secretary or Deputy Secretary of Defense on action taken or to be taken in response to an OSC finding of reasonable cause to believe there has been a violation of law, rule, or regulation, not including a prohibited personnel practice or allegation referred to the Attorney General of the United States for appropriate action.

(c) The *Inspector General, Department of Defense* (IG, DoD) shall:

(1) Investigate, or cause to be investigated, as appropriate, any complaint referred to the Department of Defense by OSC.

(2) Coordinate, where feasible, investigative efforts by DoD Components and the OSC, with particular emphasis on those conducted or initiated by action of the OSC.

(3) Submit the results of any investigation conducted under this part to the appropriate General Counsel.

(d) The *Deputy Assistant Secretary of Defense (Administration)* (DASD(A)) shall serve as the SENIOR MANAGEMENT OFFICIAL, as described in § 145.6(b) concerning allegations by the OSC of prohibited personnel practices or other illegal or improper acts in the OSD.

(e) The *General Counsels of the Military Departments* and the *General Counsel of the Defense Logistics Agency* shall have the same authority for their respective Components as given to the General Counsel, DoD, under paragraphs (b) (1) and (2) of this section.

§ 145.6 Procedures.

(a) *Allegations of Improper or Illegal Conduct Received from the OSC under 5 U.S.C. 1206(b)(2), (3), or (c)(3).* (1) Allegations of improper or illegal conduct referred by the OSC to the Secretary of Defense or to a Defense agency (other than the DLA) shall be forwarded to the IG, DoD.

(2) Allegations of improper or illegal conduct referred to a Military Department or to the DLA by the OSC shall be forwarded to the General Counsel of that Component.

(3) Upon receipt of a referral under paragraph (a) (1) or (2) of this section IG, DoD, or the GC of the Component concerned, as appropriate, shall ensure compliance with the Civil Service Reform Act of 1978 by obtaining a suitable investigation of an allegation, including compliance with time limits for reporting results of the investigation and personal review of the report by the head of the Component when required.

(4) Copies of each allegation referred under paragraph (a)(2) shall be forwarded by the General Counsel concerned to the IG, DoD.

(b) *OSC Investigations of Prohibited Personnel Practices.* (1) The head of each DoD Component shall designate a SENIOR MANAGEMENT OFFICIAL to:

(i) Serve as a point of contact in providing assistance to the OSC in

conducting investigations of alleged prohibited activities before any designation of an attorney of record for the Component or individual respondent for matters in litigation.

(ii) Monitor those investigations.

(iii) Ensure that appropriate Component personnel are fully apprised of the nature and basis for an OSC investigation, as well as the rights and duties of Component personnel in regard to such investigations.

(iv) Ensure that any corrective or disciplinary action considered appropriate because of facts disclosed by such an investigation is accomplished under paragraph (b)(2), in a timely manner.

(2) The designated SENIOR MANAGEMENT OFFICIAL shall have authority to:

(i) Refer to responsible officials recommendations by the OSC for corrective action.

(ii) Seek OSC approval of proposed disciplinary action against an employee for an alleged prohibited personnel practice or illegal or improper act under investigation by the OSC when it is determined that such discipline is warranted.

(iii) Ensure that disciplinary action against an employee adjudged at fault following completion of an OSC investigation has been considered to avoid the need for a proceeding before the MSPB.

(iv) Ensure that information concerning members of the Armed Forces who are found by the Component to have committed a prohibited personnel practice or other violation of this Directive in the exercise of authority over civilian personnel is referred to appropriate military authority.

(3) The SENIOR MANAGEMENT OFFICIAL shall:

(i) Establish a system under which an employee is identified to serve as the LIAISON OFFICER for any OSC investigator who may initiate an investigation at a facility, base, or installation for which the employee is assigned liaison duties. It shall be the responsibility of the LIAISON OFFICER to:

(A) Assist the OSC investigator.

(B) Ensure that all OSC requests for documents are in writing.

(C) Process such requests, as well as all requests for interviews.

(ii) Determine, to the extent practicable, whether an investigation is being, or has been, conducted that replicates in whole or in part the proposed or incomplete investigation by the OSC, and convey that information to the OSC whenever this might avoid redundant investigative effort.

(iii) Inform the General Counsel of the Component concerned of any OSC investigation and consult with the General Counsel on any legal issue related to an OSC investigation.

(iv) Ensure that Component personnel involved are given timely legal and policy advice, through arrangements effected by the LIAISON OFFICER, on the nature and basis for an OSC investigation, the authority of the OSC, and the rights and duties of Component personnel, including those set forth in Appendix.

(v) Inform the IG, DoD, of any OSC investigation of an alleged prohibited personnel practice that is identified as having resulted from a whistleblower complaint or involves an allegation of otherwise illegal or improper conduct.

Appendix—Legal Representation

1. An employee or member of the Armed Forces asked to provide information (testimonial or documentary) to the OSC in the course of an investigation by that office may obtain legal advice from DoD attorneys, both civilian and military, on that employee's or members's rights and obligations. This includes assistance at any interviews with OSC investigators. However, the attorney-client relationship shall not be established unless the employee is suspected or accused by the OSC of committing a prohibited personnel practice or other illegal or improper act and has been assigned DoD counsel.

2. An employee who believes that he or she is suspected or has been accused by the OSC of committing a prohibited personnel practice or other illegal or improper act may obtain legal representation from the Department of Defense under the conditions prescribed in § 145(b)(1) of this part, except as provided in section 7, below. The attorney assigned shall be a military member or employee from another Component whenever an attorney from the same Component is likely to face a conflict between his or her ethical obligation to the employee client and to the Component employer, and in any case where the suspected or accused employee has requested representation from another Component. Outside legal counsel may be retained by the Component on behalf of the employee only under unusual circumstances and only with the personal approval of the General Counsel of the Department of Defense.

3. The General Counsel responsible for authorizing representation shall determine whether a conflict is liable to occur if an attorney from the same Component is assigned to represent the employee and, in that case or in a case in which the suspected or accused employee has requested representation from another Component, shall seek the assistance of another General Counsel in obtaining representation from outside the Component. The General Counsels of the Military Departments and the DLA shall ensure the availability of appropriately trained counsel for assignment to such cases.

4. To obtain legal representation the employee:

a. Must request legal representation, in writing, together with all process and pleadings served, and explain the circumstances that justify DoD legal assistance.

b. Indicate whether he or she has retained legal counsel from outside the Department of Defense.

c. Obtain a written certification from his or her supervisor that the employee was acting within the scope of his of her official duties, and that no adverse or disciplinary personnel action against the employee for the conduct being investigated by the OSC has been initiated by the Component.

5. Employee requests for legal representation must be approved by the General Counsel, DoD, for employees of OSD or a Defense Agency (other than the DLA), or by the General Counsel of a Military Department or the General Counsel of the DLA for employees of those Components.

6. The conditions of legal representation must be explained to the accused employee in writing and accepted in writing by that employee.

7. DoD resources may not be used to provide legal representation for an employee with respect to a DoD disciplinary action against the employee for committing or participating in a prohibited personnel practice or for engaging in illegal or improper conduct, regardless of whether that participation or conduct is also the basis for disciplinary action proposed by the OSC.

8. After approval of an employee's request, under section 4, above, a DoD attorney shall be assigned (or, in unusual circumstances, outside counsel retained) as the employee's representative in matters pending before the OSC or MSPB. This approval may be limited to representing the employee only with respect to some of the pending matters if other specific matters of concern to the OSC or MSPB do not satisfy the requirements of his Directive.

9. An attorney-client relationship shall be established and continued between the suspected or accused employee and assigned DoD counsel.

10. In representing a DoD employee under this part, a DoD attorney designated counsel for the employee shall act as a vigorous advocate of the employee's individual legal interests before the OSC or MSPB; the attorney's professional responsibility to the Department of Defense and his or her employing Component will be satisfied by fulfilling this responsibility to the employee. Legal representation may be terminated only with the approval of the General Counsel who authorized representation, and normally only on the basis of information not available at the time the attorney was assigned.

11. The attorney-client relationship may be terminated if the assigned DoD counsel for the employee determines, with the approval of the General Counsel who authorizes representation, that:

a. The employee was acting outside the scope of his or her official duties when

engaging in the conduct that is the basis for the OSC investigation or charge.

b. Termination of the professional representation is not in violation of the rules of professional conduct applicable to the assigned counsel.

12. The DoD attorney designated counsel may request relief from the duties of representation or counseling without being required to furnish explanatory information that might compromise the assurance to the client of confidentiality.

13. This part authorizes cognizant DoD officials to approve a represented employee's request for travel, per diem, witness appearances, or other departmental support necessary to ensure effective legal representation of the employee by the designated counsel.

14. An employee's participation in OSC investigations, MSPB hearings, and other related proceedings shall be considered official departmental business for time and attendance requirements and similar purposes.

15. The following advice to employees questioned during the course of an OSC investigation may be appropriate in response to the most frequent inquiries:

a. An employee may decline to provide a "yes" or "no" answer in favor of a more qualified answer when this is necessary to ensure accuracy in responding to an OSC interviewer's questions.

b. Requests for clarification of both questions and answers are appropriate to avoid misinterpretation.

c. Means to ensure verification of an interview by OSC investigators are appropriate, whether the employee is or is not accompanied by a legal representative. Tape recorders may only be used for this purpose when:

(1) The recorder is used in full view.

(2) All attendees are informed.

(3) The OSC interrogator agrees to the tape recording of the proceeding.

d. Any errors that appear in a written summary of an interview prepared by the interviewer should be corrected before the employee signs the statement. The employee is not required to sign any written summary that is not completely accurate. An employee may make a copy of the summary for his or her own use as a condition of signing.

Linda M. Lawson,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

May 5, 1986.

[FR Doc. 86-10423 Filed 5-8-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

32 CFR Part 706

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

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS MOUNT WHITNEY (LCC 20) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a amphibious command vessel. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 23, 1986.

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

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS MOUNT WHITNEY (LCC 20) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a amphibious command vessel. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

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

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

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

Authority: 33 U.S.C. § 1605.

§ 706.2 [Amended]

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

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(e)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS MOUNT WHITNEY	(LCC 20)							X	69.7

Dated: April, 23, 1986.
Approved:
John Lehman,
Secretary of the Navy.
[FR Doc. 86-10437 Filed 5-8-86; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; USS Richmond K. Turner

AGENCY: Department of the Navy, DOD.

ACTION: Final Rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS RICHMOND K. TURNER (CG 20) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 23, 1986.

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

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS RICHMOND K. TURNER (CG 20) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a), regarding the arc of visibility of the forward masthead light, and Annex I, section 3(a), regarding the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

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

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

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

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table Four of § 706.2 is amended by adding to the existing paragraph 22 the following vessel:

22. On the following ships, the arc of visibility of the forward masthead light, required by Rule 21(a), may be obstructed through 1.4° at the following angles relative to the ship's heading:

Vessel	Number	Obscured angles relative to ship's heading
USS RICHMOND K. TURNER	(CG 20)	017 and 343.

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

Vessel	Number	Forward masthead light less than the required height above hull. Annex 1, sec. 2(a) (i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex 1, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I sec. 3(a)	After masthead light less than ⅓ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizonta separation attained
USS RICHMOND K. TURNER	CG20						x	x	29

Dated: April 23, 1986.
Approved:
John Lehman,
Secretary of the Navy.
[FR Doc. 86-10436 Filed 5-8-86; 8:45 am]
BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 86-01]

Special Local Regulations; Southern California Annual Marine Events

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This rule will establish special local regulations during all the current the annual marine events in Southern California. Through this action the Coast Guard intends to ensure the safety of spectators and participants on navigable waters during each event. Also, this rule will consolidate all previously published permanent rulemakings concerning Southern California marine events into one section.

EFFECTIVE DATE: These regulations become effective on 20 April 1986.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, Union Bank Bldg., Suite 901, 400 Oceangate Boulevard, Long Beach, California 90822-5399, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: On 10 February 1986, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** (51 FR 4931) for these regulations. Interested persons were requested to submit comments and three comments were received.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office and LCDR Arthur E. Brooks, Project Attorney, Eleventh Coast Guard District Legal Office.

Discussion of Comments

Comments were received by the Director of Operations of the Port of Long Beach, and from two non-profit maritime organizations the Marine Exchange of Los Angeles-Long Beach Harbor, Inc. and the Propeller Club of the United States, Los Angeles-Long Beach chapter. All three commented on the possible restriction of commercial traffic during each event. The Coast Guard does not intend to restrict or interfere with commerical traffic. The Coast Guard is fully aware of the economic consequences incurred on shipping entities which do not meet their schedule. By publishing these regulations, we expect to enhance both the recreational and commercial interest with the opportunity to give more adequate notification to all concerned. These regulations will give ample time to plan and prepare for any inconvenience caused by a regulated marine event.

Wording changes that would essentially exempt commercial vessels from the regulation and exclude waterways regularly used by commercial traffic from use for marine events were considered, but not deemed to be in the public interest. Also it is not the intention of the Coast Guard to interfere with commercial interest. Numerous commercial vessels, such as charter vessels and passenger vessels, attend these events as spectator platforms their transit through the area must be controlled to protect life and property. Commercial traffic density is not considered sufficient to warrant exclusion of non-commercial use of these waterways.

Through this action we expect and desire commercial interests to become more aware and involved with the recreational interests. Therefore, any commercial operator who may be significantly affected by these regulations is advised to contact the Eleventh Coast Guard District Boating Affairs Office well in advance of the event, to make arrangements for his transit of the area.

In turn, the Coast Guard intends to become more aggressive with marine event sponsors who fail to notify the Coast Guard of events that interfere with free navigation.

Discussion of Regulations

Each year various Yacht Clubs, Harbor Departments and Chambers of Commerce sponsor various marine events in Southern California waters. These events vary from slow moving Christmas boat parades to high speed hydroplane races to long distance offshore sailboat races involving up to 600 participants. Because of the annual nature of these events, the Coast Guard has decided to promulgate a permanent amendment to Part 100 of Title 33, Code of Federal Regulations to facilitate in the planning and organization of these events in the future. Each year, prior to each event, the Coast Guard will publish detailed descriptions of the event in the Eleventh Coast Guard District Local Notice to Mariners.

Certain events due to their nature present extra or unusual hazards to navigation while others do not. However, the number of participants or spectators at any event may require control of vessel traffic to avoid any potential mishap. Therefore, special local regulations may be established, and vessels desiring to transit these areas way do so only with clearance from an official patrolling vessel.

Two editorial changes have been made to the proposed regulations; one eliminates a corporate sponsors name from an event title and the other clarifies a section of the regulations by defining "Patrol Commander".

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary, because the regulated areas will be in effect for a short period of time.

Because the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended, as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. By adding § 100.1101 to read as follows:

§ 100.1101 Southern California Annual Marine Events.

(a) Special local regulations will be established for the events listed in Table 1. Further information on exact dates, times, details concerning number and type of participants and an exact geographical description of the areas are published by the Eleventh Coast Guard District in the Local Notice to Mariners at least 20 days prior to each event. To be placed on the mailing list contact: Commander (oan), Eleventh Coast Guard District, 400 Oceangate Blvd., Long Beach, CA 90822-5399.

(b) *Special Local Regulations:* All persons and/or vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned and/or approved, by Commander, Eleventh Coast Guard District to patrol each event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given, failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander shall be designated by the Commander, Eleventh Coast Guard District, and as his representative may terminate the event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

Table 1

Del Rey to Puerto Vallarta Race

Sponsor: Del Rey Yacht Club
Date: February
Location: Santa Monica Bay, that portion bounded by the following coordinates: Lat 33 degrees 56'23" N, Long 118 degrees 28'20" W, Lat 33 degrees 56'23" N, Long 118 degrees 28'55" W, Lat 33 degrees 56'55" N, Long 118 degrees 28'55" W, Lat 33 degrees 56'55" N, Long 118 degrees 28'20" W. This area is for the start of the race only.

San Diego Crew Classic
Sponsor: San Diego Crew Classic
Date: April
Location: Mission Bay, that portion bounded by Enchanted Cove, Fiesta Island, Pacific Passage and DeAnza Point.

Newport to Ensenada Race
Sponsor: Newport Ocean Sailing Association
Date: Late April
Location: That portion of the Pacific Ocean off Newport, bounded by the following coordinates; Lat 33 degrees 35.3' N, Long 117 degrees 53.3' W; Lat 33 degrees 34.9' N, Long 117 degrees 53.3' W; Lat 33 degrees 34.9' N, Long 117 degrees 54.5' W; Lat 33 degrees 35.3' N, Long 117 degrees 54.5' W. This area is for the start of the race only.

California Cup
Sponsor: California Yacht Club
Date: Late May (4 day event)
Location: Santa Monica Bay, that portion bounded by the following coordinates; Lat 34 degrees 01.4' N, Long 118 degrees 31.8' W; Lat 33 degrees 59.7' N, Long 118 degrees 37.9' W; Lat 33 degrees 59.2' N, Long 118 degrees 37.7' W; Lat 33 degrees 59.5' N, Long 118 degrees 33.4' W; Lat 33 degrees 57.0' N, Long 118 degrees 30.9' W; Lat 33 degrees 57.2' N, Long 118 degrees 30.1' W.

Coronado 4th of July Demonstration, Fireworks and Rehearsals
Sponsor: Citizens Committee Coronado 4th of July
Date: 4 July (& 3 days of rehearsals prior to)
Location: Glorietta Bay, Coronado, the following portions: (1) Demonstration Area—from the tip of the marina, Lat 32 degrees 40'43.5" N, Long 117 degrees 10'20.5" W; northeast to Lat 32 degrees 40'48.5" N, Long 117 degrees 10'10.5" W; east along the shoreline to Lat 32 degrees 40'43.5" N, Long 117 degrees 10'00" W; east to Lat 32 degrees 40'46" N, Long 117 degrees 09'58" W; south to Lat 32 degrees 40'41" N, Long 117 degrees 09'56.5" W; east to Lat 32 degrees 40'41" N, Long 117 degrees 09'49" W; northeast to Lat 32 degrees 40'54" N, Long 117 degrees 09'30" W (Navy Restricted Area); thence southwest along shoreline to the initial point. (2) Fireworks Display Area—from Lat 32 degrees 40'41" N, Long 117 degrees 09'56.5" W; south to Lat 32 degrees 40'33" N, Long 117 degrees 09'56.5" W; northeast to Lat 32 degrees 40'41" N, Long 117 degrees 09'49" W; thence west to the initial point.

Los Angeles to Honolulu Yacht Race (Transpac)
Sponsor: Transpacific Yacht Club
Date: 4 July (biennially)
Location: San Pedro Channel, that portion between Point Fermin and Portugese Bend bounded between the following coordinates: Lat 33 degrees, 42.6' N; Long 118 degrees, 19.5' W; Lat 33 degrees, 41.7' N; Long 118 degrees, 19.5' W; Lat 33 degrees, 41.7' N; Long 118 degrees, 21.2' W; Lat 33 degrees, 43.3' N; Long 118 degrees, 21.2' W. This area is for the start of the race only.

Thunderboat Regatta
Sponsor: Thunderboats Unlimited of San Diego
Date: Late September (4 day event)
Location: Fiesta Bay, Mission Bay, that portion bounded by the following coordinates: starting at Lat 32 degrees 47'32" N, Long 117 degrees 13'00" W, thence due west to Long 117 degrees 13.25" W, thence along the eastern shoreline of Crown Point to the Vacation Isle Bridge, thence south along the bridge to Vacation Isle, thence along the eastern shoreline of Vacation Isle to Lat 32 degrees 46'18" N, Long 117 degrees 14'01" W, thence southeasterly to Lat 32 degrees 46'14" N, Long 117 degrees 13'43" W, thence along the western shoreline of Fiesta Island to Lat 32 degrees 47'20" N, Long 117 degrees 13'00" W, thence due north to the starting point.

Head of Harbor Regatta
Sponsor: University of Southern California, Department of Intercollegiate Athletics
Date: November
Location: Los Angeles Harbor, that portion between Berth 191 and the Ford/Heim Bridges.

Symphony of Lights Boat Parade
Sponsor: Huntington Harbor Philharmonic Society
Date: Early weekend in December
Location: Entire Huntington Harbor Area

Long Beach Festival of 1000 Lights
Sponsor: Shoreline Village Administration
Date: Early December
Location: Long Beach Harbor, that portion bounded by Shoreline Downtown Marina, the Queens Way Bridge and the Queen Mary;

Marina Del Rey Christmas Boat Parade
Sponsor: Pioneer Skippers Boat Owners Association
Date: Early December
Location: Marina del Rey Harbor, Main and entrance channels

Los Angeles Christmas Afloat Parade
Sponsor: Los Angles Harbor Department
Date: Early December
Location: Los Angeles Harbor, that portion between the Vincent Thomas Bridge and Reservation Point.

Newport Harbor Christmas Boat Parade of Lights
Sponsor: Newport Harbor Area Chamber of Commerce
Date: Week prior to Christmas (7 day event)
Location: Entire Newport Harbor Area

Mission Bay Parade of Lights
Sponsor: Mission Bay Yacht Club
Date: Late December
Location: Mission Bay, the Main Entrance Channel, Sail Bay and Fiesta Bay.

San Diego Christmas Boat Parade of Lights
Sponsor: Greater Shelter Island Association
Date: Late December
Location: San Diego Harbor, the northern portion of the main channel from Seaport Village to the Shelter Island Yacht Basin.

Dated: April 20, 1986.

John I. Maloney,

Captain, U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.

[FR Doc. 86-10369 Filed 5-8-86; 8:45 am]

BILLING CODE 4910-14-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1254 and 1258

Use of NARA Research Rooms

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: This rule establishes National Archives and Records Administration (NARA) regulations relating to research rooms in the National Archives and the Washington National Records Center buildings. It prohibits the use of personal paper-to-paper copiers and limits other types of personal items that may be brought into the research rooms. The rule also adds procedures for use of self-service paper-to-paper copiers for copying large quantities of records in the National Archives and the Washington National Records Center buildings, and establishes a lower fee for copies made on NARA self-service paper-to-paper copiers. These changes are being made to enhance the security of records being used by the public and to ensure proper handling of records while they are being reproduced.

EFFECTIVE DATE: June 1, 1986.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202-523-3214 (FTS 523-3214).

SUPPLEMENTARY INFORMATION: NARA published a notice of proposed rulemaking on this subject on December 17, 1985 (50 FR 51414). Nine comments were received during the 60-day comment period; four additional comments which were received during the following week have also been considered in drafting this final rule.

The majority of the commenters expressed concern with the proposed ban on the use of personal paper-to-paper copiers. Several persons pointed out that use of a personal copier can

facilitate rapid and economical research and that the proposed 20-cent per copy fee for self-service copies on NARA equipment would work a hardship on researchers.

NARA's change in copying policy is based on three concerns: the handling of archival materials, the security problems associated with several researchers using their own copiers, and the proliferation of this type of equipment and its use in the National Archives. NARA must supervise the copying of records by researchers to ensure that records are handled safely and that they are not disarranged. Records which are not returned to their proper file location are lost records. Moreover, because the physical form or condition of many documents in the National Archives precludes electrostatic copying and because some records may not be reproduced for legal reasons, NARA must review the records before they are copied. With personal copiers scattered throughout a research room, our limited staff cannot provide the needed supervision.

At one time, it was rare for researchers to bring personal copiers to the National Archives. However, as the technology advanced, copiers became smaller and less expensive and more researchers began to bring them into NARA research rooms. If one researcher is permitted to use privately owned or leased copying equipment, then all who want to use personal copiers must be permitted to do so. We have reached the point where we cannot accommodate them. We have problems with providing space for researchers with personal copiers, and, as we noted above, we do not have sufficient staff to effectively monitor the handling and copying of records on personal copiers.

The prohibition on personal copiers in NARA research rooms is not out of line with practices in other archival and manuscript institutions. Use of personal copiers by researchers is restricted or banned in many state archives, historical societies, and research libraries with manuscript collections. NARA informally contacted 9 large state archives, 7 state historical societies, 7 major research libraries, the Library of Congress Manuscript Division, and the Smithsonian Archives about their personal copier and research room policies. Those institutions which do allow personal copiers—only 6 of the 25 surveyed institutions—receive only infrequent requests to bring in personal copiers.

We recognize that the 20-cent fee for self-service copies may cause a financial strain to some researchers who have been using personal copiers. The final rule, therefore, reduces the fee to 10 cents per copy in § 1258.12(c)(1). NARA is absorbing part of the overhead costs that had been included in the higher proposed fee. We will review the fee after the debit-card self-service copier has been in operation for six months. Any change in the fee will be preceded by a notice of proposed rulemaking in the **Federal Register.**

Several persons commented on the procedures for inspecting and tagging or stamping materials brought into NARA research rooms. These procedures are necessary to help prevent the theft of original documents from NARA research rooms. Most of the archival and research institutions surveyed by NARA also restrict the materials that may be brought into research rooms and/or require inspection of materials.

We do not anticipate that the inspection process will delay researchers more than a few minutes. In response to one comment, we have added a provision in § 1254.26(d)(3) that the chief of the research room or the senior archivist on duty in the research room will review the attendant's or guard's decision on admittance of any materials if the researcher so requests. Researchers' notes and other reference materials that must be brought into the research room will be stamped in such a way as to avoid defacement of the materials, yet identify them for inspection by the guard when the materials are removed from the research room.

Two commenters requested that NARA provide notecards and notepaper in other sizes. We will provide the requested additional sizes, and have modified §1254.26(e) accordingly.

Two persons also questioned why the procedures in § 1254.26 would apply only to research rooms in the Washington, DC area. The proposed rule applied only to the National Archives and the Washington National Records Center buildings since these research rooms have the largest number of researchers handling original records. In addition, space constraints in research areas of some of our field facilities create difficulties in fully implementing the procedures there. In a separate notice of proposed rulemaking appearing in this issue of the **Federal Register,** NARA proposes to apply a modified form of these procedures to our other archival research rooms in the Presidential libraries and in those National Archives field branches where it is possible to physically separate researchers using original archival records from those using only microfilm copies of records.

Some comments reflected a misunderstanding of the term "high-volume copier" used in § 1254.71. "High-volume" was intended to describe the size of the copying order that could be made on the copier in room 7W1 of the National Archives Building, and not the type of copier. To aviod confusion, the description of the copier has been changed to "self-service card-operated copier."

In response to one comment, we have added general guidelines on the types of documents that are not suitable for self-service copying. We have also added a procedure for the chief of the research room or the senior archivist on duty in the research room to review the determination of the suitability of documents for self-service copying.

Four commenters raised the question of how NARA plans to schedule use of the self-service card-operated copier when more than one researcher wishes to use it. We plan to use an appointment system for scheduling use of the copier. If the demand for appointments routinely exceeds the available appointment time, an additional copier will be placed in room 7W1. A coin-operated copier is already located in the Central Research Room for use by researchers wishing to copy fewer than 100 pages; this machine may also be used by researchers waiting to use the card-operated copier in room 7W1. The coin-operated copier is available on a first come first served basis and copying time is limited to ten (10) minutes per session if others are waiting to use the copier.

One person suggested that a card-operated copier also be installed in the archival research room at the Washington National Records Center. A coin-operated copier is in place there; if the volume of copying warrants it, a card-operated copier will also be installed.

To correct an error in the printing of the proposed rule, the self-service card-operated copier may be used between the hours of 9 a.m. and 12 noon, and again between the hours of 1 p.m. and 5 p.m., Monday through Friday. In response to one comment, the hours of operation for the card-operated copier are not the same as the Central Research Room's extended evening and Saturday hours because of staffing limitations. However, the coin-operated self-service copier located in the Central Research Room is available for use during evenings and on Saturdays.

Two persons commented that NARA should make its rules for personal paper-to-paper copiers comparable to its rules for use of personal microfilm

equipment. NARA is developing a proposal to restrict severely the use of personal microfilm equipment. The proposal will be the subject of a separate notice of proposed rulemaking.

This rule also makes a minor change to 1254.20(a) to clarify that drinking is prohibited in a research room.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Parts 1254 and 1258

Archives and records.

For the reasons set forth in the preamble, Chapter XII of Title 36 of the Code of Federal Regulations is amended as follows:

PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

1. The authority citation for Part 1254 continues to read as follows:

Authority: 44 U.S.C. 2101–2118.

2. Section 1254.20 is amended by revising paragraph (a) to read as follows:

§ 1254.20 Conduct.

(a) *Regulations.* Researchers are subject to the provisions of 41 CFR Subpart 101–20.3, Conduct on Federal Property, and to all rules and regulations issued and posted or distributed by a facility director supplementing Subpart B. Eating and drinking in a research room are prohibited. Smoking is prohibited except in designated smoking areas. Loud talking and other activities likely to disturb other researchers are also prohibited. Persons desiring to use typewriters, sound recording devices, or similar equipment shall work in areas designated by the research room attendant.

* * * * *

3. Section 1254.26 is added to read as follows:

§ 1254.26 Additional rules for use of certain research rooms in the National Archives and the Washington National Records Center buildings.

(a) The following procedures shall apply to all research rooms in the National Archives and the Washington National Records Center buildings, except the Microfilm Research Room and the Motion Pictures Research Room in the National Archives Building. These procedures are in addition to the procedures specified elsewhere in this Part.

(b) All researchers bringing personal typewriters, tape recorders, cameras, personal computers, and other equipment, into the National Archives Building shall complete the Equipment Log at the guard's desk in the lobby. The log will evidence personal ownership and will be checked by the guard when such equipment is removed from the building.

(c) Researchers shall present a valid researcher identification card to the guard or research room attendant on entering the room. All researchers are required to sign each day the Daily Registration Book at the entrance to the research room. Researchers will also record the time they leave the research room at the end of the visit for that day. Researchers are not required to sign in or out when leaving the area temporarily.

(d) Researchers may not bring into the research rooms overcoats, raincoats, hats, or similar apparel; personal copying equipment including personal paper-to-paper copiers; briefcases, suitcases, daypacks, purses, or similar containers of personal property; notebooks, notepaper, notecards, folders or other containers for papers. These items may be stored at no cost in lockers available in the hallway adjacent to the various research rooms. The following exceptions may be granted:

(1) Hand-held wallets and coin purses for the carrying of currency, coins, credit cards, keys, drivers licenses and other identification cards may be brought into research rooms, but are subject to inspection when the researcher enters or leaves the room. The guard or research room attendant shall judge whether the wallet or purse may be considered small for purposes of this section;

(2) Notes, references, lists of records to be consulted, and other materials may be admitted it the chief of the branch administering the research room or the senior archivist on duty in the research room determines they are essential to a researcher's work requirements. Materials will be presented to the research room attendant when the researcher enters the research room. Materials approved for admission will be stamped to indicate that they are the personal property of the researcher;

(3) Typewriters, personal computers, tape recorders, and hand-held cameras may be admitted by the research room attendant provided that they are inspected, approved, and tagged prior to admittance. The chief of the branch administering the research room or the senior archivist on duty in the research room will review the determination made by the research room attendant if requested to do so by the researcher; and

(4) Notepaper and notecards provided by the National Archives and electrostatic copies made on copying machines in NARA research rooms which are marked with the statement "Reproduced at the National Archives" may be brought back into the research room on subsequent visits but must be presented on entry to the research room attendant for inspection.

(e) NARA will furnish, without charge, to researchers specially marked lined and unlined notepaper and notecards, for use in the research rooms. Unused notepaper and notecards should be returned to the research room attendant at the end of the day.

(f) The personal property of all researchers, including notes, electrostatic copies, typerwriter cases, tape recorders, cameras, personal computers, and other property, will be inspected before removal from the research room. Guards and research room attendants may request that a member of the research room staff examine such personal items prior to their removal from the research room.

4. Section 1254.71 is added to read as follows:

§ 1254.71 Use of the self-service card-operated copier in the National Archives Building.

(a) Researchers who wish to make copies of approximately 100 or more pages of records in the National Archives Building may use the self-service copies in Room 7W1. To make use of this copier, researchers should follow the procedures outlined in paragraphs (b) through (f) of this section.

(b) Use of the self-service card-operated copier is by reservation. Researchers should inform a research room attendant of their desire to use the copier and should identify the boxes containing the documents to be copied.

Individual documents to be copied should be tabbed in accordance with the procedures governing the tabbing of documents and returned to their container.

(c) The attendant will examine the records to determine whether they can be copied on the 7W1 self-service copier. The chief of the branch administering the research room or the senior archivist on duty in the research room will review the determination of suitability, if requested by the researcher. If the records are suitable for copying on the card-operated copier, the

attendant will ensure that the containers are brought to Room 7W1 and will inform researchers when they will be available there. The following types of records may not be copied on a self-service copier:

(1) Bound archival volumes;

(2) Records fastened together by staples, clips, acco fasteners, rivets, or similar fasteners, where folding or bending the record may cause damage;

(3) Records larger than 11 inches by 14 inches;

(4) Records with uncancelled security classification markings;

(5) Records with legal restrictions on copying; and

(6) Records in poor physical condition, in the judgment of the research room attendant.

(d) The card-operated copier in Room 7W1 may be used between 9 a.m. and 12 noon and between 1 p.m. and 5 p.m., Monday through Friday, except holidays. The continuous use by one researcher of this copier may be limited to 1 hour if other researchers wish to use the machine.

(e) Researchers must purchase a prepaid debit card from the Cashiers' Office (Room G–1) between 9 a.m. and 4 p.m., Monday through Friday, to cover the cost of the copies they wish to make. The cards may be purchased with cash, check, money orders, or with funds from an active deposit account. These cards, which are available in denominations of $10 and $50, will, when inserted into the copier, enable the user to make a pre-assigned number of copies; as each copy is made, the value on the card is reduced until it reaches zero. The fee for self-service copies is found in § 1258.12 of this Chapter.

(f) On completing their copying, researchers shall give their debit card to the copy room attendant, who will verify any remaining value. If the value of the card has not been reduced to zero, the attendant will issue a credit slip for the unused portion. Researchers may obtain a refund or, for cards purchased with funds from a deposit account, a credit to the deposit account for the unused value of the debit card from the Cashiers' Office between 9 a.m. and 4 p.m., Monday through Friday, except holidays. All debit cards will be retained by the copy room attendant.

PART 1258—FEES

5. The authority citation for Part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

6. Section 1258.12 is amended by revising paragraph (c)(1) to read as follows:

§ 1258.12 Fee schedule.

* * * * *

(c) * * *

(1) Paper to paper (up to 11 in. by 17 in.):

Customer performs the work at NARA self-service copier	$0.10
Customer tabs documents for NARA copying	.30
NARA identifies documents for NARA copying	.35

* * * * *

Dated: April 23, 1986.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 86–10432 Filed 5–8–86; 8:45 am]

BILLING CODE 7515-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Implementation of the Balanced Budget and Emergency Deficit Control Act of 1985

AGENCY: Veterans Administration.

ACTION: Notice of VA actions regarding education loans.

SUMMARY: The Veterans Administration (VA) is giving notice of the effect the Balanced Budget and Emergency Deficit Control Act will have on education loans.

EFFECTIVE DATES: May 1, 1986.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389–2092.

SUPPLEMENTARY INFORMATION: When certain Federal budget deficit targets are not met for a fiscal year, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 requires the President to issue an order sequestering a portion of the monies appropriated for payment of various benefits to eligible persons, and limiting new Federal loan obligations. This order was issued on February 1, 1986, with an effective date of March 1, 1986.

The order has resulted in a limit being placed on the amount of money available from which the VA may make education loans to veterans and eligible persons under 38 U.S.C. 1798. The VA is hereby giving notice that it will continue making education loans until the monetary limitation established by the Act is reached. Based on the agency's current experience and loan volume projections for current fiscal year, it is likely that the limit will be reached before the end of the fiscal year.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this notice are 64.111 and 64.117.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 1, 1986.

Thomas K. Turnage,

Administrator.

[FR Doc. 86–10475 Filed 5–8–86; 8:45 am]

BILLING CODE 8320-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Part 51-2

Procurement List; Annual Republication

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Final rule.

SUMMARY: This change provides corrected information on the Committee's current practices regarding the publication of the Procurement List.

SUPPLEMENTARY INFORMATION: The provisions of the Committee's current regulations do not contain the Committee's policy regarding republication of the Procurement List annually nor do they accurately describe the information contained in the Procurement List.

The revised wording of Section 51–2.4 reflects the fact that the Committee publishes an up-to-date listing of commodities and services in the Federal Register once each fiscal year and describes the information which the Committee is now including in the publication of the Procurement List.

EFFECTIVE DATE: May 9, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

List of Subjects in 41 CFR Part 51–2

Blind, Handicapped, Government procurement.

I certify that this rule will not have a significant economic impact on a substantial number of small entities and

that it is not a major rule under Executive Order 12291. Therefore, a regulatory impact analysis is not required. The rule contained herein concerns interpretative rules relating to agency procedure or practice and is exempted from the notice of proposed rule-making requirements of 5 U.S.C. 553.

PART 51-2—[AMENDED]

Accordingly, 41 CFR Part 51-2 is amended as follows:

1. The authority citation for Part 51-2 continues to read as follows:

Authority: Pub. L. 92-28, 85 Stat. 77 [41 U.S.C. 46-48c].

2. Section 51-2.4 is revised to read as follows:

§ 51-2.4 Procurement list.

(a) Once each fiscal year the Committee shall publish in the **Federal Register** a procurement list which includes the commodities and services which shall be procured by Government departments and agencies under the Act from the workshop(s) designated by the Committee. Copies of the Procurement List, together with information on procurement requirements and procedures, are available to ordering offices upon request.

(b) For commodities, including military resale commodities, the procurement list identifies the name and national stock number or item designation for each commodity and, where appropriate, any limitation on the portion of the commodity which must be procured under the Act.

(c) For services, the procurement list identifies the type of service to be provided, the Government department or agency responsible for procuring the service, and, where appropriate, the activity or item to be serviced.

(d) Additions to and deletions from the current procurement list are published in the **Federal Register** as they are approved by the Committee.

C.W. Fletcher,

Executive Director.

[FR Doc. 86-10463 Filed 5-8-86; 8:45 am]

BILLING CODE 6820-33-M

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41 CFR Part 51-5

Procurement Requirements; Clarification

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Final rule.

SUMMARY: This is to clarify the mandatory coverage of Javits-Wagner-O'Day Act to commodities and services on the Procurement List when the Procurement List limits the scope of coverage for a particular commodity or service.

EFFECTIVE DATE: May 9, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: The Committee has been requested to explain the coverage of commodities and services included on the Procurement List.

For most commodities on the Procurement List, the mandatory procurement requirements apply to the total Government requirement for that commodity. When a limit is placed on the scope of the mandatory requirement for a commodity, that fact is usually indicated in the Procurement List by designating a certain percentage of the Government's requirement, the requirements for certain General Services Administration regions or Defense Logistics Agency depots, or a specific quantity. Where a limit has been placed on the scope of the mandatory provision, only that portion as described in the Procurement List is covered by that mandatory requirement.

On the other hand, the procurements of most services are limited to a specific building or buildings or to an activity. However, certain services such as the assembly of food packets are not limited and the total Government requirement is covered for that service.

List of Subjects in 41 CFR 51-5

Government procurement, Blind, Handicapped.

I certify that this rule will not have a significant economic impact on a substantial number of small entities and that it is not a major rule under Executive Order 12291. Therefore, a regulatory impact analysis is not required. The rule contained herein concerns interpretative rules relating to agency procedure or practice and is exempted from the notice of proposed rule-making requirements of 5 U.S.C. 553.

PART 51-5—[AMENDED]

Accordingly, § 51-5.1 is amended as follows:

1. The authority citation for Part 51-5 continues to read as follows:

Authority: Pub. L. 92-28, 85 Stat. 77 [41 U.S.C. 46-48c].

2. Section 51-5.1 is amended by adding 51-5.1-3 Mandatory Requirements as follows:

§ 51-5.1-3 Mandatory Requirements.

(a) Where a commodity is included on the Procurement List, only the national stock number or item designation listed is covered by the mandatory provisions of the Act. In some instances, only a portion of the Government requirement for a national stock number or item designation is specified in the Procurement List. Where geographic areas, quantities, percentages or specific supply locations for a commodity are listed, the mandatory provisions of the Act apply only to the portion or portions of the commodity indicated in the Procurement List.

(b) For services, where an agency and a location or a geographic area are listed, the mandatory provisions of the Act apply to the provision of the service for that agency only at the location or for the geographic area indicated in the Procurement List. Where no location or geographic area is indicated in the Procurement List, the mandatory provisions of the Act apply to the total Government requirement for that service.

C.W. Fletcher,

Executive Director.

[FR Doc. 86-10464 Filed 5-8-86; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[Docket No. 60218-6078]

Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Final 1986-1987 initial annual specifications for squid.

SUMMARY: NOAA issues this notice to provide final initial annual specifications for the Atlantic squid fisheries for the 1986-1987 fishing year. Regulations governing this fishery require that the Secretary of Commerce (Secretary) publish his determination of the specifications for the upcoming fishing year. This action is intended to notify users of the final initial specifications and to promote an orderly development of the fisheries.

EFFECTIVE DATE: These specifications are effective April 1, 1986.

ADDRESS: Copies of the regulatory flexibility analysis and the Mid-Atlantic Council's 1986–1987 Annual Specifications Recommendations (December 23, 1985) are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617–281–3600, ext. 273.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 1 to the FMP were published January 4, 1984 (49 FR 402). Preliminary initial specifications for the 1986–1987 fishing year, and request for comments, were published February 7, 1986 (51 FR 4777). Comments were received by NOAA through March 10, 1986. Final initial specifications for the butterfish and Atlantic mackerel fisheries were effective on April 1, 1986, (51 FR 11742, April 4, 1986).

Specifications in this notice are based on Amendment 1 to the FMP and meet the requirement for the fishing year beginning on April 1, 1986. Recently approved portions of Amendment 2 to the FMP became effective on April 20 and 23, 1986, and proposed revisions to these specifications will be soon published to reflect the change in the fishing year which will then end on December 31, 1986, and put into effect other changes required by Amendment 2. These revisions will not affect the initial conduct of the fishing year, which commenced on April 1, 1986.

This year's initial final squid specifications have been subject to numerous setbacks which caused significant delays during the final rule publication process. During the final days of the comment period, the Government of Italy requested, and was granted, more time to submit supplementary comments to their original comments resulting in a one week delay. Resolution of opposing recommendations, not only between the Mid-Atlantic and the New England Fishery Management Councils, but also between squid harvesters and processors concerning the establishment of the initial joint venture processing (JVP) amount, consumed a large block of time. Finally, time and effort was required for regional staff members to assemble and analyze information to resolve this major issue.

Comments Received

Comments on the squid specifications were submitted by the Mid-Atlantic Fishery Management Council (MAFMC), the National Fisheries Institute (NFI), a major shoreside squid processor (Processor), the Japan Deep Sea Trawlers Association (JDSTA), and the Government of Italy on behalf of the Union of Italian Oceangoing Trawler Owners (Unionpesca). The respective comments are addressed below in the sections dealing with the specifications to which objections were raised.

Specifications

The following table lists the final initial annual specifications for squid in metric tons of the maximum optimum yield (Max OY), allowable biological catch (ABC), initial optimum yield (IOY), domestic annual harvest (DAH), domestic annual processing (DAP), JVP, and TALFF for squid (*Loligo* and *Illex*). These annual specifications are amounts that the Regional Director recommended, and the Secretary determined to be appropriate for the start of the 1986–1987 fishing year. These levels are subject to modification as the fishing year progresses as provided by §§ 655.21 and 655.22.

FINAL INITIAL SQUID SPECIFICATIONS FOR FISHING YEAR, APR. 1, 1986 TO MAR. 31, 1987

[In metric tons]

Specifications	Loligo	Illex
Max OY[1]	44,000	30,000
ABC	37,000	22,500
IOY	31,191	15,116
DAH	30,325	14,250
DAP	29,500	12,000
JVP	[2] 825	[3] 2,250
TALFF[4]	866	866

[1] Maximum OYs (as stated in the FMP).
[2] This initial amount represents 25 percent of the JVP amounts requested by joint venture applicants to date.
[3] This initial amount represents 50 percent of the JVP amounts requested by joint venture applicants to date.
[4] Bycatch TALFFs required by regulations.

In summary, the amounts in the above table reflect the following changes to the preliminary specifications:

Initial Optimum Yields (IOY)

The squid IOYs have been modified from the amounts proposed. Changes in the bycatch TALFF amounts require an increase of 188 mt in the IOY for each squid species. The increase in the *Loligo* IOY for the bycatch TALFF is offset by a reduction in the DAH amount for *Loligo*. This reduction results from a reduction of the *Loligo* squid JVP from the 1650 mt proposed to 825 mt.

Total Allowable Level of Foreign Fishing (TALFF)

An amount of 188 mt is added to each of the published preliminary initial TALFF specifications for *Loligo* and *Illex*. The 188 mt addition represents one percent of the silver hake (13,400 mt), and red hake (5,400 mt) TALFFs, published on January 30, 1986 (51 FR 3788). The percentage TALFF amounts are required by § 655.21(b)(1)(iv)(A), and (B), and (b)(3)(iii), and were unintentionally omitted from the preliminary initial TALFF calculation.

Joint Venture Processing (JVP)

The *Loligo* preliminary JVP amount is reduced by one-half, from 1,650 mt to 825 mt. The agency has considered the concern expressed by U.S. domestic industry representatives relative to the low abundance of *Loligo* that is projected as available for the export market. This change brings an accompanying decrease to the DAH for *Loligo*.

Explanation of Specifications and Response to Comments

The ABC figures are based on the best evidence available at this point in the fishing year relative to the availability of the resources, but they are not predictors of what fishing success will be in a given fishing year. This is shown by the total landing numbers for *Loligo* squid for the years 1965–1985 in Table 1 of the MAFMC 1986–1987 Annual Specifications Recommendations. In over 20 years, the total harvest reached 37,000 mt only once. Setting ABC at 37,000 mt is not any assurance of a 37,000 mt harvest and should not be treated as such by being divided up in precise figures in initial allocations.

Only as the fishing year progresses and data from actual landings are accumulated, can the MAFMC and NMFS be in a position to determine what the fishery is doing and what the respective positions should be among user groups, consistent with the objectives of the FMP. The concept of whether a "surplus" exists in the fishery is not a precise mathematical calculation. To treat ABC as such at the outset may affect the U.S. competitive position for development in the fishery over the ensuing fishing year.

Another point of concern in setting initial specifications is the appropriate treatment of foreign proposals which, although offering to bring short-term gains to U.S. interests, may potentially undermine efforts to achieve U.S. long-term development goals in the fishery. Of concern are impacts of such foreign proposals on domestic investments in vessels and shoreside facilities and U.S. marketing initiatives made through trade missions.

Given the above, NMFS has reduced the JVP specification for *Loligo* by 50 percent. Any incremental increase in a joint venture will be made consistent

with the review procedures in the FMP and implementing regulations.

Incremental allocations may be made as warranted by stock and market conditions, performance of joint ventures, and U.S. development objectives as provided by §§ 655.21 and 655.22.

Initial Optimum Yields (IOY)

The squid IOYs, which represent the total of initial DAH and TALFF, have been adjusted because of (1) changes in the bycatch TALFF amounts for each squid species, and (2) because of a change to the JVP component of DAH for *Loligo*. These changes are explained below.

Comment. JDSTA described as arbitrary the difference between the *Loligo* Max OY (44,000 mt) and ABC (37,000 mt), and between the *Illex* Max OY (30,000 mt) and ABC (22,500 mt).

Response: The specifications are not arbitrary. The ABC specifications are lower than the Max OY, based on the best scientific judgment that the catch from the fishery should not rise to the Max OY levels based on current assessment data. Therefore, total annual catch is limited to the ABC level. Next, the IOYs for the two squid species are lower than the ABCs because the IOYs consist of the sums of DAH and TALFF initially projected by NMFS for use by participants in the two fisheries.

Under the design of the management regime adopted for the squids in Amendment 1 to the FMP, when the IOYs are lower than the ABCs the difference between them may be allocated in subsequent revisions to the specifications to the user group(s), whose use would best support the development goals of the U.S. industry under this FMP. Such revisions have frequently been made to IOY over the past three years since the adoption of Amendment 1. The mechanism is an impetus to development of these fisheries.

DAH—Domestic Annual Processing (DAP) Component

Comment: Unionpesca objected to the DAPs proposed for *Loligo* and *Illex* as being unjustified.

Response: The DAPs remain unchanged from the levels proposed. Unionpesca's comparison of this year's projected DAP figures with last year's final DAP figures is not appropriate. A prior year's total should be compared only with previous total DAPs in the fishery and not with this year's projected DAP. This comparison gives a better view proportionally of how the U.S. fishery is performing in more realistic terms. What is significant about the projected DAPs is the projections for the U.S. industry, particularly as to *Loligo* to substantially utilize the resource harvested in the fishery conservation zone (FCZ).

With regard to domestic performance, NMFS believes that analysis of a single year's landings is too narrow a base on which to evaluate projected DAPs. More significant than the catch totals, which can vary with the unpredictable abundance of the stocks, is the long-term manifestation of interest and intent of the domestic users to invest capital and to take steps to develop these fisheries. Market production and landing figures since 1981, after adoption of management strategies giving priority to U.S. development of its squid fisheries, show a marked improvement from previous years. Added to this are substantial capital investments made in vessels and shoreside facilities in recent years. Finally, responses submitted to a processor survey circulated by the MAFMC as part of its preparation for making recommendations for this year indicated the domestic intent to use 57,000 mt of *Loligo*, well in excess of the maximum amount estimated to be available for harvest this year (ABC). The 29,500 mt DAP specification is actually a substantial reduction from this projected figure. Therefore, the final DAPs remain unchanged from those proposed.

DAH—Joint Venture Processing (JVP) Component

After consideration of all comments and NMFS analysis of fishery conditions, the *Loligo* JVP amount is reduced from 1650 mt, as originally proposed, to 825 mt. This partial allocation of JVP is consistent with past agency practice and is sufficient for the conduct of the initial segments of currently approved joint ventures. Comments from the MAFMC, NFI, and a Processor all recommended that the *Loligo* JVP be set at zero.

Comment: The MAFMC commented that a projected limited U.S. export market of 3,000–5,000 mt of *Loligo* squid would occur this year because of availability of substitute product and disadvantageous currency rates. The MAFMC argued that, if that is the case, then the domestic industry should have access to the limited market.

Response: NMFS market analysts offer no numerical estimates, but have confirmed that the limited market conditions described by the MAFMC could occur. NMFS will closely monitor these conditions, and will ensure that incremental adjustments to JVPs will not adversely impact the U.S. fishery.

Comment: NFI and a Processor commented that JVP for *Loligo* should be 0 because joint ventures undermine the substantial capital investment made in vessel and shoreside facilities for squid processing and marketing initiatives for U.S. squid.

Response: NMFS is aware of substantial capital investment made in the past few years and has therefore decided to reduce by half the originally proposed JVP for *Loligo*. Incremental allocations may be made as warranted by stock and market-conditions, performance of joint ventures, and U.S. development objectives as provided by § 655.21.

Comment: The Mid-Atlantic and New England Fishery Management Councils and NFI commented that there should be no automatic linkage between joint venture performance and recommendations for TALFF. Conversely, both Italy and Japan, in their comments, seek a sign of the NMFS position regarding the maintenance or adoption of ratios of squid TALFF related to joint ventures.

Response: NMFS has accepted the Councils' recommendation that joint venture performance not be automatically linked to TALFF. The agency also declines to accept the ratios proposed in the Italian foreign fishing/joint venture application and in the Japanese comments. Reasons for this decision are found in the TALFF comment-response section.

Comment: The Mid-Atlantic Council objected to the JVP for *Illex* since it was 1,000 mt less than that recommended by the Mid-Atlantic Council.

Response: NMFS leaves this specification unchanged since the figure represents NMFS' estimate of need in this category and the Mid-Atlantic Council has provided no compelling rationale for its revision.

Comment: JDTSA objected to the initial JVPs for both squids at the 50 percent level.

Response: The initial amounts are set at levels adequate to conduct initial segments of approved joint ventures. As noted above, review of requests for incremental amounts will provide an opportunity to determine whether further support of the joint ventures will be consistent with FMP goals.

In summary, because of the debate surrounding JVPs, NMFS believes the obligation rests with both proponents and opponents of joint ventures to describe in as much detail as possible what the relative merits or drawbacks are of joint ventures under discussion, so that the Councils and the agency can make an informed judgment that is

equitable to all parties and consistent with the objectives of the FMP.

Total Allowable Level of Foreign Fishing (TALFF)

An amount of 188 mt is added to TALFF specifications for the initial bycatch for *Loligo* and *Illex*. The 188 mt additions represent one percent of the silver hake (13,400 mt) and red hake (5,400 mt) TALFFs, published on January 30, 1986 (51 FR 3788). These percentage TALFF amounts are required by § 655.21(b)(1)(iv)(A), and (B), and (b)(3)(iii) and were unintentionally omitted from the preliminary initial TALFF calculations.

Comment: Unionpesca commented that foreign participation in the U.S. fishery is required to deal with "surpluses" in the squid fisheries.

Response: As regards *Loligo*, the projection of surplus is premature at this time.

Comment: Unionpesca and JDTSA both commented that their requests for TALFF above bycatch levels are consistent with the "Fish and Chips" policy.

Response: The "Fish and Chips" policy is not rescinded by the NMFS decision to retain TALFF at bycatch level only. The TALFF specifications reflect the agency's reassessment of the U.S. fishery at the beginning of the fishing year. These initial specifications do not rule out discussion of exchanges of "Fish and Chips" as the fishing year develops. As with joint ventures, TALFF amounts may be considered depending upon (1) new information which indicates that such allocations will not undermine U.S. opportunities and initiatives in the squid fisheries, particularly as to *Loligo* squid; (2) performance of commitments and other actions beneficial to the United States including purchases of the U.S. product; and (3) consistency with U.S. long-term goals for the squid fisheries.

Comment: Representatives of Unionpesca cite potential losses of benefits to the United States from not specifying TALFF above bycatch levels at this point in the specifications process. Harmful effects cited include (1) loss of sales through loss of Unionpesca's assistance; (2) loss of sales through substitution of *Loligo patagonica* for *Loligo pealei;* and (3) loss of foreign fishing revenues from fees on direct fishing allocations.

Response: The objectives of the FMP are to help the squid fisheries assume a position of independence in harvesting, processing, and marketing. Substantial efforts have been made in this regard over the past few years. NMFS believes that the conservative determinations as to initial TALFF specifications are consistent with the achievement of the long-term objectives of the FMP. NMFS is not convinced that the scenarios of loss described by Unionpesca are certain to occur.

Classification

This action is authorized by 50 CFR Part 655, and complies with Executive Order 12291.

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

Dated: May 6, 1986.

James E. Douglas, Jr.,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86-10506 Filed 5-6-86; 4:44 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 90
Friday, May 9, 1986

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

DEPARTMENT OF AGRICULTURE

Argicultural Marketing Service

7 CFR Part 28

Grade Standards for American Upland Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to revise the leaf component of all Upland cotton grade standards to reflect the leaf characteristics produced by current harvesting and ginning practices.

AMS is also proposing to reduce the number of grade standards for American Upland cotton. One physical grade standard, twelve descriptive grade standards and two of the descriptive grade standards making up the Below Grade classification would be eliminated. In recent years cotton classed in all of the grades represented by these standards has been less than two-tenths of one percent of the crop. In addition, three physical standards would be changed to descriptive standards.

It is also proposed to adopt the tentative Strict Good Ordinary Spotted physical standard and the tentative Strict Good Ordinary Light Spotted descriptive standard as permanent grade standards.

These actions are proposed to enable AMS to continue providing accurate and commercially significant distinctions in the range of quality found in the cotton crop. The proposals would enhance the Agency's ability to provide useful and cost-effective classification, standardization and market news services.

DATES: Comments must be received on or before June 9, 1986. The proposed physical standards will be available for inspection and review during the Universal Cotton Standards Conference which will be held on May 15–16, 1986, in Memphis, Tennessee.

ADDRESS: Written comments may be sent to H. H. Ramey, Jr., Chief, Standards and Testing Branch, Cotton Division, AMS, USDA, Washington, DC 20250, (202) 447–2167. The opening session of the Universal Standards Conference will be held during the morning of May 15, 1986, at the Crowne Plaza Hotel, 100 North Main Street, Memphis, Tennessee 38103. All further sessions will be held at the AMS Cotton Division office, 4841 Summer Avenue, Memphis, Tennessee 38122. The proposed physical standards will be available for inspection and review only at the AMS Cotton Division office.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in accordance with Executive order 12291 and Departmental Regulation 1512–1 and has been determined not to be a "major rule" since it does meet the criteria for a major regulatory action as stated in the Order.

The Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because the standards would be revised to reflect current industry practices and the proposed elimination of grades would directly affect less than 1 percent of the annual U.S. cotton crop, the proposals would not have the requisite economic impact. The proposed changes do not impose any additional costs or duties upon users of the service or any other segment of the cotton industry. Further, the standards are applied equally to all size entities by employees of the Department.

Pursuant to the United States Cotton Standards Act (U.S.C. 51 *et seq.*), any standard or change or replacement to the standards shall become effective not less than one year after the date promulgated. It is anticipated that if adopted these proposed changes would be implemented on July 1, 1987, to coincide with the beginning of the crop year.

Background

Pursuant to the authority contained in the United States Cotton Standards Act, the Secretary of Agriculture has established the official cotton standards of the United States for the grades of American Upland cotton. These standards are used for the classification of American Upland cotton and provide a basis for the determination of value for commercial purposes.

The existing official cotton standards for the grades of American Upland cotton are listed and described in the regulations at 7 CFR 28.402–28.475. There are 15 physical standards represented by practical forms, and 29 descriptive standards for which practical forms are not made. Six of the descriptive standards describe the poorest quality cotton which make up the Below Grade classification (7 CFR 28.475).

The first grade standards for American Upland cotton were formally promulgated by USDA in 1914. They have been revised several times since, mainly because of changing varietal characteristics and harvesting and ginning practices. The last complete revision of the standards became effective in 1963 (27 FR 5535).

Need for Revising Standards

Studies and surveys of recent crops conducted by Cotton Division, AMS, have shown that the current physical standards for grades of White, Spotted and Tinged cotton do not adequately represent Upland cotton as now being produced in the United States. Twenty-three years have passed since the Upland cotton grade standards were last revised. During this period there have been changes in varieties, cultural practices and the way cotton is harvested and ginned. Many of these changes have had an influence on cotton quality. One noticable change is in the size of leaf particles remaining in the lint after ginning. The size range of leaf particles contained in grade standards is no longer reflective of the range currently found in a typical bale of cotton.

Industry representatives at the May 14, 1985 Standards Matching Conference commented that the leaf component of the currently produced cotton differed from that of the standards. On August 29, 1985 representatives of cotton producers, ginners, merchants and textile manufacturers met with Cotton Division officials and discussed whether

the leaf component of Upland cotton grade standards should be revised.

On the basis of the information available, a reduction of the size of leaf particles would make the grade standards more nearly representative of currently produced cotton.

If such a proposal is adopted, a new set of physical grade standards would be selected to be retained in the custody of USDA as the original official U.S. Cotton Standards. The containers would be marked accordingly with an effective date of July 1, 1987. The descriptions of the physical standards in §§ 28.403, 28.405, 28.407, 28.409, 28.411, 28.413, 28.431, 28.432, 28.433, 28.434, 28.442, 28.443, and 28.444 would be amended to include the new effective date.

Reducing the Number of Standards

On September 13, 1985, the Board of Directors of the National Cotton Council of America adopted a recommendation to eliminate five rarely used grades of Upland Cotton: Strict Middling Yellow Stained, Middling Yellow Stained, Good Middling Light Spotted, Good Middling Spotted and Strict Middling Tinged. All of these descriptive grade standards, with the exception of Strict Middling Tinged, can be eliminated without adversely affecting USDA's ability to classify the cotton crop.

Analysis of classing and production records reveals that there are eight other grades which could similarly be removed because they are also rarely used: Good Middling Light Gray, Strict Middling Light Gray, Middling Light Gray, Strict Low Middling Light Gray, Good Middling Gray, Strict Middling Gray, Middling Gray, and Strict Low Middling Gray.

The very small amount of cotton represented by these grade standards would be classified into one of the remaining grades. For instance, cotton now classified as Middling Yellow Stained would be classified as Middling Tinged instead. The suggested elimination of the Strict Middling Tinged grade by the National Cotton Council is not proposed here because it would be needed to represent cotton now classified as Strict Middling Yellow Stained, a descriptive grade standard which would be eliminated by this proposal.

The following table shows the actual number of bales classified during the period 1975–1984 in each of the descriptive grades proposed for elimination. It also shows the lowest and highest level of production over the same 10-year period.

Grades	Bales classed		
	10-year average	Low year	High year
Good Middling Light Spotted	23	0	178
Good Middling Spotted	34	0	103
Strict Middling Yellow Stained	10	0	34
Middling Yellow Stained	514	42	1,959
Good Middling Light Gray	9	0	23
Strict Middling Light Gray	1,462	507	3,002
Middling Light Gray	8,583	3,094	16,833
Strict Low Middling Light Gray	3,811	933	6,407
Good Middling Gray	0	0	2
Strict Middling Gray	38	0	184
Middling Gray	290	57	690
Strict Low Middling Gray	897	101	1,149

The average annual American Upland cotton production from 1975–1984 was 11,487,000 bales. During that time, the average yearly amount of the crop classified into all of the grades proposed for elimination was only 15,906 bales, an average of a little more than one-tenth of one percent of the yearly total. The quality distinctions supplied by these grades do not appear to be necessary when cotton classified into the grades is produced in such yearly total. The quality distinctions supplied by these grades do not appear to be necessary when cotton classified into the grades is produced in such insignificant amounts.

The present standards provide for either descriptive standards or physical standards. The descriptive standards are based on the physical standards in that they describe cotton quality in reference to actual sets of cotton samples in the custody of USDA. Given this interrelationship, the elimination of 12 descriptive standards under this proposal would enable AMS to convert three physical standards to descriptive standards. Accordingly, production of physical standards for these grades would no longer be necessary. They are: Middling Tinged, Strict Low Middling Tinged, and Low Middling Tinged. If these standards were changed to descriptive, they would remain in effect as standards; only their physical representation would be discontinued.

In addition, the Good Middling physical grade standard is little used and it would be eliminated by this proposal. During the period 1975–1984, there was an average of only 490 bales classified as Good Middling.

Eliminating all of these Upland cotton grade standards would produce cost savings for standards preparation and would contribute to the efficiency and utility of the AMS cotton classification, standardization, and market news services. It would also have no appreciable effect on the marketing of cotton and would contribute to the efficiency of the cotton marketing system.

Proposed Affirmation of New Standards

Two grade standards, Strict Good Ordinary Spotted and Strict Good Ordinary Light Spotted, were promulgated on a trial basis August 16, 1983 (48 FR 37001). They became effective as tentative standards on August 16, 1984. Since then, the production and trading of cotton in these two grades have yielded quantity and price data that indicate that they should be continued on a permanent basis.

Cotton classified as Strict Good Ordinary Spotted and Strict Good Ordinary Light Spotted together made up 2.7 percent of the total cotton crop in each of the 1984 and 1985 seasons. Certain areas have had more significant percentages of the local crop falling into these grades, as in the 1985 season when the Altus, Oklahoma territory classed 8.9 percent Strict Good Ordinary Light Spotted cotton and the Winnsboro, Louisiana territory classed 2.3 percent of their classings as Strict Good Ordinary Spotted.

This was cotton that would otherwise have been classified as Below Grade if the tentative standards were not in use. With the tentative standards in effect, the cotton was distinguished from other Below Grade cotton with inferior fiber qualities and spinning potential. Over the last two crop seasons, the prices paid for cotton within the tentative grades have been higher than prices paid for Below Grade cotton, demonstrating the commercial value of such cotton in the market.

Below Grade Cotton

The proposed standards changes in this document would also require that the definition of Below Grade in 7 CFR 28.475 be revised to conform to the proposed removal of certain grade standards. To remove the Middling Yellow Stained and Strict Low Middling Gray grade standards would require the removal of the Below Middling Yellow Stained and the Below Strict Low Middling Gray standards from the definition of Below Grade Cotton. The designation of "tentative" would also be removed from the heading of § 28.475.

Public Meetings

Proposed revised physical grade standards for upland cotton were shown at a meeting of industry representatives in Memphis, Tennessee on January 29, 1986. They have also been shown at several regional meetings of cotton growers, ginners, manufacturers and merchants, and were exhibited at the International Cotton Meeting in Bremen, West Germany this year. Representatives of the European

signatory associations to the Universal Cotton Standards Agreement responded favorably to the revisions.

The proposed revised standards will be considered at the 1986 Universal Cotton Standards Conference to be held in Memphis, Tennessee on May 15–16, 1986. All overseas signatories to the universal Cotton Standards Agreement and all segments of the domestic cotton industry interested in standards have been invited to send representatives to this conference. Participants will be afforded the opportunity to inspect the proposed standards and offer comments and suggestions.

Proposed Revisions

In consideration of the foregoing, AMS proposes to alter the leaf component of the Upland cotton physical grade standards to reflect characteristics found in current crops. In addition, AMS proposes to remove the following twelve descriptive standards for the grade of American Upland cotton: Good Middling Light Spotted; Good Middling Spotted; Strict Middling Yellow Stained; Middling Yellow Stained; Good Middling Light Gray; Strict Middling Light Gray; Middling Light Gray; Strict Low Middling Light Gray; Good Middling Gray; Strict Middling Gray; Middling Gray; and Strict Low Middling Gray. AMS also proposes to remove the Good Middling physical standard. Middling Tinged, Strict Low Middling Tinged, and Low Middling Tinged would be changed from physical standards to descriptive standards. References to the grades of Middling Yellow Stained, Below Middliing Yellow Stained, Strict Low Middling Gray, and Below Strict Low Middling Gray would be removed from the definition of Below Grade cotton. The Strict Good Ordinary Spotted and Strict Good Ordinary Light Spotted grade standards would be made permanent standards. In § 28.525, the table of symbols and code numbers used in lieu of cotton grade names would be revised to reflect the proposed changes.

List of Subjects in 7 CFR Part 28

Cotton, Samples, Standards, Cotton linters, Grades, Staples, Market news, Testing.

PART 28—(AMENDED)

Accordingly, it is proposed to amend Subpart C, Part 28, Chapter I, Title 7 of the Code of Federal Regulations as shown. The Table of Contents would be amended accordingly.

1. (a) The authority citation for Part 28, Subpart C, §§ 28.401 to 28.481 is revised to read as follows:

Authority: Sections 28.401 to 28.481 issued under Sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply Sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56.

(b) The authority citation for Part 28, Part 28, Subpart C, § 28.525 reads as follows:

Authority: Section 28.525 issued under Sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Intepret or apply Sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56.

§§ 28.403, 28.405, 28.407, 28.409, 28.411, 28.413, 28.431, 28.432, 28.433, 28.434 [Amended]

2. In §§ 28.403, 28.405, 28.407, 28.409, 28.411, 28.413, 28.431, 28.432, 28.433, 28.434, the date June 15, 1963 would be changed to July 1, 1987.

§§ 28.402, 28.420, 28.430, 28.451, 28.452, 28.460, 28.461, 28.462, 28.463, 28.470, 28.471, 28.472, 28.473 [Removed]

3. Sections 28.402, 28.420, 28.430, 28.451, 28.452, 28.460, 28.461, 28.462, 28.463, 28.470, 28.471, 28.472, and 28.473 and the center headings "Yellow Stained cotton," "Light Gray cotton," and "Gray cotton," would be removed.

4. Section 28.441 would be revised to read as follows:

§ 28.441 Strict Middling Tinged.

Strict Middling Tinged in American Upland cotton which in leaf and preparation is Strict Middling Spotted but which in color is deeper than Strict Middling Spotted.

5. Section 28.442 would be revised to read as follows:

§ 28.442 Middling Tinged.

Middling Tinged is American Upland cotton which in leaf and preparation is Middling Spotted but which in color is deeper than Middling Spotted.

6. Section 28.443 would be revised to read as follows:

§ 28.443 Strict Low Middling Tinged.

Strict Low Middling Tinged is American Upland cotton which in leaf and preparation is Strict Low Middling Spotted but which in color is deeper than Strict Low Middling Spotted.

7. Section 28.444 would be revised to read as follows:

§ 28.444 Low Middling Tinged.

Low Middling Tinged is American Upland cotton which in leaf and preparation is Low Middling Spotted but which color is deeper than Low Middling Spotted.

8. The heading of Section 28.425 would be revised to read as follows:

§ 28.425 Strict Good Ordinary Light Spotted.

* * * * *

9. Section 28.435 would be revised to read as follows:

§ 28.435 Strict Good Ordinary Spotted.

Strict Good Ordinary Spotted is American Upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary Spotted, effective July 1, 1987."

10. Section 28.475 would be revised to read as follows:

§ 28.475 Below Grade Cotton.

Below Grade cotton is American Upland cotton which is lower in grade than Good Ordinary, or Strict Good Ordinary Light Spotted, or Strict Good Ordinary Spotted, or low Middling Tinged. In cotton classification, the official designation for such cotton is Below Grade. The term Below Good Ordinary, or Below Strict Good Ordinary Light Spotted, or Below Strict Good Ordinary Spotted, or Below Low Middling Tinged and other additional explanatory terms considered necessary to describe adequately the condition of the cotton may be entered on classification memorandums or certificates.

11. Paragraph (a) of § 28.525 would be revised to read as follows:

§ 28.525 Symbols and Code Numbers.

* * * * *

(a) Symbols and Code Numbers for Grades of American Upland Cotton.

Full grade name	Symbol	Code No.
Strict Middling	SM	21
Middling Plus	Mid Plus	30
Middling	Mid	31
Strict Low Middling Plus	SLM Plus	40
Strict Low Middling	SLM	41
Low Middling Plus	LM Plus	50
Low Middling	LM	51
Strict Good Ordinary Plus	SGO Plus	60
Strict Good Ordinary	SGO	61
Good Ordinary Plus	GO Plus	70
Good Ordinary	GO	71
Strict Middling Light Spotted.	SM Lt Sp	22
Middling Light Spotted	Mid Lt Sp	32
Strict Low Middling Light Spotted.	SLM Lt Sp	42
Low Middling Light Spotted.	LM Lt Sp	52
Strict Good Ordinary Light Spotted.	SGO Lt Sp	62
Strict Middling Spotted	SM Sp	23
Middling Spotted	Mid Sp	33
Strict Low Middling Spotted.	SLM Sp	43
Low Middling Spotted	LM Sp	53
Strict Good Ordinary Spotted.	SGO Sp	63
Strict Middling Tinged	SM Tg	24
Middling Tinged	Mid Tg	34
Strict Low Middling Tinged.	SLM Tg	44
Low Middling Tinged	LM Tg	54

Full grade name	Symbol	Code No.
Below Grade—(Below Good Ordinary).	BG	81
Below Grade—(Below Strict Good Ordinary Lt Spotted).	BG	82
Below Grade—(Below Strict Good Ordinary Spotted).	BG	83
Below Grade—(Below Low Middling Tinged).	BG	84

* * * * *

Dated: May 2, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-10332 Filed 5-8-86; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 327

[Docket No. 85-027P]

Imported Product; Withdrawal of Nicaragua From the List of Countries Eligible for Importation of Meat Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to withdraw the country of Nicaragua from the list of countries eligible for importation of their products of cattle, sheep, swine, and goats into the United States under the Federal Meat Inspection Act (FMIA). The FMIA requires that, in order for a country to be eligible to export meat products to the United States, the meat inspection system of the country must assure compliance with requirements that are "at least equal to" the requirements of the FMIA and regulations as applied to official establishments in the United States and their products. The FSIS has been unable to obtain current information concerning the meat inspection system of Nicaragua, and consequently the Administrator of FSIS cannot, at this time, make the determinations required for maintenance of eligibility. Because of this, the Administrator is proposing to withdraw the country of Nicaragua from the list of countries eligible for importation of their meat products into the United States.

DATES: Comments must be received on or before July 8, 1986.

ADDRESS: Written comments to: Policy Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 3803, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under Supplementary Information.)

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

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Effect on Small Entities

The Administrator of the Food Safety and Inspection Service has determined that this proposed rule is not a major rule under Executive Order 12291, because imports of products of Nicaraguan origin are currently prohibited by Executive Order 12513, issued May 1, 1985, and of indefinite duration. As a result, there are currently no domestic importers of Nicaraguan meat products. The Administrator has also determined that this proposed rule will have no impact on small entities for the reason stated above.

Comments

Interested persons are invited to submit written comments concerning this proposal. Written comments should be sent in duplicate to the Policy Office and should refer to the docket number located in the heading of this document. All comments submitted in response to this proposal will be made available for public inspection in the Policy Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Pursuant to the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Secretary of Agriculture is responsible for administering the programs which are designed to ensure that meat and meat food products distributed to consumers are wholesome, not adulterated, and properly marked, labeled and packaged. The Administrator of FSIS has been delegated the authority to issue regulations and implement appropriate procedures to ensure compliance with the requirements of the FMIA. The regulations addressing imported meat products are contained in 9 CFR Part 327. In these regulations, the Administrator has established procedures by which foreign countries desiring to establish eligibility for importation of their products into the United States may do so (9 CFR 327.2(a)(2)(iii)).

Maintenance of eligibility depends on the results of periodic reviews of the foreign meat inspection system in operation by a USDA representative and the timely submission of relevant documentation and other information so that the Administrator can make the required determinations as to eligibility status (9 CFR 327.2(a)(2)(iii)).

The Administrator has authority to withdraw the listing of a foreign country from those eligible for importation of their products into the United States under section 327.2 of the Federal meat inspection regulations (9 CFR 327.2(a)(4)):

> * * * Whenever it shall be determined by the Administrator . . . that, for lack of current information concerning the system of meat inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

Recently FSIS was informed that there are personal security risks for FSIS personnel traveling to Nicaragua for the purpose of reviewing Nicaragua's meat inspection system to obtain current information. At this time, the best available information indicates that the safety of FSIS personnel cannot be assured. The Department will not require employees to travel to Nicaragua to conduct USDA business until such time as conditions improve. Because of this, FSIS is unable to obtain current information concerning the meat inspection system of Nicaragua and cannot make a determination as to whether Nicaragua's inspection system is assuring that at least "equal to" requirements are being met. Therefore, pursuant to section 327.2 of the Federal meat inspection regulations (9 CFR 327.2), FSIS is proposing to withdraw Nicaragua from the list of countries from which cattle, sheep, swine, and goat products of the countries may be imported into the United States.

Proposed Rule

Accordingly paragraph (b) of section 327.2 of the Federal meat inspection regulations would be amended as set forth below:

List of Subjects in 9 CFR Part 327

Imported products, Meat inspection.

PART 327—[AMENDED]

1. The authority citation for Part 327 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 33 U.S.C. 1254.

§ 327.2 [Amended]

2. Paragraph (b) of section 327.2 (9 CFR 327.2) would be amended by removing the following country from the

list of countries eligible for importation of products of cattle, sheep, swine, and goats into the United States:

Nicaragua

Done at Washington, DC, on May 6, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-10429 Filed 5-8-86; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 851 0014]

American Academy of Optometry, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final commission approval, would, among other things, prohibit a Washington, D.C. based professional association from restricting or declaring unethical any truthful advertising, solicitation of patients or choice of a location to practice.

DATE: Comments will be received until July 8, 1986.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/B-823, M. Elizabeth Gee, Washington, D.C. 20580. (202) 724-1341.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Advertising, Optometrists, Trade practices.

Before the Federal Trade Commission

[File No. 851-0014]

Agreement Containing Consent Order To Cease and Desist

In the matter of American Academy of Optometry, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of the American Academy of Optometry, Inc. (AAO), a corporation, and it now appearing that AAO is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between AAO, and its duly authorized officer and/or its attorney, and counsel for the Federal Trade Commission that:

1. AAO is a corporation organized, existing, and doing business under and by virtue of the laws of the District of Columbia, with its mailing address at 5530 Wisconsin Avenue, N.W., Suite 950, Washington, D.C. 20815.

2. AAO admits all of the jurisdictional allegations set forth in the draft of complaint here attached.

3. AAO waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify AAO, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by AAO that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules of Practice, the Commission may, without further notice to AAO, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to AAO's address stated in this agreement shall constitute service. AAO waives any right it may have to any other manner of service. The complaint attached hereto may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. AAO has read the proposed complaint and order contemplated hereby. It understands that once that order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. AAO further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after the order becomes final.

Order

I

For purposes of this order, the following definitions shall apply:

A. "AAO" means respondent American Academy of Optometry, Inc., its officers, councils, committees, representatives, agents, employees, successors, and assigns.

B. "Adverse action" means the revocation or suspension of, or refusal to grant, membership in AAO, or the disciplining or penalizing of any optometrist.

II

It is ordered, that AAO, directly or indirectly, or through any corporate or other device, in or affecting commerce, as "commerce" is defind in the Federal Trade Commission Act, shall forthwith cease and desist from:

A. Restricting, regulation, impending, declaring unethical, interfering with, or advising against the truthful, non-

deceptive advertising or publishing by any person of the prices, terms or conditions of sale of optometric sevices or optical products, or of information about optometrists' services that are offered for sale or made available by optometrists or by any organization with which optometrists are affiliated;

B. Restricting, regulating, impeding, declaring unethical, interfering with, or advising against the solicitation, through truthful, non-deceptive advertising or by any other means, of patients, patronage, or contracts to supply optometric services or optical products, by any optometrist or by any organization with which optometrists are affiliated;

C. Restricting, regulating, or interfering with any optometrist's choice of a location at which the optometrist will practice; and

D. Inducing, urging, encouraging, or assisting any optometrist, group of optometrists, or any other non-governmental organization to take any of the actions prohibited by Part II of this Order.

Nothing contained in Part II of this Order shall prohibit AAO from formulating, adopting, disseminating to its members, and enforcing reasonable ethical guidelines governing the conduct of its members with respect to representations, including unsubstantiated representations, that AAO reasonably believes would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act, or with respect to univited, in-person solicitation of actual or potential patients, who, because of their particular circumstances, are vulnerable to undue influence.

III

It is further ordered, that AAO shall cease and desist from:

A. Taking any adverse action against a person alleged to have violated any rule, policy, guideline, or ethical standard without first providing such person with written notice of any such allegation, and without providing such person a reasonable opportunity to respond. The notice required by this part shall, at a minimum clearly specify the rule, policy, guideline, or ethical standard alleged to have been violated, the specific conduct that is alleged to have violated the rule, policy, guideline, or ethical standard, and the reasons the conduct is alleged to have violated the rule, policy, guideline, or ethical standard; and

B. Failing to maintain for five (5) years following the taking of any action referred to in this part, in a separate file segregated by the name of any person against whom such action was taken, any document that embodies, discusses, mentions, refers, or relates to the action taken and any allegation relating to it.

IV

It is further ordered, that AAO shall:

A. For a period of three (3) years, commencing on the date this Order becomes final, provide each applicant for membership in AAO with a copy of the synopsis, attached hereto as Attachment A, of the complaint and this Order at the time the applicant files his or her application for membership in AAO;

B. Within sixty (60) days after this Order becomes final, send by first-class mail the letter attached hereto as Attachment B, together with a copy of the synopsis, attached hereto as Attachment A, of the complaint and this Order to every optometrist who applied for membership in AAO within the last five (5) years but was not accepted for membership, and during whose application review process AAO or any committee or member of AAO raised an issue regarding any practices that are the subject of this Order;

C. Within sixty (60) days after this Order becomes final, publiish the synopsis, attached hereto as Attachment A, of the complaint and this Order in the *American Journal of Optometry and Physiological Optics*, or in any successor publication with the same prominence as regularly published feature articles, and distribute a copy of that issue to each optometrist who is a member of AAO at the time this Order becomes final;

D. Within ninety (90) days after this Order becomes final, remove from its constitution, bylaws, and any other existing policy statements of guidelines of AAO, any provision, interpretation, or policy statement that is inconsistent with Part II of this Order, and within one hundred and twenty (120) days after this Order becomes final, publish and distribute, in the manner described in Part IV.C. of this Order, a copy of the revised versions of such documents, statements, or guidelines to each of its members;

E. Within one hundred and twenty (120) days after this Order becomes final, file a written report with the Federal Trade Commission setting forth in detail the manner and form in which it has complied and is complying with this Order;

F. For a period of five(5) years after this Order becomes final, maintain and make available to the Commission staff for inspection and copying upon reasonable notice, records adequate to describe in detail any action taken in connection with the activities covered by Parts II and III of this Order, including but not limited to any advice or interpretations rendered with respect to advertising or solicitation involving any optometrist or any entity with which optometrists are affiliated; and

G. Annually for a period of five (5) years after this Order becomes final, and commencing twelve (12) months after this Order becomes final, file a written report with the Federal Trade Commission setting forth in detail any action taken in connection with the activities covered by Parts II, III, and IV of this Order, including but not limited to any advice or interpretations rendered with respect to advertising or solicitation involving any optometrist or any entity with which optometrists are affiliated.

V

It is further ordered, that AAO shall notify the Commission at least thirty (30) days prior to any proposed change in the respondent, such as dissolution or reorganization resulting in the emergence of a successor corporation or association, or any other change in the corporation or association which may affect compliance obligations arising out of this Order.

Attachment A—Synopsis of Consent Agreement Between American Academy of Optometry and Federal Trade Commission

The American Academy of Optometry ("Academy") has agreed to comply with the terms of a Consent Order issued by the Federal Trade Commission. A Complaint, setting forth the Commission's allegations against the Academy, has also been issued by the Commission. The Academy's agreement to the Consent Order is for settlement purposes only, and does not constitute an admission by the Academy of a law violation. In December 1981, the Academy adopted a set of guidelines that allow advertising by its members, but such guidelines require further amendment.

The Complaint alleges that the Academy maintained and enforced ethical standards and guidelines and interpreted and implemented standards and guidelines which restricted truthful advertising and solicitation by members or prospective members, and prevented members or prospective members from practicing in commercial locations.

The Consent Order requires that the Academy not restrain advertising or prices, products and services, and other forms of solicitation by any optometrist, or any optometrist's choice of practice location. However, the Consent Order

does not prohibit the Academy from adopting reasonable ethical guidelines to prevent false or deceptive advertising or uninvited, in-person solicitations or patients whose particular circumstances make them vulnerable to undue influence. The Consent Order also does not restrict the Academy from maintaining standards on the competency of its members.

The Consent Order requires that the Academy not revoke, suspend, or refuse to grant Academy membership, or discipline or penalize any optometrist, without first providing him or her with written notice of any allegations, and a reasonable opportunity to respond to them.

The Consent Order also requires the Academy to remove from its constitution, bylaws, policy statements, and guidelines any provision that is inconsistent with the Consent Order.

This synopsis is not intended to constitute an official interpretation of the Consent Order or Complaint, or to modify in any way their terms.

Attachment B

Dear Dr. _____: This letter is to inform you of a Consent Order entered by the Federal Trade Commission. (A synopsis of the Order and the Complaint issued by the Commission is enclosed.) Under the terms of this Order, the American Academy of Optometry has agreed, without admitting to the non-jurisdictional factual or legal allegations in the Complaint, that we will not prevent or impede any optometrist from engaging in any form of truthful, non-deceptive advertising or solication, or interfere with any optometrist's choice of practice location. The Order does not prohibit the Academy from adopting and enforcing reasonable guidelines to prevent advertising that the Academy reasonably believes is false or deceptive, or uninvited, in-person solicitation of patients whose particular circumstances make them vulnerable to undue influence.

Under the Consent Order, we must ensure that our Constitution, Bylaws, policy statements and other ethical guidelines comply with the terms of the Order. In addition, if we take adverse action against a person alleged to have violated any of our ethical standards, we must provide that person with written notice of the allegations and a reasonable opportunity to respond to them.

We are sending copies of the enclosed synopsis of the Consent Order and Complaint, as it is published in the American Journal of Optometry and Physiological Optics, to you as an optometrist who applied for membership in the Academy within the last five years, but were not accepted for membership. Transmittal of this notice to you does not reflect an admission by the Academy that your non-acceptance for membership in the Academy was the result of any activity of the Academy now prohibited by the Consent Order. However, you are free, if you desire, to contact the Academy regarding either the submission of a new application for membership, or reconsideration of a previous application.

A copy of the Complaint and Consent Order are freely available upon request.

Sincerely,

_____

(Name and Title)
American Academy of Optometry

Enclosure.

American Academy of Optometry, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the American Academy of Optometry (AAO), a national organization of optometrists. The agreement would settle charges by the Commission that the proposed respondent violated Section 5 of the Federal Trade Commission Act by enacting and enforcing ethical standards of conduct against solicitation and some forms of advertising and commercial practice by AAO members and prospective members.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw the agreement or make final the agreement's proposed order.

The Complaint

A complaint has been prepared for issuance by the Commission along with the proposed order. It alleges that AAO combined or agreed with at least some of its members to restrain or lessen competition by: restricting truthful advertising by AAO members or prospective members; inducing or attempting to induce members or prospective members to cease some forms of truthful advertising or solicitation; and withholding membership from prospective members who engaged in some forms of truthful advertising. The complaint also alleges that AAO restricted the types of practice locations members or prospective members may use.

The complaint alleges that AAO engaged in various acts or practices in futherance of the combination or agreement. These acts or practices included AAO's enactment and adoption of ethical restrictions, standards of conduct, policy statements and guidelines that, among other things: (1) require members' public statements, announcements of services and promotional activities to "emphasize professional services;" (2) prohibit all "direct solicitations" of patients; and (3) require members to "practice in locations consistent with the majority of other health professionals in the area." AAO also interpreted and implemented the above ethical restrictions, standards of conduct, policy statements and guidelines to restrict truthful advertising by members or prospective members of prices, services, products, and other information where advertisements were judged by AAO not to emphasize professonal services. AAO also interpreted and implemented these restrictions, standards, statements and guidelines to prevent members or prospective members from practicing in commercial locations.

The complaint alleges that most optometrists have traditionally provided optometric services and optical products from a single private office location, and that most of these have engaged in little or no advertising regarding their products or service. However, the complaint alleges, some optometrists conduct their business in a manner different from the traditional office setting by locating their practices in locations customarily considered "commercial" in nature, such as retail optical or other retail stores. Such practices, the complaint alleges, can increase consumer access to optometric care and achieve operating efficiencies that may lower costs of many optometric services and optical products. The complaint alleges that such optometrists or firms with which they affiliate engage in more advertising than traditional practitioners, and that advertising enables optometrists to inform consumers about factors important to their choice of an optometrist, and can benefit consumers by increasing the information available to them and promoting competition among optometrists. The complaint alleges that the purposes and effects of AAO's combination or agreement and acts or practices were and are to unreasonably restrain competition and affect consumers in one or more of the following ways, among others:

(1) Consumers are deprived of the benefits of vigorous price and service competition among optometrists;

(2) Consumers are deprived of truthful information about optometrists' prices, products, services and qualifications;

(3) Optometrists are prevented from disseminating truthful information about their prices, products, services and qualifications; and

(4) Consumers may be deprived of the potential cost savings, convenience and effeciency benefits of optometric practices located in commercial settings.

The Proposed Consent Order

Part I of the proposed consent order contains definitions of terms used in the order. Part II prohibits AAO from restraining advertising, solicitation or practice location by an optometrist or any organization with which the optometrist may be affiliated. However, Part II also contains a proviso that makes it clear that the order does not prohibit AAO from formulating or enforcing reasonable ethical guidelines with respect to advertising by AAO members that is false or deceptive under Section 5 of the Federal Trade Commission Act, or uninvited, inperson solicitation of patients who are vulnerable to undue influence.

Part III.A of the proposed consent order requires AAO, before taking any adverse action against any person alleged to have violated any AAO standard of conduct, to provide that person with written notice of the allegation and a reasonable opportunity to respond. Part III.B requires AAO to maintain a file relating to any such adverse action for five (5) years.

Part IV.A requires AAO, for a period of three (3) years, to give each applicant for membership in AAO a copy of a synopsis (appended as Attachment A to the proposed order) which describes the allegations of the complaint and the requirements of the consent order. Part IV.B requires AAO, within sixty (60) days after the order becomes final, to send a letter (appended as Attachment B to the proposed order) and a copy of the above synopsis to each optometrist who applied for AAO membership in the last five years but was not accepted for membership, where it appears that an issue was raised during the application review process concerning the applicant's advertising, solicitation or style of practice. Part IV.C requires AAO, within sixty (60) days after the order becomes final, to publish the above synopsis of the complaint and order in the AAO journal, the *American Journal of Optometry and Psysiological Optics*, and distribute a copy to every member of AAO.

Part IV.D of the proposed consent order requires AAO, within ninety (90) days after the order becomes final, to remove from its constitution, by-laws, policy statements or guidelines any provisions that are inconsistent with Part II of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 86-10422 Filed 5-8-86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Medicaid Eligibility Determinations

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: We propose to revise our rules on the agreements under which we make Medicaid eligibility determinations on behalf of States for individuals who receive Supplemental Security Income (SSI) benefits. The revision would provide that we will enter into an agreement with a State that requires in its title XIX plan, as a condition of Medicaid eligibility, that a person assign to the State any rights he or she has to payments from someone else for medical care. This assignment is required by sections 1902(a)(45) and 1912(a)(1) of the Social Security Act (the Act) as added and amended, respectively, by section 2367 of Pub. L. 98-369, the Deficit Reduction Act of 1984. We also propose to rewrite and reorganize our existing rules for making Medicaid eligibility determinations.

DATE: Your comments will be considered if we receive them no later than July 8, 1986.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3-A-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Cliff Terry, Legal Assistant, Room 3-B-4, Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7519.

SUPPLEMENTARY INFORMATION: Section 1634 of the Social Security Act authorizes us to enter into an agreement, with a State that wishes to do so, to make Medicaid eligibility determinations on behalf of the State for aged, blind, or disabled individuals. Our regulations for these agreements are in 20 CFR Part 416, Subpart U.

Assignment of Third-Party Payment Rights

Our existing regulations provide that we will not enter into a section 1634 agreement with a State unless the Medicaid eligibility requirements the State asks us to apply are the same as either SSI requirements or State supplementary payment requirements, except that the State need not have us make Medicaid determinations for every category (aged people, blind people, and disabled people) of SSI beneficiary.

Section 2367 of Pub. L. 98-369, the Deficit Reduction Act of 1984, enacted July 18, 1984, amended sections 1902 and 1912 of the Act. Section 1920(a)(45), as added, requires that the State plan under title XIX include as a Medicaid eligibility requirement the assignment of rights to third-party medical payments. Section 1912(a)(1), as amended, mandates that States require, as a condition of Medicaid eligibility, that a person assign to the State his or her rights to any medical care support available under an order of a court or an administrative agency and any third-party payments for medical care (except Medicare). Section 1912(a)(1)(A) and (B) further require as a condition of eligibility that the individual assign the rights of any other individual eligible under the State's Medicaid plan for whom he or she can legally make an assignment cooperate in establishing paternity and obtaining medical care support and payments. Section 2367 of Pub. L. 98-369 was effective October 1, 1984, except that it grants additional time for compliance to State whose compliance to States whose compliance requires State legislation.

Sections 1902(a)(45) and 1912(a)(1) are intended to give the States an efficient means of preventing or recovering Medicaid overpayments that result from payment by Medicaid of medical expenses for which someone else, such as an insurance company or an absent parent, is legally responsible. Section 1634 is intended to give States the advantage of having us make Medicaid determinations on their behalf to prevent duplication of effort since we already considered many factors in making the SSI determinations that the

State would consider in making the Medicaid determinations.

It had been our policy, under our existing regulations prior to enactment of section 2367, to make determinations only for States whose eligibility requirements for Medicaid are the same as those for the SSI program. We made this decision mainly to simplify the making of Medicaid eligibility determinations and keep down the cost to the States and to us. However, since all States are now required to include the assignment of rights to third-party medical payments under sections 1902(a)(45) and 1912(a)(1) as a condition of Medicaid eligibility, we now propose to amend our regulations to provide that we will apply the assignment of rights provision when we make Medicaid eligibility determinations for a State which has a section 1634 agreement.

To determine whether the assignment requirement is met, we will explain the assignment of rights requirements to claimants and that it is a condition of eligiblity for Medicaid. We also plan to have each claimant sign a form in States where such rights are not automatically assigned by operation of State law, to provide for assignment of rights to payments by third party payors and assignment of such rights for any other individual(s) eligible under the State Medicaid plan for whom the claimant can legally assign such rights. We also plan to provide the Medicaid agency with information on each claimant as to whether the assignment of rights requirement is met.

General Rewriting of Subpart U

We are also rewriting and reorganizing all of Subpart U to make it clearer and easier to understand. We summarize below the rewritten Subpart U and the additions and main clarifications we have made:

Basic Provisions

Section 416.2101 cross-refers to the basic regulations of the Health Care Financing Administration on the Medicaid program. This section also defines terms used in Subpart U. Section 416.2111 states the conditions for our agreeing to make Medicaid eligibility determinations for a State. Section 416.2116 states when we make the determinations. Section 416.2130 gives examples of Medicaid functions we will not agree to carry out for a State.

Liability

Section 416.2140 states the limits of our liability if we tell a State erroneously that a person is eligible for Medicaid. This provision is not in the existing regulations but is in existing agreements with States.

Other Services

Section 416.2145 describes services, other than eligibility determinations, which we provide under authority of 31 U.S.C. 6505 to help a State administer its Medicaid program. The main other service is to give the State information relevant to Medicaid eligibility that we get from individuals applying for SSI benefits. We have added to this section a description of the two items of information currently requested by our SSI application forms solely for States' use for Medicaid purposes.

Charges to States

Section 416.2161 provides, more specifically than the existing regulations, under what circumstances and how much a State has to pay for each service we provide under this subpart. The States pay half of our additional costs directly related to making Medicaid eligibility determinations. The States pay our full additional costs for other services.

Duration of Agreement

Section 416.2171 identifies the duration of a Medicaid determination agreement and the ways it can be ended. Paragraphs (b) and (c) include ways of ending it that are not in the existing regulations but that are in existing agreements with States. These are: (1) Either the State or we can end the agreement by giving written notice at least 90 days before the end of a term; or (2) if the State fails to pay our costs as agreed, we can notify the State in writing, at least 30 days before the ending date we select, why we intend to end the agreement. If the State gives a good reason for keeping the agreement in force beyond the ending date we selected, the termination will be postponed or the agreement will remain in force through the end of the term.

Disagreements Between a State and Us

Section 416.2176 describes the appeals procedure for resolving disagreements that may arise under a Medicaid determination agreement. Any disagreement related to performance under the agreement may be appealed. An appeal to the HHS Grant Appeals Board is the final level of administrative appeal. Again, this procedure is not in the existing regulations but reflects the existing agreements with States, with minor modifications.

State Employees Working in Our Offices

We have deleted specific mention of letting State Medicaid employees work in our offices to take applications for Medicaid (existing § 416.2118(c)), because very few State employees have been assigned to our offices and specific reference in the regulations to this service no longer seems necessary. In spite of the deletion, we will still permit these assignments where appropriate.

Regulatory Procedures

Executive Order 12291

These proposed regulations have been reviewed under E.O. 12291. They will not have an annual effect on the economy of $100 million and do not meet any of the other criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

These proposed regulations impose no reporting/recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act

We certify that these proposed regulations will not, if promulgated, have a significant economic impact on a substantial number of small entites because these rules will apply only to States and individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income; 13.714, Medical Assistance Program.)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance program, Supplemental Security Income (SSI).

Dated: August 26, 1985.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: February 7, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 416—[AMENDED]

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Subpart U is revised to read as follows:

Subpart U—Medicaid Eligibility Determinations

Sec.

416.2101 Introduction.
416.2111 Conditions for our agreeing to make Medicaid eligibility determinations.
416.2116 Medicaid eligibility determinations.

Sec.
416.2130 Effect of the agreement and responsibilities of States.
416.2140 Liability for erroneous Medicaid eligibility determinations.
416.2145 Services other than Medicaid determinations.
416.2161 Charges to States.
416.2166 Changing the agreement.
416.2171 Duration of agreement.
416.2176 Disagreements between a State and us.

Authority: Secs. 1102, 1631, 1634, 1902(a)(45), and 1912 of the Social Security Act, as amended; sec. 1 of Pub. L. 97-258; 49 Stat. 647, as amended; 86 Stat. 1475 and 1478; 91 Stat. 1196; 96 Stat. 1007; 42 U.S.C. 1302, 1383, 1383c, 1396a(a)(45), and 1396k; 31 U.S.C. 6505.

Subpart U—Medicaid Eligibility Determinations

§ 416.2101 Introduction.

(a) *What is in this subpart.* This subpart describes the agreements we make with States for us to determine the Medicaid eligibility of individuals who receive Supplemental Security Income (SSI) benefits. It includes a general description of the services we will provide under these agreements and the costs to the States for the services.

(b) *Related regulations.* The comprehensive regulations on eligibility for the Medicaid program, administered by the Health Care Financing Administration, are in Part 435 of Title 42 of the Code of Federal Regulations.

(c) *Definitions.* In this subpart—

"SSI benefits" means Federal SSI benefits, including special SSI cash benefits under § 416.261. In addition, we consider a person who has special SSI eligibility status under § 416.264 to be receiving SSI benefits.

"State Medicaid plan" means a State's medical assistance plan which the Secretary has approved under title XIX of the Act for Federal payment of a share of the State's medical assistance expenses.

"State supplementary payments" means supplementary payments we administer for a State under Subpart T of this part.

"We", "us", or "our" refers to the Social Security Administration.

§ 416.2111 Conditions for our agreeing to make Medicaid eligibility determinations.

We will agree to make Medicaid eligibility determinations for a State only if the State's Medicaid eligibility requirements for recipients of SSI benefits and for recipients of State supplementary payments are the same as the requirements for receiving SSI benefits and the requirements for receiving State supplementary payments, respectively. Exceptions: We will agree to make Medicaid eligibility determinations—

(a) For one, two, or all of the three categories of people (i.e., aged, blind, and disabled) who receive SSI benefits or State supplementary payments; or

(b) Even though the State's Medicaid eligibility requirements for recipients of SSI benefits or of State supplementary payments, or both, include the requirement for the assignment of rights to third-party medical care payments under sections 1902(a)(45) and 1912(a)(1) of the Act.

§416.2116 Medicaid eligibility determinations.

If a State requests, we will agree, under the conditions in this subpart, to make Medicaid eligibility determinations on behalf of the State. Unnder these agreements, we make the Medicaid determinations when determinations or redeterminations are necessary for SSI purposes. When we determine that a person is or is not eligible for Medicaid in accordance with §416.2111, we notify the State of that fact.

§416.2130 Effect of the agreement and responsibilities of States.

(a) An agreement under this subpart does not change—

(1) The provisions of a State's Medicaid plan;

(2) The conditions under which the Secretary will approve a State's Medicaid plan; or

(3) A State's responsibilities under the State Medicaid plan.

(b) Following are examples of functions we will not agree to carry out for the State:

(1) Stationing of our employees at hospitals or nursing homes to take Medicaid applications;

(2) Determining whether a person is eligible for Medicaid for any period before he or she applied for SSI benefits;

(3) Giving approval for emergency medical care under Medicaid before a determination has been made on whether a person is eligible for SSI benefits;

(4) Setting up or running a State's system for requiring a person to pay part of the cost of services he or she receives under Medicaid; or

(5) Giving identification cards to people to show that they are eligible for Medicaid.

§416.2140 Liability for erroneous Medicaid eligibility determinations.

If we erroneously tell a State that a person is eligible for Medicaid and the State therefore makes erroneous Medicaid payments, the State will be paid the Federal share of those payments under the Medicaid program as if they were correct. If the State suffers any financial loss, directly or indirectly, through using any information we provide under an agreement described in this subpart, we will not be responsible for that loss.

§416.2145 Services other than Medicaid determinations.

We will agree under authority of 31 U.S.C. 6505 to provide services other than Medicaid determinations to help the State administer its Medicaid program. We will do this only if we determine it is the most efficient and economical way to accomplish the State's purpose and does not interfere with administration of the SSI program. The services can be part of a Medicaid eligibility determination agreement or a separate agreement. Under either agreement we will—

(a) Give the State basic information relevant to Medicaid eligibility from individuals' applications for SSI benefits;

(b) Give the State answers to purely Medicaid-related questions that we have agreed to ask SSI applicants, such as—

(1) Whether the SSI applicant or any children in his or her households have any health insurance or other medical coverage; and

(2) Whether the SSI applicant has any unpaid medical expenses for the current month or the previous 3 calendar months;

(c) Conduct statistical or other studies for the State; and

(d) Provided other services the State and we agree on.

§416.2161 Charges to States.

(a) *States with Medicaid eligibility determination agreement.* A State with which we have an agreement to make Medicaid eligibility determinations is charged in the following manner;

(1) If making Medicaid determinations and providing basic SSI application information for a State causes us additional cost, the State must pay half of that additional cost. "Additional cost" in this section means cost in addition to costs we would have had anyway in administering the SSI program.

(2) The State must pay half our additional cost caused by providing answers to any questions that we ask only for Medicaid purposes and by any other services directly related to making Medicaid eligibility determinations.

(3) The State must pay our full additional cost for statistical or other studies and any other services that are

not directly related to making Medicaid eligibility determinations.

(b) *States without Medicaid eligibility determination agreement.* A State with which we do not have an agreement to make Medicaid eligibility determinations is charged in the following manner:

(1) If providing basic SSI application information causes us additional cost, the State must pay our full additional cost.

(2) The State must pay our full additional cost caused by providing answers to purely Medicaid-related questions and for statistical or other studies and any other services.

§ 416.2166 Changing the agreement.

The State and we can agree in writing to change the agreement at any time.

§ 416.2171 Duration of agreement.

An agreement under this subpart is automatically renewed for 1 year at the end of the term stated in the agreement and again at the end of each 1-year renewal term, unless—

(a) The State and we agree in writing to end it at any time;

(b) Either the State or we end it at any time without the other's consent by giving written notice at least 90 days before the end of a term, or 120 days before any other ending date selected by whoever wants to end the agreement; or

(c)(1) The State fails to pay our costs as agreed;

(2) We notify the State in writing, at least 30 days before the ending date we select, why we intend to end the agreement; and

(3) The State does not give a good reason for keeping the agreement in force beyond the ending date we selected. If the State does provide a good reason, the termination will be postponed or the agreement will be kept in force until the end of the term.

§ 416.2176 Disagreements between a State and us.

(a) If a State with which we have an agreement under this subpart and we are unable to agree about any question of performance under the agreement, the State may appeal the question to the Commissioner of Social Security. The Commissioner or his or her designee will, within 90 days after receiving the State's appeal, give the State either a written decision or a written explanation of why a decision cannot be made within 90 days, what is needed before a decision can be made, and when a decision is expected to be made.

(b) The Commissioner's decision will be the final decision of the Department of Health and Human Services, unless the State appeals the decision within 30 days after receiving it to the Department's Grant Appeals Board under procedures in 45 CFR Part 16.

2. The authority citation for Subpart A is revised to read as follows:

Authority: Secs. 1102, 1611, 1616, 1618, 1619, 1631 and 1634, Social Security Act as amended, sec. 212 of Pub. L. 93-66, as amended; 49 Stat. 647 as amended, 86 Stat. 1466, 1474, 1475, and 1478, 90 Stat. 2901, 94 Stat. 445, and 87 Stat. 155 (42 U.S.C. 1302, 1382, 1382e, 1382g, 1382h, 1383c, and 1382 note), unless otherwise noted.

§ 416.110 [Amended]

3. Section 416.110(f)(2) is amended by inserting "(except as permitted by § 416.2111)" after the word "identical."

[FR Doc. 86-10504 Filed 5-8-86; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-301A]

Concrete and Masonry Construction Safety Standards

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Proposed rules: changes in hearing schedules, location, and dates for submission of documents.

SUMMARY: This notice announces changes in the starting date of public hearing, the location of the hearing, the dates for submission of comments, notices of intention to appear, and other documentary evidence on the proposed revision of the safety standards for Concrete and Masonry Construction (51 FR 11945, April 8, 1986). It has been brought to the Agency's attention that the hearing, which was originally scheduled to begin on June 3, 1986, would conflict with the schedules of several witnesses. The hearing has been rescheduled to begin on June 17, 1986, to avoid this conflict. The rescheduling of the starting date of the hearing allows the Agency to extend the dates by which the public must submit comments and other documents related to participation at the rulemaking hearing on Concrete and Masonry Construction Safety Standards.

DATES: Notices of intention to appear to give oral testimony at the informal public hearing must be postmarked by May 20, 1986. Comments, testimony and all evidence which will be offered into the hearing record must be postmarked by June 3, 1986. The hearing will be held in Washington, DC, on June 17, 1986, and will begin at 9:30 a.m. If it is necessary, the hearing will continue on June 18, 1986.

ADDRESSES: Four copies of the notice of intention to appear and testimony and documentary evidence which will be introduced into the hearing record must be sent to Mr. Tom Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3637, 200 Constitution Avenue NW., Washington, DC 20210.

Written comments may be submitted on all hearing issues raised by the hearing notice, as well as other relevant issues raised by the proposal (50 FR 37543, September 16, 1985). Four copies must be sent to the Docket Office, Docket No. S-301A, Room N3670, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-7894.

The informal public hearing will be held in Room N5437 A&B of the Frances Perkins Building, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Hearing: Mr. Tom Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3637, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8615 or 523-8024.

Hearing Issues: Mr. James Foster, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, Washington, DC 20210, (202) 523-8148.

Authority

This document was prepared under the direction of Patrick R. Tyson, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

It is issued pursuant to Sec. 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655); Sec. 107 of the Construction Safety Act (83 Stat. 96, 40 U.S.C. 333); Secretary of Labor's Order No. 9-83 (48 FR 35736); and 29 CFR Part 1911.

Signed at Washington, DC, this 6th day of May 1986.

Patrick R. Tyson,

Acting Assistant Secretary of Labor.

[FR Doc. 86-10483 Filed 5-8-86; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Illinois Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of program amendments submitted by Illinois as amendments to the State's permanent regulatory program (hereinafter referred to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments submitted consist of proposed amendments to Illinois' regulations to implement and administer the Illinois program. The proposed amendments are also intended to make Illinois' rules consistent with the revised Federal regulations contained in 30 CFR Chapter VII.

This notice sets forth the times and locations that the Illinois program and proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m. June 23, 1986 will not necessarily be considered in the decision on whether the proposed amendments should be approved and incorporated into the Illinois regulatory program. A public hearing on the proposed amendments has been scheduled for June 18, 1986. Any person interested in speaking at the hearing should contact Mr. James F. Fulton, at the address or telephone number listed below by May 27, 1986. If no person has contacted Mr. Fulton by that date to express an interest in the hearing, the hearing will be cancelled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing is scheduled for 1:00 p.m. in the Springfield Field Office, 600 E. Monro Street, Springfield, Illinois 62701.

Written comments and requests for an opportunity to speak at the hearing should be directed to Mr. James F. Fulton, Field Office Director, Springfield Field Office, Office of Surface Mining Reclamation and Enforcement, 600 E. Monroe Street, Springfield, Illinois 62701; Telephone: (217) 492-4495.

Copies of the Illinois program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the Springfield Field Office listed above, OSMRE Headquarters Office, and the Office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendments by contacting OSMRE's Springfield Field Office.

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, N.W., Washington, D.C. 20240

Department of Mines and Minerals, Land Reclamation Division, 227 South 7th Street, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT: Mr. James F. Fulton, Director, Springfield Field Office, Office of Surface Mining Reclamation and Enforcement, 600 E. Monroe Street, Springfield, Illinois 62701; Telephone: (217) 492-4495.

SUPPLEMENTARY INFORMATION:

I. Background

The Illinois program was conditionally approved by the Secretary of the Interior on June 1, 1982. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Illinois program, can be found in the June 1, 1982 **Federal Register** (47 FR 23858). Subsequent actions taken with regard to Illinois' conditions of approval, approved program amendments and required amendments can be found at 30 CFR 913.11, 913.15 and 913.16.

II. Submission of Revisions

By letter dated March 28, 1986, Illinois submitted program amendments to State regulations contained in the Illinois program. The proposed regulations would amend the following Parts of Title 62: Mining Chapter I: regulations of the Illinois Department of Mines and Minerals.

Part 1700—General
Part 1701—General Definitions
Part 1705—Restriction on Financial Interests of State Employees
Part 1760—General Areas Unsuitable for Mining
Part 1761—Area Designated by Act of Congress
Part 1762—Criteria for Designating Areas as Unsuitable for Surface Coal Mining Operations
Part 1764—State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations.
Part 1770—For Permit and Exploration Procedures Systems Under Regulatory Programs
Part 1771—General Requirements for Permits and Permit Applications
Part 1772—Requirements for Coal Exploration
Part 1773—Requirements for Permits and Permit Processing
Part 1774—Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights
Part 1775—Administrative and Judicial Review of Decisions
Part 1776—General Requirements for Coal Exploration
Part 1777—General Requirements for Permit Applications
Part 1778—Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information
Part 1779—Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources
Part 1780—Surface Mining Permit Application—Minimum Requirements for Reclamation and Operation Plan
Part 1782—Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance and Related Information
Part 1783—Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources
Part 1784—Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan
Part 1785—Requirements for Permits for Special Categories
Part 1786—Review, Public Participation and Approval and Disapproval of Permit Applications and Permit Terms and Conditions
Part 1787—Administrative and Judicial Review of Decision by Regulatory Authority on Permit Applications
Part 1788—Permit Reviews, Revisions and Renewals and Transfer, Sale and Assignment of Rights Granted Under Permits
Part 1795—Small Operator Assistance
Part 1800—Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations
Part 1801—Bonding Requirements for Underground Coal Mines, Coal-Processing Plants Associated Structures, and Other Coal-Related Long-Term Facilities and Structures
Part 1805—Amount and Duration of Performance Bond

Part 1806—Form, Conditions and Terms of Performance Bonds and Liability Insurance
Part 1807—Procedures, Criteria and Schedule for Release of Performance Bond
Part 1808—Performance Bond Forfeiture Criteria and Procedures
Part 1815—Permanent Program Performance Standards Coal Exploration
Part 1816—Permanent Program Performance Standards—Surface Mining Activities
Part 1817—Permanent Program Performance Standards—Underground Mining Operations
Part 1818—Special Permanent Performance Standards—Concurrent Surface and Underground Mining
Part 1819—Special Permanent Program Performance Standards—Auger Mining
Part 1823—Special Program Performance Standards—Operations on Prime Farmland
Part 1824—Special Permanent Program Performance Standards—Mountaintop Removal
Part 1825—Special Permanent Program Performance Standard—Operations on High Capability Lands
Part 1826—Special Permanent Program Performance Standard—Operations on Steep Slopes
Part 1827—Special Permanent Program Performance Standards—Coal Preparation Plants Not Located Within the Permit Area for a Mine
Part 1828—Special Permanent Program Performance Standard—In SITU Processing
Part 1840—Department Inspections
Part 1843—State Enforcement
Part 1845—Civil Penalties

These revisions are proposed by the State of Illinois in response to revisions made to Federal regulations contained in 30 CFR Chapter VII under SMCRA. By letter dated May 21, 1985, pursuant to 30 CFR 732.17 OSMRE informed Illinois of State regulations that must be amended in order to be consistent with the revised Federal regulations. By letter dated July 22, 1985, Illinois agreed to provide OSMRE a draft of proposed amendments to the Illinois regulations addressing concerns set forth in OSMRE's letter. The proposed amendments described above are the State's effort to address OSMRE's concerns. The proposed amendments also include extensive revisions to make the State body of regulations follow the Federal regulations to eliminate problems of cross-referencing from one regulation to another within State regulations and between a specific State regulation and the Federal counterpart regulation. The amendments are proposed to make Illinois' regulations consistent with the Federal standards.

III. Procedural Matters

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

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

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

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

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

List of Subjects in 30 CFR Part 913

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

Dated: April 30, 1986.

Brent Wahlquist,

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

[FR Doc. 86-10439 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular, Public Debt Series, No. 2-86]

Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Notice of extension of time for submission of comments.

SUMMARY: This document extends until June 6, 1986, the deadline for the submission of comments on the proposed new rules governing Treasury securities maintained in the commercial book-entry system known as the Treasury/Reserve Automated Debt Entry System ("TRADES"). The notice of the proposed rulemaking was published in the **Federal Register** on March 14, 1986 (51 FR 8846), and comments were to be received on or before May 13, 1986.

DATE: Comments must be received or postmarked on or before June 6, 1986.

ADDRESS: Send comments to the Office of the Chief Counsel, Bureau of the Public Debt, E Street Building, Washington, DC 20239-0001.

FOR FURTHER INFORMATION CONTACT: Virginia Rutledge, Attorney-Advisor, (202/535-4890) or Cynthia Reese, Attorney-Advisor, (202/376-4320).

SUPPLEMENTARY INFORMATION: The proposed rules generally would replace the existing book-entry regulations found in Subpart O of 31 CFR Part 306. The Department's primary goal in proposing new book-entry regulations is to provide investors with clearer guidelines on how to structure transactions in Treasury book-entry securities.

The Department has received several inquiries concerning an extension of the comment period. Due to the complexity of certain of the issues raised by the proposed book-entry regulations, the Department believes it is important to receive comprehensive, carefully considered comments from as wide a group of participants in the government securities market as is possible. At the same time, the Department's objective is to publish the rules in final form as soon after July 1, 1986, as possible. To balance this objective with the desire to obtain comprehensive comments, the Department has decided to extend the comment period to June 6, 1986.

Dated: May 7, 1986.

W.M. Gregg,

Commissioner of the Public Debt.

[FR Doc. 86-10588 Filed 5-8-86; 8:45 am]

BILLING CODE 4810-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-86-10]

Special Local Regulations; 1986 Grand Prix, Niagara River

April 25, 1986

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Coast Guard is considering a proposal to establish Special Local Regulations for the 1986

Grand Prix which is to be conducted on the Niagara River, Tonawanda Channel, off of Buffalo, NY, on the 10th of August, 1986. The regulations are needed to provide for the safety of life on navigable waters during the event.

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

ADDRESSES: Comments should be mailed to Commander (osr), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199. The comments will be available for inspection and copying at the Ice Navigation Center, Room 2007D, 1240 East 9th Street, Cleveland, OH. Normal office hours are between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered.

FOR FURTHER INFORMATION CONTACT: CWO Gerald M. Trackim, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this Notice (CGD 09-86-10) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this regulation are CWO Gerald M. Trackim, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The 1986 Grand Prix will be conducted on the Niagara River, Tonawanda Channel, off of Buffalo, NY, on 2 and 3 August, 1986. It is sponsored by the Niagara Inboard Boat Club and is well known to boaters and residents of this area. This event will have an estimated 50 plus power boats with an expected 7,000 spectator craft which could pose hazards to navigation in the area. In order to provide for the safety of life and property, the Coast Guard will restrict movement prior to and during this event within this section of the Niagara River, Tonawanda Channel. A Coast Guard patrol vessel will be located at strategic locations around the regulated area to stop vessel traffic.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignficant under Department of Transportation regulatory policies and procedures (44 CFR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the event. This should have a favorable impact on commercial facilities providing services to the spectators. Any impact on commercial traffic in the area will be negligible. Since the impact of this regulation is expected to be minimal, the Coast Guard certified that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, as follows:

1. The authority for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46(c)(5) and 33 CFR 100.35.

2. Part 100 is amended to add a temporary § 100.35-0910 to read as follows:

§ 100.35-0910 1986 Grand Prix, Niagara River

The following area will be closed to vessel navigation or anchorage, except for spectator areas to be designated by the Coast Guard Patrol Commander, from 11:00 A.M. (local time) until 7:00 P.M. (local time) on 2 and 3 August, 1986.

(a) *Restricted Area:* That portion of the east branch of the Niagara River, Tonawanda Channel, from the overhead cable, 1300 yards northwest of the South Grand Island Bridge, to an east-west line through Tonawanda Channel Buoy 35 (LLP 29).

(b) *Special Local Regulations:* (1) Vessels desiring to transit the restricted area may do so only with the approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants, or vessels of the patrol in the performance of their assigned duties.

(2) No vessel shall anchor or drift in the area restricted to navigation.

(3) A succession of sharp, short, signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) All persons in charge of, or operating vessels in the area covered by the above Special Local Regulations are required to promptly obey the directions of the Patrol Commander and the men acting under his instructions in connection with the enforcement of these Special Local Regulations.

(5) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel

(ii) $500 for the owner of a vessel actually on board

(iii) $250 for any other person

(iv) Suspension or revocation of a license for a licensed officer.

Dated: April 30, 1986.

B. K. Schaeffer,

Chief of Staff.

[FR Doc. 86-10373 Filed 5-8-86; 8:45 am]

BILLING CODE 4910-14-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1250

Freedom of Information Act Procedures

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule establishes procedures for appealing denials of fee waiver requests for National Archives and Records Administration (NARA) administrative records. The proposed rule also modifies procedures for payment of fees charged under FOIA and for determining the time limit for appealing a denial of a FOIA request. The proposed rule is intended to clarify NARA procedures for handling FOIA requests.

DATE: Comments must be received by June 9, 1986.

ADDRESS: Comments should be sent to Director, Program Policy and Evaluation Division, National Archives and Records Administration (NAA), Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202-523-3214 (FTS 523-3214).

SUPPLEMENTARY INFORMATION: NARA regulations implementing the Freedom of Information Act (FOIA) with respect to NARA administrative records are found in 36 CFR Part 1250. The present NARA regulations, which were adopted on July 1, 1985 (50 FR 27202), provide for the waiver or reduction of FOIA fees (section 1250.38), but they do not indicate how to appeal the denial of such fee waiver requests. In practice, NARA has been handling appeals of fee waiver denials by following the procedures in § 1250.58 for appealing denials of access. This proposed rule would modify § 1250.38 to specify that the procedures in § 1250.58 are to be used for appealing fee waiver denials. Section 1250.38 would also be changed to clarify the criteria used by NARA in evaluating fee waiver requests. These criteria are taken from the Department of Justice fee waiver policy guidance memorandum of January 7, 1983.

The current NARA denial of access appeal procedures provide that appeals must be received by NARA no later than 30 calendar days after the requester receives the initial denial of access. If the appeal letter does not specify the date the requester received the initial denial of access, NARA has no way of knowing whether an appeal which is received more than 30 days after the date of the initial denial letter is timely. Section 1250.58(b) would be revised to provide that NARA will consider timely any appeal received within 35 calendar days after the date of the initial denial letter. The proposed rule would also modify § 1250.44 to require that checks or money orders in payment of FOIA fees be payable to the National Archives and Records Administration.

This proposed rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1250

Freedom of information.

For the reasons set forth in the preamble, NARA proposes to amend Chapter XII of Title 36 as follows:

PART 1250—PUBLIC AVAILABILITY OF NARA ADMINISTRATIVE RECORDS AND INFORMATIONAL MATERIALS

1. The authority citation for Part 1250 contiues to read as follows:

Authority: 44 U.S.C. 2104(a); 5 U.S.C. 552.

2. Section 1250.38 is revised to read as follows:

§ 1250.38 Waiver or reduction of fees.

(a) Any request for waiver or reduction of a fee shall be included in the initial letter requesting access to NARA records under § 1250.54. The waiver or reduction request should explain how the information requested primarily benefits the public and why it is in the public interest for NARA to waive ro reduce the fee. The explanation of the public benefit should address the points outlined in paragraph (b).

(b) NARA will consider the following points in evaluating the request:

(1) The public interest in the subject matter of the request;

(2) Whether the disclosable contents of the records are in fact informative on the issue found to be of public interest;

(3) Whether the requested information is already available in the public domain;

(4) The intention and ability of the requester to disseminate the information; and

(5) Whether any disclosure benefit to the requester is outweighed by benefit to the general public.

(c) If NARA denies a request for a waiver or reduction of a fee, the requester may appeal this denial, following the procedures in § 1250.58.

3. Section 1250.44 is revised to read as follows:

§ 1250.44 Form of payment.

Requesters shall pay fees by check or money order payable to: "National Archives and Records Administration", and addressed to the official named by NARA in its correspondence.

4. Section 1250.58 is amended by revising paragraph (b) to read as follows:

§ 1250.58 Appeal within NARA.

* * * * *

(b) The Deputy Archivist must receive an appeal no later than 35 calendar days after the date of the NARA letter of denial.

* * * * *

Dated: April 22, 1986.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 86-10430 Filed 5-8-86; 8:45 am]

BILLING CODE 7515-01-M

36 CFR Part 1254

Use of Archival Research Rooms in NARA Field Facilities

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Archives and Records Administration (NARA) proposes to establish regulations relating to archival research rooms in Presidential libraries and National Archives field branches. The proposed regulation would prohibit the use of personal copiers and would limit other personal property that may be brought into research rooms where original records are used. These changes are being made to enhance the security of records being used by the public and to ensure proper handling or records while they are being reproduced.

DATE: Comments must be received by June 9, 1986.

ADDRESS: Comments should be sent to Director, Program Policy and Evaluation Division, National Archives and Records Administration (NAA), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202-523-3214 (FTS 523-3214).

SUPPLEMENTARY INFORMATION: This proposed rule would extend to the National Archives field branches and Presidential libraries certain research room procedures which are being implemented at the National Archives Building and the Washington National Records Center. The proposed rule would also affect researchers using agency records stored in Federal Records Centers where the records center and the National Archives Field Branch share a common research room.

The new procedures will prohibit the use of personal paper-to-paper copiers; require researchers to store most of their personal belongings in lockers or other storage facilities provided by NARA; and require inspection of items brought into and removed from the research room. In some facilities, NARA will also provide researchers with specially marked lined and unlined notepaper and notecards. These procedures will apply in research rooms where original records are used; they will not apply in microfilm research rooms which are physically separated from textual research rooms. The proposed procedures differ slightly from the procedures followed at the National Archives Building to reflect the different circumstances at the field facilities.

Implementation of this proposal will enhance the security of permanently valuable records being used by the public. These proposed procedures are in line with practices in other archival and manuscript institutions in the United States.

We intend to implement these procedures in the Presidential libraries and National Archives field branches at Chicago, IL, Fort Worth, TX, and Laguna Niguel, CA, as soon as the rulemaking process is completed. Implementation of the procedures in other NARA field branches will take place over the next several years when resources permit modifications in those facilities to allow installation of lockers and separation of the textual records research room from the microfilm research room in each branch.

This proposed rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1254

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend Part 1254 as follows:

PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

1. The authority citation for Part 1254 continues to read as follows:

Authority: 44 U.S.C. 2101—2118.

2. Section 1254.27 is added to read as follows:

§ 1254.27 Additional rules for use of certain research rooms in National Archives field branches and Presidential libraries.

(a) When directed by the appropriate director, the following procedures shall be observed in Federal Records Center, National Archives field branch and Presidential library archival research rooms where original documents are used. These procedures are in addition to the procedures specified elsewhere in this Part.

(b) Researchers shall present a valid researcher identification card to the guard or research room attendant on entering the room. All researchers are required to sign each day the Daily Registration Book at the entrance to the research room. Researchers will also record the time they leave the research room at the end of the visit for that day. Researchers are not required to sign in or out when leaving the area temporarily.

(c) Researchers may not bring into the research room overcoats, raincoats, hats, and similar apparel; personal copying equipment including personal paper-to-paper copiers; and briefcases, suitcases, day packs, purses, or similar containers of personal property. In facilities where NARA provides notepaper and notecards, researchers also may not bring into the research room notebooks, notepaper, notecards, folders or other containers for papers. These items may be stored at no cost in lockers or other storage facilities in the NARA facility. The following exceptions may be granted:

(1) Hand-held wallets and coin purses for carrying currency, coins, credit cards, keys, drivers licenses and other identification cards may be brought into research rooms, but are subject to inspection when the researcher enters or leaves the room. The guard or research room attendant shall judge whether the wallet or purse may be considered small for purposes of this section:

(2) Notes references, lists of records to be consulted, and other materials may be admitted if the chief of the branch administering the research room or the senior attendant on duty in the research room determines they are essential to a researcher's work requirements. Materials will be presented to the attendant when the researcher enters the research room. If the materials are approved for admission, they may be stamped to indicate that they are the researcher's property;

(3) Typewriters, personal computers, tape recorders, and hand-held cameras may be admitted by the guard or research room attendant provided that they are inspected, approved, and tagged prior to admittance. The chief of the branch administering the research room or the senior attendant on duty in the research room will review the determination made by the guard or research room attendant if requested to do so by the researcher; and

(4) Notepaper and notecards provided by the National Archives and electrostatic copies made on copying machines in NARA research rooms which are marked with the statement "Reproduced at the National Archives" may be brought back into the research room on subsequent visits but must be presented on entry to the guard or research room attendant for inspection.

(d) NARA may furnish specially marked lined and unlined notepaper and notecards, without charge, to researchers for use in the research rooms. Unused notepaper and notecards should be returned to the research room attendant at the end of the day.

(f) The personal property of all researchers, including notes, electrostatic copies, typewriter cases, tape recorders, cameras, personal computers, and other personal property, will be inspected before removal from the research room. Guards and research room attendants may request that a member of the research room staff examine such personal items prior to their removal from the research room.

Dated: April 23, 1986.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 86-10431 Filed 5-8-86; 8:45 am]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRC-3013-3]

Approval and Promulgation of State Implementation Plan; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: By this Notice EPA invites public comment on its proposal to approve the Washington State Visibility Protection Program, except for new source review, submitted on April 27, 1979, September 6, 1983, and January 5, 1984, as revisions to the Washington State Implementation Plan (SIP). However, EPA is proposing to disapprove the new source review provisions relating to visibility, submitted on September 6, 1983, January 5, 1984, and April 15, 1985. The EPA will complete the promulgation of the federal visibility new source review provisions which EPA proposed for Washington on October 23, 1984 in a separate notice. The submitted revisions and EPA promulgation will satisfy the requirements of Section 110 (Implementation Plans) and Section 169A (Visibility Protection) of the Clean Air Act (hereinafter the Act).

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

ADDRESSES: Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch, (10A-83-9), Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224-6th Avenue S.E., Rowe Six, Building No. 4, Lacey, Washington 98504

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-4253, FTS: 399-4253.

SUPPLEMENTARY INFORMATION: The document titled "WASHINGTON STATE'S VISIBILITY PROTECTION PROGRAM," submitted to EPA on January 5, 1984, describes the State of Washington Department of Ecology's program for implementing the visibility requirements of Section 169A of the Act and EPA's regulations for visibility protection in 40 CFR Part 51, Subpart P. This program, in conjunction with the visibility provisions of the Department of Ecology regulations for new major sources and major modifications (WAC 173-403-050(9)), and for existing sources (WAC 173-403-090 RETROFIT REQUIREMENTS FOR VISIBILITY PROTECTION), and the Department of Natural Resources (DNR) Smoke Management Plan, are intended to meet the requirements of 40 CFR Part 51, Subpart P for sources under the Department of Ecology's and DNR's jurisdictions.

However, the regulations for visibility new source review in 173-403 WAC "IMPLEMENTATION OF REGULATIONS FOR AIR CONTAMINANT SOURCES," submitted on April 1, 1985, do not satisfy the requirements of 40 CFR 51.307. Specifically:

The definitions of certain terms in WAC 173-403-030 "DEFINITIONS" are not consistent with the requirements of 40 CFR 51.301. For example, the definition of "major modification" (-030(28)) applies only to sources in designated nonattainment areas and nonattainment pollutants, and therefore does not cover all major modifications as required by 40 CFR 51.301(p).

The new subsection -050(9) of WAC 173-403-050 "NEW SOURCE REVIEW (NSR)" establishes requirements for visibility review of new major sources and major modifications located in attainment, unclassifiable, and nonattainment areas. However, this subsection falls to include all of the requirements of 40 CFR 51.307(a) regarding coordination with the federal land managers. For example, provisions requiring notification of the federal land managers when the State consults with a source prior to submission of an application (40 CFR 51.307(a)(2)) and explanation in a notice of public hearing when the State disagrees with the federal land managers' visibility impact analysis (40 CFR 51.307(a)(3)), are lacking.

EPA is therefore proposing to disapprove the regulations and provisions related to visibility new source review. Specifically, EPA is proposing to disapprove WAC 173-403-050(9), submitted on April 1, 1985, and SECTION V.B. *New Source Review* and APPENDIX B—PROPOSED NEW SOURCE REVIEW REGULATIONS OF "WASHINGTON STATE'S VISIBILITY PROTECTION PROGRAM," submitted on January 5, 1984. EPA is proposing to take no action at this time on the definitions in WAC 173-403-030 which relate to new source review. EPA will be taking action on this section in the near future as part of an action on the remainder of that regulation (WAC 173-403).

Under the terms of a settlement agreement, EPA has already proposed promulgation of a federal visibility new source review program for the State of Washington which satisfies the requirements of 40 CFR 51.307 (see 49 FR 42670, October 23, 1985 and 50 FR 28544, July 12, 1985). The EPA intends to complete action on that proposal in a separate notice in the near future. In this way, EPA will satisfy the terms of the settlement agreement to approve, and/or disapprove and promulgate, state visibility plans within a specified time period after submittal.

The provisions for existing sources, however, do satisfy the EPA requirements. Therefore, EPA is proposing to approve the following provisions:

"WASHINGTON STATE'S VISIBILITY PROTECTION PROGRAM," (except for SECTION V.B. *New Source Review* and APPENDIX B—PROPOSED NEW SOURCE REVIEW REGULATIONS as discussed above) and APPENDIX A—PROPOSED BEST AVAILABLE RETROFIT TECHNOLOGY REGULATIONS, submitted on January 5, 1984. This program is consistent with the requirements of 40 CFR 51.301 through 306. EPA is proposing to take no action on APPENDIX A as it contains only the proposed regulation and not the actual adopted regulation (WAC 173-403-090) which was submitted on September 6, 1983 (see below).

The State's long-term strategy does not explicitly discuss the enforceability of emission limitations and control measures as required by 40 CFR 51.306(f). However, the only new control measure is the revised smoke management plan (see below). Since the statutory requirement for a smoke management plan, the regulations requiring permit approval for prescribed burning, and the plan itself are all part of the EPA-approved SIP, and the revised plan is proposed for approval herein, EPA considers it to be enforceable. EPA is, therefore, proposing to approve the long-term strategy even though an explicit discussion of the enforceability of the smoke management plan was not included in the State's submittal.

Definitions of the terms "adverse impact on visibility" (-030)(2)), "best available retrofit technology (BART)" (-030)(9)), "class I area" (-030)(11)), "integral visit" (-030)(24)), "land manager" (-030)(25)), "natural conditions" (-030)(31)), "reasonably attributable" (-030)(42)), "significant visibility impairment" (-030)(46)), "visibility impairment" (-030)(51)), and "visibility impairment of a Class I area" (-030(52)) in WAC 173-403-030 "DEFINITIONS", submitted on April 1, 1985. These definitions are consistent with those in 40 CFR 51.301.

WAC 173-403-090 "RETROFIT REQUIREMENTS FOR VISIBILITY PROTECTION," submitted on September 6, 1983. This regulation requires the application of best available retrofit technology (BART) for sources which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area, satisfying the requirements of 40 CFR 51.303.

The "SMOKE MANAGEMENT PLAN" (Appendix K of the Washington SIP), submitted on April 27, 1979, and amended by Section V.C. of Washington State's Visibility Protection Program, submitted on January 5, 1984. This is the State's program for managing the smoke generated from the prescribed burning of silvicultural residues. This smoke management plan fulfills one of the requirements of 40 CFR 51.306

It is important to note that the submitted revisions do not contain visibility provisions for sources under the jurisdiction of the State of Washington Energy Facility Site Evaluation Council (EFSEC) or Indian governing bodies. (EFSEC has sole permitting authority for new or modified energy facilities.) EPA is, therefore, proposing to approve Washington State's current visibility protection program only to the extent that it applies to sources under the Department of Ecology's and DNR's jurisdictions. However, there are no sources under EFSEC's jurisdiction or located on Indian Reservations which are known to cause or contribute to existing visibility impairment in a mandatory federal Class I area. EPA will complete the promulgation of the federal new source review provisions for sources under EFSEC's jurisdiction and sources which would locate on Indian reservations in order to prevent future visibility impairment from such sources.

Finally, 40 CFR 51.306(a)(2) requires a long-term strategy for each mandatory Class I federal area located outside the State which may be affected by sources

within the State. However, the current Department of Ecology program does not yet contain specific control strategies for existing sources affecting Class I areas in adjacent states. The Department of Ecology has indicated that it will add such provisions as part of the periodic review and update of the visibility SIP, provided the adjacent states have identified sources of visibility impairment and have defined the visibility objectives for affected Class I areas. EPA is proposing to approve this approach as an acceptable component of the long-term strategy.

In summary, EPA is today proposing to approve the following submittals as revisions to the Washington SIP:

(1) Washington State's Visibility Protection Program, except SECTION V. B. *New Source Review*, APPENDIX A—PROPOSED BEST AVAILABLE RETROFIT TECHNOLOGY REGULATION and APPENDIX B—PROPOSED NEW SOURCE REVIEW REGULATIONS, submitted on 1/5/84;

(2) certain provisions of 173–403 WAC Implementation of Regulations for Air Contaminant Sources, specifically, WAC 173–403–030(2), (9), (11), (24), (25), (31), (42),(46), (51) and (52), submitted on 4/1/85, and WAC 173–403–090, submitted on 9/6/83; and

(3) the Smoke Management Program, submitted on 4/27/79 and amended on 1/5/84.

EPA is proposing to disapprove the visibility new source review provisions of WAC 173–403, specifically, WAC 172–403–050(9), submitted on 4/1/85, and Section V. B. and APPENDIX B of Washington State's Visibility Protection Program, submitted on 1/5/84. EPA will complete the promulgtation of the federal visibility new source review provisions which were proposed for Washington on October 23, 1984.

Again, EPA is proposing to approve the Washington visibility protection program only for sources under the jurisdictions of the Department of Ecology and DNR, and is not proposing to approve it for sources on Indian reservations or under EFSEC's jurisdiction. Rather, EPA will complete the promulgation of the federal visibility new source review provisions for such sources.

Interested parties are invited to comment on all aspects of this proposed approval and disapproval of revisions to the Washington SIP and EPA's proposed promulgation of federal visibility new source review provisions for Washington. Comments should be submitted in triplicate to the address listed in the front of this Notice. Public comments postmarked by June 9, 1986, will be considered in any final action EPA takes on this proposal.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709). The portion of the State regulations which EPA is proposing to disapprove and the proposed federal visibility new source review provisions will not have a significant economic impact on a substantial number of small entities. Only a few large sources will be required to evaluate the potential impact on visibility that are not already required to do so under the existing prevention of significant deterioration program.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Authority: 42 U.S.C. 7401–7642.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and Recordkeeping requirements.

Dated: February 11, 1986.

Ernesta B. Barnes,

Regional Administrator.

[FR Doc. 86–10451 Filed 5–8–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A-9-FRL-3013-4]

Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Pima County Health Department (PCHD), Pima County, Arizona, adopted on July 16, 1985, rules intended to meet EPA's requirements on New Source Review (NSR) in nonattainment areas and Prevention of Significant Deterioration (PSD) in other areas. In this notice, EPA is proposing to approve the Pima rules if the PCHD and the State of Arizona submit additional revisions to their rules to remedy certain deficiencies. EPA is also proposing to find that the State has met the prior requirement for an adequate NSR program for Pima County if the County and the State submit these additional revisions.

DATES: Comments should be submitted to EPA on or before June 23, 1986.

ADDRESSES: Send any comments to: Regional Administrator, Attn.: Air Management Division, Air Operations Branch, New Source Section (A–3–1), Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the rules and EPA's Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address and at the following locations:

Arizona State Department of Health Services, 1005 Central Avenue, Phoenix, AZ 85007

Pima County Health Department, 151 West Congress Street, Tucson, AZ 85701.

FOR FURTHER INFORMATION CONTACT: David Jesson, New Source Section, Air Management Division, Environmental Protection Agency, Region 9, (415) 974–8220.

SUPPLEMENTARY INFORMATION: The Pima County Health Department (PCHD) adopted rules on July 16, 1985, that are intended to meet EPA's requirements on New Source Review (NSR) and Prevention of Significant Deterioration (PSD) under the Clean Air Act (the "Act"), as those requirements apply to most types of sources locating in Pima County. The PCHD rules adopt by reference the State's own rules on both NSR and PSD with certain modifications and seek to secure full authority from EPA for issuing PSD permits for most types of new sources subject to EPA's PSD requirements. As described below, EPA has compared the rules to its own requirements.

NSR: Part D (§§ 171–178) of the Act and 40 CFR 51.18(j) define the requirements for NSR programs, which apply to sources seeking to locate in an area that is designated by EPA as nonattainment for the relevant pollutant. The most important requirements are that local NSR rules and programs require applicants for new major sources or major modifications to: (1) Meet an emissions limit reflecting the Lowest Achievable Emissions Rate (LAER); (2) provide reductions consistent with attainment of the standards in the area; and (3) certify that all major sources they own in the State comply with all applicable air pollution limitations.

In 1978, EPA designated portions of Pima County as nonattainment for carbon monoxide (CO) and total suspended particulates (TSP), respectively. On July 7, 1982, EPA conditionally approved the State Implementation Plan (SIP) for CO and TSP in Pima County that the State of Arizona had submitted to meet the requirements of Part D (47 FR 29532).

The condition EPA established in that rulemaking required the State to submit adequate revised New Source Review (NSR) rules to meet EPA's NSR requirements.

Under Arizona's regulations, the State has reserved authority for permitting certain classes of new sources locating in Pima County. The status of Arizona's rules is discussed below. The PCHD has permitting authority for the remaining sources locating in the County. The PHCD rules, which govern the County's permitting, satisfy most of EPA's NSR requirements. The rules will: (1) Require preconstruction review of the sources that would be subject to the federal requirements; and (2) require a certification of statewide compliance, application of LAER, and offsets in a manner generally consistent with EPA's requirements. The rules also contain adequate guidelines and procedures for the administration and enforcement of the NSR program. EPA's review of the rules did, however, reveal the following deficiencies:

(1) The rules apply only to areas that Pima County, as a matter of local law, has designated nonattainment, even when EPA may have designated other areas as nonattainment. Currently some subareas of the areas EPA has designated nonattainment for CO and TSP, respectively, are designated attainment by Pima County. Since the Pima NSR rules do not apply to such areas, EPA has published a separate Federal Register notice announcing the Agency's finding that the State has not met the 1982 NSR condition as to those subareas. See 51 FR 3335 (Jan. 27, 1986). Moreover, even though the Pima NSR rules apply now to portions of the EPA-designated nonattainment areas that Pima County has also designated nonattainment, the rules, as written, would no longer apply to those subareas if the County chose in the future to redesignate them to attainment without EPA approval. For that reason, EPA is proposing to approve the Pima rules as applicable to all subareas designated nonattainment in both the Pima County and EPA regulations as of May 9, 1986. In the event Pima County redesignates additional subareas to attainment, the Pima NSR rules would remain federally enforceable in those areas until EPA approved a request from the State that EPA approve those redesignations. Based on discussions with the Arizona Department of Health Services (ADHS) and PCHD, EPA believes that this limited approval of the Pima NSR rules is consistent with the intent of the State and the County, and, absent comment to the contrary, EPA will assume that this continues to be the case when it is ready to take final action on the PCHD rules.

(2) The PCHD rules incorporate by reference State NSR provisions that in turn require the permitting authority to meet the version of EPA's section 123 stack height regulations that were remanded by the U.S. Court of Appeals for the D.C. Circuit, rather than the version that EPA promulgated on July 8, 1985 (50 FR 27892). Under those new rules, the states were given until April 8, 1986 to correct their SIPs to meet the new stack height requirements. For that reason, Pima County will need to address the incorrect stack height reference in its NSR rules before EPA will take final action to approve the NSR rules.

(3) The PCHD rules allow exemptions from offsetting requirements for (1) temporary sources and (2) sources using a portion of the emissions growth allowance. EPA regulations allow such exemptions only if, respectively, (1) temporary sources are limited to 12 months duration and have previously received an NSR permit for a prior location, and (2) a growth allowance has first been approved by EPA as consistent with sections 172 and 173 of the Act. Pima County must revise its regulations to limit the exceptions in these ways before EPA can take final action to approve the NSR rules.

(4) The PCHD rules do not require that emissions decreases used in netting calculations be decreases that have not previously been relied upon in demonstrating attainment or reasonable further progress toward attainment, as required by EPA regulations. Pima County must revise its regulations to include this requirement before EPA can take final action to approve the NSR rules.

(5) The PCHD rules define reasonable further progress as determined by the Director of the PCHD, rather than as determined by EPA, as is required by EPA regulations. The PCHD must revise its regulations to provide for EPA determination of reasonable further progress before EPA can take final action to approve the NSR rules.

(6) The PCHD rules contain a definition of Volatile Organic Compound (VOC) which is not consistent with EPA requirements. Pima County must revise its definition of VOC to meet EPA's requirements before EPA can take final action to approve the NSR rules.

(7) The PCHD rules contain certain permitting exemptions designed for use by minor sources. Pima County must clarify its rules to specifically provide that the exemptions do not apply to major stationary sources or major modifications before EPA can take final action to approve the NSR rules.

As indicated above, the State has retained authority for permitting certain types of sources in Pima County. Thus, for EPA to conclude that the NSR program for all sources locating in the County adequately meets the 1982 NSR condition described above, EPA must determine that the State's NSR rules meet EPA's NSR requirements. EPA proposed to approve the State's NSR rules on November 12, 1981 (46 FR 55714). Before EPA can unconditionally approve the State's rules, however, the State needs to change the stack height provisions in those rules, and make other changes to fully conform to EPA requirements. EPA has not yet received revisions to the State's rules to remedy all of these deficiencies. Because the outstanding deficiencies are significant, EPA will not find that the State has met EPA's 1982 NSR condition as to the Pima County nonattainment subareas described above until the State corrects the tall stack provisions and makes the other conforming changes.

PSD: Part C, Subpart 1 (§§ 160–169) of the Act contains requirements for PSD in areas designated either attainment or unclassified for the pollutants identified under Section 109. EPA's PSD regulations, at 40 CFR 51.24, elaborate on these statutory requirements. Except as to those sources over which the State has retained permitting authority for NSR and PSD, EPA is currently administering the PSD program in Pima County under its own regulations, at 40 CFR 52.21. Approval of the PCHD PSD rules would transfer permitting authority for most sources to Pima County. EPA would continue to have exclusive permitting authority over projects locating in Indian reservations.

The main requirements for a PSD program are for provisions requiring (1) the application of "Best Available Control Technology" (BACT) to new or modified major stationary sources; (2) a demonstration that the increased emissions in the area affected by the new or modified sources will not violate any National Ambient Air Quality Standard or the applicable air quality increments; and (3) protection of areas designated as Class I areas.

The PCHD rules meet most of EPA's PSD requirements. They provide for preconstruction review of most of the sources that would be subject to EPA's requirements; require BACT and air quality protection consistent with the standards and the increments; and contain adequate guidelines and procedures for the administration and enforcement of the PSD program, as it

applies to the sources over which Pima County has permitting authority.

The PCHD rules do, however, contain certain deficiencies, as follows:

(1) The PSD rules also contain the stack height deficiency described in the NSR discussion above. Since this deficiency is significant, the State and Pima County will need to address it before EPA gives final approval to the PCHD PSD rules.

(2) The PCHD rules appear to allow Pima County to reclassify Indian lands without the prior approval of the Indian governing body. EPA proposes to approve the PCHD rules only in so far as they give Pima County the power to redesignate non-Indian lands. This approval will not give Pima County any power to redesignate Indian lands.

(3) The PCHD rules fail to require 60 day advance notice to Federal Land Managers (FLM) or consultation with local leadership prior to area reclassification. EPA proposes to approve the PCHD rules as far as they go, but concludes that they do fully describe the process for area reclassification. Reclassifications require SIP revisions, which must meet all statutory requirements including FLM notice and local consultation. These requirements must be met as a statutory matter prior to EPA approval of any reclassification despite the fact that the requirements are not outlined in the PCHD rules. Consequently, Pima County need not make any changes in its rules on reclassification.

(4) The PCHD rules allow a permitting exemption for portable sources. EPA regulations allow such an exemption only if the sources are temporary, have previously obtained a PSD permit at a prior location, and give advance notice of relocation. Pima County must revise its regulations to include these limitations on the exemption before EPA can take final action to approve the PSD rules.

(5) The PCHD rules do not include a provision requiring a source which avoided PSD review through imposition of a limitation on emissions to go through PSD review if it receives a relaxation of any such limitation, as required by EPA regulations. Pima County must revise its regulations to include this requirement before EPA can take final action to approve the PSD rules.

(6) The PCHD rules contain the same exemptions for minor sources discussed above for the NSR program. Pima County must make a similar rule clarification concerning inapplicability of the exemptions to major sources and modifications.

A more detailed description of EPA's review of the PCHD NSR and PSD rules is contained in EPA's evaluation report, which is available at the EPA addresses listed above. The evaluation report lists certain commitments Pima County must make to EPA concerning implementation of the NSR and PSD rules prior to final EPA approval of the rules. These commitments relate to permitting exemptions, permittee responsibilities, PSD permit processing procedures and authorities, innovative control technology, and location of offsets.

Proposed Action: EPA proposes to approve the PCHD NSR and PSD rules as they apply to the "core" subareas for which the County's and EPA's TSP and CO nonattainment designations currently coincide. For the reasons discussed above, the Agency will not finally approve the PCHD NSR and PSD rules as to those "core" subareas until the deficiencies addressed above are corrected. If EPA finally approves the rules as to those subareas, the rules will continue to be federally enforceable in them until the subareas are redesignated by EPA.

EPA also proposes to find that the State has cured the deficiency noted in the NSR condition for Pima County set forth at 40 CFR 52.124(a)(2) as to the nonattainment subareas just described. EPA will not take final action to find that the State has met the NSR condition as it relates to those subareas until both the PCHD and the State NSR rules are revised to correct the deficiencies noted above and the revisions are approved by EPA.

Interested parties are invited to comment on all aspects of these proposed actions.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under 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. It proposes to approve locally adopted regulations that the state of Arizona has requested EPA approve.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particular matter, Carbon monoxide, Hydrocarbons.

Authority: 42 U.S.C. 7401–7642.

Dated: October 30, 1985.

Judith E. Ayres,

Regional Administrator.

[FR Doc. 86–10452 Filed 5–8–86; 8:45 am]

BILLING CODE 6560-50-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Parts 51-1 and 51-3

Application of Priorities in Assignment of Commodities

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed rule.

SUMMARY: The Committee proposes to amend its regulations with respect to the application of the priorities accorded by law to the Federal Prison Industries, Inc. and to the blind for commodities proposed for addition to the Procurement List.

DATE: Comments must be received on or before July 11, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1983 the National Association of Rehabilitation Facilities (NARF) filed a "Petition for Rulemaking" with the Committee which, among other things, requested the Committee in its regulations to limit the exercise of the blind priority to those commodities which at the time of such exercise, workshops for the blind currently had the capability to produce. Since under the NARF proposal one or more of the blind workshops would already be producing the commodity or would currently have the capability to produce it, NARF requested that the time for the exercise or waiver of the blind priority be reduced from 60 days to 30 days and the time for the blind workshops to complete the essential steps to add the commodity to the Procurement List be reduced from 9 months to 60 days.

The Committee notified NARF on January 23, 1984, that it denied the NARF petition but that the Committee staff had been directed to review the Committee's regulations and procedures on the application of the blind priority. That review was to address in particular the time permitted for the National Industries for the Blind (NIB) to exercise or waive the blind priority and the time a commodity could be held by the blind after exercising the blind priority.

On March 21, 1984, NARF filed suit in the United States District Court for the District of Columbia against the Committee requesting an injunction to require the Committee to limit the blind priority to only those commodities which were being produced and offered for sale by blind workshops at the time the blind priority was asserted (National Association of Rehabilitation Facilities, Inc. v. Committee for Purchase from the Blind and Other Severely Handicapped, Civil Action No. 84–0887).

In discussing the Committee's present regulations in its Memorandum and Order dated August 30, 1985, the Court commented: "But while the legislative history is by no means conclusive, it does contain certain expressions of the nature of the priority to be given the blind workshops which suggest that the Committee's interpretation is the one intended by Congress. The history mentions, for example, that so long as workshops for the blind could show 'an ability to perform,' they were to be granted 'first refusal rights' . . . And, as one oversight committee recently put it, 'What this means is that blind sheltered workshops get the first option of choosing to produce a commodity or provide a service that is added to the list by the Committee.'"

It went on to quote from the decision of the Court of Appeals in the case of Barrier Industries v. Eckard: "the Court said: [n]either the Act nor the regulations require that a workshop for the blind actually produce a commodity prior to its inclusion on the procurement list. Indeed, as held by the district court, 'all that is required is that a workshop demonstrate a potential to produce the particular commodity'".

The Court ruled that, with respect to the Committee's procedures for applying the blind priority, "The Committee's construction of the Act, as expressed in its regulations, can be considered neither unreasonable nor contrary to law within the meaning of 5 U.S.C. 706." However, in an Amended Order dated October 2, 1985 the Court directed "that defendant Committee for Purchase from the Blind and Other Severely Handicapped possesses the discretionary authority to grant the petition for rulemaking filed by plaintiff on April 8, 1983, insofar as it proposes a reduction of the relevant time periods for consideration of any exercise of priority by the National Industries for the Blind and the Committee is directed to review and consider that petition in order to best serve both the interests of the blind and other handicapped persons the Act was intended to benefit."

In carrying out the Order of the Court, the Committee invited representatives of NARF, NIB, and the National Industries for the Severely Handicapped (NISH) to submit written comments and views and to present oral arguments at a Committee meeting. A representative of the General Council of Workshops for the Blind requested and was permitted to submit views both orally and in writing.

The Committee reviewed not only the changes in those portions of its regulations which apply to the administration of the blind priority but also the extent of its involvement in coordinating the application of the priority granted to the Federal Prison Industries, Inc. by the Act and in maintaining the record of the assignment of services and non-prioritized commodities which workshops are evaluating for possible future addition to the Procurement List.

The Committee also considered the fact that NIB and NISH have signed an agreement on the administration of the blind priority which establishes somewhat different procedures and times with respect to NIB's exercise or waiver of the blind priority on commodities nominated by NISH. It also took into consideration the times which NIB and NISH are experiencing between the date a commodity is assigned for evaluation and possible development and the date when the developmental steps were completed, as well as the fact that many new commodities being considered for addition to the Procurement List are more complex to produce and thus require a greater time to complete all of the necessary actions required before they can be proposed for addition to the Procurement List.

The final factor in the Committee's consideration was to ensure that whatever changes it proposed would give the blind reasonable periods of time in which to exercise or waive the priority and to develop for addition to the Procurement List those commodities for which they had exercised the blind priority. To do otherwise, would have the practical result of negating the intent of Congress in authorizing that priority.

Discussion of Changes

The general policy on the blind priority is contained in paragraph (b) of 41 CFR 51–1.3. It is proposed to revise the wording of that paragraph to be consistent with the rulings in *Barrier Industries* v. *Eckard and NARF* v. *Committee* by relating the blind priority to commodities which will be produced by blind workshops.

It is proposed to completely revise section 51–3.3 Assignment of Commodity or Service. Paragraph (a) would limit the Committee's involvement in coordinating the assignment of commodities and services, which workshops are evaluating for possible future addition to the Procurement List, to only those commodities proposed by NISH for which NIB has exercised the blind priority. With regard to the other commodities and the services which their workshops are evaluating, it will be up to the central nonprofit agencies to coordinate the assignment of those items between their two agencies and with the Federal Prison Industries, Inc., referring to the Committee only those specific disagreements which they are unable to resolve.

In paragraph (b) it is proposed to apply standards similar to those contained in the NIB/NISH agreement on the application of the blind priority with respect to the time permitted NIB to waive or exercise the blind priority on commodities nominated by NISH. NIB would normally provide its decision within 30 days after receipt of the essential procurement information required for it to reach a decision, but not later than 60 days after receipt of that information. If NIB requests additional time beyond the 60 days and agreement on such extension cannot be reached with NISH, the matter will be referred to the Committee for resolution.

Paragraph (c) would provide that, for commodities nominated by NISH for which NIB had exercised the blind priority, NIB would be required to complete the development process within 9 months. The Committee considers that the current 9-month period for the development of a commodity is reasonable, and will become increasingly more difficult to achieve for the more complex items being considered for addition to the Procurement List, even if the blind workshops make a special effort to expedite the development of those commodities for which NIB has exercised the blind priority. As in the present regulations, that period could be extended by the Committee when NIB has been delayed by conditions beyond its control.

The proposed changes in paragraph (d) establish similar time frames (normally 30 days but not longer than 60 days) for the Federal Prison Industries, Inc. to waive or exercise that agency's priority over commodities nominated by both NIB and NISH.

A procedure has been included in paragraph (e) for NIB and NISH to inform the Committee, at the time they request the Committee to publish a

notice of the proposed addition of a commodity to the Procurement List, of the decision of the Federal Prison Industries, Inc., and, in the case of NISH, the decision of NIB on the waiver or exercise of the respective priorities.

List of Subjects in 41 CFR Parts 51-1 and 51-3

Blind, Handicapped, Government procurement.

I certify that this is not a major rule under Executive Order 12291 and would not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

PARTS 51-1 AND 51-3—[AMENDED]

Accordingly, it is proposed to amend 41 CFR Parts 51-1 and 51-3 as follows:

1. The authority citations for Parts 51-1 and 51-3 continue to read as follows:

Authority: Pub. L. 92-28, 85 Stat. 77 (41 U.S.C. 46-48c).

2. Revise paragraph (b) of § 51-1.3 to read as follows:

§ 51-1.3 [Amended]

* * * * *

(b) The Committee, in approving the addition of commodities to the Procurement List, shall accord priority to commodities, including military resale commodities, which will be produced by workshops for the blind.

3. Revise § 51-3.3 to read as follows:

§ 51-3.3 Assignment of commodity or service.

(a) The assignment to a central nonprofit agency of a commodity or service for the purpose of evaluating its potential for possible future addition to the Procurement List for production or provision by one or more workshops shall be as agreed between the two central nonprofit agencies, except for commodities proposed by the National Industries for the Severely Handicapped for which the National Industries for the Blind has exercised the blind priority. The Committee shall control the initial assignment of commodities proposed by the National Industries for the Severely Handicapped for which the National Industries for the Blind has exercised the blind priority.

(b) For commodities for which its workshops have an interest in evaluating for possible addition to the Procurement List, the National Industries for the Severely Handicapped shall obtain in writing from the National Industries for the Blind its decision on the waiver or exercise of the blind priority. At the time the National Industries for the Severely Handicapped requests the National Industries for the Blind for a decision on the waiver or exercise of the blind priority on a commodity, it shall provide to the National Industries for the Blind the essential procurement information, as agreed to by the two central nonprofit agencies, which is required by the National Industries for the Blind to make a determination on the waiver or exercise of the blind priority. The National Industries for the Blind shall normally provide its decision waiving or exercising the blind priority within 30 days, but not later than 60 days, after receipt of the essential procurement information indicated above. The time for the decision on the blind priority may be extended beyond 60 days by mutual agreement between the two central nonprofit agencies. If agreement cannot be reached on the extension of time, the matter shall be referred to the Committee for resolution.

(c) When the National Industries for the Blind exercises the blind priority on a commodity proposed by the National Industries for the Severely Handicapped, it shall notify the National Industries for the Severely Handicapped and the Committee of that decision. The Committee shall assign such commodity to the National Industries for the Blind and the National Industries for the Blind shall complete the essential steps to place the commodity on the Procurement List within nine months after assignment. If the National Industries for the Blind has not completed these steps within that time period, the Committee shall reassign the commodity to the National Industries for the Severely Handicapped. Moreover, the nine-month period may be extended for a reasonable period of time when the National Industries for the Blind has been delayed by conditions beyond its control.

(d) For commodities for which its workshops have an interest in evaluating for possible addition to the Procurement List, the central nonprofit agency concerned shall obtain in writing from Federal Prison Industries, Inc. (hereafter FPI) its decison on the waiver or exercise of the FPI priority. At the time the central nonprofit agency requests the FPI decision on the waiver or exercise of the FPI priority, it shall provide to FPI the essential procurement information which is required by FPI to make a determination on the waiver or exercise of the FPI priority. The FPI shall normally provide its decision waiving or exercising the FPI priority within 30 days but not later than 60 days, after receipt of the essential procurement information. The time for the decision on the FPI priority may be extended beyond 60 days by mutual agreement between FPI and the central nonprofit agency concerned. If agreement cannot be reached on the extension of time, the matter shall be referred to the Committee. Each central nonprofit agency shall keep the other central nonprofit agency informed of the FPI decison on commodities for which FPI has waived or exercised the FPI priority.

(e) When a central nonprofit agency requests the Committee to publish a notice in the **Federal Register** of the proposed addition to the Procurement List of a community, the request shall be accompanied by a written statement from FPI indicating its decision regarding the exercise or waiver of its priority, and, in the case of commodities requested by the National Industries for the Severely Handicapped, a written statement from the National Industries for the Blind indicating that it waives the blind priority.

C.W. Fletcher,

Executive Director.

[FR Doc. 86-10462 Filed 5-8-86; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 34

Medical Examination of Aliens (AIDS)

Correction

In FR Doc. 86-9041, beginning on page 15354 in the issue of Wednesday, April 23, 1986, make the following correction: In the document heading (page 15354, column three) and in the List of Subjects heading (page 15355, column two), the CFR title number, which was incorrectly cited as "14", should have read "42".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 395

[BMCS Docket No. MC-119; Notice No. 86-2]

Hours of Service of Drivers; Request for Comments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is requesting comments on proposed revisions to the Federal Motor Carrier Safety Regulations (FMCSR) to eliminate certain items presently required on the Driver's Record of Duty Status; to clarify the present exemption pertaining to the preparation of a Driver's Record of Duty Status within a 100-mile radius of the driver's work-reporting location; to redefine the retail store delivery exemption (December 10 to December 25); to incorporate the current interpretation of both the 60-hour and 70-hour on-duty weekly limitation into the hours of service regulations; and to revise the definition of on-duty time. This notice of proposed rulemaking is one of several actions being taken in response to the requirements of Section 206 of the Motor Carrier Safety Act of 1984. Section 206 of the Act directs the Secretary to issue regulations, not later than 18 months from date of enactment, pertaining to commercial motor vehicle safety.

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

ADDRESS: All comments should refer to the docket number that appears at the top of this document and must be submitted (preferably in triplicate) to Room 3404, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 755-1011; or Mrs. Kathleen S. Markman, Office of the Chief Counsel (202) 426-0824, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On October 11, 1984, Congress passed the Motor Carrier Safety Act of 1984 (Pub. L. 98-554, 98 Stat. 2829)(the Act.) The Act was signed into law by the President on October 30, 1984.

These proposed revisions to certain sections of 49 CFR Part 395, Hours of Service of Drivers, as well as those sections not being revised, will be applicable to operators of commercial motor vehicles that (1) have a gross vehicle weight rating of 10,001 or more pounds; (2) are designed to transport more than 15 passengers, including the driver; or (3) are used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act and are transported in a quantity requiring marking or placarding under regulations issued by the Secretary.

Violations of the hours of service requirements, including the recordkeeping requirements may subject the motor carrier and/or the driver to civil or criminal penalties. Violations may be discovered during audits of the motor carrier's records and driver/vehicle roadside inspections. Comments are requested as to whether there are any other ways to enforce the hours of service requirements.

Background

As the first step in implementing section 206 of the Act, on January 23, 1985, the FHWA had published in the **Federal Register** an advanced notice of proposed rulemaking (ANPRM), BMCS Docket No. 114, Notice No. 85-1 (50 FR 2998) seeking public comment on revisions being considered. Due to the complexity of reissuing the FMCSR, a separate rulemaking action is being established for each Part that is being addressed. The purpose of this rulemaking is to propose revisions to certain sections of Part 395 that were included in the ANPRM and on which comments were received. In addition, comments to BMCS Docket No. MC 99-1, Amendment No. 83-13 (49 FR 46145, November 23, 1984), pertaining to the court order requiring the FHWA to amend the FMCSR to (1) reinstate the 12 hour in lieu of the present 15 consecutive hour limitation in the 100-mile radius exemption provision from the requirement to prepare driver's records of duty status, and (2) reinstate the seven data items previously deleted from the recordkeeping requirement of the driver's record of duty status. Comments submitted in response to that docket are also being considered herein.

Comments received concerning sections not addressed here will be considered in future rulemaking involving Part 395. Also, previous requests for special exemptions and waivers will be considered in future rulemaking actions.

Driver's Record of Duty Status

Section 395.8(d) of the FMCSR currently requires the following information in addition to the grid, to be included on the Driver's Record of Duty Status:

(1) Date;
(2) Total miles driving today;
(3) Truck or tractor and trailer number;
(4) Name of carrier;
(5) Driver's signature/certification;
(6) 24/hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.);
(7) Main office address;
(8) Remarks;
(9) Total mileage today;
(10) Name of co-driver;
(11) Home terminal address;
(12) Total hours (far right edge of grid);
(13) Shipping document number(s) or name of shipper and commodity;
(14) Origin; and
(15) Destination or turnaround point.

The purpose of this requirement is to promote highway safety by enabling both BMCS field staff and State and local enforcement personnel to monitor individual driver's compliance with the hours of service regulations with minimal effort and maximum accuracy.

It is also FHWA's intention to reduce the paperwork burden of motor carriers and drivers where feasible without compromising safety of operation. For example, the FHWA recently authorized a motor carrier to utilize an on-board computer system to automatically record data for their Driver's Record of Duty Status.

The FHWA has determined that 4 of the fifteen items currently required on the Driver's Record of Duty Status are duplicative of other motor carrier records and/or information sources. Therefore, the FHWA proposes to eliminate the following items:

Item 9, Total Mileage Today—Many motor carriers have ceased operations involving 2-person sleeper-cab teams and thus most of the drivers operate singly. For such drivers, the entries under "Total Miles Driving Today" and "Total Mileage Today" are the same. In the event that it is necessary to determine the mileage of the other sleeper-cab team driver, that person is readily identifiable from "Name of co-driver" (item 10) and the mileage can be obtained from that person's record of duty status.

Item 11, Home Terminal Address—The vast majority of the motor carrier population operate fleets of 10 or fewer vehicles and operate out of their headquarters location. Therefore, all drivers (again the majority) employed by such motor carriers would be making identical entries under the headings of "Main Office Address" (item 7) and "Home Terminal Address" (item 11). The home terminal address was used by enforcement personnel during roadside inspections to determine the time base under which the driver's record of duty status was being prepared. However, in the event that drivers are domiciled at places other than the "Main Office Address" the time period can be

determined by reviewing the remarks section of the graph grid, see CFR 395.8(h)(5). There have been no complaints received from BMCS enforcement personnel that elimination of this item created a problem when it was eliminated by the November 26, 1982, rule and during the subsequent period this item was not required.

Item 14, Origin and Item 15, Destination or turnaround points—These 2 items, when first required by the FMCSR, were useful for monitoring compliance. With the advent of modern high speed highways, trips formerly requiring a week or longer have been reduced to days. It is now possible to reroute drivers as often as desired, subsequent to dispatch, with modern communications systems. This information (items 14 & 15) is readily ascertainable directly from the information entered under the "Remarks" (item 8) section, which is intended to include the information on each stop or change of duty status a driver makes. Removal of the 2 items will eliminate unnecessary duplication as well as driver confusion as to what to enter as ultimate destination when changes are made enroute. Therefore, it is proposed to eliminate these 2 items from the Driver's Record of Duty Status.

The comments submitted to Dockets MC–99–1 and MC–114, as discussed above, were overwhelming in favor of dropping these 4 items from the Driver's Record of Duty Status. Those few commenters in favor of retaining the 4 items failed to supply any supporting data to justify their retention.

After a careful analysis of these 4 data elements, the FHWA has concluded that there will be no cumulative degradation of the FMCSR or enforcement practices, and therefore should be eliminated. It is estimated that the elimination of these 4 items will reduce the motor carrier industry record preparation burden by approximately 4-million person hours annually.

100-Air Mile Radius Exemption

Section 395.8(1) of the FMCSR exempts a driver from the preparation of the Driver's Record of Duty Status if certain conditions are met by the employing motor carrier and the driver. Section 395.8(1)(ii) currently sets forth one condition that a driver (except driver salespersons) return to the work reporting location and be released from work within 12 hours. The agency, as has most other entities, always considered the 12-hour limitation to be 12 "consecutive" hours. However, the agency's intent has been questioned from time to time. It is therefore being proposed to clarify the limitation by adding the word "consecutive" to the term "12 hours".

After a thorough review of all comments to Dockets No. MC–99–1 and MC–114, the FHWA concluded that safety would not be adequately served by extending the current 12-hour limitation to 15 hours. Within a 15 consecutive hour period, the FMCSR prohibits a driver from driving more than 10 hours (49 CFR 395.3(a)). Although the respondents were generally in favor of adding these 3 extra hours to the exemption, they were unable to supply information showing that the records of motor carriers were such that an enforcement officer would be able to determine that within the 15-hour period a driver had not driven more than 10 hours. Indeed, there appears to be no way that enforcement officials could adequately control and/or monitor driver compliance with the 10-hour maximum driving rule if the exemption time was extended. The extension to 15 hours would increase the likelihood that drivers would exceed the 10-hour driving limitation without detection. However, under the current limitation of 12 hours there is little time left for a driver to exceed the 10-hour driving rule.

An analysis of a typical local pick-up and delivery driver's work shift shows that such driver's nondriving duties (i.e. loading/unloading, meal stops, and coffee breaks) would consume approximately 2 hours and 10 minutes per work shift, thus leaving slightly less than 10 hours available for actual driving time. Therefore, the FHWA does not propose to change the 12-hour limitation to 15 hours.

Retail Store Delivery

Section 395.3(c) of the FMCSR currently provides that the maximum driving and on duty time limitations shall not apply with respect to drivers of motor vehicles engaged solely in making deliveries from retail stores to consumers, during the period from December 10 to December 25, both inclusive, of each year.

The original purpose of this exception was to allow the delivery of large volumes of Christmas merchandise from retail stores to the ultimate consumer, by regular delivery drivers. However, since this exemption was instituted, the nature of Christmas purchases has changed. Many such consumer purchases are now made from catalog type retailers. The local delivery of catalog merchandise to consumers is the same as it is for a local retail store. The key word here is "local" (See 89 MCC 30). It is not intended to exempt the line haul transport of pool type shipments to a local distribution warehouse or to a motor carrier's local terminal. Further, the exception does not include the delivery of merchandise from a warehouse to a local retail outlet.

The FHWA proposes to include in the exception, the local deliveries of merchandise from catalog type retailers in order to adjust to the current nature of retail Christmas business. The FHWA simultaneously proposes to limit this exemption to a 100-air mile radius of the local driver's work reporting location.

60 Hour and 70 Hour On-Duty Limitation

Section 395.3(b) of the FMCSR currently states that no driver shall be on-duty in excess of 60 hours in any period of 7 consecutive days or 70 hours in any period of 8 consecutive days (except driver salespersons). Generally, the FHWA has jurisdiction over the hours of service of drivers who have driven in an interstate operation during the preceding 4 months. This interpretation of jurisdiction was published in the **Federal Register** on July 23, 1981 (46 FR 37902). This statement limited the FHWA's jurisdiction under 48 U.S.C. 304 (Recodified as 49 U.S.C. 3102) because section 13(b)(1) of the Fair Labor Standards Act provides an exemption from the maximum hours and overtime requirements of section 7 of the Fair Labor Standards Act essentially for those employees subject to the jurisdiction of the U.S. DOT with regard to maximum hours of service. Following the July 23, 1981 interpretation, several inquiries were received regarding the applicability of the on-duty time limitations contained in section 395.3 of the FMCSR. The general concern expressed focused on a driver who made an interstate trip on an occasional or intermittent basis who the current rule would prohibit from performing nondriving duties for the motor carrier in excess of 60 and 70 hour limits for the next 4 months.

The FHWA has the responsibility of protecting the public from unsafe commercial motor vehicle operation and ensuring that commercial motor vehicles are safety maintained, equipped, loaded and operated. Existing research data do not support the premise that there is an unsafe effect on commercial motor vehicle operation by permitting a driver to work beyond the current hours of service limits in a nondriving status. In response to a request by a motor carrier, an informal interpretation was issued by the BMCS, on March 16, 1981, stating that a driver could perform nondriving duties beyond the current limits and not be in violation of the hours of service regulations. In view of this, the FHWA

is proposing to revise § 395.13, maximum on-duty and driving time, to reflect this policy. At the same time, FHWA is proposing a similar revision for operators who drive a motor vehicle in the State of Alaska.

Respondents to Dockets No. MC-99-1 and MC-114 who did comment on this subject were evenly divided between motor carrier and labor organizations. The former was in favor of allowing drivers to continue to perform nondriving duties. The latter were opposed because this could cause cumulative fatique and drivers might injure themselves or incorrectly perform work on or about vehicles that might contribute to an unsafe vehicle or vehicle load condition for other drivers. Neither group provided substantive evidence to support their viewpoints, nor did those who opposed it provide any known accident cases whose causal factors had been directly linked to a driver having worked beyond the 60 or 70-hour limit.

The FHWA has made a decision that the type of work assignments given to a driver, when working under management's direction, in excess of either the 60- or 70-hour on-duty rule, is undue interference in what is generally management's prerogative in the conduct of their business. It is, however, recognized as a possible safety sensitive issue and as such, the FHWA is hereby requesting public comment on the issue.

After due consideration, the FHWA has determined that incorporation into the FMCSR of the present interpretation that a driver may continue to perform non-driving duties for that motor carrier after being on duty for 60 or 70 hours, will not compromise the safety of operation of a commercial motor vehicle. The reason being that the driver is not permitted to drive again until such time as the total on duty time falls within the 60 or 70 hour limit following a minimum of 8 consecutive hours off duty.

On-Duty Time

Section 395.2(a)(8) states that the term "On-duty time" shall include "Performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier".

The National Transportation Safety Board (NTSB) recommends that § 395.2 of Title 49, Code of Federal Regulations, be revised. The NTSB specifically suggests that the term "on-duty time" be revised to include all time worked by a commercial vehicle driver for all full-time and part-time employers.

In support of its recommendations, the NTSB said that the "on-duty time" defined in section 395.2 of the FMCSR and recorded on the driver's record of duty status does not include the time a commercial driver is employed on a job other than with another motor carrier, e.g. the part-time bus driver in a Cheyenne, Wyoming accident (NTSB/HAR-85/04) was not required to record the time he spent on his full-time job as a firefighter, but he was required to record the time he worked for a moving and storage company 8 hours before the accident.

The NTSB stated that the bus driver worked for three employers in the Denver, Colorado, area. He obtained a maximum of about 3½ hours sleep during the 27 hours and 35 minutes before the accident. Therefore, the NTSB recommends that the definition of "on-duty time" be revised to include all time worked by a commercial vehicle driver for all other full-time and part-time employers. This proposed revision would prohibit any individual that was fatigued due to working for another employer from operating a commercial motor vehicle in interstate or foreign commerce.

The NTSB recommendation reflects FHWA's concern that drivers employed in full-time or part-time jobs, other than with a motor carrier, also may become fatigued and their ability to operate a commercial motor vehicle safely may be seriously imparied. Therefore, the FHWA is proposing that § 395.2(a)(8) be revised to include as "on-duty time" all time a driver performs any compensated work, or any person.

In accordance with the Act (specifically section 204 and its definition of "commercial motor vehicle"), the regulations promulgated under sections 206 and 210 do not apply to vehicles having a gross vehicle weight rating of 10,000 pounds or less. Consequently, FHWA is proposing that the lightweight mail truck exception currently found at § 395.1(b) be rescinded.

The FHWA has determined that this document does not contain a major rule under Executive order 12291 or a sginificant regulation under the regulatory policies and procedures of the Department of Transportation. The principal impact anticipated as a result of this rulemaking action will be a reduction in the paperwork burden placed on industry. It is further anticipated that any impact will be a cost savings to the motor carrier industry. Accordingly, a full regulatory evaluation is not required. For this reason and under the criteria of the Regulatory Flexibility Act, it is hereby certified that this action does not have a significant economic impact on a substantial number of small entities.

The revised information collection requirements contained in this regulation are being submitted to the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The OMB has approved the information collection requirement by FHWA; by FHWA's current rule and has assigned them control number 2125-0016.

List of Subjects in 49 CFR Part 395

Highways and roads, Highway Safety, Motor carriers, Driver's hours of service, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: May 1, 1986.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

In consideration of the foregoing, the FHWA proposes to amend Title 49, Code of Federal Regulations, Subtitle B, Chapter III, Part 395 as follows:

PART 395—HOURS OF SERVICE OF DRIVERS—[AMENDED]

1. The authority citation for Part 395 is revised to read as follows:

Authority: Section 206, Pub. L. 98-554, 98 Stat. 2834 (October 30, 1984) (49 U.S.C. App. 2505); 49 U.S.C. 104 and 3102; 49 CFR 1.48 and 301.60.

2. Section 395.1 is revised to read as follows:

§ 395.1 Compliance with, and knowledge of, the rules in this part.

Every employer and its employees shall comply with the rules in this part, and every employer shall require that its officers, employees, and representatives be conversant with the rules in this part.

3. Section 395.2(a)(8) is revised to read as follows:

§ 395.2 Definitions.

As used in this part, the following words and terms are construed to mean:

(a) *On-duty time.* * * *

(8) Performing any compensated work for any person.

* * * * *

4. Section 395.3(b), (c) and (e) are revised to read as follows:

§ 395.3 Maximum driving and on-duty time.

* * * * *

(b) No motor carrier shall permit or require an operator of a commercial motor vehicle, regardless of the number

of motor carriers using the operator's services, to drive for any period after—

(1) Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate every day in the week; or

(2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier (who operates every day of the week) chooses to use this option;

(3) *Exception:* This paragraph shall not apply to any driver driving a motor vehicle in the State of Alaska, as provided in paragraph (e) of this section, or to any driver-salesperson whose total driving time does not exceed 40 hours in any period of 7 consecutive days.

(c) The provisions of paragraph (a) of this section shall not apply with respect to—

(1) Drivers used wholly in driving motor vehicles having not more than 2 axles and whose gross weight, as defined in § 390.10, does not exceed 10,000 pounds, unless such vehicle is used to transport more than 15 passengers, or hazardous materials of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Hazardous Materials Regulations, § 177.823 of this title, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations, and

(2) Drivers of motor vehicles engaged solely in making local deliveries from retail stores and/or retail catalog businesses to the ultimate consumer, when driving solely within a 100-air mile radius of the driver's work-reporting location, during the period from December 10 to December 25, both inclusive, of each year.

* * * * *

(e) An operator who is driving a motor vehicle in the State of Alaska must not drive or be permitted to drive—

(1) More than 15 hours following 8 consecutive hours off duty;

(2) After being on duty for 20 hours or more following 8 consecutive hours off duty;

(3) After being on duty for 70 hours in any period of 7 consecutive days, if the employing motor carrier does not operate every day of the week; or

(4) After being on duty for 80 hours in any period of 8 consecutive days, if the employing motor carrier operates every day in the week.

* * * * *

5. Section 395.8(d) and (l)(1)(ii) are revised to read as follows:

§ 395.8 Driver's record of duty status.

* * * * *

(d) The following information must be included on the form in addition to the grid:

(1) Date;

(2) Total miles driving today;

(3) Truck or tractor and trailer number;

(4) Name of carrier;

(5) Driver's signature/certification;

(6) 24-hour period starting time (e.g. midnight, 9:00 a.m., noon, 3:00 p.m.);

(7) Main office address;

(8) Remarks;

(9) Name of co-driver;

(10) Total hours (far right edge of grid); and

(11) Shipping document number(s), or name of shipper and commodity.

* * * * *

(1) *Exceptions—(1) 100 air-mile radius driver.* A driver is exempt from the requirements of this section if:

(i) * * *

(ii) The driver, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;

* * * * *

[FR Doc. 86-10402 Filed 5-8-86; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking filed by Mr. John Diehl, asking this agency to delete the requirements for tire strength and tubeless tire resistance to bead unseating from its standard for new passenger car tires. Mr. Diehl stated in his petition that these requirements are no longer necessary because of improvements that have been made to tires and wheels since 1967, when the standard was initially established.

The petition is denied for the following reasons. Some tires and wheels of older design may still be produced, which designs would not necessarily incorporate the improvements noted in the petition. For such older tire and wheel designs, the performance requirements still serve to ensure that the driving public is afforded adequate safety protection. In the case of newer tire designs that incorporate the improvements referenced in the petition, the agency does not believe that the continuing existence of these performance requirements imposes a burden. If a tire manufacturer is certain that these newer tire designs will comply with the two performance requirements, it is a simple matter for the manufacturer to certify compliance without conducting any further testing or analyses. Thus, even if these two performance requirements were outdated for some newer tire designs, they would not impose a burden on tire manufacturers. Since these requirements may still be necessary for some tires and do not cause a burden with respect to tires for which they may not be necessary, the petition for rulemaking is denied.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Cook, Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (202-426-2715).

SUPPLEMENTARY INFORMATION: Mr. John Diehl filed a petition with this agency asking for amendments to Standard No. 109, *New Pneumatic Tires—Passenger Cars* (49 CFR 571.109). Standard No. 109 specifies dimensional and labeling requirements for these tires, as well as performance requirements for tubeless tire resistance to bead unseating, strength, endurance, and high speed performance. The petition asked NHTSA to delete the performance requirements for tire strength (S4.2.2.4) and tubeless tire resistance to bead unseating (S4.2.2.3).

According to the petition, both performance requirements were necessary when Standard No. 109 was established in 1967. However, the petition alleges that improvements in tire and wheel design and manufacturing have made these tests no longer necessary. In light of these improvements, the petition stated that "there is no reason to require [tire] companies and testing laboratories to continue these two items of testing." Therefore, the petition asked that Standard No. 109 be amended to delete these two performance requirements.

NHTSA agrees with the statement that very noteworthy improvements in tire and wheel design and manufacturing have been made since 1967. However, tires that do not incorporate these improvements may still be manufactured for use on older vehicles, as the manufacturer's least expensive tires, and so forth. The current performance requirements for strength and tubeless tire resistance to bead unseating are not outdated or

irrelevant for such tire designs. In these instances, granting the petition and deleting these two performance requirements could lessen the safety of tires in use on the public roads.

For the newer tire designs that incorporate the improvements referenced in the petition, NHTSA does not believe that these performance requirements impose an unnecessary burden. Contrary to the assertion in the petition, NHTSA does *not* require tire companies or any other regulated parties to conduct testing. Instead, the agency requires those parties to certify that each of their products complies with all applicable safety standards. In the case of new passenger car tires, tire manufacturers are required to certify that those tires comply with all requirements of Standard No. 109. The certification need not be based on actual testing of the tires; the requirement is that the certification be made with due care on the part of the manufacturer (15 U.S.C. 1397(a)(1)(C)). It is up to the individual manufacturer to determine in the first instance what data, test results, or other information it needs to enable it to certify that its tires comply with Standard No. 109. If a tire manufacturer is certain that its tires will comply with the strength and resistance to bead unseating requirements, because of the tire's similarity to other complying tires or because the tires incorporate the design and manufacturing improvements referenced in the petition, for example, the manufacturer need not test its tires to establish that it exercised due care when certifying compliance with these performance requirements. Accordingly, the agency does not believe that the continuing existence of these performance requirements imposes an unreasonable burden for newer design tires. Based on these considerations, the petition for rulemaking is hereby denied.

(15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: May 5, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-10459 Filed 5-8-86; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 51, No. 90
Friday, May 9, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

[S-507-502]

Certain In-Shell Pistachios From Iran; Notice of Clarification of Scope in the Antidumping Duty Investigation

AGENCY: International Trade Administration/Import Administration/Department of Commerce.

ACTION: Notice.

SUMMARY: We have determined that roasted in-shell pistachios are properly within the scope of the antidumping duty investigation of in-shell pistachios from Iran. This is based upon our finding that roasted in-shell pistachios are of the same class or kind as raw in-shell pistachios. We will instruct the Customs Service to suspend liquidation, on all shipments of roasted in-shell pistachios from Iran, as of the date of the publication of the preliminary determination.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Shimabukuro (202-377-5332), or Mary S. Clapp (202-377-1769), Office of Investigations, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Background

On September 26, 1985 petitioners filed a petition requesting that the ITA investigate shipments of in-shell pistachios from Iran, item 145.26 of the Tariff Schedules of United States (TSUS), to determine whether they are being sold in the United States at less than fair value. We initiated this investigation on October 16, 1985. On November 20, 1985, the ITC issued its preliminary affirmative determination of injury to a U.S. industry covering raw in-shell pistachios from Iran. The ITA published its preliminary affirmative determinaiton of sales at less than fair value of in-shelll pistachios from Iran on March 11, 1986. We instructed the Customs Service to suspend liquidation of imports of in-shell pistachios from Iran which were imported under TSUS item 145.26.

The ITA has received inquiries as to whether roasted in-shell pistachios were covered by the preliminary determination. In response, we are issuing this clarification of the scope of the investigation.

Products Under Investigation

Roasted in-shell pistachios are covered by TSUS classification number 145.53. The Department has determined that the scope of this investigation includes both raw and roasted in-shell pistachios from Iran. Raw and roasted are within the same class or kind. The Department has not differentiated between the two in its investigation and has consistently sought information from the Iranian producers/sellers regarding sales of all in-shell pistachios from Iran. Accordingly, the Department has not limited its investigation to the product in its raw form. The Department notes that in-shell pistachios are sold either raw or roasted. Therefore, the Department, by specifying in previous notices that its investigation, covered in-shell pistachios, intended to include all forms of that prouduct. The Department's use of TSUS classification number 145.26 does not limit its investigation cases where it discovers that an additional classification number would be appropriate to cover products already under investigation. *Royal Business Machines* v. *United States*, 1 CIT 80, 507 F. Supp. 1007 (1980), *aff'd* 69 CCPA 61, 669 f. 2d 692 (1982).

Suspension of Liquidation

Since we have determined that roasted in-shell pistachios are properly included in the class of in-shell pistachios being investigated, we are directing the United States Customs Service to suspend liquidation on all shipments of roasted in-shell pistachios from Iran as of the date of publication of the preliminary determination on March 11, 1986 (51 Fed. Reg. 8342). There is no allegation of "critical circumstances" with respect to roasted in-shell pistachios from Iran, therefore, the determination of critical circumstances included in our preliminary determination does not apply to roasted in-shell pistachios.

This noticer is published pursuant to section 733(f) of the Tariff Act of 1930, as amended (19 U.S.C. 1673b(f)).

John L. Evans,
Acting Deputy Assistant Secretary for Import Administration.

May 7, 1986.

[FR Doc. 86-10604 Filed 5-8-86; 8:45 am]
BILLING CODE 3510-DS-M

[A-351-503]

Antidumping Duty Order; Iron Construction Castings From Brazil

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In an investigation concerning iron construction castings from Brazil (castings), the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that castings from Brazil are being sold at less than fair value and that sales of light castings from Brazil threaten material injury to a United States industry and that sales of heavy castings from Brazil are materially injuring a United States industry. Therefore, based on these findings, in accordance with the "Special Rule" provision of section 736(b)(2) of the Tariff Act of 1930, as amended (the Act), 19 U.S.C. 1673e(b)(2), all unliquidated entries, or warehouse withdrawals, for consumption of light castings from Brazil made on or after May 7, 1986, the date of publication in the **Federal Register** of an affirmative determination of threat of material injury by the International Trade Commission (ITC), will be liable for the assessment of antidumping duties. Furthermore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of heavy castings from Brazil made on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from

warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register.**

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: James Riggs or Charles Wilson, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-4929 or 377-5288.

SUPPLEMENTARY INFORMATION: The products covered by this order are certain iron construction castings, limited to manhole covers, rings and frames, catch basins, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under item number 657.0950 of the *Tariff Schedules of the United States, Annotated* (TSUSA), and to valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters, classifiable as light castings under item number 657.0990 of the TSUSA. These articles must be of cast iron, not alloyed, and not malleable.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on October 28, 1985, the Department published its preliminary determination that there was reason to believe or suspect that castings from Brazil were being sold at less than fair value (50 FR 43591). On March 19, 1986, the Department published its final determination that these imports were being sold at less than fair value (51 FR 9477).

On April 25, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that importations of light castings threaten material injury to a United States industry and that importations of heavy castings materially injure a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of castings from Brazil. These antidumping duties will be assessed on all unliquidated entries of light castings entered, or withdrawn from warehouse, for consumption on or after May 7, 1986, the date of publication in the **Federal Register** of an affirmative determination of threat of material injury by the International Trade Commission (ITC), in accordance with the "Special Rule" provision of section 736(b)(2) of the Act, 19 U.S.C. 1673e(b)(2). These antidumping duties will be assessed on all unliquidated entries of heavy castings entered, or withdrawn from warehouse, for consumption on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register** (50 FR 43591).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers/producers/exporters	Weighted-average (percent)
Fundicao Aldebara Ltda	58.74
Sociedade de Metalurgie E Processos Ltda	16.61
Usina Siderurgica Paraensa S.A	5.95
All other Manufacturers Producers Exporters	26.16

Article VI.5 of the General Agreement on Tariff and Trade provides that "(n)o product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. In the final countervailing duty determination on iron construction castings from Brazil, we found export subsidies (51 FR 9491). Since dumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Thus, the amount of the export subsidies will be subtracted for deposit or bonding purposes from the dumping margins.

This determination constitutes an antidumping order with respect to iron construction castings from Brazil, pursuant to section 736 of the Act (19 U.S.C. 1673e) and section 353.48 of the Commerce Reguations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulation (19 CFR 353.48).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 5, 1986.

[FR Doc. 86-10487 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-533-501]

Antidumping Duty Order; Iron Construction Castings From India

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In an investigation concerning iron construction castings from India (castings), the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that castings from India are being sold at less than fair value and that sales of light castings from India threaten material injury to a United States industry and that sales of heavy castings from India are materially injuring a United States industry. Additionally, the Department found that "critical circumstances" did not exist with respect to castings from India. Therefore, based on these findings, in accordance with the "Special Rule" provision of section 736(b)(2) of the Tariff Act of 1930, as amended (the Act), 19 U.S.C. 1673e(b)(2), all unliquidated entries, or warehouse withdrawals, for consumption of light castings from India made on or after May 7, 1986, the date of publication in the **Federal Register** of an affirmative determination of threat of material injury by the International Trade Commission (ITC), will be liable for the assessment of antidumping duties. Furthermore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of heavy castings from India made on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register.**

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Terri A. Feldman, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-0160.

SUPPLEMENTARY INFORMATION: The products covered by this order are certain iron construction castings, limited to manhole covers, rings and frames, catch basin, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under item number 657.0950 of the *Tariff Schedules of the United States, Annotated* (TSUSA), and to valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters, classifiable as light castings under item number 657.0990 of the TSUSA. These articles must be of cast iron, not alloyed, and not malleable.

In accordance with section 733 of the Act (19 U.S.C. 1673b), on October 28, 1985, the Department published its preliminary determination that there was reason to believe or suspect that castings from India were being sold at less than fair value (50 FR 43595). We preliminarily determined that "critical circumstances" did not exist within the meaning of section 733(e) of the Act (19 U.S.C. 1673b(e)). On March 19, 1986, the Department published its final determination that these imports were being sold at less than fair value and that "critical circumstances" did not exist with respect to castings from India (51 FR 9486).

On April 25, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that importations of light castings threaten material injury to a United States industry and that importations of heavy castings materially injure a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of castings from India. These antidumping duties will be assessed on all unliquidated entries of light castings entered, or withdrawn from warehouse, for consumption on or after May 7, 1986, the date of publication in the **Federal Register** of an affirmative determination of threat of material injury by the International Trade Commission (ITC), in accordance with the "Special Rule" provision of section 736(b)(2) of the Act (19 U.S.C. 1673e(b)(2)). These antidumping duties will be assessed on all unliquidated entries of heavy castings entered, or withdrawn from warehouse, for consumption on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register** (50 FR 43595).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted/average antidumping duty margins as noted below:

Manufacturers/producers/exporters	Weighted-average (percent)
RSI (excluded)	0
Kejriwal (*de minimis*, excluded)	0.39
Serampore	0.90
Kajaria (*de minimis*, excluded)	0.30
All others	0.90

This determination constitutes an antidumping duty order with respect to light and heavy castings from India, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 2, 1986.

[FR Doc. 86-10488 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-502]

Antidumping Duty Order; Iron Construction Castings From the People's Republic of China (the PRC)

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In an investigation concerning iron construction castings from the PRC (castings), the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that castings from the PRC are being sold at less than fair value and that sales of light castings from the PRC threaten material injury to a United States industry and that sales of heavy castings from the PRC are materially injuring a United States industry. Therefore, based on these findings, in accordance with the "Special Rule" provision of section 736(b)(2) of the Tariff Act of 1930, as amended (the Act), 19 U.S.C. 1673e(b)(2), all unliquidated entries, or warehouse withdrawals, for consumption of light castings from the PRC made on or after May 7, 1986, the date of publication in the **Federal Register** of an affirmative determination of threat of material injury by the International Trade Commission (ITC), will be liable for the assessment of antidumping duties. Furthermore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of heavy castings from the PRC made on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Charles Wilson, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-5288.

SUPPLEMENTARY INFORMATION: The products covered by this order are certain iron construction castings, limited to manhole covers, rings and frames, catch basins, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under item number 657.0950 of the *Tariff Schedules of the United States, Annotated* (TSUSA), and to valve, service and meter boxes which are placed below ground to encase water,

gas, or other valves, or water or gas meters, classifiable as light castings under item number 657.0990 of the TSUSA. These articles must be of cast iron, not alloyed, and not malleable.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on October 28, 1985, the Department published its preliminary determination that there was reason to believe or suspect that casting from the PRC were being sold at less than fair value (50 FR 43594). On March 19, 1986, the Department published its final determination that these imports were being sold at less than fair value (51 FR 9483).

On April 25, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that importations of light castings threaten material injury to a United States industry and that importations of heavy castings materially injure a United States industry.

Therefore, in accordance with section 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of castings from the PRC. These antidumping duties will be assessed on all unliquidated entries of light castings entered, or withdrawn from warehouse, for consumption on or after May 7, 1986, the date of publication in the Federal Register of an affirmative determination of threat of material injury by the International Trade Commission (ITC), in accordance with the "Special Rule" provision of section 736(b)(2) of the Act, 19 U.S.C. 1673e(b)(2). These antidumping duties will be assessed on all unliquidated entries of heavy castings entered, or withdrawn from warehouse, for consumption on or after October 28, 1985, the date on which the Department published its "Preliminary Determination" notice in the Federal Register (50 FR. 43594).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers/producers/exporters	Weghted-average (percent)
All other Manufacturers Producers Exporters	11.66

This determination constitutes an antidumping order with respect to iron construction castings from the PRC, pursuant to section 736 of the Act (19 U.S.C. 1673e) and §353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and §353.48 of the Commerce Regulations (19 CFR 353.48).

May 5, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-10486 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-DS-M

Short Supply Review of Certain Tin-Free Steel; Request for Comments

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce herby announces its review of a request for a short supply determination under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products with respect to certain tin-free steel.

EFFECTIVE DATE: Comments must be submitted no later than ten days after publication of this notice.

ADDRESS: Please send all comments to: Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, 14th and Constitution Ave., NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Room 3099, 202/377-3833, Office of Agreements Compliance, Import Administration, 14th and Constitution Ave., NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products provides that if the U.S. ". . . determines that because of abnormal supply or demand factors, the United States steel industry will be unable to meet demand in the United States of America for a particular category or sub-category (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such category or sub-category . . ."

We have received a short supply request for certain tin-free steel. The material is made to the following specifications:

(a) Chromium coating:

Weight: aim for metallic chromium 100 mg/m²; chromium in oxide 10mg/m².

(b) Width: 28 through 36 inches (−0.0, +0.25 inch).

(c) Thickness: 0.0066 and 0.0094 gauge (+,− 0.0005 inch.)

(d) Appearance: scratch-free, hole-free, rust-free.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days after publication of this notice. Comments should focus on the economic factors involved in granting or denying this request. The Department will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly label the business proprietary portion of the submission and also include a submission withut proprietary information which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 2, 1986.

[FR Doc. 86-10491 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Financial Assistance Application Announcements; New York

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for

a 3 year period, subject to available funds. The cost of performance for the first twelve months is estimated at $347,909 for the project performance of October 1, 1986 to September 30, 1987. The MBDC will operate in the Brooklyn, NY Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $347,909 in Federal funds and a minimum of $61,396 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of business. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3 year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

DATES: Closing date: The closing date for applications is June 16, 1986. Applications must be postmarked on or before June 16, 1986.

ADDRESS: New York Regional Office, Minority Business Development Agency, 26 Federal Plaza, Room 3720, New York, NY 10278, Area Code/Telephone Number, (212) 264-3262.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director, New York Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

Dated: May 5, 1986.

Gina A. Sanchez,

Regional Director.

[FR Doc. 86-10424 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

New England and Mid-Atlantic Fishery Management Councils; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England and Mid-Atlantic Fishery Management Councils will convene a joint public meeting to discuss fishery management plan development and review; enforcement; criteria for lead Council designation; limited entry; foreign fishing/joint ventures; reports of the enforcement, surf clam/ocean quahog, and large pelagic oversight committees, as well as discuss other fishery management and administrative matters. The joint public meeting will convene May 28, 1986 at 9 a.m., adjourn May 30, at approximately noon, and will take place at the Sheraton Regal, Route 132 and Bearses Way, Hyannis, MA. For further information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, (Route One), Saugus, MA 01906; telephone: (617) 231-0422.

Dated: May 5, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-10434 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Americanization Committee will reconvene a public meeting, May 12, 1986, at 9 a.m. at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center Auditorium, 2725 Montlake Boulevard East, Seattle, WA, to continue deliberations begun at its first meeting on April 18-19, regarding Council-established phaseout dates for foreign fishing and foreign processing.

Though the meeting will be open to the public, no public testimony will be taken. Opportunity for submission of written and oral testimony was provided at the April 18-19 meeting. Questions regarding the May 12 meeting may be directed to Ron Miller, Special Advisor, North Pacific Fishery Management Council, 411 West Fourth Avenue, Suite 2D, Anchorage, AK 99501; telephone: (907) 274-4563.

Dated: May 6, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-10433 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-22-M

Travel and Tourism Administration

Travel and Tourism Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on June 1, 1986 at 9:00 a.m. at Loew's Ventana Canyon Resort, 7000 North Resort Drive, Tucson, Arizona 85715. Meeting Room information will be posted on the hotel directory.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97-63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

I. Call to Order
II. Approval of the Minutes
III. Old Business
  A. Terrorism and Tourism
    • Task Force Report
    • Recognizing the effects
    • Developing a strategy
IV. New Business
  A. Bicentennial of the Constitution
  B. Tourism and the Caribbean Basin Initiative
  D. U.S. Tourism Investments Abroad
    • China
    • Yugoslavia

- Caribbean
- Other

E. Update on SIC Code Revisions

V. Miscellaneous

A. Establish next meeting date

VI. Adjournment

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Karen M. Cardran, Committee Control Officer, United States Travel and Tourism, Administration, Room 1865, U.S. Department of Commerce, Washington, DC 20230 (telephone: 202-377-0140) will respond to public requests for information about the meeting.

Donna Tuttle,

Under Secretary for Travel and Tourism, U.S. Department of Commerce.

[FR Doc. 86-10489 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-11-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Forms Under Review of Office by Management and Budget

The Committee for Purchase from the Blind and Other Severely Handicapped has submitted requests to extend the authorization for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S. Chapter 35).

On September 30, 1983, OMB approved the following Committee forms:

Initial Certification—Blind, Form 401
Initial Certification—Severely Handicapped, Form 402
Annual Certification—Blind, Form 403
Annual Certification—Severely Handicapped, Form 404

It is proposed to extend the authorization for the collection of information on the above forms. The information included on the forms is required to ensure that new workshops entering the Committee's program meet the requirements of Pub. L. 92-28, June 23, 1971, (44 U.S.C. 46-48c) and that participating workshop continue to meet the requirements of the Act.

Minor changes were made in format to allow a more precise determination as to the location of where records are maintained and where direct labor is performed. Other than these minor changes, the forms are identical and the information reported is not changed.

The expiration date has been requested to be extended to December 31st rather than September 30 since a 90 day period is required after the end of the Government Fiscal Year to allow the workshops to tabulate data and transmit the reports to the Committee through the respective Central Nonprofit Agencies.

Requests for information including copies of the proposed information requests and supporting documentation should be directed to: C. W. Fletcher, Committee for Purchase from the Blind and Other Severely Handicapped, 1755 Jefferson Davis Highway, Crystal Square 5, Suite 1107, Arlington, VA, 22202, (703) 557-1145.

Comments on the requests to extend the authorization for the reports should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, ATTN: Joseph Lackey.

C.W. Fletcher,

Executive Director.

[FR Doc. 86-10465 Filed 5-8-86; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1986, Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and Deletions from Procurement List.

SUMMARY: This action adds to and deletes from Procurement List 1986 commodities to be produced by and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 9, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On December 13, 1985 and February 7 February 21 and March 14, 1986, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (50 FR 50936, 51 FR 4758, 51 FR 6295, 51 FR 8868) of proposed additions to Procurement List 1986, October 5, 1985 (50 FR 41809).

One comment was received in response to the notice proposing the addition to the Procurement List of the Curtain, Shower. The commentor was notified of the estimate of the firm's annual sales and given an opportunity to refute that estimate. The commentor did not reply to the notification. The value of the firm's contract represents less than 5% of its annual sales. The Committee considered the comments received as well as other pertinent information and determined that the addition of these commodities to the Procurement List would not cause severe impact on the current contractor.

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities listed.

c. The actions will result in authorizing small entities to produce the commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1986:

Cushion, Seat Back, Vehicular: 2540-01-065-6289
Curtain, Shower: 7230-00-0849-9838, 7230-00-849-9839
Briefcase: 8460-01-193-9769

Deletions

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6.

Accordingly, the following services are hereby deleted from Procurement List 1986:

Commissary Shelf Stocking and Custodial Fort Sheridan, Illinois
Commissary Shelf Stocking and Custodial Fort Monmouth (Ocean Port), New Jersey
Janitorial Service, GSA Depot Building, Hingham Industrial Park, 349 Lincoln Street, Hingham, Massachusetts

C.W Fletcher,

Executive Director.

[FR Doc. 86-10460 Filed 5-8-86; 8:45 am]

BILLING CODE 6830-22-M

Procurement List 1986; Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1986 commodities to be produced by and services to be provided by workshops for the blind or other severely handicapped.

DATE: Comments must be received on or before: June 11, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1986, October 15, 1985 (50 FR 41809):

Grounds Maintenance, NASA—Goddard Space Flight Center, Greenbelt, Maryland
Janitorial/Custodial, Garmatz Courthouse and Federal Building, 101 W. Lombard Street, Baltimore, Maryland
Janitorial/Custodial, USAR Facilities, Mann Hall, North 415 Market Street, Spokane, Washington and 3800 North Sullivan Road, Trentwood, Washington Laundry Service, Fort McClellan, Alabama

Deletions

It is proposed to delete the following commodities and services from Procurement List 1986, October 15, 1985 (50 FR 41809):

Commodities

Screwdriver, Cross Tip:
5120-00-529-3101,
5120-00-596-0866
Screwdriver, Flat Tip:
5120-00-278-1269,
5120-00-541-3004,
5120-00-278-1268,
5120-00-337-2465,
5120-00-540-0563,
5120-00-180-0780,
5120-00-293-3309
Cashbox: 7520-00-281-5931
Folder, Chapel Program:
7690-00-NSN-0001
Illustrative Sheet:
7690-00-NSN-0002, (Requirements for Wright-Patterson Air Force Base, Ohio only)

Services

Commissary Shelf Stocking, Naval Air Station, Moffett Field, California
Commissary Shelf Stocking, Naval Air Station, Point Mugu, California
Commissary Shelf Stocking and Custodial, Reese Air Force Base, Texas
Grounds Maintenance, Bergstrom Air Force Base, Texas
Janitorial/Custodial, McCord Air Force Base, Washington

C.W. Fletcher,
Executive Director.

[FR Doc. 86-10461 Filed 5-8-86; 8:45 am]

BILLING CODE 6820-33-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 the Committee. Army Science Board (ASB).

Dates of meeting: Tuesday and Wednesday, 27-28 May 1986.

Times of meeting: 0800-1700 hours.

Places: TRADOC Analysis Center, Ft. Leavenworth, KS.

Agenda:

The Army Science Board AHSG on Army Combat Models will meet for briefings by analytic agencies. 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 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. 86-10413 Filed 5-8-86; 8:45 am]

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: 26-30 May 1986.

Times of meeting: 0800-1600 hours.

Place: Europe.

Agenda:

The Army Science Board 1986 Summer Study Panel on C3I Requirements for AirLand Battle will meet to discuss joint service, requirements, and performance. 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 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. 86-10414 Filed 5-8-86; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Soviet Submarine Threat will meet on May 28, 1986 at the Pentagon, Washington, DC. The meeting will commence at 8:30 A.M. and terminate at 5:30 P.M. On My 29, 1986 the panel will meet at Presearch, Inc. at 8500 Prospect Avenue, Merrifield, Virginia commencing at 9:00 A.M. and terminating at 3:00 P.M. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to assess the potential of U.S. defensive systems now in the pipeline to meet the Soviet submarine threat, as well as from an overall system approach, determine the major elements required to match the threat and recommend modifications, if required, to current Navy programs in order to maintain technological superiority. The agenda for the meeting will consist of technical briefings addressing the Soviet submarine threat. These briefings will contain information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned

with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T. C. Fritz, U.S. Navy, Office of the Chief of Naval Research (Code OONR), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: May 5, 1986.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve Federal Register Liaison Officer.

[FR Doc. 86-10435 Filed 5-8-86; 8:45 am]

BILLING CODE 39810-AE-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Auxiliary Activities; In-Service Training—Handicapped Children's Early Education Program

AGENCY: Department of Education.

ACTION: Notice of Final Annual Funding Priority.

SUMMARY: The Secretary announces an annual funding priority for the Auxiliary Activities: In-Service Training—Handicapped Children's Early Education Program. The priority is for applications which establish in-service training programs which focus on meeting the needs of qualified personnel to provide services to handicapped children from birth through age two.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr.Thomas E. Finch, Early Childhood Branch, Division of Innovation and Development, Special Education Programs, Department of Education, 330 C Street, SW. (Switzer Building, Room 3511- M/S 2313), Washington, DC 20202. Telephone: (202) 732-1084.

SUPPLEMENTARY INFORMATION: The Auxiliary Activities program, 20 U.S.C. 1424, supports research, development or demonstration activities, training, and dissemination activities, which, consistent with the purposes of Part C of the Education of the Handicapped Act, meet the unique educational needs of handicapped children and youth, including those who are severely handicapped.

The Handicapped Children's Early Education Program (HCEEP), authorized by section 623 of Part C of the Education of the Handicapped Act, supports the establishment and operation of innovative and effective preschool and early education projects and early childhood State Plan projects. Projects funded under the program are age specific, reflect considerations of child development, involve medical, social, special education, and related services, and include parent and family intervention techniques.

The purpose of the HCEEP is to support a variety of experimental models which provide effective services and which can be replicated, and early childhood State Plan projects. The program supports presenting innovative ideas with the potential to advance the status of preschool and early childhood education. It is not the intent of the program to support on-going services.

It has become clear that in order for programs to satisfy the goals of demonstration projects to enhance the provision of services for handicapped infants and those at risk, current training programs need to address in-service training as a priority. Presently, the training of personnel to work in programs serving the infant through age two population is quite diverse in approach, while quite limited relative to the number of training programs available. The need for an in-service priority evolved because of the following principles: (1) training personnel to work with handicapped infants through age two is different from training personnel for preschool programs; (2) the nature of the infant through age two child as a learner is unique and distinct from that of other learners; (3) a coordinated multi-agency approach to service delivery is imperative; and (4) a family system approach must be the focus of programming for this age group (0-2).

A notice of proposed annual funding priority was published in the **Federal Register** on October 9, 1985 at 50 FR 41322. The public was given thirty days in which to comment. No comments were received.

Priority

Auxiliary Activities: In-service Training—Handicapped Children's Early Education Program. In accordance with the Education Department General Administrative Regulations at 34 CFR 75.105(b)(2) and 75.105(c)(3)(i), and subject to available funds, the Secretary gives an absolute preference to each application which provides satisfactory assurance that the recipient will use funds made available for the following activities.

This priority supports projects that demonstrate effective in-service training programs that focus on meeting the needs of qualified personnel to provide services to handicapped and at-risk children age birth through two. Personnel under this priority would include, but are not limited to: pediatricians, neo-natal caregivers (nurses, social workers, physical therapists, occupational therapists, speech pathologists), public health personnel, and parents. Within the priority projects must focus on one or more of the following: (a) establishing an in-service training program which focuses on training personnel to work with handicapped children from birth through age two (0-2); (b) stressing a curriculum which demonstrates a multiagency approach to service delivery for handicapped children from birth through age two; (c) focusing on the development of a family systems approach (approaching the family as a system to address the needs of all members affected by the handicapping condition) as a focus of programming for handicapped children from birth through age two; or (d) ensuring individual program priorities within States for handicapped children from birth through age two.

(20 U.S.C. 1424)

(Catalog of Federal Domestic Assistance Number 84.086; Auxiliary Activities: In-Service Training—Handicapped Children's Early Education Program)

Dated: May 6, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86-10455 Filed 5-8-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP86-344-000]

Consolidated Gas Transmission Corp.; Intent To Prepare an Environmental Assessment on the Proposed Line No. TL-460 and Biddlecum Road Measuring Station, Request for Comments, and Notice of Public Meeting

May 8, 1986.

On February 25, 1986, Consolidated Gas Transmission Corporation (Consolidated) applied to the Federal Energy Regulatory Commission for a certificate to construct 33.5 miles of 24-inch natural gas pipeline, called Line No. TL-460, in Onondaga and Oswego

Counties, New York. A measuring station in Oswego County called the Biddlecum Road Measuring Station is also proposed. The pipeline and measuring station would be used to deliver gas to Niagara Mohawk Corporation, a gas distribution company, to accommodate anticipated increases in annual and peak day demand. Construction is proposed to begin on May 1, 1986, and to be completed by October 31, 1986; however, construction can begin only if the Commission has issued the certificate. The estimated cost is $25,685,000.

Location and Land Requirements

Figure 1 shows the location of the project.* About 245 acres of land would be disturbed during construction, 58 percent of which would occupy or overlap existing electric power and gas pipeline rights-of-way. As shown in table 1, where the pipeline would parallel existing utilities, the additional permanent right-of-way width required would range from none to 29 feet. In these locations an additional 20 feet of temporary right-of-way would be needed during construction, which would revert back to its former use once construction is completed. A new 60-foot wide permanent right-of-way would be acquired where the pipeline would not parallel existing utilities. Table 1 shows the right-of-way requirements by location.

The Biddelcum Road Measuring Station would be located in an agricultural field just south of Biddlecum Road in the Town of Schroeppel. Consolidated plans to purchase a 5-acre site and to use 1.4 acres for the facility. The remaining 3.6 acres could continue to be used for agricultural purposes. The facility would be designed to produce noise levels less than an L_{dn} of 55 dB(A) at the nearest residence.

TABLE 1.—RIGHT-OF-WAY REQUIREMENTS

Section	Approximate distance (miles)	Existing utility corridor utilized	Permanent easement required (feet)	Width of permanent easement that is not on an existing ROW (feet)	Width of temporary construction easement (feet)
Therm City to Williams Road	6.4	Consolidated Gas Transmission Corp. pipeline ROW.	40 (11' on Consolidated's existing ROW).	29	20
Williams Road to Bishop Hill Road	.9	New York State Electric and Gas 34.5 KV ROW.	40 (40' on NYSE&G's existing ROW).	0	20
Bishop Hill Road to the vicinity of Lee Mulroy Road	.8	Tennessee Gas Company ROW	40 (20' on Tenneco's existing ROW).	20	20
Vicinity of Lee Mulroy Road to the vicinity north of State Rt. 321	4.7	New utility corridor required	60 (New ROW)	60	0
Vicinity north of State Rt. 321 to a point just north of the Seneca River.	11.3	Niagara Mohawk Power Corp. Oswego-Lafayette 345 KV ROW.	40 (Entirely on NMPC's existing ROW).	0	[1] 20
From a point just north of the Seneca River to Biddlecum Road	9.6	New utility corridor required	60 (New ROW)	60	0

[1] On NMPC's ROW.

Consolidated states that about 50 acres of woodland would be cleared during pipeline construction. Five acres would be cleared for construction purposes only and would be allowed to return to forestland. The remaining 45 acres would be kept clear of trees for the life of the project. About 111 acres of cropland and 21 acres of pasture would be disturbed for one growing season. Other lands affected include open fields (34 acres), wetland (18 acres), and residential land (7 acres).[1] The 13 wetland crossings range from 100 to 1900 feet in length, and would require permits from the New York Department of Environmental Conservation. Other than a 1,200-foot crossing of the Three Rivers State Game Management Area, the staff is not aware of any public parks, forests, or other public lands along the route.

Over the entire length of the pipeline, the right-of-way would be maintained as either low-growing vegetation or cropland. Permanent structures would not be allowed on the right-of-way for the life of the project.

Construction and Restoration

Construction is proposed to take place in the spring, summer, and fall of 1986. According to Consolidated, the construction teams would consist of a total of approximately 185 to 200 people, 60 percent of whom would be local workers. The contractor's personnel would comprise the remainder of these teams. In general, the first month would involve clearing and preparing the site. Actual construction would begin in the second month and would be done at an approximate rate of one mile per day. This part of the work includes trenching, stringing the pipe, welding, and lowering it in place. The third month would involve backfilling, seeding, and rebuilding fences. Construction of Line No. TL-460 would start at Therm City, Town of Onondaga, Onondaga County, and proceed westward/northward, using a staggered start with right-of-way crews first, dozers second, and ditching third, etc. Each crew would be staggered about one week.

The pipeline would cross the Seneca and Oswego rivers and 34 streams. Various measures are proposed to protect these waterbodies and the wetlands crossed, such as using onshore sediment control structures, keeping petroleum storage and refueling areas at least 50 feet away, and restoring streambanks, etc. Forty-five highways would be crossed by the pipeline. Most paved road crossings would be bored to prevent disruption of pavement or traffic. Unpaved road crossings may be open-cut.

Consolidated's cleanup and restoration plans include grading, liming, fertilizing, seeding, and mulching for areas where the soil has been disturbed and exposed as a result of construction activity. A general seed mix that is compatible with the various soil conditions would be used, and all disturbed areas would be mulched to promote germination and prevent the washing of soil and seed. Consolidated has proposed that temporary erosion control and restoration measures would be carried out while construction is in progress, with special attention given to highly erodible areas.

[1] The combined acreage does not equal the total because of mapping errors and rounding.

* Not printed in the **Federal Register**; available from the Commission's Division of Public Information.

Operation and Maintenance

Maintenance functions for the right-of-way would include periodically removing woody vegetation by mowing, replacing backfill and repairing drain tiles and terraces, periodically inspecting water crossings, and maintaining an emergency supply of pipe, leak repair clamps, etc., for repairs.

Aerial inspections of the right-of-way would be done periodically to monitor encroachment and to provide information on possible leaks, construction activities within the right-of-way, erosion, exposed pipe, and any other potential problem that could affect the safety and operation of the pipeline. Should maintenance problems occur, Consolidated would dispatch personnel and equipment to alleviate them.

Alternatives

The FERC staff is presently studying two alternatives. The first alternative would follow the proposed route from Therm City to its intersection with a powerline just south of Hencle Boulevard, which is located about one mile northwest of Baldwinsville. From there it would head 6.3 miles east along the powerline until intersecting a waterline right-of-way near Route 481, where it would then turn north and follow the water line 2.3 miles to its intersection with the Niagara Mohawk pipeline 5 miles southeast of the proposed interconnection location. The measuring station would be located at that intersection.

The second alternative would involve constructing none of the proposed facilities. Instead, the proposed volumes would be delivered to Niagara Mohawk through an existing connection near Oneida, New York. The FERC staff does not yet know what, if any, additional facilities would be required for this alternative. The FERC staff seeks comments on these alternatives and welcomes suggestions on other alternatives that should be studied.

Public Meeting and Comment Procedure

The FERC staff will hold a public meeting at 7:00 p.m. on June 2, 1986, at the Town of Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York. All members of the public and state and local government officials are invited to attend. Representatives of Consolidated Gas Transmission Corporation will also be present. The purpose of the meeting will be to identify the environmental issues that should be studied in the environmental assessment. Disputes involving individual right-of-way negotiations will not be discussed or resolved in this forum. The environmental assessment will be used to determine whether or not the proposal is a major Federal action significantly affecting the quality of the human environment.

A copy of this notice has been distributed to a number of Federal, state, and local agencies, and parties to the proceeding. The deadline for filing written comments is June 16, 1986. All written comments must reference Docket No. CP86-344-000, and be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Any recommendations that the FERC address specific issues should be supported with a detailed explanation of the need to consider such issues. Comments previously filed with the Commission need not be refiled in response to this notice.

Additional information about the proposal, including detailed route maps for sepcific locations, is available from Mr. Cary Secrest, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-9038.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-10608 Filed 5-8-86; 3:56 pm]

BILLING CODE 6717-01-M

Southwestern Power Administration

Request for Data and Comments Regarding Allocation of Additional Power

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of Request for Data and Comments Regarding Allocation of Additional Power.

SUMMARY: The Southwestern Power Administration (SWPA), Department of Energy, markets Federal hydroelectric power and energy from projects constructed and operated by the Corps of Engineers and located in the States of Arkansas, Missouri, Oklahoma and Texas, under the provisions of Section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as amended. In 1980, SWPA adopted final power allocations which allocated then-existing Federal hydroelectric power (capacity) to preference customers in SWPA's marketing area which includes the above-mentioned states plus Kansas and Louisiana. The 1908 Final Power Allocations (1980-1988) (FPA) were published March 24, 1980 (45 FR 19032).

A Notice of Intent to Allocate Additional Power was published in the **Federal Register** January 28, 1986 (51 FR 3505). The Notice announced SWPA's intent to allocate an additional 7.5 MW of power (capacity) which has become available subsequent to the 1980 FPA. The allocation was to be made in accordance with the FPA; consequently, preference entities (customers) in Kansas and Louisiana would have received proportionate quantities of the additional power since no apparent changes in operating conditions had occurred in Texas subsequent to the FPA, that would allow additional allocations in Texas. Customers and interested parties were invited to comment on the Notice of Intent before February 27, 1986.

Comments were received from three parties; two customers and one group of prospective customers. One customer (Cajun Electric Power Cooperative, Inc., of Baton Rouge, Louisiana) expressed support for the allocation procedure and encouraged its implementation. The group of prospective customers, all U.S. Air Force Bases located in Kansas and Louisiana, requested the allocation of power to such bases. The other customer, Brazos Electric Power Cooperative, Inc., of Waco, Texas (Brazos), proposed a method by which Brazos and the non-interconnected part of Texas, could receive the benefits of the additional power allocation in spite of the continuing operating conditions in Texas which effectively limit the direct transfer of power to or from the Electric Reliability Council of Texas (ERCOT) area. Brazos has noted that approximately 5 percent of its load is located in the interconnected part of Texas (outside ERCOT) and arrangements can be developed such that the allocation can be delivered to the Brazos load outside ERCOT with 95% of the resulting benefits flowing to the non-interconnected area (ERCOT) by virtue of a "rolled-in" (postage stamp) rate which is the same for Brazos customers both inside and outside ERCOT.

As a result of this new information, SWPA is requesting data and comments from Brazos and others which will enable SWPA to evaluate the feasibility of Brazos' suggestion and its applicability to any other entities operating under similar circumstances. Customers and interested parties desiring to receive an allocation should submit comments, including detailed information on their power loads and rate structures in both the ERCOT and non-ERCOT areas, citing any available methods to distribute financial benefits into the ERCOT area through such rates, on or before June 9, 1986.

ADDRESS: Written comments should be submitted to the Director, Power Marketing, Southwestern Power Administration, P.O. Box 1619, Tulsa, Oklahoma 74101.

FOR FURTHER INFORMATION CONTACT: Francis R. Gajan, Director, Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918) 581-7529.

Issued this 16th day of April, 1986.

Ronald H. Wilkerson,

Administrator, Southwestern Power Administration.

[FR Doc. 86-10508 Filed 5-8-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL-3013-5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRS) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, (202) 382-2740 or FIS 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: State Conducted Inventory of Injection Wells (EPA ICR #0257). (This request is for reinstatement of a previously approved collection for which approval has expired.)

Abstract: In order to facilitate approving/denying grants to States and to inventory wells in the program, States must collect and submit to EPA information on injection wells.

Respondents: State governments.

Title: Underground Injection Control (UIC) Federal Reporting (EPA ICR #0368). (This request is for reinstatement of a previously approved collection for which approval has expired.)

Abstract: The Safe Drinking Water Act requires States to submit certain reports under the Underground Injection Control program. EPA will use this information to evaluate the State- and EPA-administered programs and to prepare Congressional reports.

Respondents: State agencies with approved UIC programs.

Title: Underground Injection Control Permit Applications and Permittee Reporting (EPA ICR #0370). (Extension of the expiration date of a currently approved collection without change.)

Abstract: To prevent contamination of underground sources of drinking water, well owners/operators who inject certain substances underground must keep records as well as report operating data to the EPA Regional Administrator.

Respondents: Certain well owners/operators.

* * * * *

Agency PRA Clearance Requests Completed by OMB

EPA ICR #0660, NSPS for Metal Coil Surface Coating (Subpart TT) Information Requirements, was approved 4/24/86 (OMB #2060-0107; expires 3/31/89).

EPA ICR #0659, NSPS for Industrial Surface Coating Large Appliances (Subpart SS)—Information Requirements, was approved 4/25/86 (OMB #2060-0108; expires 10/31/86).

* * * * *

Comments on all parts of this notice may be sent to:

Nanette Liepman, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223) Information and Regulatory Systems Division, 401 M Street, SW., Washington, DC 20460

and

Richard Otis, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, DC 20503.

Dated: May 6, 1986.

Daniel J. Fiorino,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 86-10448 Filed 5-8-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3013-1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 21, 1986 through April 25, 1986 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. D-BLM-J36039-UT, Rating LO, West Desert Pumping Project, Great Salt Lake Flood Control Construction, Right-of-Way Permit, Grant, 404 Permit, UT. **SUMMARY:** EPA's review did not identify potential environmental impacts which would require changes to the proposal.

ERP No. DS-BLM-L65082-OR, Rating EC2, Western Oregon Competing Vegetation Mgmt. Program, Impacts of Herbicides on Human Health, OR. **SUMMARY:** EPA's review finds that the supplemental EIS fails to evaluate the full range of effects of herbicide application such as environmental risks to stream quality, fisheries, wildlife, groundwater, and eutrophication. Although the risk assessment and worst case analyses of potential impacts on human health are well done, EPA believes the document should be expanded to describe the broader ecological consequences of herbicide use, and more fully identify the chemicals being used.

ERP No. D-COE-C28000-NJ, Rating EO2, Manasquan Reservoir System Oak Glen Reservoir Construction, Sect. 10 and 404 Permits, Timber Swamp Lake and Manasquan R., NJ. **SUMMARY:** EPA stated its environmental reservations regarding the projected loss and degradation of wetland and aquatic habitats, and the ability to mitigate these impacts. Additional information is requested on potential mitigation and the evaluation of aquifer recharge alternatives.

ERP No. DS-FHW-E40150-FL, Rating EC2, Port Everglades Expressway/I-595 Construction, I-95/FL-736/ Davie Blvd. Improvements, South Fork New River to Broward Blvd., FL. **SUMMARY:** EPA was concerned about the adequacy of the air quality, groundwater and noise analysis. Additional clarification information was requested to be included in the final supplemental EIS.

Final EISs

ERP No. F-AFS-J65140-WY, Shoshone Nat'l Forest, Land and Resource Mgmt. Plan, WY. **SUMMARY:** EPA has continuing concerns regarding methods

and requirements for protection of water quality standards, including antidegradation requirements. Other unresolved concerns involve sediment-aquatic ecosystem relationships; road construction; ground water protection measures; watershed planning; cumulative impacts assessment; management of wetlands; mineral development; vegetation; monitoring; and coordination. EPA has recommended inter-agency consultation and requests a written response to help resolve the concerns.

ERP No. FS-COE-L36070-00, Bonneville Lock and Dam, Navigation Lock Construction, Project Changes, Columbia—Snake River Navigation System, WA and OR. **SUMMARY:** EPA expressed concern that the interagency task force, as agreed to by the Army Corps of Engineers and committed to in the Record of Decision, be organized immediately as project construction was slated to begin very soon. EPA reiterated that task force approval of specific mitigation measures would be required prior to activities taking place.

ERP No. F-FHW-J40009-CO, US 285 Upgrading, Tinytown Junction to Foxton Rd., 404 Permit, CO. **SUMMARY:** EPA believes the project can be completed as planned with minimum impacts to the environment.

ERP No. FS-NOA-B90001-RI, Rhode Island Coastal Resources Mgmt. Program, 1983 and 1984 Amendments, Adopted Portions of State Guide Plan Overview, Salt Pond Region Special Area Mgmt. Plan, RI. **SUMMARY:** We believe the amendments to the Program will not cause significant adverse impacts to the environment.

Regulations

ERP No. R-DOT-A12036-00, 14 CFR Ch. III Commercial Space Transportation: Licensing Regulations: Interim Final Rue (Docket No. 43810) (51 FR 6870). **SUMMARY:** EPA was pleased to note that the interim rule now contains an environmental impact section. EPA no longer has any objection to the proposed regulation.

Dated: May 6, 1986.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 86-10510 Filed 5-8-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3012-9]

Environmental Impact Statements; Notice of Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed April 28, 1986 Through May 2, 1986 Pursuant to 40 CFR 1506.9.

EIS No. 860169, Draft, AFS, MT, Kootenai National Forest, Noxious Weed Treatment Program, Lincoln County, Due: June 23, 1986, Contact: Michael O'Farrell (406) 296-2536.

EIS No. 860170, Final, SCS, PA, Upper Tioga River Watershed, Protection and Flood Prevention Plan, Tioga and Bradford Cos., Due: June 9, 1986 Contact: James Olson (717) 782-2202.

EIS No. 860171, Final, AFS, PA, Allegheny National Forest, Land and Resource Management Plan, Due: June 9, 1986, Contact: Forrest Carpenter (814) 723-5150.

EIS No. 860172, Draft, IBR, CA, Kesterson Reservoir and San Luis Drain, Cleanup, Disposition and Wetland Mitigation Program, Merced and Fresno Cos., Due: June 30, 1986, Contact: Susan Hoffman (916) 978-5046.

EIS No. 860173, Draft, AFS, NH, ME, White Mountain National Forest, Land and Resource Management Plan, Due: June 23, 1986, Contact: Carl Gebhardt (603) 524-6450.

EIS No. 860174, Draft, FERC, CA, Owens River Basin, Seven Hydroelectric Projects, Construction, Operation and Maintenance, Licenses, Inyo and Mono Cos., Due: June 23, 1986, Contact: Ronald McKitrich (202) 376-9065.

EIS No. 860175, Final, COE, DC, MD, VA, Hydrilla Management and Control in the Potomac River and Tributaries, Chain Bridge in Washington, DC to the US 301 Bridge near Morgantown, Maryland, Due: June 9, 1986, Contact: Robert Blama (301) 962-4710.

EIS No. 860176, Draft, MMS, TX, AL, MS, LA, 1987 Central and Western Gulfs of Mexico Outer Continental Shelf (OCS) Oil and Gas Sale Nos. 110 and 112, Leasing, Due: July 3, 1986, Contact: Archie Melancon (202) 343-6264.

EIS No. 860177, Draft, AFS, CA, Lassen National Forest, Land and Resource Management Plan, Due: August 7, 1986, Contact: Richard Henry (916) 257-2151.

EIS No. 860178, DSuppl, USN, GA, Kings Bay Fleet Ballistic Missile Submarine Support Base, North River Access Restriction, Camden County, Due: June 27, 1986, Contact: Bruce Dutton (202) 697-8055.

Amended Notices:

EIS No. 860156, Final, SCS, WV, Middle Grave Creek Watershed Protection and Flood Prevention Plan, Marshall County, Due: June 9, 1986, Published FR 4-25-86—Review period reestablished.

EIS No. 860168, DSuppl, BLM, WY, Grass Creek and Cody Resource Areas, Wilderness Suitability, Owl Creek Wilderness Study Area, Hot Springs County, Due: July 30, 1986, Published FR 5-2-86—Incorrect due date.

Dated: May 6, 1986.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 86-10511 Filed 5-8-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59216A; FRL-3013-7]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of two applications for testing marketing exemptions (TME's) under section 5(h)(1) of the Toxic Substances Control Act (TSCA), TME-86-33 and TME-86-34. The test marketing conditions are described below:

EFFECTIVE DATE: May 5, 1986.

FOR FURTHER INFORMATION CONTACT: Vinay Kumar, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, Room E-609B, 401 M Street SW., Washington, DC 20460 (202-475-8992).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-86-33 and TME-86-34. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time periods and restrictions (if any) specified below,

will not present any unreasonable risk of injury to health or the environment. Production volumes must not exceed those specified in the applications. All other conditions and restrictions described in the applications and in this notice must be met.

The following additional restrictions apply to TME-86-33 and TME-86-34. A bill of lading accompanying each shipment must state that the use of the substances are restricted to those approved in the TME's. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available to EPA for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substances produced and must make these records available to EPA upon request.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substances.

T-86-33

Date of Receipt: March 26, 1986.

Notice of Receipt: April 11, 1986, (51 FR 12556).

Applicant: Confidential.

Chemical: (G) Substituted benzenesulfonyl chloride.

Use: (G) Site-limited intermediate.

Production Volume: 1,750 kg.

Number of Customers: Confidential.

Worker Exposure: A total of 2 workers for a total of 24 hours over 4 days.

Testing Marketing Period: Nine months.

Commencing on: May 5, 1986.

Risk Assessment: Based on analogy to structurally related substances, the Agency identified concerns for potential damage to liver and other organs. However, under the test marketing conditions, the estimated worker exposure to the test market substance will not be significant. Therefore, the test market substance will not pose any unreasonable risk of injury to human health.

EPA has also identified potential environmental concerns. However, estimated releases of the test market substance will not be significant. Therefore, the test market substance will not pose any unreasonable risk of injury to the environment.

Public Comments: None.

T-86-34

Date of Receipt: March 26, 1986.

Notice of Receipt: April 11, 1986 (51 FR 12556).

Applicant: Confidential.

Chemical: (G) Substituted benzenesulfonamide.

Use: (G) A component of a vehicle used in a printing ink.

Production Volume: 1,360 kg.

Number of Customers: Confidential.

Worker Exposure: Two workers for a total of 64 hours over 8 days.

Test Marketing Period: Nine months.

Commencing on: May 5, 1986.

Risk Assessment: Based on analogy to structurally related substances, the Agency identified teratogenicity concerns. However, under the test marketing conditions, the estimated worker exposure to the test market substance will not be significant. Therefore, the test market substance will not pose any unreasonable risk of injury to human health.

EPA has also identified potential environmental concerns. However, estimated releases of the test market substance will not be significant. Therefore, the test market substance will not pose any unreasonable risk of injury to the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: May 5, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86-10446 Filed 5-8-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51622; FRL-3014-3]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty-one PMNs and provides a summary of each.

DATES:

Close of Review Period:

P 86-949, 86-950, 86-951, 86-952, 86-953, 86-954, 86-955 and 86-956—July 23, 1986

P 86-957 and 86-958—July 26, 1986

P 86-959, 86-960, 86-961, 86-962, 86-963, 86-964, 86-965 and 86-966—July 27, 1986

P 86-967, 86-968 and 86-969—July 28, 1986

P 86-970, 86-971, 86-972, 86-973, 86-974, 86-975, 86-976, 86-977, 86-978 and 86-979—July 29, 1986.

Written comments by:

P 86-949, 86-950, 86-951, 86-952, 86-953, 86-954, 86-955 and 86-956—June 23, 1986

P 86-957 and 86-958—June 26, 1986

P 86-959, 86-960, 86-961, 86-962, 86-963, 86-964, 86-965 and 86-966—June 27, 1986

P 86-967, 86-968 and 86-969—June 28, 1986

P 86-970, 86-971, 86-972, 86-973, 86-974, 86-975, 86-976, 86-977, 86-978 and 86-979—June 29, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51622]" 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-611, 401 M Street, SW, Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-949

Manufacturer. Confidential.

Chemical. (G) Chromium complex.

Use/Production. (G) Gross-linking agent. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Ames test: Non-mutagenic, In vitro chromosomal aberration test (Chinese hamster): Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-950

Importer. Aceto Corporation.

Chemical. (G) Aliphatic urethane acrylate oligomer.

Use/Import. (S)-Industrial, commercial and consumer oligomer for UV/EB curable systems. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin-Mild; Ames test: Non-mutagenic.

Exposure. Processing and use: inhalation, a total of 200 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 100 kg released to air and water.

P 86-951

Importer. Aceto Corporation.

Chemical. (G) Aliphatic urethane acrylate oligomer.

Use/Import. (S) Industrial, commercial and consumer oligomer for UV/EB curable systems. Import range: Confidential.

Toxicity Data. Acute oral: > 5.0 g/kg; Irritation: Skin-Mild; Ames test: Non-mutagenic.

Exposure. Processing and use: inhalation, a total of 200 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 100 kg released to air and water.

P 86-952

Manufacturer. NL Industries, Inc.

Chemical. (G) High solids oxirane/anhydride polyester intermediate.

Use/Production. (G) Reactive intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-953

Manufacturer. Confidential.

Chemical. (G) Salt of alkanethiol.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 5,176 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Irritant; Inhalation: 20 mg/1.

Exposure. Confidential.

Environmental Release/Disposal. No release.

P 86-954

Manufacturer. Confidential.

Chemical. (G) Vegetable oil, polymer with aromatic dicarboxylic acid, and aliphatic triol.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 2 workers, up to 2 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 1 kg/batch released to air. Disposal by publicly owned treatment works (POTW) and scrubber.

P 86-955

Importer. Confidential.

Chemical. (S) 4-hydroxy-3-[[2-methoxy-5-[[2-[potassium salt (sulfooxy)]ethyl]sulfonyl]phenyl]azo] naphthalene.

Use/Import. (S) Reactive dye for textile. Import range: 15,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

P 86-956

Importer. Biddle Sawyer Corporation.

Chemical. (S) 3,5-diamino-2, 4, 6-trimethyl benzene sulfonic acid.

Use/Import. (S) Industrial to produce dyes. Import range: 12,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

P 86-957

Importer. Rohm Tech Inc.

Chemical. (S) Polymer of acrylic acid, methacrylic acid, acrylonitrile, methacrylamide, ammonium, persulfate, sodium hydroxide.

Use/Import. (S) Industrial retanning of leather. Import range: 20,000–40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 86-958

Manufacturer. The Minnesota Minning and Manfacturing Company.

Chemical. (G) Polyperflusroalkyl acrylate.

Use/Production. (G) Soil and stain repellant. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5 kg; Irritation: Skin—Nonirritant, Eye—Minimal; Skin sensitization: Non-sensitizer; LC_{50} 96 hr (Fathead minnow): > 1,000 mg/1; EC_{50} 48 hr (Daphnia magna): > 1,000 mg/1; OECD inhibition test: 1,000 mg/1; Microtox test: Non-toxic; COD: 0.750 g/g; BOD_{20} emulsion: < 0.0009, solid— < 0.008; BOD: < 0.009 g/g.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. 30 to 300 kg incinerated. Disposal by navigable waterway.

P 86-959

Manufacturer. Confindential.

Chemical. (G) Amine alkylphosphoric salt.

Use/Production. (G) Gear oil additive. Prod. range: Confindential.

Toxicity Data. Acute oral: 0.5-5 g/kg; Acute dermal: 2 g/kg; Irritation: Skin—Severe, Eye—Severe; Ames test: Negative.

Exposure. Confindental.

Environmental Release/Disposal. Confidential.

P 86-960

Manfacturer. Confidential.

Chemical. (G) Chlorendic acid modified alkyd resin.

Use/Production. (S) Commercial and consumer fire retardant paints. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 5 workers.

Environmental Release/Disposal. Confidential.

P 86-961

Manufacturer. Condidential.

Chemical. (G) Crosslinked MDI-aromatic polyether polyurethane.

Use/Production. (S) General purpose coating and modifier for coatings, inks and adhesive for industrial, commercial and consumer use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confifdential.

Environemental Release/Disposal. Confidential.

P 86-962

Manfacturer. Condidential.

Chemical. (G) Polyether ester amine.

Use/Production. (G) Resin used in an industrial coating. Prod. range: 1,500–7,500 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 44 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. 0.4 to 23 kg/batch releeased to land. Disposal by incineration, approved landfill and commercial disposer.

P 86-963

Manfacturer. Confidential

Chemical. (G) Polyether polyamine.

Use/Production. (G) Coating polymer having an industrial use. Prod. range: 10,000–103,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 29 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. 10 to 25 kg/batch released to land. Disposal by incineration, approved landfill and commercial disposer.

P 86-964

Manufacturer. Confidential.

Chemical. (G) Alkali metal salt of acid modified polyfunctional alkylene oxide polymer.

Use/Production. (G) Component of cellular and elastomeric plastic compositions. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-965

Manufacturer. E. I. du Pont de Nemours and Company, Inc.

Chemical. (G) Ethylene interpolymer.

Use/Production. (G) Fast cure polymer. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-966

Manufacturer. Wilmington Chemical Corporation.

Chemical. (S) Carboxyl terminated butadiene/acrylonitrile copolymer, 1,4-((2,3 epoxypropoxy)methyl) cyclohexane.

Use/Production. (S) Industrial sealant adhesive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Release to air and land. Disposal by Resource Conservation and Recovery Act (RCRA) and conservation venting.

P 86-967

Manufacturer. The Dow Chemical Company.

Chemical. (G) Ketoxime blocked aromatic isocyanate.

Use/Production. (G) Automotive coating. Prod. range: Confidential.

Toxicity Data. Acute oral: >2,000 mg/kg; Irritation Skin—Non-irritant, Eye—Slight.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. Less than 1 kg/batch released to air.

P 86-968

Manufacturer. The Dow Chemical Company.

Chemical. (G) Styrene, polymer with alkanedioic acid, butadiene and substituted alkane.

Use/Production. (G) Industrial and commercial polymer component of industrial adhesive formulation. Prod. range: Confidential.

Toxicity Data. Acute oral: >2,000 mg/kg; Irritation Skin—Non-irritant, Eye—Slight.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. Less than 1 kg/batch released to land. Disposal by approved landfill, navigable waterway and onsite waste treatment facility.

P 86-969

Manufacturer. Lilly Industrial Coatings, Inc.

Chemical. (G) Polymer of benzenedicarboxylic acid, alkane triol, vegetable oil and fatty acids, resinous polyol and phenolic resin.

Use/Production. (G) Industrial liquid paints. Prod. range: 49,000-73,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 19 workers, up to 10 hrs/da, up to 208 da/yr.

Environmental Release/Disposal. Less than 1 to 15 kg/batch released to air. Disposal by POTW and incineration.

P 86-970

Manufacturer. Confidential.

Chemical. (G) Unsaturated ether urethane containing cationic salt of a defunctionalized epon resin.

Use/Production. (G) Industrial coating resin. Prod. range: 80,200-802,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 41 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. 2 to 114 kg/batch released to land. Disposal by incineration, approved landfill and commercial disposer.

P 86-971

Manufacturer. Confidential.

Chemical. (G) Unsaturated either urethane containing cationic salt of a defunctionalized epon resin.

Use/Production. (G) Industrial coating resin. Prod. range: 80,200-802,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 41 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. 2 to 114 kg/batch released to land. Disposal by incineration, approved landfull and commercial disposer.

P 86-972

Manufacturer. Confidential.

Chemical. (G) Unsaturated either urethane containing cationic salt of a defunctionalized epon resin.

Use/Production. (G) Industrial coating resin. Prod. range: 80,200-802,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacturer and processing: dermal, a total of 41 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. 2 to 114 kg/batch released to land. Disposal by incineration, approved landfull and commercial disposer.

P 86-973

Manufacturer. Confidential.

Chemical. (G) Allyl ether ester of an unsaturated fatty acid.

Use/Production. (S) Site limited and industrial chemical intermediate. Prod. range: 25,000-256,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacturer and processing: dermal, a total of 31 workers, up to 8 hrs/da, up to 21 da/yr.

Environmental Release/Disposal. Trace to 161 kg/batch released to land. Disposal by incineration and approved landfill.

P 86-974

Manufacturer. Confidential.

Chemical. (G) Isophorone diisocyanate urethane formed from a beta hydroxy ester of an unsaturated fatty acid.

Use/Production. (S) Site limited and industrial chemical intermediate. Prod. range: 37,700-377,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacturer and processing: dermal, a total of 42 workers, up to 8 hrs/da, up to 96 da/yr.

Environmental Release/Disposal. Trace to 417 kg/batch released to land. Disposal by incineration and approved landfill.

P 86-975

Manufacturer. Rexnord Chemcial Products.

Chemical. (G) Diisocyanate polymer with polyether polyols.

Use/Production. (S) Industrial, commercial and consumer moisture curable polymer for sealant formulations. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacturer: dermal.

Environmental Release/Disposal. 0.5 to 1 kg/batch released to land. Disposal by a licensed burial.

P 86-976

Manufacturer. Rexnord Chemcial Products.

Chemical. (G) Diisocyanate.

Use/Production. (S) Industrial, commercial and consumer moisture curable polymer for sealant formulations. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacturer: dermal.

Environmental Release/Disposal. 0.5 to 1 kg/batch released to land. Disposal by a licensed burial.

P 86-977

Manufacturer. Rexnord Chemcial Products.

Chemical. (G) Polymer with polyether polyols.

Use/Production. (S) Industrial, commercial and consumer moisture curable polymer for sealant formulations. Prod. range: Confidential.

Toxicity Data: No data submitted.

Exposure. Manufacturer: dermal.

Environmental Release/Disposal. 0.5 to 1 kg/batch released to land. Disposal by a licensed burial.

P 86-978

Manufacturer. Ethyl Corporation.

Chemical. (G) Oxygenated alkyl benzene, metalloid ester.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-979

Manufacturer. Ethyl Corporation.

Chemical. (G) Reaction product of aromatic aldehyde with oxygenated aromatic alkyl benzene, metalloid ester.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Date: May 2, 1986.

Dense Devoe

Acting Director, Information Management Division.

[FR Doc. 86-10441 Filed 5-8-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59220; FRL-3014-2]

Polymer of Acrylic Acid, Methacrylic Acid, Acrylonitrile, Methacrylamide, Ammonium, Persulfate and Sodium Hydroxide Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemcial for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: May 26, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59220]" and the specific TME 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, Chemcial Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, room E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86-41

Close of Review Period. June 12, 1986.

Import. Rohm Tech, Inc.

Chemical. (S) Polymer of acrylic acid, methacrylic acid, acrylionitrile, methacrylamide, ammonium, persulfate and sodium hydroxide.

Use/Import. (S) Industrial retanning of leather. Import range: 20,000-40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: May 2, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-10442 Filed 5-8-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59764; FRL-3014-1]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Secton 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture of import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of three such PMNs and provides a summary of each.

DATE: Close of Review Period:

Y 86-128, 86-129 and 86-130—May 19, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-128

Importer. Dynamit Nobels Chemical, Inc.

Chemical. (G) Linear saturated polyester resin containing hydroxyl groups.

Use/Import. (S) Industrial protective/decorative coatings for appliances, office furniture and decorative coating for exterior of cans, caps and closures. Import range: 180,000–450,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Importer. Dynamit Nobels Chemical, Inc.

Chemical. (G) Linear saturated polyester resin containing hydroxyl groups.

Use/Import. (S) Industrial coatings for building products, protective/decorative coating for appliances and office furniture and decorative coating for exterior of cans, caps and closures. Import range: 180,000–450,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86–130

Importer. Dynamit Nobels Chemical, Inc.

Chemical. (G) Branched saturated polyester resin containing hydroxyl groups.

Use/Import. (S) Industrial metal primers and topcoats in the building and automobile industries. Import range: 180,000–450,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: May 2, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86–10443 Filed 5–8–86; 8:45 am]

BILLING CODE 6560–50–M

[OW–FRL–3013–2]

Proposed General NPDES Permit for Concentrated Animal Feeding Operations in the State of Idaho

AGENCY: Environmental Protection Agency, Region 10.

ACTION: Notice of the Proposed General NPDES Permit No. 1D–G–01–0000 for Concentrated Animal Feeding Operations in Idaho.

SUMMARY: EPA is today providing notice of the proposed general National Pollutant Discharge Elimination System (NPDES) permit for Concentrated Animal Feeding Operations (CAFOs) in Idaho and of the Finding of No Significant Impact. The proposed general NPDES permit presents effluent limitations, monitoring requirements, and reporting requirements for discharges from these CAFO's. The intended effect will be to control pollutant discharges to waters of the United States. This permit will cover new sources and existing facilities discharging to waters within the State of Idaho.

DATE: Interested persons may submit written comments on the proposed general permit to the Director, Region 10, at the Seattle address given below, within 60 days of the date of this public notice. Comments must be received within this period to be considered in the formulation of final determinations regarding the application. All comments should include the name, address, and telephone number of the commenter and a concise statement of the exact basis of any comment and the relevant facts upon which it is based.

Public hearings on the proposed general permit are scheduled to be held at 1:00 p.m. on Wednesday, June 11, 1986, at the Holiday Inn, 1850 Blue Lakes Blvd N., Twin Falls, Idaho and at 1:00 p.m., on Thursday, June 12, 1986, at the Red Lion Inn—Downtowner, 1800 Fairview Avenue, Boise, Idaho. The meetings will continue until all persons have been heard. Written statements concerning the proposed general permit may also be submitted at these meetings.

ADDRESS: Send comments to Karen Harder, U.S. Environmental Protection Agency, Water Permits and Compliance Branch, M/S 521, 1200 Sixth Avenue, Seattle, Washington 98101. The administrative record is available for public review between the hours of 8:30 and 4:00, Monday through Friday at the above address and at the U.S. Environmental Protection Agency, Idaho Operations Office, 422 W. Washington St., Boise, Idaho 83702.

FOR FURTHER INFORMATION CONTACT: Karen Harder, Region 10, at the Seattle address above or by telephone at (206) 442–1669 or FTS 399–1669.

SUPPLEMENTARY INFORMATION:

Proposed General Permit

I. Effluent Limitations, Reporting Requirments, and General Permit Conditions

A. Applicability

Concentrated animal feeding operations (CAFOs) in the State of idaho covered by this permit include the following:

1. New and existing operations which discharge wastewaters to navigable waters and which stable or confine and feed or maintain for a total of 45 days or more in any 12-month period, more than the number of specified animals in any of the following categories:

a. 300 slaughter and/or feeder cattle,

b. 200 mature dairy cattle (whether milked or dry cows).

c. 750 swine, each weighing over 55 pounds,

d. 150 horses,

e. 3,000 sheep or lambs,

f. 16,500 turkeys,

g. 30,000 laying hens or broilers (if the facility has continuous overflow watering),

h. 9,000 laying hens or broilers (if the facility has a liquid manure handling system), or

i. 300 animal units (see definition, Part I.F.2.).

2. The Director may designate any animal feeding operation as a concentrated animal feeding operation upon determining that it is a significant contributor of pollution to the waters of the United States. This designation may include any operation that confines fewer animals than the numbers specified in Part I.A.1.a.–i. above. In making this designation, the Director shall consider factors listed under 40 CFR 122.23(c).

B. Effluent Limitations

During the term of this permit, there shall be no discharge of process wastewater pollutants from a CAFO to navigable waters, unless rainfall events, either chronic or catastrophic, cause an overflow of process wastewater from a facility designed, constructed, and operated to contain:

1. All process generated wastewaters;

2. The runoff from a 25-year 24-hour rainfall event for the location of the point source; and

3. Three inches of runoff from winter precipitation accumulations.

C. Best Management Practices

The following best management practices (BMPs) are required for the control and abatement of pollutant discharges.

1. No flowing surface waters (e.g. rivers, streams, canals) shall come into direct contact with the animals confined on the CAFO.

2. Waste disposal using land application:

a. Shall not create a public health hazard;

b. Shall not result in groundwater contamination;

c. Shall comply with State land application regulations.

3. Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to

prevent any pollutant from such materials from entering waters of the United States.

4. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the United States.

D. Reporting Requirements

Permittees will be required to submit to the Director and the State the following:

1. Notice of Intent.

a. Individuals who intend to obtain coverage under this general permit shall notify the Director of their intent within 30 days of the effective date of this general permit or at least 60 days prior to the commencement of construction.

b. Owners (or operators when owners do not operate the facility) who fail to notify the Director of their intent to be covered and discharge pollutants to waters of the United States are in violation of this general permit.

c. The Notice of Intent shall include:

i. Previous NPDES permit number if applicable;

ii. Facility owner's name and address;

iii. Facility operator's name and address;

iv. Facility name, address, and location;

v. Types of treatment currently used for processing wastes;

vi. Name of receiving water(s);

vii. The design basis for the runoff diversion, if one exists, and control system, including the number of acres of contributing drainage, the storage capacity, and the design safety factor;

viii. The type and number of animals in open confinement and housed under roof;

ix. The number of acres used for confined feeding;

x. If flowing surface waters (e.g. rivers, streams, canals) come into direct contact with the animals confined on the CAFO, measures to be utilized to avoid direct animal contact; and

xi. A sketch of the operation, including control facilities, structures, lots, slope, direction of overland and surface water flow, and proximity to surface waters.

2. Monitoring Requirements.

a. If, for any reason, there is a discharge from the CAFO, the permittee shall monitor the discharge and provide the Director and the State with the following information, in writing, within five days fo becoming aware of such discharge. (If the discharge is determined to be a potential danger to health or the environment, procedures outlined in Part II.C shall be followed.)

i. A description and cause of the discharge, including an estimate of the discharge volume;

ii. The period of discharge, including exact dates and times, and, if not corrected, the anticipated time the discharge is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the discharge; and

iii. If caused by a precipitation event, information from the nearest National Weather Service Station conerning the size of the precipitation event.

b. To assure compliance with permit limitations, an Annual Compliance Report must be submitted each year, by January 31st. The Report shall contain the following:

i. The facility name, address, location, receiving water, NPDES permit number, and the name and address of the owner and operator;

ii. A summary of the past years's system upsets or failures;

iii. A summary of the past year's discharges, including durations, descriptions, and causes of the discharges; and

iv. A certification signed by the permittee stating that the control facility is being operated to allow containment of the volumes described in Part I.B.

c. Measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. Operating Plan.

An operating plan (the plan) shall be developed for each CAFO covered by this permit. The plan shall identify and describe practices which are to be used to assure compliance with the terms and conditions of this permit.

a. The plan shall be signed and certified as required in Part IV.F and be retained on site. It shall be completed within 60 days of the effective date of this permit and be made available upon request.

b. EPA may notify the permittee that the plan does not meet one or more of the minimum requirements of Part I.D.3.d. below. The permittee shall have 30 days after such notification to make the changes necessary.

c. The permittee shall amend the plan whenever there is a change in facility design, construction, operation, or maintenance, which affects the potential for the discharge of pollutants to the waters of the United States. Amendments to the plan may be reviewed by EPA in the same manner as Part I.D.3.b. above.

d. The plan shall include, as a minimum, the following items:

i. A description of the pollution control equipment and structures used;

ii. Operating schedules for dewatering the pollution control facilities and disposing of the accumulated solids; and

iii. A description of where the removed liquid and solid wastes are to be disposed to prevent entry to any waters of the United States.

4. The permittee shall notify EPA within 30 days of a change in facility ownership or operational control.

E. General Permit Conditions

1. The Director may require any person authorized by this general permit to apply for and obtain an individual NPDES permit as provided in 40 CFR 122.28 (b)(2)(i). The Director will notify the owner or operator in writing that a permit application is required.

2. Any owner or operator authorized by this general permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The owner or operator shall submit an application together with the reasons supporting the request to the Director no later than 90 days after the publication by EPA of the general permit in the **Federal Register.**

3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this general permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit.

F. Definitions

1. "Animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

a. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and

b. Crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other, or if they use a common area or system for the disposal of wastes.

2. "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4 plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of

sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

3. "Best Management Practices" (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States". BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

5. "Concentrated animal feeding operation" means an "animal feeding operation" which meets the criteria in Part 122, Appendix B, or which the Director designates as a significant contributor of pollution pursuant to 40 CFR 122.23.

6. "Control facility" means any system used for the retention of all wastes on the premises until their ultimate disposal. This includes the retention of manure, liquid waste, and runoff from the feedlot area.

7. "Feedlot" means a concentrated, confined animal or poultry growing operation for meat, milk, or egg production, or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.

8. "Manmade" means constructed by man and used for the purpose of transporting wastes.

9. "Process generated wastewater" means water directly or indirectly used in the operation of a feedlot for any or all of the following: Spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other feedlot facilities; direct contact swimming, washing, or spray cooling of animals; and dust control.

10. "Process wastewater" means any process generated wastewater and any precipitation (rain or snow) which comes into contact with any manure or litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or poultry of direct products (e.g., milk, eggs).

11. "Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

12. "Toxic Pollutants" mean any pollutant listed as toxic under section 307(a)(1) of CWA.

13. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

14. "25-year 24-hour rainfall event" shall mean a rainfall event with a probable recurrence interval of once in 25 years, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States", May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

G. Reopener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to discharges from any confined animal feeding operation, the permit may be modified to include different limitations and/or requirements.

2. Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64, and 124.5.

II. Recording and Reporting Requirements

A. Written Notification

Duplicate signed copies of the Notice of Intent and monitoring reports shall be submitted to the Director and the State at the following addresses:

United States Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. Attention: Permits Branch M/S 521

Idaho Department of Health and Welfare, Administrator, Division of Environment, Statehouse, Boise, Idaho 83720

B. Retention of Records

The permittee shall retain records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date of the measurement, report, or application. This period may be extended by request of the Director at any time.

C. Twenty-Four Hour Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;

c. If the noncompliance has not been corrected, the anticipated time it is expected to continue; and

d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which must be reported within 24 hours under this paragraph:

a. Any unanticipated bypass which exceeds any effluent limitation in the permit; or

b. Any upset which exceeds any effluent limitation in the permit.

3. The Director may waive the written report on a case-by-case basis for reports under Part II.C.2. if an oral report has been received within 24 hours by either the Water Compliance Section in Seattle, Washington [(206) 442-1213], or the EPA Operations Office in Boise, Idaho [(208) 334-1450].

4. Reports shall be submitted to the addresses in *Part II.A. Written Notification.*

D. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

E. Other Noncompliance Reporting

The permittee shall report any instances of noncompliance not reported under Parts I.D.2.b. and IV.B. of this permit. The reports shall contain the information listed in Part II.C.

F. Penalties for Falsification of Reports

CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by

imprisonment for not more than six months per violation, or by both.

G. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all of this permit shall be available for public inspection at the offices of the State and the Director. As required by CWA, Notices of Intent, permits, and effluent data shall not be considered confidential.

III. Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

C. Penalties for Violations of Permit Conditions

The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 319, or 405 of CWA is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of CWA is subject to a fine of not less than $2,500, nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both.

D. Continuation of the Expired General Permit

An expired general permit continues in force and effect until a new general permit is issued. Only those facilities authorized to discharge under the expiring general permit are covered by the continued permit.

E. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

F. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

G. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems *only* when necessary to achieve compliance with the conditions of the permit.

H. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.

2. Notice:

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.D.

3. Prohibition of bypass.

a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adquate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii. The permittee submitted notices as required under paragraph ii of this section.

b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 3.a. of this section.

I. Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations, if the requirements of paragraph 2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a. An upset occurred and that the permittee can identify the specific cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required under Part II.D.; and

d. The permittee complied with any remedial measures required under Part III.F.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

J. Inspection and Entry

The permittee shall allow the Director, or an authorized representative of EPA or the State, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by CWA, any substances or parameters at any location.

IV. General Requirements

A. Changes in Discharge of Toxic Substances

Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. One hundred micrograms per liter (100 ug/l);

b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); and

d. The level established by the Director in accordance with 40 CFR 122.44(f).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. Five hundred micrograms per liter (500 ug/l);

b. One milligram per liter (1 mg/l) for antimony; or

c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

B. Planned Changes

The permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged.

C. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permitee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

E. Other Information

When the permittee becomes aware that he failed to submit any relevant facts in the Notice of Intent or submitted incorrect information in the Notice of Intent, or any report to the Director, he shall promptly submit such facts or information.

F. Signatory Requirements

All Notices of Intent, reports, or information submitted to the Director shall be signed and certified.

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales expenditures exceeding $25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership of sole proprietorship: by a general partner or the proprietor, respectively.

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Director of EPA).

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director.

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

3. Changes to authorization. If an authorization under paragraph IV.F.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a nw authorization satisfying the requirements of paragraph IV.F.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G. Penalties for Falsification of Monitoring Systems

CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Part II.F. of this permit.

H. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of CWA.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, not does it authorize any injury to private property

or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall be affected thereby.

Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under CWA.

L. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of CWA.

Fact Sheet

I. Applicants

A. Concentrated animal feeding operations (CAFOs) in Idaho

B. National Pollutant Discharge Elimination System (NPDES) permit number ID-G-01-0000

II. Activity

The confinement of animals, including poultry but excluding ducks, for meat, milk, or egg production, or stabling, in pens or houses, wherein the animals are fed at the place of confinement (40 CFR 412.11(b)).

III. Receiving Water

Surface waters of Idaho

IV. Proposed Discharges

The most commonly recognized contaminants of the proposed discharges include suspended solids, organics, bacteria, and nutrients (nitrogen and phosphorus compounds).

V. Background

A Permits

1. General Permits

a. Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants is unlawful except in accordance with an NPDES permit. As provided by 40 CFR 122.28(a)(2), a general NPDES permit may be written to regulate a category of point sources within an area described in paragraph below, if the sources all:

i. Involve the same or substantially similar types of operations;

ii. Discharge the same types of wastes;

iii. Require the same effluent limitations or operating conditions;

iv. Require the same or similar monitoring; and

v. In the opinion of the Director, are more appropriately controled under a general permit than under individual permits.

b. A general permit is written to cover a category of discharges described in the permit, except those covered by individual permits, within a geographic area. The area must correspond to existing geographic or political boundaries, such as those described under 40 CFR 122.28(a)(1).

c. As with individual permits, a violation of a condition contained in a general permit constitutes a violation of CWA and subjects the owner or operator of the permitted facility to the penalties specified in section 309 of CWA.

d. General permits eliminate the time-consuming and resource-intensive process of reviewing and evaluating individual permit applications, and significantly reduce the burden imposed on the industry for applying for and obtaining individual permits. Additional advantages are described in the Idaho Concentrated Animal Feeding Operations Water Quality Assessment (July 1985).

2. Individual Permits

Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application under 40 CFR 122.21, with reasons supporting the request, to the Director no later than 90 days after the publication by EPA of the general permit in the Federal Register (40 CFR 122.28(b)(2)(iii)). The individual permit may then be issued at the discretion of the Director. The Director may require any person authorized by a general permit to apply for an individual NPDES permit, as provided in 40 CFR 122.28(b)(2)(i), only if the owner or operator has been notified in writing that a permit application is required (40 CFR 122.28(b)(2)(ii)).

3. Appropriateness of the General Permit for Idaho CAFOs

This permit complies with the applicability requirements for a general permit, as described in Parts IV.A.1.a. and b. of this Fact Sheet.

a. The operations covered by this permit are all CAFOs as defined by 40 CFR 122.23 and Part 122, Appendix B.

b. Waste characteristics from different CAFOs are substantially similar (Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Feedlots Point Source Category, EPA 440/1-73/004, August 1973; Environmental Assessment of Regulatory Strategies for Confined Animal Feeding Operations in Idaho, September 1985).

c. Effluent limitations and requirements for all CAFOs covered by this general permit are identical. They are supported by the promulgated guidelines (40 CFR 412.13), best management practices (BMPs), the water quality assessment, and other requirements (40 CFR 122.44(k)).

d. Monitoring requirements are the same for all CAFOs covered by this general permit (see Part I.D.2. of the permit).

e. It is the opinion of the Director, that the wastewater discharges from these sources are more appropriately controlled under a general permit than under individual permits.

f. This general permit limits coverage to CAFOs located in Idaho that discharge to surface waters located in the State of Idaho.

B. Feedlot Operations in Idaho

Between 1974 and 1977, EPA issued more than 65 individual NPDES permits to CAFOs in Idaho. All have since expired. In order to estimate the number of CAFOs that currently exist in Idaho, an aerial survey of the Snake River area was recently conducted. (EPA Environmental Monitoring Systems Laboratory (Vol. 1-4. TS-AMD-84076/84501-4, April 1985)). Approximately 300 potential applicants were identified. It is estimated that the permit will eventually cover 350 operations throughout Idaho, including other smaller CAFOs that are determined to be significant contributors of pollution.

VI. Basis for Limitations

A. Water Quality Considerations

Receiving waters within the scope of this permit are classified by the Idaho State Water Quality Standards for use in agricultural water supply, domestic water supply, protection and

maintenance of cold and warm water biota. Salmonid spawning, and primary and secondary contact recreation.

The State Water Quality parameters which could be affected by these discharges are floating, suspended, or submerged matter, excess nutrients, oxygen-demanding materials, and suspended sediment. These parameters are discussed in more detail in the water quality assessment.

B. CWA requires that best conventional pollutant control technology (BCT) must be in effect no later than July 1, 1984, (section 301(b)(2)(E) of CWA). Best available technology economically achievable (BAT) must be achieved by July 1, 1984, (section 301(b)(2)(A) of CWA). Most of the parameters listed under Water Quality Considerations above, are conventional pollutants (section 304(a)(4) of CWA and 40 CFR 401.16), and are subject to BCT limitations. Temperature and ammonia, however, are nonconventional pollutants (section 301(b)(2)(F) of CWA), and are subject to BAT limitations (section 301(b)(2)(A) of CWA). BCT, BAT, and new source performance standards guidelines for the Feedlots Point Source Subcategory have been promulgated and contain the same limitations.

VII. Permit Limitations and Requirements

A. Applicability

CAFOs are defined in accordance with 40 CFR 412.10

B. Effluent Limitations

1. Effluent limitations are based on BAT, BCT, NSPS guidelines for the Feedlot Point Source Category (40 CFR 412.13, 412.17, 412.15). New sources are defined in 40 CFR 122.2 and 122.29.

2. This permit will be covering both existing and new source operations. EPA is therefore required to conduct an environmental review under the National Enviromental Policy Act. An environmental assessment was completed, evaluating impacts associated with the operation of these facilities. It concluded that further study (an environmental impact statement) was unnecessary. A finding of no significant impact has therefore been prepared and is published below.

3. In Part I.B.3. of the permit, three inches of runoff are included in the design criteria for facilities controlling wastewater discharges. This provision was deemed appropriate as a result of data and analyses presented in the water quality assessment. Supporting information from the assessment follows:

a. The retention of runoff from winter precipitation will significantly benefit water quality. Snowmelt, especially when combined with a rainfall event, could wash manure-laden water directly into the streams without this allowance.

b. Soil remains frozen for four months in many areas of Idaho. During this time, control facilities cannot be pumped out onto fields for land application. Retention of winter precipitation would accommodate this constraint.

c. The results of an analysis performed for the environmental assessment indicate that the retention of three inches of net spring runoff is adequate to protect water quality. Three inches is the amount of snowmelt that has an 80% probability of occurring from snow falling during the winter. Also an allowance for evaporation is included since this amount will not actually be discharging from the CAFO.

d. According to 40 CFR 412.13, overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process wastewater. The allowance of three inches in Part I.B.3. of the permit is for runoff from winter snowfall accumulations. This volume represents the amount of runoff reasonably expected to be contained in the pollution control facility prior to the occurrence of a 25-year 24-hour rainfall event.

4. Values representing the 25-year 24-hour rainfall event vary throughout Idaho. The range of values encompasses 1.6 to 4.2 inches. The average for the Snake River Valley area, the location of many feedlots and dairies in Idaho, is about 2.2 inches. Maps identifying these values throughout the state are to be used as guidance and are available upon request from EPA. A copy is also included in the administrative record as part of the enviromental assessment. The map was published May 1961 by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States." Rainfall data of greater accuracy and specificity should be used for the actual design of the control facilities. This information is available from the National Weather Service station nearest to the location of the CAFO.

C. Best Management Practices

Each NPDES permit shall include, when applicable, best management practices to control or abate the discharge of pollutants when the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of CWA (40 CFR 122.44(k)).

1. Restricting direct animal access to flowing surface waters such as rivers, streams, or canals, will reduce contamination of surface waters. The provisions of the permit cannot be met without this restriction because discharges would enter navigable waters directly from the animals during subchronic and subcatastrophic rainfall events. In addition, such discharges would be in direct violation of section 301(a) of CWA.

2. The provisions contained in Part I.C.2. of the permit concern waste disposal using land application and are consistent with the intent of CWA and State authority (section 510 of CWA).

3. Part I.C.4. of the permit concerns the handling and disposal of waters from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals. Support for related best management practices is provided by 40 CFR 125.102.

D. Reporting Requirements

In Part I.D. of the permit, permittees are required to submit to the Director and the State, a Notice of Intent and monitoring records.

1. The Notice of Intent fulfills the application requirements for new source and existing CAFOs (40 CFR 122.21(h)). The time allowance for the Notice of Intent submission set forth in Part I.D.1.a. was determined to be appropirate for this general permit.

2. Monitoring requirements stated in Part I.D.2. of the permit comply with 40 CFR 122.48, 122.41(j)(3), 122.44(i), and 122.44(i)(2). The five-day reporting requirement is consistent with 40 CFR 122.41(1)(6)(i). Monitoring results are to be reported at times specified in the permit (40 CFR 122.41(1)(4). Required monitoring reports differ from those described in 40 CFR 122.41(1)(4) as follows:

a. The Discharge Monitoring Report (DMR) forms have been determined to be inappropriate for the type of monitoring information required from the permitted facilities, and will not be used.

b. No calculations are required to meet permit effluent limitations.

3. The frequency for reporting monitoring results is dependent on the nature and effect of the discharge, but in no case may it be less than once a year (40 CFR 122.44(i)(2)). The determination has been made that an Annual Compliance Report is sufficient for the discharges from the facilities covered by this permit.

4. The operating plan described in Part I.D.3. is required pursuant to 40 CFR

122.44(k)(3). The practices described in the plan are reasonably necessary to achieve effluent limitations and standards, or to carry out the purposes and intent of CMA. Since hundreds of facilities will potentially be covered by this general permit, time constraints may prevent a complete review of each operating plan. Submission of the plan is therefore not required; however, retention of the plan onsite is an enforceable requirement of the permit. The plan will be reviewed when inspections are made of the facilities.

E. General Permit Conditions

Part I.E. of the permit concerns requirements of owners of operators authorized by this general permit to apply for individual permits. Requests for individual permits by such persons are also discussed. Support for these provisions is provided by to 40 CFR 122.28(b)(2) (ii), (iii), and (iv).

F. Definitions

1. "Animal feeding operation" is defined pursuant to 40 CFR 122.23(b)(l);
2. "Animal unit": 40 CFR 122.23, Appendix B;
3. "Best management practices": 40 CFR 122.2;
4. "Bypass" : 40 CFR 122.41(m)(i);
5. "Concentrated Animal Feeding Operation": 40 CFR 122.23(b)(3);
6. "Control facility" is defined for the purposes of this permit only;
7. "Feedlot": 40 CFR 412.11(b);
8. "Manmade": 40 CFR 122.23, Appendix B;
9. "Outfall site" is defined for the purposes of this permit only;
10. "Process generated wastewater": 40 CFR 412.11(d);
11. "Process Wastewater": 40 CFR 412.11(c);
12. "Severe Property Damage": 40 CFR 122.41(m)(ii);
13. "Toxic Pollutants": 40 CFR 122.2;
14. "Upset": 40 CFR 122.41(n)(l); and
15. "25-year 24-hour rainfall event": 40 CFR 412.11(e).

VIII. Recording and Reporting Requirements

A. The Notice of Intent and monitoring reports shall be submitted to the Director and the State. The addresses are given in the permit.

B. Representative Measurements required in Part II.B. of the permit are included pursuant to 40 CFR 122.41(j)(l).

C. Retention of Records (Part II.C.) complies with 40 CFR 122.41(j)(2), with the exception that the description of information to be retained is abbreviated. This change was made based on the appropriateness of such information to the CAFO industry.

D. Twenty-Four Hour Reporting is included in Part II.D. of the permit in accordance with 40 CFR 122.41(1)(b).

E. Parts II. E, F, and G. concern Other Noncompliance Reporting, Penalties for Falsification of Reports, and Availability of Reports, and are consistent with 40 CFR 122.41(1)(2), (7), and (k)(2), respectively.

IX. Compliance Responsibilities

A. The following sections of the permit are based on the indicated references:

Part III.A.—40 CFR 122.41(a)
Part III.B.—40 CFR 122.41(a)(1)
Part III.C.—40 CFR 122.41(a)(2)
Part III.E.—40 CFR 122.41(c)
Part III.F.—40 CFR 122.41(d)
Part III.G.—40 CFR 122.41(e)
Part III.H.—40 CFR 122.41(m)
Part III.I.—40 CFR 122.41(n)
Part III.J.—40 CFR 122.41(i)

X. General Requirements

A. The following sections of the permit are based on the indicated references:

Part IV.A.—40 CFR 122.42(a)
Part IV.B.—40 CFR 122.41(1)(1)
Part IV.C.—40 CFR 122.41(f)
Part IV.D.—40 CFR 122.41(h)
Part IV.F.—40 CFR 122.41(k)(1) and 40 CFR 122.22
Part IV.G.—40 CFR 122.41(j)(5)
Part IV.I.—40 CFR 122.41(g)
Part IV.K.—40 CFR 122.41(1)(3)

B. Parts IV.E (Other Information), H (Oil and Hazardous Substance Liability), J (Severability), and L (State Laws), of the permit were deemed necessary for compliance with the provisions of the permit and CWA.

XI. Legal Requirements

A. State Certification

Section 301(b)(1)(c) of the Act requires that NPDES permits contain conditions which ensure compliance with applicable State Water Quality Standards. Section 401 requires that States certify federally issued permits to ensure they are in compliance with State law. Therefore, EPA is requesting the State of Idaho Department of Health and Welfare to provide appropriate certification for the draft general permit pursuant to 40 CFR § 124.53.

B. Executive Order

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 8[b] of that order.

C. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this draft general permit under the Paperwork Reduction Act of 1980, 44 U.S.C 3501 *et seq.* The information collection requirements of this permit have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of CWA.

D. The Regulatory Flexibility Act

After the review of the facts presented in the notice printed above, I hereby certify pursuant to the provisions of 5 U.S.C. 605(b) that this general NPDES permit will not have a significant impact on a substantial number of small entities. Moreover, the permit reduces a significant administrative burden on regulated sources.

Dated: April 29, 1986.

Robert S. Bord,

Acting Regional Administrator, Region 10.

Finding of no Significant Impact

To all interested government agencies and public groups:

In accordance with the Environmental Protection Agency's procedures for complying with the National Environmental Policy Act, 40 CFR Part 6, EPA has completed an environmental review of the following proposed action:

Issuance of a General National Pollutant Discharge Elimination System Permit No. ID-G-01-0000 for concentrated animal feeding operations in Idaho.

The proposed permit would regulate new sources as well as existing concentrated animal feeding operations (CAFOs) in Idaho. It would prohibit the discharge of process wastewater pollutants (principally animal wastes) from CAFOs to navigable waters unless rainfall events, either chronic or catastrophic, caused an overflow of these wastes from a properly designed waste holding (treatment) facility. A properly designed holding facility would need to be designed, constructed, and operated to contain:

1. All process generated wastewaters (and animal wastes);
2. The runoff from a 25-year, 24-hour rainfall event for the location of the CAFO; and
3. Three inches of runoff from winter precipitation accumulations.

EPA's assessment of the proposed action indicates that no significant adverse evironmental effects should result from its implementation. The effects of the regulatory action on land, air quality, and socio-economic conditions are expected to be short-term, negligible, or of minor significance. The proposed permit is expected to produce significant improvements in water quality in Idaho's streams.

An environmental assessment has been completed, is on file at the above office, and

is available for public review. Single copies of the appraisal will be mailed upon request to the above office.

Comments supporting or disagreeing with EPA's findings may be submitted in writing to: Daniel Steinborn, Chief, EIS & Energy Review Section, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, M/S 443, Seattle, Washington 98101.

EPA's final decision will be made after any comments received are evaluated. No administrative action will be taken for at least 30 days after the release of this Finding of No Significant Impact.

Sincerely,

Robert S. Burd, Director,

Water Division.

[FR Doc. 86-10450 Filed 5-8-86; 8:45 am]

BILLING CODE 6560-50-N

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public, Indemnification of Passengers for Nonperformance of Transportation; Application for Certificate (Performance)

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Partrederiet Norske Cruise (d/b/a Sea Goddess Cruise Limited), 5805 Blue Lagoon Dr., Ste. 360, Miami, FL 33126

Dated: May 6, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86-10469 Filed 5-8-86; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public, Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Aegean Cruises, S.A. (d/b/a Epirotiki Lines, Inc.), c/o Epirotiki Lines, Inc., 551 Fifth Ave., New York, NY 10017

Dated: May 5, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86-10470 Filed 5-8-86; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public, Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Application for Certificate (Casualty)

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Partrederiet Norske Cruise (d/b/a Sea Goddess Cruise Limited), 5805 Blue Lagoon Dr., Ste. 360, Miami, FL 33126

Dated: May 6, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86-10468 Filed 5-8-86; 8:45 am]

BILLING CODE 6730-01-M

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.: 207-009882-007.

Title: Pacific Australia Direct Line Joint Service Agreement.

Parties:

Associated Container Transportation (Australia), Ltd.

Redereiaktiebolaget Transatlantic.

Synopsis: The proposed amendment would modify the agreement to extend the date upon which a party may give notice of termination of the agreement from May 1, 1986 to July 1, 1986.

Agreement No.: 213-010879-001.

Title: Evergreen-Japan Line Space Charter Agreement.

Parties:

Japan Line, Ltd.

Evergreen Marine Corporation (Taiwan), Ltd.

Synopsis: The proposed amendment would clarify the authority of the parties to share expenses related to terminal and other shoreside facilities as they may agree, even though only one party is a signatory to the terminal agreement at issue.

Agreement No.: 224-010918-001.

Title: Port of Fernandina Terminal Agreement.

Parties:

Nassau Shipping Company

Ocean Highway and Port Authority of Nassau County.

Synopsis: The proposed amendments would remove a provision for retroactive effectiveness contained in the original agreement filing, specifying that the agreement will become effective in accordance with the provisions of the Shipping Act of 1984.

Agreement No.: 224-010923.

Title:

Long Beach Container Terminal, Inc. Terminal and Stevedoring Agreement.

Parties:

Long Beach Container Terminal, Inc. (Contractor)

Orient Overseas Container Line (Carrier)

Neptune Orient Line (Carrier)

Korea Shipping Corporation (Carrier).

Synopsis: The proposed agreement would permit the Contractor to provide all terminal and stevedoring services at the premises. Contractor will guarantee one (1) safe berth, and two (2) cranes for carrier's operation. The term of the agreement shall be for five (5) years.

Agreement No.: 224-010924.

Title: Long Beach Container Terminal, Inc./South Seas Steamship Co. Terminal Agreement.

Parties:

Long Beach Container Terminal, Inc. (LBC)

South Seas Steamship Company (SSS).

Synopsis: The proposed agreement would permit LBC to provide terminal and stevedoring services for containers to be loaded to or discharged from container vessels owned, operated, chartered or controlled by SSS at LBC's marine terminal facility located in the Port of Long Beach. The agreement shall

remain in effect for a period of three years.

Agreement No.: 224–010925.

Title: Port of Charleston Terminal Agreement.

Parties:

South Carolina State Ports Authority (Authority)

China Ocean Shipping Company (COSCO)

Synopsis: The proposed agreement would permit the Authority to grant a license to COSCO to use container yard slots to support its containership operations at the Port of Charleston. The term of the agreement is three years, with the option to renew for an additional two-year term. The parties have requested a shortened review period.

Dated: May 6, 1986.

By Order of the Federal Maritime Commission.

John Robert Ewers,

Secretary.

[FR Doc. 86–10471 Filed 5–8–86; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Banc One Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

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

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

Unless otherwise noted, comments regarding each of these applications must be received not later than June 2, 1986.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Banc One Corporation*, Columbus, Ohio; to merge with Marion Bancorp, Marion, Indiana, and thereby indirectly acquire First National Bank in Marion, Marion, Indiana.

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

1. *Capital Reserves Group, Inc.*, College Station, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of United Bank-College Station, N.A., College Station, Texas.

Board of Governors of the Federal Reserve System, May 5, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–10411 Filed 5–8–86; 8:45 am]

BILLING CODE 6210–01–M

Norstar Bancorp, Inc., Albany, NY; Proposed Acquisition of Smith, Everett, & Associates, Inc.

Norstar Bancorp, Inc., Albany, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §§ 225.23(a)(2) and (3) of the Board's Regulation Y (12 CFR 225.23(a)(2) and (3)), for permission to acquire Smith, Everett & Associates, Inc., Rochester, New York, and thereby engage in a variety of activities with respect to executive compensation, defined benefit, defined contribution, insured and uninsured retirement, health care, disability income, life insurance, and cafeteria plans.

Norstar proposes to engage in the following activities:

(a) Designing employee benefit plans, including determining actuarial funding levels and cost estimates;

(b) Providing assistance in implementing plans, including assistance in the preparation of plan documents and the implementation of employee benefit administration systems;

(c) Developing employee communication programs with respect to plans;

(d) Providing administrative services with respect to plans, including record-keeping services, calculating and certifying employee benefits, preparing periodic actuarial and other reports and government filings pursuant to ERISA, and assisting legal counsel in labor relations and negotiations;

(e) Subaccounting for individual funds in pooled escrow accounts maintained at banks and other financial institutions; and

(f) Performing certain activities incidental to employee benefit planning and servicing, consisting of:

(i) Assisting companies in determining appropriate salary structures and roviding clients with industry-wide salary surveys;

(ii) Informing clients of developments in the field of employee benefit programs, participating in seminars, public programs and other forms relating to such developments; and

(iii) Engaging in professional actuarial activities and other activities incidental to the actuarial profession.

Norstar will not act as agent, broker, or underwriter, with regard to the insurance plans. These services would be provided from offices in Rochester, Syracuse and Buffalo, New York, serving customers nationwide.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board has determined that Norstar's activities, in so far as they relate to defined benefit and contribution plans, are closely related to banking. *Norstar Bancor, Inc.*, 71 Federal Reserve Bulletin 656 (1985); *Bank Vermont Corp.*, 72 Federal Reserve Bulletin 337 (1986). By this application Norstar proposes to expand the list of plans for which it provides consulting services. Norstar asserts that the activities it has applied for are so closely related to banking or managing or controlling banks as to be a proper incident thereto, because the activities are, in Norstar's opinion, either provided by banks or functinally similar to services provided by banks.

Interested persons may express their views on whether the proposed activities are "so closely related to banking or managing or controlling banks as to be proper incident thereto," and whether consummation of the acquisition as a whole can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on these questions must be accompanied by a statement of the reasons why a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Comments or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 27, 1986.

Board of Governors of the Federal Reserve System, May 5, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-10412 Filed 5-8-86; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers of acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Wating period terminated effective
(1) 86-0730—American Express Co.'s proposed acquisition of assets of Ryder Financial and Communication Services, Inc. and Cashcheck International, Inc., (Ryder System, Inc. UPE).	Mar. 26, 1986.
(2) 86-0810—American Medical International, Inc.'s proposed acquisition of assets of Comprecare Health Care Services, Inc., (Gateway Health Group, Inc., UPE).	Do.
(3) 86-0823—National Education Corp.'s proposed acquisition of assets of Deltak, Inc. and Resources Systems International (Gulf & Western Industries, Inc., UPE).	Do.
(4) 86-0762—K N Energy, Inc.'s proposed acquisition of voting securities of Rocky Mountain Natural Gas Co., Inc.	Mar. 27, 1986.
(5) 86-0815—Lomas & Nettleton Financial Corp.'s proposed acquisition of assets relating to Mortgage Servicing, (First Security Corporation, UPE).	Do.
(6) 86-0736—Dover Corp.'s proposed acquisition of assets of Randell Manufacturing, Inc. and Randell Warehouse, (Paul DeLorenzo, UPE).	Mar. 28, 1986.
(7) 86-0760—W.R. Berkley Corp.'s proposed acquisition of voting securities of Continental Western Insurance Co., (Armco, Inc. UPE).	Do.
(8) 86-0805—Roy E. and Patricia A. Disney's proposed acquisition of voting securities of Foote, Cone & Belding Communications, Inc.	Do.
(9) 86-0811—International City Holdings, PLC's proposed acquisition of voting securities of MKI Investment, Inc.	Do.
(10) 86-0819—Exeter International Corp.'s proposed acquisition of assets of Marriott Family Restaurants, Inc., (Marriott Corp., UPE).	Do.
(11) 86-0829—Gulf & Western Industries, Inc.'s proposed acquisition of assets of Silver Burdett Co., (Warburg, Pincus & Co., UPE).	Do.
(12) 86-0838—W Acquisition Corp.'s proposed acquisition of voting securities of Warnaco, Inc.	Do.
(13) 86-0844—Antelope Co.'s proposed acquisition of assets of The Anschutz Corp., (Philip F. Anschutz, UPE).	Do.
(14) 86-0861—The HongKong and Shanghai Banking Corp.'s proposed acquisition of assets of Security Pacific Credit Corp., (Security Pacific Corp., UPE).	Do.
(15) 86-0867—Alfred M. Rankin and Clare Taplin Rankin's proposed acquisition of voting securities of NAACO Industries, Inc.	Do.
(16) 86-0868—Thomas E. Taplin and Beatrice B. Taplin's proposed acquisition of voting securities of NACCO Industries, Inc.	Do.
(17) 86-0869—Frank E. Taplin and Margaret Eaton Taplin's proposed acquisition of voting securities of NACCO Industries, Inc.	Do.
(18) 86-0876—Sonora Southwest Partnership's proposed acquisition of assets of Saturn Energy Co., (The Western Co. of North American, UPE).	Do.
(19) 86-0714—CSI Management, Inc.'s proposed acquisition of assets of Rogers Cablesystems, Inc., (Edward S. Rogers, UPE).	Mar. 31, 1986.
(20) 86-0796—Adams-Millis Corp.'s proposed acquisition of voting securities of Maro Hosiery Corp., (Norman Weiss, UPE).	Do.
(21) 86-0814—Arvin Industries, Inc.'s proposed acquisition of voting securities of Schrader Automotive, Inc., (Roxboro Investments (1976) Ltd., UPE).	Do.
(22) 86-0794—Vereniging AEGON's proposed acquisition of voting securities of General Services Life Insurance Co., (USLICO Corp., UPE).	Apr. 1, 1986.
(23) 86-0833—Kaufman and Broad, Inc.'s proposed acquisition of voting securities of Anchor National Life Insurance Co. and Anchor National Financial Services, Inc., (Washington National Corp., UPE).	Do.
(24) 86-0845—Nortek, Inc.'s proposed acquisition of voting securities of Bend Millwork Co., Arthur A. Pozzi Co., (Arthur Pozzi, UPE).	Do.
(25) 86-0865—The Dee Corp. PLC's proposed acquisition of voting securities of Herman's Sporting Goods, Inc., (W.R. Grace & Co., UPE).	Do.
(26) 86-0870—Financial Security Assurance Holdings, Ltd.'s proposed acquisition of voting securities of Equitable Casualty Insurance Co. (The Equitable Life Assurance Society of the United States, UPE).	Do.
(27) 86-0871—The Dee Corp. PLC's proposed acquisition of voting securities of Herman's Sporting Goods, Inc., (W.R. Grace & Co., UPE).	Do.
(28) 86-0851—Danaher Corp.'s proposed acquisition of voting securities of Chicago Pneumatic Tool Co.	Apr. 2, 1986.
(29) 86-0852—DanWest Partners' proposed acquisition of voting securities of Chicago Pneumatic Tool Co.	Do.
(30) 86-0874—Edward S. Finkelstein's proposed acquisition of voting securities of R.H. Macy & Co., Inc.	Do.
(31) 86-0875—Morse Shoe, Inc.'s proposed acquisition of assets of the footwear departments in stores operated by SCOA Industries, Inc., (THL Holdings, Inc., UPE).	Do.
(32) 86-0776—Great Western Financial Corp.'s proposed acquisition of voting securities of Valley Thrift & Loan, (Valley Utah Bancorp., UPE).	Apr. 4, 1986.
(33) 86-0789—Irving Bank Corp.'s proposed acquisition of assets of Commercial Credit Financial Services, Inc., (Control Data Corp., UPE).	Do.
(34) 86-0800—HHC Holdings, Inc.'s proposed acquisition of assets of Garden State Newspaper, Inc.	Do.
(35) 86-0801—Garden State Newspapers, Inc.'s proposed acquisition of assets of HHC Holdings, Inc. and voting securities of three subsidiaries of HHC Holdings, Inc.	Do.
(36) 86-0841—Great Western Financial Corp.'s proposed acquisition of voting securities of of three insurance subsidiaries, (Wickes Companies, Inc., UPE).	Do.
(37) 86-0846—Connecticut Health System, Inc.'s proposed acquisition of voting securities of Hartford Health Care Corp.	Do.
(38) 86-0847—Connecticut Health System, Inc.'s proposed acquisition of voting securities of Meriden-Wallingford Community Corp.	Do.
(39) 86-0849—Homestake Mining Co.'s proposed acquisition of assets of Amax's ½ interest in the Buick Mo. Lead Mine and Smelter, (Amax, Inc., UPE).	Do.
(40) 86-0872—Beneficial Corp.'s proposed acquisition of assets of California Federal Savings and Loan Association, (CalFed, Inc., UPE).	Do.
(41) 86-0884—The E.F. Hutton Group, Inc.'s proposed acquisition of assets of Bridgeport Machines Division and voting securities of Bridgeport Machines Singapore, (Textron, Inc., UPE).	Do.
(42) 86-0893—MLX Corp.'s, (Voting Trust, UPE) proposed acquisition of assets of Brush Wellman, Inc.	Apr. 8, 1986.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580 (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 86-10419 Filed 5-8-86; 8:45 am]

BILLING CODE 6950-01-M

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplated certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 86-0502—Xidex Corp.'s proposed aquisition of voting securities of Charlton Associates.	Apr. 9, 1986.
(2) 86-0803—Continental Telecom, Inc.'s proposed acquisition of assets of The Government Systems Divison of Western Union Telegraph Co. (Western Union Corp., UPE).	Do.
(3) 86-0817—Allied Products Corp.'s proposed acquisition of assets of Verson Allsteel Press Co.	Do.
(4) 86-0818—Verson Allsteel Press Co.'s proposed acquisition of voting securities of Allied Products Corp.	Do.
(5) 86-0856—Reichmann Holdings Limited's proposed acquisition of voting securities of Hirman Walker Resources Ltd.	Do.
(6) 86-0879—James W. Hart's proposed acquisition of voting securities of Newreeveco, Inc.	Do.
(7) 86-0902—Olin Corp.'s proposed acquisition of voting securities of Trak Inc. (Claude Barbey, UPE).	Do.
(8) 86-0877—Beverly Enterprises' proposed acquisition of voting securities of Great Lakes Convalescent Center, Inc., Northwest Care Center, Inc., St. Benedict Nursing Home, Inc., and Abbey Convalescent and Nursing Home, Inc., and proposed acquisition of voting assets of Alexander Convalescent Home, Inc., Fraser Villa, Inc., Fraser Associates (a limited Michigan partnership), and Abbey Associates (a Michigan copartnership), (Bernard Mintz and Ilene Karson, UPE's).	Apr. 10, 1986.
(9) 86-0880—American Banaco, Inc.'s (Gabriel Banon, UPE) proposed acquisition of voting assets of Bethlehem Steel Corp.	Do.
(10) 86-0881—Paine Webber Group, Inc.'s proposed acquisition of voting securities of Work Wear Corp., Inc.	Do.
(11) 86-0860—Adventist Health System/West's proposed acquisition of voting securities of Lomas Financial Security Insurance Co. (Lomas & Nettleton Financial Corp., UPE).	Do.
(12) 86-0888—Adventist Health System/Sunbelt Health Care Corp.'s proposed acquisition of voting securities of Lomast Financial Security Insurance Co. (Loma & Nettleton Financial Corp. UPE).	Do.
(13) 86-0909—Ryder System, Inc.'s proposed acquisition of assets of KAL Leasing, Inc.	Do.
(14) 86-0917—Donald J. Trump's proposed acquisition of assets of Harrah's Associates and Seashore Four Associates, partnerships.	Do.
(15) 86-0922—Ashland Oil, Inc.'s proposed acquistion of voting securities of Ashland Oil, Inc.	Do.
(16) 86-0890—Cardinal Distribution, Inc.'s proposed acquisition of voting securities of James W. Daly, Inc.	Do.
(17) 86-0827—Magna International of America, Inc.'s proposed acquisition of voting securities of Newco.	Apr. 11, 1986.
(18) 86-0839—Ford Motor Co's proposed acquisition of voting securities of Newco.	Do.
(19) 86-0859—Pilkington Brothers' p.l.c. proposed acquisition of voting securities of LOF Glass, Inc. (Libbey-Owens-Ford Co., UPE).	Do.
(20) 86-0855—Cumberland Farms, Inc.'s proposed acquisition of assets of Chevron Corp and voting securities of Northeast Stations & Services, Inc.	Apr. 15, 1986.
(21) 86-0887—Mesa Limited Partnership and Mesa Operating Limited Partnership's proposed acquisition of assets of Pioneer Corp.	Do.
(22) 86-0897—TBG Holdings NV's (Thyssen-Bornemisza Continuity Trust, UPE) proposed acquisition of voting securities of Continental Healthcare Systems, Inc.	Do.
(23) 86-0901—British Telecommunications PLC's proposed acquisition of voting securities of ITT Dialcom, Inc., (ITT Corp. UPE).	Do.
(24) 86-0903—Swire Pacific Limited's proposed acquisition of assets and voting securities of Shoshone Coca-Cola Bottling Co. (Edmund M. Hoffman, a natural person, Coca-Cola Bottling Group (Southwest), Inc..	Do.
(25) 86-0905—Bethlehem Steel Corp.'s proposed acquisition of voting securities of Iron Ore Co. of Canada.	Do.
(26) 86-0906—The LTV Corp.'s proposed acquisition of voting securities of Bethlehem Erie (Bethlehem Steel Corp., UPE).	Do.
(27) 86-0907—Parker-Hannifin Corp.'s proposed acquisition of voting securities of Compumotor Corp.	Do.
(28) 86-0912—The LTV Corp's proposed acquisition of voting securities of Erie Mining Co.	Do.
(29) 86-0918—Pan Am Corp.'s proposed acquisition of voting securities of Ransome Airlines, Inc.	Do.
(30) 86-3555—Investments L.P.'s proposed acquisition of voting securities of Union Acquisition Corp. (Idle Wild Foods, Inc., UPE).	Apr. 16, 1986.
(31) 86-0915—Investments L.P.'s proposed acquisition of voting securities of Union Acquisition Corp. (Idle Wild Foods, Inc., UPE).	Do.
(32) 86-0928—Hawley Group Limited's proposed acquisition of voting securities of Cope Allman International, P.L.C.	Do.
(33) 86-0930—Henlys Group Limited's proposed acquisition of voting securities of Cope Allman International (Hawkley Group Limited, UPE).	Do.
(34) 86-0935—Warburg, Pincus Capital Partners, L.P.'s proposed acquisition of voting securities of Convest Development Corp. (CIGNA Corp., UPE).	Apr. 17, 1986
(35) 86-0938—Harcourt Brace Jovanovich, Inc.'s proposed acquisition of voting securities of Polk Holding Co., Circus World, Inc. (James G. Monaghan, UPE).	Do.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 86-10420 Filed 5-8-86; 8:45 am]

BILLING CODE 6750-01-M

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 86-0896—SmithKline Beckman Corp.'s proposed acquisition of assets of American Medical Optics Division of American Hospital Supply Corp. (Baxter Travenol Laboratories, Inc., UPE).	Apr. 18, 1986.
(2) 86-0913—Litton Industries, Inc.'s proposed acquisition of voting securities of Parks-Jaggers Aerospace Co.	Do.
(3) 86-0920—McGraw-Hill, Inc.,'s proposed acquisition of voting securities of Numerax, Inc.	Apr. 21. 1986.
(4) 86-0921—Reichmann Holdings Limited's proposed acquistion of voting securities of Bacardi Corp.	Do.
(5) 86-0937—Shape, Inc.'s proposed acquisition of assets of Wabash Data Tech, Inc. (Kearney-National, Inc., UPE).	Do.

Transaction	Waiting period terminated effective
(6) 86-0908—The Cambridge Instrument Co. PLC's proposed acquisition of assets of Reichert Scientific Instruments Division (Warner-Lambert Co., UPE).	Apr. 22, 1986.
(7) 86-0932—Dart & Kraft, Inc.'s proposed acquisition of assets of S.S. Pierce Co., Inc.	Do.
(8) 86-0848—Outokumpu Oy's proposed acquisition of voting securities of Granges Metallverken AB—Wirsbo Bruks AB (A B Electrolux, UPE).	Apr. 23, 1986.
(9) 86-0910—Tyson Foods, Inc.'s (Don Tyson, UPE) proposed acquisition of voting securities of four subsidiaries of the Lane Trust (Lane Processing Trust, UPE).	Apr. 24, 1986.
(10) 86-0940—Ralston Purina Co.'s proposed acquisition of assets of Union Carbide Corp.	Do.
(11) 86-0949—Vendex International N.V.'s proposed acquisition of voting securities of Barnes & Noble Bookstores, Inc. (Leonard Riggio, UPE).	Do.
(12) 86-0971—CNW Corp.'s proposed acquisition of voting securities of Douglas Dynamics, Inc. (Douglas Seaman Trust No. 5, UPE).	Do.
(13) 86-0984—Anderson Clayton & Co.'s proposed acquisition of voting securities of Anderson Clayton & Co.	Do.
(14) 86-0882—Temple-Inland Inc.'s proposed acquisition of voting securities of National Variable Annuity Insurance Co., (New Voyager), (American Can Co., UPE).	Apr. 27, 1986.
(15) 86-0976—Diversified Energies, Inc.'s proposed acquisition of assets of Bracken Exploration Co.	Apr. 28, 1986.
(16) 86-0924—Pittco Associates, a partnership's proposed acquisition of voting securities of Bi-Rite Foods, Inc.	Apr. 29, 1986.
(17) 86-0925—The Coca-Cola Co.'s proposed acquisition of voting securities of January Enterprises, Inc. (Merv Griffin, UPE).	Do.
(18) 86-0947—D. Dean Rhoades' proposed acquisition of assets of Hastings Aluminum Products Division (National Intergroup, Inc., UPE).	Do.
(19) 86-0948—Proctor-Silex, Inc.'s proposed acquisition of voting securities of Wear-Ever Aluminum, Inc.	Do.
(20) 86-0967—Ing. C. Olivetti's proposed acquisition of assets of Bunker Ramo Corp. (Automatic Data Processing, Inc., UPE).	Do.
(21) 86-0968—Fireman's Fund Corp.'s proposed acquisition of voting securities of Manufacturers Hanover Mortgage Corp. (Manufacturers Hanover Corp., UPE).	Do.
(22) 86-0974—John A. Catsimatidis' proposed acquisition of assets of The Southland Corp.	Do.
(23) 86-0944—The E.F. Hutton Group's proposed acquisition of assets of Gilbert Engineering Co., Inc. (Transitron Electronic Corp., UPE).	Apr. 30, 1986.
(24) 86-0950—Keystone International, Inc.'s proposed acquisition of voting securities of Yarway Corp.	Do.
(25) 86-0951—Keystone International, Inc.'s proposed acquisition of voting securities of Anderson, Greenwood & Co.	Do.
(26) 86-0969—Keystone International, Inc.'s proposed acquisition of voting securities of Anderson, Greenwood & Co.	Do.

FOR FURTHER INFORMATION CONTRACT: Sandra M. Peay, Legal Technican, Premerger Notification Ofice, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 86-10421 Filed 5-8-86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on May 2, 1986.

Social Security Administration

(Call Reports Clearance Officer on 301-594-5706 for copies of packages.)

Subject: Summary of Evidence—SSA-887—Revision (0960-0430).

Respondents: State or local governments.

OMB Desk Officer: Judy A. McIntosh.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of packages.)

Centers for Disease Control

Subject: Inventory of Union Records Systems—NEW.

Respondents: Businesses.

Health Resources and Services Administration

Subject: Bureau Common Reporting Requirements (BCRR) Forms—Extension—(0915-0004).

Respondents: Non-profit institutions.

National Institutes of Health

Subject: Fellowship Health Insurance Plan Private Company—Extension—(0925-0172).

Respondents: Individuals or households.

OMB Desk Officer: Bruce Artim.

Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-8650 for copies of packages)

Subject: End Space Renal Disease Facility Survey Report—Extension—HCFA-3427 (0938-0360).

Respondents: State or local governments.

Subject: Request for Approval as a Supplier of ESRD Services in the Medicare Program—Extension—HCFA-3402—(0938-0055).

Respondents: Businesses or other for-profit institutions.

Subject: Hospital Providers of Long Term Care Services (Swing-Bed Provision)—Extension—HCFA-345—(0938-0253).

Respondents: State or local governments; Businesses or other for-profit; Small businesses or organizations.

OMB Desk Officer: Fay S. Iudicello.

Office of Human Development Services

(Call Reports Clearance Officer on 202-472-4415 for copies of package.)

Subject: Child Abuse and Neglect Prevention Activities—NEW.

Respondents: States.

MB Desk Officer: Fay Iudicello.

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

ATTN: (name of OMB Desk Officer)

Dated: May 6, 1986.

K. Jacqueline Holz,

Deputy Assistant Secretary for Management Anaylsis and Systems.

[FR Doc. 86-10428 Filed 5-8-86; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Veterinary Medicine Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of the Veterinary Medicine Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)).

DATE: Authority for this committee will expire on April 24, 1988, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: May 5, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-10408 Filed 5-8-86; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Delegation of Authority

Notice is hereby given that in furtherance of the authority which was delegated by the Assistant Secretary for Health to the Acting Administrator, Health Resources Administration on January 19, 1982, and vested in the Administrator, Health Resources and Services Administration (HRSA), by the Reorganization Order of September 1, 1982, the Acting Administrator, HRSA, has delegated the following authorities under Title XVI of the Public Health Service (PHS) Act, as amended.

I. To the Regional Health Administrators (RHAs)

A. The authority under Section 1626 to provide technical assistance to entities developing applications under Section 1621 and Section 1642.

B. The authority under Section 1627 pertaining to the enforcement of assurances. Decisions made by the RHAs, other than dismissals of complaints without findings or closures of complaints based on resolution or withdrawals, may be appealed to the Director, Bureau of Resources Development (BRD).

C. The authority under Section 1640(a) to make developmental grants under the Area Health Services Development Fund Program.

These authorities may be redelgated to officials within the PHS Regional Offices without authority for further redelegation.

II. To the Director, BRD

All authorities under Title XVI of the PHS Act, as amended, and issuance of decisions resulting from appeals brought about by regional or State agency compliant and assessment decisions except for those authorities to the RHAs.

These authorities may be redelegated without authority for further redelegation except the authority under Section 1602(f) concerning loan default prevention and protection of the interest of the United States in the event of default with respect to loans made or guaranteed under Titles VI and XVI which is to be retained by the Director, BRD.

III. The Authority to provide Technical Assistance, Technical Materials and the Methodologies, Policies, and Standards Necessary to Carry Out Section 1627 Is To Be Coordinated Between the RHAs and the Director, BRD

This delegation supersedes the November 18, 1985 delegation made by the Acting Administrator, HRSA, to the RHAs and the Director, BRD.

Provision was made for all redelegations to continue in effect, provided they were consistent with the delegation.

This delegation was effective upon signature.

Dated: April 29, 1986.

John H. Kelso,

Acting Administrator, Health Resources and Services Administration.

[FR Doc. 86-10409 Filed 5-8-86; 8:45 am]

BILLING CODE 4160-15-M

Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (47 FR 38409-24, August 31, 1982, as amended most recently at 51 FR 15698-99, April 25, 1986) is amended to reflect a realignment of the Headquarters components of the Indian Health Service (IHS).

Under HB-10, Organization and Functions, amend the statement for the *Indian Health Service (HBN)* as follows:

(1) Add the following after the functional statement for the *Office of the Director (HBN1).*

Policy Review Staff (HBN1-3). (1) Advises the Director and, upon his direction, other top IHS officials, in the identification, and where appropriate, resolution of program policy issues, initiatives and problems; (2) performs the secretariat function for the Director in the Director's role as Chairman of the IHS Executive Staff; and (3) plans, organizes, and directs the Executive Secretariat of the IHS, with primary responsibility for the management of written communications to and from the Director.

(2) Add the following after the functional statement for the *Office of Administration and Management (HBN13).*

Division of Management Policy (HBN131). Provides Service-wide leadership and direction in the areas of management policies and procedures and their analysis. Specifically: (1) Provides advice and guidance for the establishment or modification of organizational structures, functions, and delegations of authority; (2) conducts and coordinates the Service's internal control review, issuances, reports and agreements management programs; (3) negotiates solutions to intra-agency and interagency management problems affecting the IHS program; (4) provides consultation and assistance to IHS officials in the development of directives, and agreements; (5) provides a focal point for liaison with the Office of the General Counsel on management policy related matters; (6) serves as the IHS principal advisor on all IHS organization and management policy activities; and (7) serves as the IHS focal point for liaison with HRSA, PHS, and HHS on management policy matters.

Division of Administrative Services (HBN132). (1) Plans, develops, coordinates, and provides office services, records, supply, personal property, and other administrative services in support of the IHS Headquarters program; and (2) provides guidance and assistance to IHS Headquarters in the overall development, planning and implementation of administrative functions related to office services, records, supply, personal property, and other management support services.

Division of Resources Management (HBN133). (1) Collaborates with IHS Associate Directors on the development and preparation of the Service's budget, OMB submission and President's budget for the Indian Health Service and Facilities Appropriation; (2) participates before OMB and Congress in justification of budget; (3) coordinates funds allocation and personnel ceilings with other IHS offices; (4) distributes appropriated funds and monitors personnel ceilings; (5) develops and implements budget, fiscal, and accounting procedures; and (6) conducts reviews and analyses to ensure compliance.

Division of Grants and Contracts (HBN139). (1) Develops and coordinates the execution of administrative systems, methods, and techniques for planning, organizing, maintaining, monitoring, evaluating and reporting on the IHS contract and grant procurement activities (excluding office services procurement activities for Headquarters) within the framework of policies, requirements, and authorities of echelons higher than the Service; (2) provides guidance to the Service and

serves as principal IHS authority on administrative aspects of Federal contracting, procurement, and grants requirements based on regulations, policies, procedures, practices, and related administrative matters; (3) participates, at tribal request, in assisting Indian Tribes/tribal organizations to develop administrative structures, procedures, and skills related to contract, procurement, and grants management; and (4) serves as the principal IHS focus for liaison activities regarding the administrative aspects of contract, and grants procurement.

(3) Add the following after the functional statement for the *Office of Planning, Evaluation and Legislation (HBN15).*

Division of Program Evaluation and Policy Analysis (HBN152). (1) Serves as the primary staff unit and principal source of advice on program evaluation and policy analysis; (2) oversees communications between the Division, IHS and higher levels of the Department on all matters that involve evaluation and analysis of program performance; (3) maintains liaison with other Federal and non-Federal health agencies on matters within the area of program evaluation and policy analysis; (4) provides technical assistance in support of statistical, economic, operations research and other scientific analyses of policy questions undertaken in the IHS; (5) directs all activities which compare the costs of the IHS programs with their benefits/effectiveness; (6) identifies for the Associate Director any program performance data required for use in the management and direction of IHS programs; (7) provides technical assistance to the other components of OPEL and the IHS and evaluates and analyzes trends and makes forecasts about national health services delivery systems for use in the program management and decisionmaking process; (8) monitors ongoing information systems which produce evaluation and analytical data about the Service's programs; and (9) performs analyses of the impact of IHS programs and develops appropriate solutions to problems of need, demand, access, illness and disease.

Division of Legislation and Regulations (HBN153). (1) Determines the need for changes in legislation and regulations and develops projects to effectuate those changes; (2) identifies and tracks major legislative proposals in the Congress which impact on the Service's programs and activities and, working with the Service Director and Senior program professionals, develops a Service position; (3) keeps program professionals informed as to legislative and regulatory activities of other agencies of the Government; (4) coordinates legislative and regulations activities with agencies within HHS which impact on the delivery of health services to Indians; (5) coordinates the resolution of legal issues of the Service with the Office of the General Counsel, IHS senior staff, other HHS components and other Federal agencies; (6) provides liaison with the Office of the General Counsel in matters of litigation, regulations and legislation; and (7) assures the development and implementation of appeals processes within the Service.

Division of Program Statistics (HBN154). (1) Plans, develops, directs, coordinates and monitors statistical reporting systems providing data for measuring health status and appraising program activities; (2) maintains, analyzes and publishes statistical data on morbidity, mortality and related demographic data concerning Indian and Alaska Native population; (3) develops methodologies to identify health and related program accomplishments and deficiencies; (4) provides statistical advice and information to all organizational entities of the IHS for projects dealing with policy formulation, budget preparation and justification, program planning and evaluation, health status assessment, health system description, resource requirements and allocation, health research, etc.; (5) consults and advises other government and non-government organizations regarding statistical data, methodology, and techniques related to Indian and Alaska Native health data; and (6) administers the implementation of the Privacy Act and the Freedom of Information Act within IHS.

Division of Health Services Planning and Operations Research (HBN155). (1) Provides overall direction of the IHS program planning and operations research programs; (2) develops and oversees the implementation of planning methodologies, techniques and procedures for the IHS Area/Program Offices, service units and the Tribes; (3) develops the 5-year program strategy and oversees the implementation of the plan; (4) develops policies and procedures for operational plans and other requirements as related by DHHS, PHS and HRSA priorities; (5) directs all activities related to the design, development, implementation and evaluation of resource requirements and allocation methodologies and models; (6) maintains liaison with other Federal and non-Federal health agencies on matters within the areas of resource allocation, health services planning and operations research, such as the Veterans Administration, Department of Defense, the Congressional Office of Technology and Health Affairs, Bureau of Indian Affairs, National Indian Health Board, National Congress of American Indians, and other public and private agencies; (7) formulates and guides analytical studies in the area of operations research that examine the multitude of factors impinging upon management's decisions regarding the mode of health service delivery; (8) coordinates and develops material to support budget presentations to HRSA, PHS, DHHS, the OMB and the Congress; (9) directs and carries out all IHS activities related to the health services priority system; (10) provides technical assistance on design issues and the optimum use of operations research technology and its expected contributions and limitations in solving key operational and managerial problems; and (11) provides technical assistance to other components of OPEL and the IHS on matters related to health services planning, resource allocation, and operation research initiatives.

Division of Data Systems Policy and Management (HBN157). directs and coordinates all data systems and information management activities within the IHS. Specifically: (1) Plans, designs, develops, and operates IHS-wide automated data processing (ADP), word processing (WP), and telecommunications (TP) systems and equipment; (2) develops, promulgates, and administers policy, procedures, and guidelines for IHS Data and Information Systems; (3) provides technical consultation and support to Indian tribes and other Indian community groups; (4) provides technical supervision to all IHS ADP/computer personnel involved in the design, development, adaption, and application of automated data systems to service programs and projects; (5) coordinates the development of short, mid and long-range ADP plans for IHS; (6) coordinates Data and Information System requirements and serves as liaison with HRSA, in matters involving ADP, WP and TP systems and equipment; (7) analyzes, evaluates and directs the utilization of information systems developed by other governmental agencies and proprietary organizations; (8) coordinates the role and functions of the Information Systems Coordinators (ISC's) in support of information systems activities within IHS; (9) convenes and coordinates ad hoc administrative and patient care systems advisory committees to provide input on information systems needs; (10)

implements quality assurance program for Data Systems Policy and Management; and (11) serves as liaison with governmental, professional, voluntary, and other public and private organizations, institutions, and groups for the purpose of providing information exchange and information on the implementation and operation of all data systems related to IHS needs and activities.

(4) Add the following after the functional statement for the *Office of Tribal Activities (HBNG).*

Division of Community Development and Tribal Support (HBNG2). (1) Identifies the best means for increasing Indian Community participation in IHS programs; (2) implements methods and techniques to enable Indian communities that want to participate more fully in the management of their health programs to do so; and (3) assists Tribes that do not wish to manage their own health programs to develop their ability to influence the health programs in their communities by providing the Tribes with technical assistance, training and consultation.

Division of Indian Resources Liaison (HBNG3). (1) Implements special Indian legislation and authorities; (2) formulates policies to ensure effective implementation of tribally/urban operated administrative management systems, including contracts, grants, personnel, leasing, and human resource development activities; (3) develops, plans, and implements a policy information system for dissemination to and use by Tribes, tribal/urban Indian organizations, and IHS staff; and (4) coordinates the development of various policy guidance material to transmit standards and criteria, methodology, and general understanding across IHS concerning the elements of administrative systems.

Division of Tribal Affairs (HBNG4). (1) Participates in policy formulation and execution as they relate to tribal activities; (2) coordinates the development of optional, supportive relationships with tribal governments, inter-tribal governing bodies, national Indian interest groups, and other individuals and groups interested and active in Indian affairs; and (3) provides advice on the effect and impact of IHS policies, plans, programs and operations on tribal operations and relationships.

(5) Add the following after the functional statement for the *Office of Health Programs (HBNH).*

Division of Clinical and Preventive Services (HBNH2). (1) Provides direction for the operation of the health delivery activities of the IHS; (2) handles all logistics associated with the conduct of program reviews of Service Units, Area Offices, and Headquarters units; (3) advises on assessment findings for potential implications for IHS policy, plans, programs and operations; (4) develops quality of care evaluation criteria, standards of care, and guidance for the maintenance of the quality assurance program of the IHS; and (5) conducts monitoring activities to assess the quality of care provided by the IHS.

Division of Health Care Administration and Contract Health Services (HBNH3). (1) Develops, coordinates and evaluates program standards, guides, plans, and requirements for health care administration; (2) develops, coordinates, and evaluates medical, preventive, and hospital services provided through contractual arrangements; (3) establishes and evaluates the implementation of standards and guidelines for quality assurance of direct hospital and health services and contract health services; (4) coordinates hospital care administation recruitment, assignment, and career development; (5) establishes national standards of performance for contract health services and accesses performance against established standards; (6) develops allocations of CHS funds; (7) coordinates appeals and reconsideration of denials of services to IHS beneficiaries; (8) plans and develops methods for identifying and obtaining health resources available through Federal, State, local and non-Federal sources and coordinates the use of these resources; (9) serves as principal liaison with HCFA for Medicare and Medicaid activities and establishes liaison and coordinates Medicaid activities with States; (10) serves as principal liaison with the Joint Commission on Accreditation of Hospitals and American Hospital Association regarding hospital accreditation and other activities applicable to IHS health care administration; (11) plans, coordinates and directs the third-party activities of IHS facilities, develops policy pertaining to third-party activities, and coordinates and develops overall policy and plans for implementation of Title IV, Pub. L. 94–437, Indian Health Care Improvement Act; and (12) coordinates development of the budget for health care administration and contract health services activities.

Division of Health Manpower and Training (HBNH4). (1) Develops the IHS program to recruit, select, assign, and retain health care professionals; (2) assesses IHS professional staffing needs; (3) provides liaison for Commissioned Corps activities with higher echelons and the Commissioned Personnel Operations Division; (3) provides research and analysis functions for Chief Medical Officers/Clinical Directors and senior clinicians; (4) manages the continuing medical education programs for physicians and selected health professionals; (5) coordinates activities and provides support for the various IHS clinical programs; (6) coordinates the development of training and manpower programs with IHS staff and Indian tribes; (7) manages the scholarship and continuing education programs; and (8) assesses manpower development and training needs.

(6) Add the following after the functional statement for the *Office of Environmental Health and Enginering (HBNJ).*

Division of Facilities Planning and Construction (HBNJ2). (1) Administers nationwide IHS facilities engineering and construction programs for IHS health care facilities in consultation with the Office of Engineering Services in PHS Regions; (2) develops and coordinates program requirements for planning, design, and evaluation of health care facilities; (3) develops, coordinates, and evaluates technical standards, guides, plans, and requirements for health care facilities construction requirements within IHS, HRSA and PHS; (4) develops and coordinates facility construction programs; (5) provides technical assistance and monitors Area and tribal facilities planning and construction programs; (6) coordinates interagency requirements for shared or cooperative projects with agencies such as DOE, DOD, VA, HUD, State and regional planning bodies, etc.; (7) provides consultation to professional standards organizations such as the AIA Committee of Architects for Health, Joint Commissions on Accreditation of Hospitals, Colleges of Medical Specialties, etc.; and (8) provides technical assistance and consultation to tribal governments and Alaska Native corporations to assist and brief those governments and organizations on the progress of planning, design and construction projects.

Division of Facilities Management (HBNJ3). (1) Administers a nationwide IHS facilities management program; (2) provides engineering leadership, guidance and coordination and serves as the principle advisor to the IHS on facilities activities such as preventive maintenance; biomedical engineering systems and operations; operation, maintenance, repair and alterations of physical plants; energy conservation;

resource allocations; etc,; (3) develops and coordinates program requirements to implement facilities management programs that meet established IHS objectives and the accreditation standards of the Joint Commission on Accreditation of Hospitals (JCAH), as well as medicare/medicaid requirements; (4) develops, coordinates and evaluates technical standards, guides, plans and requirements for the operations, maintenance, repair, alteration and improvement of IHS health care and supporting facilities; (5) coordinates IHS energy conservation program in accordance with IHS and higher echelon imposed requirements; (6) provides technical engineering assistance to and implements an evaluation of Area and tribal facilities management programs; (7) plans, directs, and coordianates IHS activities in real property management and accountability; and (8) represents the IHS in facilities management related concerns with other federal agencies, professional societies and other groups.

Division of Environmental Health (HBNJ4). (1) Provides leadership, guidance and coordination to the overall IHS environmental health program; (2) serves as principal advisor to the IHS on environmental health matters and participates in policy formulation and resource distribution; (3) administers the Indian Sanitation Facilities Act (Pub. L. 86–121); (4) plans, develops, coordinates, appraises and evaluates Service-wide sanitation facilities construction activities conducted in cooperation with tribal groups and other agencies; (5) assesses American Indian and Alaska Native environmental health needs and develops appropriate action programs in cooperation with IHS staff; (6) appraises and evaluates environmental health programs and progress; (7) coordinates staff assignments and, in-Service training and career development for Headquarters and field staff; and (8) represents the IHS in environmental health relationships with other Federal agencies, professional societies and other groups.

(7) Add the following after the functional statement for the *Office of Health Program Development (HBNK).*

Division of Administrative Services (HBNK2). (1) Provides all required Area-level administrative services for the research, development and service delivery functions of the Office of Health Program Development, including finance, contracting and procurement, property and supply, personnel, facilities management and transportation.

Division of Health Services Systems Development (HBNK3). (1) Develops improved methods for health services delivery for IHS; (2) provides specialized services to IHS, including operations and systems anaysis, evaluation methods and designs, planning methodology development and consultation and technical assistance for all levels of IHS and tribal programs; and (3) provides assistance to IHS in the areas of alternative policy and operational concept impact analysis and assessment.

Division of Human Resource Systems Development (HBNK4). (1) Provides services to all levels of IHS, Tribal and Indian Urban organizations through management systems analysis, professional consultation, technical assistance, education and training program and methodology development, and (2) provides technical assistance, training, and related management developmental activities, involving all aspects of human resource systems development.

Division of Medical Systems Research and Development (HBNK5). (1) Develops long-range medical services delivery research requirements for IHS, (2) conducts research leading to innovative program and operating concepts to improve delivery of medical services to Amercian Indians and Alaska Natives; (3) provides medical systems design, development and technical assistance throughout IHS; and (4) provides investigations, orientations, workshops and briefings on the uses of traditional Indian medicine to appropriate IHS staff and supporting groups.

Division of ADP Systems Support (HBNK6). (1) Provides data processing services, including computer operations, medical coding, data entry, and information retrieval and analysis, for operational data systems within the jurisdiction of the Office; (2) performs systems analysis, computer programming, system implementation and user training for the Office's data systems; (3) serves as a developmental testing site for IHS data systems; (4) provides electronic data processing (EDP) technical assistance and operational support to IHS Headquarters and IHS Area/Program offices; and (5) is responsible for EDP planning and coordination for the Office.

Division of Health Services Delivery (HBNK7). (1) Provides management and direction for the direct and indirect health service delivery activities of the Office of Health Program Development, Tucson, Arizona, including the Sells Service Unit, the Pascua Yaqui contract health services delivery area, environmental health and sanitation facilities construction program, and the Tucson Urban Project; (2) assures comprehensive quality health services as appropriate, through direct, contract and tribal contract health services; (3) implements, pilots, critiques and conducts trials of health information systems, health services delivery methods, and health services delivery protocols; and (4) provides demonstration sites for observation and training in health care delivery and health information systems.

This realignment is effective upon date of signature.

Dated: April 14, 1986.

John H. Kelso,

Acting Administrator, Health Resources and Services Administration.

[FR Doc. 86–10410 Filed 5–8–86; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Wind River Irrigation Project, Wyoming: Information Related to Collections of Operation and Maintenance Assessments

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Public notice.

SUMMARY: This notice sets forth changes in the delinquency date and penalty rate to be applied to delinquent operation and maintenance assessments made by Wind River Irrigation Project, Fort Washakie, Wyoming.

The annual operation and maintenance assessment bills will be sent out on or about March 15 of each year with the amount due and payable on April 1 of each calendar year. To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indians lessees, which are not paid on or before the date of delinquency of May 1 of each year, following the due date, there shall be added a penalty of 10% per annum or fraction thereof, from the due date of April 1, so long as the delinquency continues. The proposed changes to current policy are (1) the revision of the date of delinquency from July 1 to May 1 and (2) the revision of the penalty rate of 6% per annum or fraction thereof to 10% per annum or fraction thereof.

EFFECTIVE DATE: This notice shall become effective May 1, 1986 and remain in effect until subsequently revised.

FOR FURTHER INFORMATION CONTACT: J. Donovan Crook, Bureua of Indian Affairs, Wind River Agency, Fort Washakie, Wyoming 82514, telephone number: 307/332-3719.

SUPPLEMENTARY INFORMATION: This notice issued pursuant to 25 CFR 171.1 under authority delegated to the Assistant Secretary for Indian Affairs and the Deputy Assistant Secretary of the Intrerior in 209 DM 8. This authority is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 385. The current regulations were established by public notice in the **Federal Register** (50 FR 7661, February 25, 1985). A public notice declaring the intent to change the delinquency date from July 1 to May 1, and changing the penalty rate from 6% per annum to 10% per annum for all non-Indian owners and operators, was placed in all Federal Post Offices and other public buildings throughout the Reservation. This notice was also published in the Riverton Ranger and Wyoming State Journal newspapers of Riverton and Lander respectively. The Joint Business Council was notified by letter on March 31, 1986 of the proposed change in interest charges. The 30 day comment period ended on April 13, 1986, and no written comments were received. The penalty rate does not apply to Indian operators, whether owners or lessees of the land.

This notice does not change the assessment rates of the Wind River Irrigation Project.

David L. Allison,

Superintendent, Wind River Agency.

[FR Doc. 86-10406 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Nev-051745]

Proposed Continuation of Withdrawal, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that 102,634.85 acres of withdrawn land for the Boulder Canyon Project, Nevada be continued for an additional 30 years. The land will remain closed to surface entry and mining but has been and will remain open to mineral leasing.

DATE: Comments should be received by August 7, 1986.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, (702) 784-5481.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that a portion of the existing land withdrawals made by Secretarial Orders of January 31, 1903, September 8, 1903, May 8, 1919, April 19, 1920, August 7, 1920, March 30, 1921, May 19, 1921, April 21, 1923, January 3, 1929, June 4, 1930, October 16, 1931, March 3, 1933, December 6, 1937, December 11, 1941, and June 11, 1943, be continued for a period of 30 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Mount Diablo Meridian, Nevada

T. 21 S., R. 63 E.,
Secs. 1, 2, 11, 12, and 13, All;
Sec. 14, N½NE¼, NE¼NE¼SW¼NE¼, E½SE¼NE¼, N½NW¼SE¼NE¼, SE¼NW¼SE¼NE¼, E½SW¼SE¼NE¼, E½NE¼SE¼, E½W½NE¼SE¼, SE¼SE¼;
Sec. 23, E½E½;
Sec. 24, All.

T. 21 S., R. 63½ E.,
Sec. 13.[1]

T. 21 S., R. 64 E.,
Secs. 13 to 21;[1]
Secs. 23, 24, and 25;[1]
Secs. 27, 28, and 29;[1]
Secs. 33, 34, and 35.[1]

T. 22 S., R. 64 E.,
Secs. 1 and 2, All;
Sec. 3;[1]
Sec. 10;[1]
Secs. 11, 12, and 13, All;
Secs. 14 and 15;[1]
Secs. 23, 24, and 25;[1]
Sec. 36, All.

T. 23 S., R. 64 E.,
Secs. 1, 12, and 13, All;
Secs. 4, 5, 8, and 9, all that land excepted and reserved for use by the Bureau of Reclamation in quitclaim deed to the City of Boulder City, Nevada, dated January 4, 1960 (Nev 058313).

T. 20 S., R. 65 E.,
Sec. 34.[1]

T. 21 S., R. 65 E.,
Secs. 3 and 4;[1]
Secs. 9 to 19, Inclusive;[1]
Sec. 20, All;
Sec. 21;[1]
Secs. 22 to 24, Inclusive, All;
Secs. 27 to 32, Inclusive, All.

T. 22 S., R. 65 E.,
Secs. 6, 7, and 8, All;
Secs. 16 to 21, Inclusive, All;
Secs. 28 to 32, Inclusive, All.

T. 23 S., R. 65 E.,
Secs. 5, 6, 7, 8, and 9;
Sec. 16;[1]
Secs. 18 and 19;
Secs. 21, 27, and 28;[1]
Sec. 34.[1]

T. 23½ S., R. 65 E.,
Secs. 35.

T. 24 S., R. 65 E.,
Secs. 1, 2, 12, 13, 14, 15, 22, 23, 26, 34, and 35.[1]

T. 25 S., R. 65 E.,
Secs. 2, 11, 14, 23, 26, and 35.[1]

T. 26 S., R. 65 E.,
Secs. 2, 3, 10, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.[1]

T. 27 S., R. 65 E.,
Secs. 1, 13, 23, 24, 25, 26, and 36.[1]

T. 28 S., R. 65 E.,
Secs. 1, 12, 13, 23, 24, 25, and 36.[1]

T. 29 S., R. 65 E.,
Secs. 1, 12, and 13.[1]

T. 27 S., R. 66 E.,
Secs. 6, 7, 18, 19, and 31.[1]

T. 29 S., R. 66 E.,
Secs. 6, 7, 8, 17, 18, 19, 20, 21, 28, 29, 30, 32, 33, and 34.[1]

T. 30 S., R. 66 E.,
Secs. 3, 4, 10, 15, 22, 27, and 34.[1]

T. 31 S., R. 66 E.,
Secs. 2, 3, 10, 11, 14, 23, 26, 35, and 36.[1]

T. 32 S., R. 66 E.,
Secs. 29, S½SE¼NE¼, N½NE¼SE¼, SE¼NE¼SE¼, E½SE¼SE¼.[3]

T. 33 S., R. 66 E.,
Sec. 9, Lots 1, 2, 3, 4, NW¼SE¼;[2]
Sec. 10, Lots 2 and 3;[2]
Sec. 15, Lots 3, 4, 5, 6, and 7;[2]
Sec. 22, Lots 1, 2, 3, 4, and 5.[2]

T. 20 S., R. 66½ E.,
Secs. 30 and 31.[1]

T. 19 S., R. 67 E.,
Sec. 1.[1]

T. 20 S., R. 67 E.,
Secs. 12, 13, 24, 25, 26, 27, 28, 29, 30, 31, and 36.[1]

T. 15 S., R. 68 E.,
Sec. 1, Lots 1 and 2, S½NE¼, S½;
Sec. 12, N½, SW¼, W½SE¼;
Sec. 13, W½NE¼, NW¼;
Sec. 23, SW¼;
Secs. 26 and 35, W½;
Sec. 36.[1]

T. 16 S., R. 68 E.,
Secs. 1, 12, 13, 24, and 25;[1]
Sec. 26, E½;[1]
Sec. 28, E½;[1]
Sec. 32, S½SW¼;[1]
Sec. 34;[1]
Sec. 35;[1]
Sec. 36, S½NW¼, SW¼, S½SE¼.

T. 17 S., R. 68 E.,
Secs. 1, 2, 3, and 4;[1]
Secs. 9 to 16, Inclusive;[1]
Sec. 23;[1]
Secs. 24 and 25, All;
Secs. 26 and 27;[1]
Secs. 34 and 35;[1]
Sec. 36, All.

T. 18 S., R. 68 E.,
Sec. 1, All;
Sec. 2, Lots 1, 2, 3, and 4, S½N½, SE¼SW¼, SE¼;
Secs. 3, 4, 8, and 9;[1]
Sec. 10, N½, N½S½, S½SE¼;
Sec. 11, NE¼, NE¼NW¼, S½NW¼, S½;
Secs. 12, 13, and 14;[1]
Sec. 15, E½NE¼, S½SW¼, SE¼;
Secs. 16 and 17;[1]
Secs. 19 and 20;[1]
Sec. 21, N½, SW¼, W½SE¼;
Sec. 22, E½, E½W½;
Secs. 23 and 24;[1]

Sec. 26; [1]
Sec. 27, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 28, W½, SE¼;
Sec. 29, All;
Secs. 30 and 31; [1]
Sec. 32, N½, SE¼;
Sec. 33, All;
Secs. 34 and 35.[1]
T 19 S., R. 68 E.,
Secs. 2 and 3: [1]
Sec. 4, All;
Secs. 5, 6, 7, and 8,[1]
Sec. 9, All;
Secs. 10 and 11:[1]
Secs. 14 and 15;[1]
Sec. 16, Lot 2, N½, SW¼, N½SE¼, N½SE¼SE¼;
Secs. 17 and 20; [1]
Sec. 21, Lot 2, S½NE¼, W½, SE¼;
Secs. 22 and 27; [1]
Sec. 28, All;
Secs. 29, 31, and 32;[1]
Sec. 33, All;
Sec. 34.[1]
T 20 S., R. 68 E.,
Sec. 3;[1]
Sec. 4, all excluding patent 17378;
Sec. 5, All;
Sec. 6 and 7;[1]
Sec. 8, All;
Secs. 9, 10, 15, and 16;[1]
Sec. 17, All;
Secs. 18 and 19;[1]
Sec. 20 N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 21, All;
Secs. 22, 26, and 27;[1]
Sec. 29, NE¼NE¼, S½NE¼, W½, SE¼;
Sec. 30; [1]
Sec. 31, All;
Sec. 32, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Secs. 33 and 34, All;
Sec. 35 and 36.[1]
T 21 S., R. 68 E.,
Sec. 1, Lot 1 [1], Lots 2, 3, and 4, S½N½, S½;
Secs. 2, 3, and 4, Inclusive, All;
Sec. 5, Lots 1, 2, 3, 5, and 6;
Sec. 6, Lots 2, 3, 4, 5, 6, and 8, SE¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 7, Lots 1, 2, and 3;
Secs. 11 and 12, All.
T 15 S., R. 69 E.,
Sec. 6, Lots 3, 4, and 5, SE¼NW¼;
Sec. 8, E½, SW¼;
Sec. 31, Lots 3 and 4, E½SW¼.[1]
T 16 S., R. 69 E.,
Secs. 6, 7, 18, 30, and 31.[1]
T. 17 S., R. 69 E.,
Secs. 6, 7, 18, 19, 29, 30, 31, and 32.[1]
T. 18 S., R. 69 E.,
Secs. 5, 6, and 7.[1]
T. 21 S., R. 69 E.,
Secs. 6, 7, 8, 16, 17, 20, 21, 28, 29, 33, 34, and 35.[1]
T. 22, S., R. 69 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, and 14.[1]
T. 21 S., R. 70 E.,
Secs. 12, 13, 14, 23, 26, and 35.[1]
T. 22, S., R. 70 E.,
Secs. 2, 9, 10, 11, 14, 15, 16, 17, and 18.[1]
T. 20 S., R. 71 E.,
Secs. 10, 15, 16, 21, 28, 29, 30, 31, and 32.[1]
T. 21 S., R. 71 E.,
Secs. 6 and 7.[1]

[1] All submerged land and that exposed land lying inside a line 300 feet landward from the high water mark measured from a line horizontal to a perpendicular rising from the 655-foot elevation of Lake Mohave and the 1,229-foot elevation of Lake Mead.

[2] Only that strip of land 300 feet in width landward from the existing bankline of the Colorado River.

[3] Excluding all land lying between the section line and contract and grant of easement to Colorado Environments, Inc., Contract No. 3-07-30-L0181, dated December 9, 1983.

The areas described contain approximately 102,634.85 acres in Clark County, Nevada.

The purpose of the withdrawal is to protect the construction, operation and maintenance of the Boulder Canyon Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: May 2, 1986.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 86-10482 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-HC-M

Idaho Falls District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the Idaho Falls District Advisory Council.

SUMMARY: The Idaho Falls District Advisory Council will meet Wednesday, June 18, 1986. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 8:30 a.m. at the Bureau of Land Management District Office, 940 Lincoln Road, Idaho Falls, Idaho. The meeting is open to the public; participants will need to provide transportation and lunch. Public comments on agency items will be accepted from 8:30 to 9:00 a.m. at the Bureau of Land Management Office.

Agenda items are: A tour of riparian areas along Trail Creek, Wet Creek and Sawmill Creek, and a discussion of the management problems of those areas; Howe Flood Control Project tour and briefing; a review of the Pocatello Resource Management Plan; and the Election of Advisory Council Officers.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529-1020.

O'dell A. Frandsen,

District Manager.

May 2, 1986.

[FR Doc. 86-10407 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-GG-M

Salmon District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Advisory Council.

DATE: The meeting will be held Thursday, June 26, 1986 at 9:00 a.m.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Law 92-463 and 94-579. The agenda will include the following topics: (1) Update on Bruno Creek Road; (2) Spring Gulch-Challis School District Exchange; (3) Riparian Management; (4) Chief Tendoy Historic Cemetery; (5) Agricultural trespass; and (6) Exchange Program. A field trip is scheduled to begin at 10:30 a.m.

The meeting is open to the public. Interested persons may make oral statements to the Council between 9:30 a.m. and 10:00 a.m. or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the

District Manager at the Salmon District Office by June 24, 1986.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting. Notification of oral statements and requests for summary minutes should be sent to Jerry Goodman, District Manager, Salmon District BLM, P.O. Box 430, Salmon, Idaho 83467.

Dated: April 30, 1986.

Jerry Goodman,

District Manager.

[FR Doc. 86-10485 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-GG-M

Fish and Wildlife Service

Acceptance of Bids for Duck Stamp Sheets

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Acceptance of Bids for Duck Stamp Sheets.

SUMMARY: Notice is given that the U.S. Fish and Wildlife Service will accept sealed bids for each of ten (10) sheets of 1984-85 Duck Stamps consisting of 120 stamps per sheet. This is the second and final bid offer for these stamps.

DATE: Bids will be accepted starting Monday, September 1, 1986, and must be received no later than 4:00 p.m., Friday, October 31, 1986. Bids sent by the U.S. Postal Service must be addressed as follows:

ADDRESS: U.S. Fish and Wildlife Service (OPUM), Matomic Building, Room 554, 18th and C Streets NW., Washington, D.C. 20240, Attn: Duck Stamp Sheets.

Bids handcarried or sent by other than the U.S. Postal Service, i.e. Federal Express, must be addressed as follows: U.S. Fish and Wildlife Service (OPUM), Matomic Building, Room 554, 1717 H Street NW., Washington, D.C. 20240, Attn: Duck Stamp Sheets.

FOR FURTHER INFORMATION CONTACT: Conley L. Moffett, Chief, Office of Public Use Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240, (202) 653-2220, or Peter A. Anastasi, Office of Public Use Management, 18th and C Streets NW., Washington, D.C. 20240, (202) 343-5508.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service gives notice of its intention to accept sealed bids for each of ten (10) sheets of the 1984-85 50th Anniversary Migratory Bird Hunting and Conservation Stamp ("Duck Stamp"). Each sheet is numbered from 1 to 15 and contains four panels. Each panel is numbered and consists of thirty (30) stamps for a total of one hundred twenty (120) uncut stamps per sheet. In addition, the words "1934-84 50th Anniversary" are printed in gold on the salvage of each panel. Sheet numbers 1-4 were awarded through a previous offer in 1985. Sheet number 15 will be given to the Smithsonian Institution as part of the Nation's philatelic collection; thus, this offering is for sheet numbers 5-14.

Commencing Monday, September 1, 1986, and until 4:00 p.m., Friday, October 31, 1986, the U.S. Fish and Wildlife Service will accept sealed bids for the Duck Stamp sheets under the following conditions:

1. Minimum bid per sheet $2,000.00

2. Bidders may bid on more than (1) sheet but each sheet must be bid separately. Each bid must be accompanied by the bidder's full name, address, and telephone number.

3. Bids must be accompanied by a stamped, self-addressed business envelope by which bidders will be notified of the results of the bidding. Successful bidders will have ten (10) calendar days in which to submit a certified or cashier's check or money order in the full amount of the bid payable to "Migratory Bird Conservation Fund." Failure to do so will void the bid, and result in awarding the sheet of stamps to the next highest bidder.

4. Bids must be mailed or delivered to the above addresses and be received by 4:00 p.m., Friday, October 31, 1986.

5. Successful bidders must pay for delivery of sheets.

6. Employees of the U.S. Fish and Wildlife Service and members of their immediate families are not eligible to bid.

Bids will remain sealed until Tuesday, November 4, 1985, at 9:00 a.m., at which time, they will be opened in the Office of the Director, U.S. Fish and Wildlife Service. The highest bidder will be awarded sheet number 5, the second highest bidder will be awarded sheet number 6 and so forth until the tenth (10th) highest bidder is awarded sheet number 14. If there are identical bids *that exceed* the number of sheets available, rebidding will be requested of those bidders for the remaining sheets. If there are identical bids that *do not exceed* the number of sheets available, sheet numbers will be awarded by drawing of random numbers.

These stamps were valid during the period July 1, 1984, through June 30, 1985, and each sheet had a face value of $900.00. Currently, they have no face value. Their value rests only in the fact that they are collector's items and that there are only fifteen (15) of these commemorative, uncut sheets in existence.

Results of the bidding will be announced at the 1986 Duck Stamp Contest on Wednesday, November 5, 1986, at 1:00 p.m., in the Department of the Interior Auditorium at 18th and C Streets NW., Washington, D.C.

Dated: May 1, 1986.

Ronald E. Lambertson,

Acting Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 86-10403 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Fredericksburg and Spotsylvania County; Battlefields Memorial National Military Park

AGENCY: National Park Service; Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

ACTION: Notice of 45 day general public comment period and public meetings on draft general management plan and land protection plan.

SUMMARY: The National Park Service has been developing a General Management Plan and Land Protection Plan which will guide the future of Fredericksburg and Spotsylvania Battlefields. The public is being asked to participate again. The first public involvement occurred during preplanning phase, where the various management, land acquisition, and development issues were identified. To assist in the current phase, the National Park Service has printed a draft general management plan, containing a mail-in public response form, and a draft land protection plan with accompanying maps, both of which will be available to the public in mid-May. In addition, two public meetings have been scheduled to solicit the public's thoughts on the documents.

DATE: June 2, 1986, 7:30 p.m. (Monday).

ADDRESS: City of Fredericksburg, Council Chambers, City Hall, Princess Anne Street, Fredericksburg, VA.

DATE: June 4, 1986, 7:30 p.m. (Wednesday).

ADDRESS: Spotsylvania Senior High School, Route 208, Spotsylvania, VA. Public comment during this phase of the planning process will be accepted until June 27, 1986. Comments should be

addressed to: Superintendent, Fredericksburg and Spotsylvania National Military Park, P.O. Box 679, Fredericksburg, VA 22404.

Dated: May 2, 1986.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 86-10502 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-70-M

New River Gorge National River; Public Review and Comment Period for Final Park Boundary

AGENCY: National Park Service; New River Gorge National River.

ACTION: Public review and comment period for final park boundary.

SUMMARY: The New River Gorge National River, a unit of the National Park System located in the State of West Virginia, has completed the final park boundary delineation required by section 1109 (4) of Title XI of Pub. L. 95-625, November 20, 1978. A General Management Plan, approved in November 1982, identified potential modifications to the external boundaries of the park. These modifications include both additions and deletions. Together they result in an overall reduction of approximately 5,572 acres from the 62,000 originally included in the National River boundaries. Additions are based primarily on the need to protect scenic resources within the river's visual corridor. Deletions exclude certain incompatible uses, some significant coal reserves, and a number of properties outside the visual corridor (including portions of two communities) that are not important to the purpose of the National River and are suitable for private development, agricultural and timber harvesting activities. Minor boundary adjustments were drawn in most cases, to coincide with individual tract property lines and topographical features. Copies of the proposed final boundary map of the park are available and the public is invited to review them at the times and place listed below.

DATE: The 30 day public comment period will begin on May 1, 1986 and will be completed on May 30, 1986. During this period park staff will respond to any questions or comments individuals wish to make regarding the park boundary.

ADDRESS: The public may present comments in writing or orally to park headquarters. Correspondence should be addressed to Superintendent, New River Gorge National River, Box 1189, 137½ Main Street, Oak Hill, West Virginia 25901. Appointments should be made by telephone to meet with the Superintendent or Assistant Superintendent.

FOR FURTHER INFORMATION CONTACT: Superintendent Jim Carrico or Assistant Superintendent Bob Whitman at the park headquarters address or call (304) 465-0508.

SUPPLEMENTARY INFORMATION: The National Park Service will be available to indicate property line relationship to the proposed boundary. Citizens may call to ascertain whether their property is included or excluded in the final boundary without visiting park headquarters if they so desire. A confirmation letter will be provided if requested. Park headquarters is located at 137½ Main Street, Oak Hill, West Virginia. Office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Dated: April 29, 1986.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 86-10501 Filed 5-8-86; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[I.C.C. Order No. 6]

Rerouting Traffic; Decision

Decided: May 2, 1986.

On April 4, 1986, the Commission issued the above-titled order which authorizes the rerouting of traffic normally routed over the Boston and Maine Corporation (BM) or Maine Central Railroad Company (MEC). The rerouting was occasioned by a work stoppage and embargo on certain BM and MEC lines.

In an effort to assess the continued need for rerouting authority, and in consideration of a petition by Guilford Transportation Industries, Inc. (Guilford) to vacate the Order the Commission requested information and public comment in five specific areas which relates to the Order's continuation and scope.[1] Those areas are:

(a) How the order is presently being used;

(b) The number of shipments rerouted under this authority since its issuance;

(c) Whether the order in its present form should be vacated and why;

(d) Whether the order should be broadened to include DH, and,

(e) Whether the presently permissive order should be made mandatory on all Guilford connections.

[1] I.C.C. Order No. 6, *Rerouting Traffic*, served April 25, 1986.

Discussion and Conclusions

The comments received from parties of interest reflected a broad range of views on the extent to which further regulatory intervention by the Commission may be warranted. On the one hand, of the nineteen comments received by the Commission, eighteen indicated that the present Order has not been used. On the other hand, a majority of the comments received favored expansion of the Order to include DH, and making the Order mandatory on all Guilford connections. However, ConRail and certain shippers [2] consider such action to be unwarranted.

In addition, we have independently observed Guilford operations, and find yard operation to be improving. There has been a lessening of congestion, and some improved train service to shippers. In fact, two major Guilford shippers, Georgia-Pacific Corporation and International Paper Company, considered service on Guilford to be sufficiently improved to warrant the cancellation of company ordered diversions of traffic.

In light of the foregoing, it is the opinion of the Commission that continuation of the Order, at this time, is unwarranted. However, we are directing the Office of Compliance and Consumer Assistance (OCCA) to continue to monitor the situation. Should there be a material change in the circumstances, Commission will take appropriate action.

It is ordered:

(1) The petition of Guilford to vacate the order is granted.

(2) Requests by the parties to extend and broaden the Order are denied.

(3) This Order shall be effective upon its service.

(4) I.C.C. Order No. 6 shall be vacated at 11:59 p.m., May 2, 1986.

Energy and Environmental Statement:

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre and Lamboley.

James H. Bayne,

Secretary.

[FR Doc. 86-10426 Filed 5-8-86; 8:45 am]

BILLING CODE 7035-01-M

[2] Georgia-Pacific Corporation and International Paper.

[Docket No. AB-55 (Sub-175X)]

Seaboard System Railroad, Inc.; Abandonment Exemption; in Richmond, VA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903, et seq., the abandonment by Seaboard System Railroad, Inc. of approximately 2.08 miles of its Old James River Branch between Valuation Station 254+91 at "Meadow" and Valuation Station 365+02, in Richmond, VA.

DATES: This exemption will be effective on June 9, 1986. Petitions to stay must be filed by May 19, 1986, and petitions for reconsideration must be filed by May 29, 1986.

ADDRESSES: Send pleadings referring to Docket No. AB-55 (Sub-No. 175X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's Representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: April 28, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,

Secretary.

[FR Doc. 86-10427 Filed 5-8-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collection(s) Under Review

May 6, 1986.

The Office of Management and Budget (OMB) has been sent 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. Entries are grouped into new forms, revisions, or extensions. Each entry contains the following information: the name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); the office of the agency issuing the form; the title of the form; the agency form number, if applicable; how often the form must be filled out; who will be required or asked to report; an estimate of the number of responses; an estimate of the total number of hours needed to fill out the form; an indication of whether Section 3504(h) of Pub. L. 96-511 applies; and, the name and telephone number of the person or office responsible for the OMB review. Copies of the proposed form(s) and the supporting documentation may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the item(s) contained in this list should be directed to the reviewer listed at the end of each entry *AND* to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer: Larry E. Miesse, 202/633-4312.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Larry E. Miesse, 202/633-4312.

(2) National Institute of Justice, Office of Justice Programs, Department of Justice.

(3) NATIONAL NEEDES ASSESSMENT SURVEY.

(4) NIJ Series 2300.

(5) Biennially.

(6) State or local governments. This survey is the vehicle by which the NIJ meets its Congressional mandate to conduct research on current and future problems encountered by state and local criminal justice agencies.

(7) 2,052 respondents.

(8) 855 burden hours.

(9) Not applicable under 3504(h).

(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.

(2) Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice.

(3) COMPLIANCE MONITORING REPORT.

(4) None.

(5) Annually.

(6) State or local governments. Section 223(a) of the JJDP Act requires states receiving formula awards to develop systems of monitoring facilities to ensure legislative requirements are met and to report annual monitoring results which are used to determine eligibility for funding.

(7) 52 respondents.

(8) 150 burden hours.

(9) Not applicable under 3504(h).

(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.

(2) Immigration and Naturalization Service, Department of Justice.

(3) APPLICATION BY NON-IMMIGRANT ALIEN FOR REPLACEMENT OF ARRIVAL DOCUMENT.

(4) I-102.

(5) On occasion.

(6) Individuals or households. Used by an alien for replacement of nonimmigrant arrival document that has been lost, mutilated or destroyed.

(7) 50,000 respondents.

(8) 12,500 burden hours.

(9) Not applicable under 3504(h).

(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.

(2) Immigration and Naturalization Service, Department of Justice.

(3) APPLICATION FOR ISSUANCE OF PERMIT TO REENTER THE UNITED STATES.

(4) I-131.

(5) On occasion.

(6) Individuals or households. Section 223 of the I&N Act provides for issuance of a permit to aliens lawfully admitted, who intend to depart immediately.

(7) 125,000 respondents.

(8) 62,500 burden hours.

(9) Not applicable under 3504(h).

(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.

(2) Immigration and Naturalization Service, Department of Justice.

(3) SPECIAL CARE AND ATTENTION FOR ALIEN.

(4) I-287AB.

(5) On occasion.

(6) Individuals or households. Required to ensure that transportation line responsible for expenses of alien's deportation is providing necessary care and reports disposition of alien at final destination, as provided by Section 243, I&N Act.

(7) 100 respondents.

(8) 8 burden hours.

(9) Not applicable under 3504(h).

(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.

(2) Immigration and Naturalization Service, Department of Justice.

(3) APPLICATION BY NONIMMIGRANT STUDENT FOR EXTENSION OF STAY, SCHOOL TRANSFER, AND PERMISSION TO ACCEPT OR CONTINUE EMPLOYMENT OR PRACTICAL TRAINING.
(4) I-538.
(5) On occasion.
(6) Individuals or households. Used to apply for extension of stay, school transfer, etc., by affected nonimmigrant students.
(7) 100,000 respondents.
(8) 33,300 burden hours.
(9) Not applicable under 3504(h).
(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.
(2) Immigration and Naturalization Service, Department of Justice.
(3) ALIEN CHANGE OF ADDRESS CARD.
(4) AR-11.
(5) On occasion.
(6) Individuals or households. Section 265 of the I&N Act provides that aliens in the U.S. inform INS of any change of address.
(7) 210,000 respondents.
(8) 21,000 burden hours.
(9) Not applicable under 3504(h).
(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.
(2) Immigration and Naturalization Service, Department of Justice.
(3) QUESTIONAIRE SUBMITTED BY PETITIONER AT FINAL NATURALIZATION HEARING.
(4) N-445.
(5) On occasion.
(6) Individuals or households. Required to determine petitioner's eligibility for naturalization in order to make appropriate recommendation by INS to Naturalization Court.
(7) 240,000 respondents.
(8) 20,000 burden hours.
(9) Not applicable under 3504(h).
(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.
(2) Immigration and Naturalization Service, Department of Justice.
(3) ALIEN REGISTRATION FINGERPRINT CHART.
(4) AR-4.
(5) On occasion.
(6) Individuals or households. Used to fingerprint aliens seeking admission into the United States, and for fingerprinting aliens who attain the age of 14 within the United States.
(7) 190,000 respondents.
(8) 47,500 burden hours.
(9) Not applicable under 3504(h).
(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.
(2) Immigration and Naturalization Service, Department of Justice.
(3) CANADIAN BORDER BOAT LANDING CARD.
(4) I-68.
(5) On occasion.
(6) Individuals or households. Used by certain persons who enter the U.S. from Canada by small craft allowing for just one inspection during the navigational season.
(7) 5,000 respondents.
(8) 830 burden hours.
(9) Not applicable under 3504(h).
(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.
(2) Immigration and Naturalization Service, Department of Justice.
(3) ARRIVAL INFORMATION.
(4) N-14A.
(5) On occasion.
(6) Individuals or households. Used to identify arrival records of aliens applying for benefits, primarily to identify arrival information for arrivals prior to 1924.
(7) 1,000 respondents.
(8) 250 burden hours.
(9) Not applicable under 3504(h).
(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.
(2) Immigration and Naturalization Service, Department of Justice.
(3) APPLICATION FOR CERTIFICATE OF CITIZENSHIP.
(4) N-600.
(5) On occasion.
(6) Individuals or households. Used to determine eligibility for issuance of a Certificate of Citizenship to person claiming to have dervied citizenship under § 341, I&N Act (8 USC 1452).
(7) 32,000 respondents.
(8) 32,500 burden hours.
(9) Not applicable under 3504(h).
(10) Robert Veeder—395-4814.

(1) Larry E. Miesse, 202/633-4312.
(2) Immigration and Naturalization Service, Department of Justice.
(3) APPLICATION FOR SUSPENSION OF DEPORTATION.
(4) I-256A.
(5) On occasion.
(6) Individuals or households. Used to determine eligibility for suspension of deportation under § 244, I&N Act.
(7) 500 respondents.
(8) 500 burden hours.
(9) Not applicable under 3504(h).
(10) Robert Veeder—395-4814.

Larry E. Miesse,
Agency Clearance Officer, Department of Justice.

[FR Doc. 86-10440 Filed 5-8-86; 8:45 am]
BILLING CODE 4410-10-M

Office of Justice Programs

Presidents Child Safety Partnership; Hearing

AGENCY: Office for Victims of Crime.

ACTION: Notice of Hearings.

SUMMARY: The Office for Victims of Crime announces the third in a series of hearings to be held by the President's Child Safety Partnership.

SUPPLEMENTARY INFORMATION: The President's Child Safety Partnership (hereafter referred to as the Partnership) will hold a series of five public hearings on the issue of child safety. The Partnership, which was announced by the President on April 29, 1985, and which held its initial meeting on January 16, 1986, consists of 26 members from the public, private (both corporate and nonprofit), state and local, and Federal sectors, and includes a wide range of expertise in fields related to child safety. It's first and second public hearings were held on April 15-16, in New York City, and May 1, in Chicago, Illinois, respectively. The Partnership functions solely as an advisory committee in full compliance with the provisions of the Federal Advisory Committee Act.

The Partnership members recognize the magnitude and complexity of the child safety problem, and realize that the only way to effectively address it is through the help and support of a wide group of organizations, agencies, and individuals. Consequently, the Partnership will seek the imput of these groups on a broad range of issues. The imput received through both written and oral testimony will be used by the partnership to make recommendations to the President on ways in which we can both prevent the victimization of our country's children and more fully involve the private sector in responding to the problem.

The scope of the Partnership inquiry and the recommendations the Partnership will make will cover a broad range of offenses against children, specifically: child physical abuse and neglect; child sexual abuse and molestation; theft, assault, robbery, and murder of children; parental and stranger abduction of children; exploitation of children (prostitution, pornography), runaway children (recognizing the extreme vulnerability of runaways to victimization); and drug abuse.

The hearing will seek to examine child safety initiatives involving or supported by the private sector and to identify specific issues of child safety

requiring priority attention. The hearing will also examine model program approaches to prevent and respond to child victimization as well as legislative and Federal coordination issues.

Oral and written testimony will be solicited from the public. The testimony will be used as a basis for making recommendations to the President.

Location/Dates

The third public hearing of the Partnership will be held:

Date: Tuesday, May 20, 1986.
Place: Settlement Home, 1600 Peyton Gin Road, Austin, Texas 78758.
Time: 9:00 a.m.—6:00 p.m.
Seats available to the public: 100.
The hearing will be held from 9:00 a.m. to approximately 6:00 p.m.

Additional regional hearings will be held in Denver, Colorado (mid-June), and Seattle, Washington (mid-July). Specific hearing locations and dates for these hearings will be announced in a subsequent **Federal Register** Notice.

Procedure

The Partnership invites all interested parties to submit written testimony or program information regarding any of the aforementioned aspect of child safety. Persons interested in providing written testimony should submmit it to: Lois Haight Herrington, Assistant Attorney General, Office of Justice Programs, 633 Indiana Avenue, N.W., Washington, D.C. 20531. If possible, all written testimony should be typed and submitted in duplicate. All written testimony is due not later than September 30, 1986, but should be submitted as soon as possible for maximum consideration.

Persons interested in providing oral testimony at the hearing in Austin should notify Assistant Attorney General Herrington in writing (same address as above), as soon as possible, and in no event later than May 15, 1986. The Partnership will make the final determinations as to what persons/organizations will be invited to provide oral testimony.

Conduct of Hearings

The hearings, which will be open to the public, will begin at 9:00 a.m. The Chairman of the Partnership, or his designee, will preside at the hearings. Other members of the Partnership will join the Chairman. These will not be judical or evidentiary-type hearings and there will not be any cross-examination. However, clarifying question and discussion by Partnership members may follow each presentation. There will be timeset aside at the conclusion of the hearings for brief comments by members of the public.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding official.

A transcript of the hearings will be made. The entire record of the hearings, including transcript, will be retained by the Partnership, and will be available to the public. Any person may purchase a copy of the transcript from the transcribing organiztion.

For further general information on the Partnership hearings contact: Mr. William Modzeleski, President's Child Safety Partnership, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Phone: (202) 272-6500.

Dated: May 7, 1986.

Lois Haight Herrington,

Assistant Attorney General Office of Justice Programs.

[FR Doc. 86-10643 Filed 5-8-86; 9:25 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review.

On each Tuesday and/or Friday, as necesary, the Department of Labor will publish a list of the agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise numbers of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable

How often the recordkeeping/reporting requirmeent is needed.

Who will be required to or asked to report to keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtined by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, Telephone 202 395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Employment and Training Administration
Unemployment Insurance Quality Control Program
ETA Handbook No. 395
Weekly
State or local governments
52 respondents; 75,259 burden hours; no forms

The State Unemployment Insurance Quality Control program audits a sample of individual unemployment insurance claims to assure they were handled properly and to assess operating effectiveness of the State agencies. The Quality Control program will assist State Employment Security Agencies to identify errors, reduce errors, save money and assure benefit payment integrity. As specified in OMB instructions, the justifications contained in the request for OMB review is limited to a presentation of Federal needs for limited QC data from State agencies; however, the primary use of this data and specific State data, will be at the State level where it will be used for analysis and corrective action. State use

of QC data is not addrssed in the request for review.

Extension

Employment and Training Administration
Unemployment Insurance Quality Appraisal
1205–0181; ETA Handbook 365
Annually
State or local governments
53 respondents; 24,645

SESA's use the UI Quality Appraisal annually to assess the accuracy and timeliness of UI operations. Results are used to determine which areas need to be addressed via correction action plans in the State's annual Program Budget Plan (PBP).

Signed at Washington, DC, this 6th day of May, 1986.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 86–10497 Filed 5–8–86; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Anamax Mining Co. et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period April 21, 1986–April 25, 1986.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or apropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribution importantly to worker separations at the firm.

TA–W–16,612; Anamax Mining Co., Twin Buttes Mine, Sahuarita, AZ

TA–W–16,487; Classic Trim, Inc., New York, NY

TA–W–16,648; Hyatt Clark Industries, Inc., Clark, NJ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–16,663; Cooper Tire and Rubber Co., Texarkana, AR

The investigation revealed that criterion (1) has not been met, Employment did not decline during the relevant period as required for certification.

TA–W–16,659; Rotelcom, Inc., Refurbishment Div., Cortland, NY

The workers' firm does not produce an article as required under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–16,539; Boris Smoler & Sons, Chicago, IL

A certification was issued covering all workers of the firm separated on or after October 9, 1984 and before January 13, 1986.

TA–W–16,539A; Joan Curtis Mfg, Inc., Petersburg, WV

A certification was issued covering all workers of the firm separated on or after October 9, 1984 and before January 13, 1986.

TA–W–16,684; Allegro Shoe Corp., Little Falls, NY

A certification was issued covering all workers of the firm separated on or after November 12, 1984.

TA–W–16,664; Cosmos Footwear Corp., New York, NY

A certification was issued covering all workers of the firm separated on or after November 6, 1984.

TA–W–16,664A; Charter Footwear Corp., New York, NY

A certification was issued covering all workers of the firm separated on or after November 6, 1984.

TA–W–16,523; Gateway Sportswear, Masontown, PA

A certification was issued covering all workers of the firm separated on or after August 9, 1985 and before October 9, 1985.

TA–W–16,660; Trans/Circuits, Inc., Falls Church, VA

A certification was issued covering all workers of the firm separated on or after November 13, 1984 and before August 1, 1986.

TA–W–16,654; Ekco Housewares, Inc., Canton, OH

A certification was issued covering all workers of the firm separated on or after November 15, 1984 and before October October 1, 1986.

TA–W–16,528; Orcomatic, Inc., Stratford, CT

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA–W–16,613; Ingersoll Steel Co., Div. of Avesta, Inc., New Castle, IN

A certification was issued covering all workers of the firm separated on or after July 1, 1985.

TA–W–16,541; Eagle Mfg Co., Inc., Hialeah, FL

A certification was issued covering all workers of the firm separated on or after September 20, 1984.

TA–W–16,584; Penick Corp., Lyndhurst, NJ

A certification was issued covering all workers producing acetaminophen or botanicals separated on or after September 1, 1985 and before March 15, 1986.

TA–W–16,636; Industrial Castings Co., Myerstown, PA

A certification was issued covering all workers of the firm separated on or after November 8, 1985.

TA–W–16,636A; York Barbell Co., York, PA

A certification was issued covering all workers of the firm separated on or after November 8, 1985.

I hereby certify that the aforementioned determinations were issued during the period April 21, 1986–April 25, 1986. Copies of these determinations are available for inspection Room 6434, U.S. Department of Labor, 601 D Street, NW. Washington, DC during normal business hours or will be mailed to persons who write to the above address.

Dated: April 29, 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86–10496 Filed 5–8–86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,353]

Termination of Investigation; Atlas Chain Co.

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 21, 1986 in response to a worker petition which was filed by the United Auto Workers, Local 271, on behalf of workers at Atlas Chain Company, West Pittson, Pennsylvania.

An active certification covering the petitioning group of workers remains in effect until July 23, 1986 (TA-W-15,261). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 25th day of April 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-10495 Filed 5-8-86; 8:45 am]

BILLING CODE 4510-30-m

[TA-W-16,730]

Termination of Investigation; Simpson Timber Co., Shelton, WA

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated in response to a worker petition received on October 30, 1985 which was filed by the International Woodworkers of America on behalf of workers performing boom and rafter operations at the Northwest Operations of Simpson Timber Company, Shelton, Washington.

An active certification covering the petitioning group of workers remains in effect (TA-W-15,806). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 25th day of April 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-10494 Filed 5-8-86; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligiblity To Apply for Worker Adjustment Assistance; Carmel Energy, Inc., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other person showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 19, 1986.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 19, 1986.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 28th day of April 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers of former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Carmel Energy, Inc. (workers)	Deerfield, MO	4/21/86	4/15/86	TA-W-17,373	Oil drilling.
Carmel Energy, Inc. (workers)	Iola, KS	4/21/86	4/15/86	TA-W-17,374	Oil drilling.
Corning Glass Works (Aluminum Brick & Glass)	Charleroi, PA	4/21/86	4/16/86	TA-W-17,375	Pyrex—cooking and table ware, corning ware covers.
D & R Sportswear Co. (ILGWU)	Roseto, PA	4/14/86	4/11/86	TA-W-17,376	Ladies' blouses.
M & M Garment (ILGWU)	Martinsburg, WV	4/21/86	4/16/86	TA-W-17,377	Contractor ladies blouses.
Myrna Shoe Company (ACTWU)	Manchester, NH	4/24/86	4/21/86	TA-W-17,378	Women's shoes dress.
National Standard Co. Strandflex Plt (wkrs)	Oriskany, NY	4/24/86	4/17/86	TA-W-17,379	Galvanized and stainless steel strand and cable.
Noranda Aluminum, Inc. (USWA)	New Madrid, MO	4/24/86	4/16/86	TA-W-17,380	Aluminum ingot, billit, sow, pig and stranded conductor.
Preformed Metal Products Co., Inc. (workers)	Shreveport, LA	4/21/86	4/14/86	TA-W-17,381	Aluminum insulation coverings, aluminum coil sheet.
Rose Marie Reid (workers)	North Bergen, NJ	4/16/86	4/14/86	TA-W-17,382	Swimwear samples.
Woodstock Manufacturing (ILGWU)	Woodstock, VA	4/21/86	4/11/86	TA-W-17,383	Contractor of ladies' blouses.
Bendix Safety Restraint Systems Div. (ACTWU)	Knoxville, TN	4/16/86	4/14/86	TA-W-17,384	Seat belts.
Etonic, Inc. (workers)	Richmond, ME	4/21/86	4/16/86	TA-W-17,385	Running shoes.
Hughes Drilling Fluids (workers)	Oklahoma City, OK	4/22/86	4/14/86	TA-W-17,388	Sales engineering, warehouse, distribution.
Hughes Drilling Fluids, Sheldon Plants (workers)	Houston, TX	4/22/86	4/14/86	TA-W-17,387	Headquarters office and grinding, drilling fluids (barite and Bentonite).
Hughes Drilling Fluids (workers)	Candian, TX	4/22/86	4/14/86	TA-W-17,388	Sales, engineering, warehouse distribution.
Midland Ross Nel Unit (workers)	Burington, WI	4/21/86	4/15/86	TA-W-17,389	Clock oscillators, crystals, high and low.
Nicor Drilling, Rig 57 (workers)	Campbell County, WY	4/24/86	4/21/86	TA-W-17,390	Producing and selling crude oil.
Mitchell Energy Corp (workers)	Midland, TX	4/24/86	4/16/86	TA-W-17,391	Producing and selling crude oil.

[FR Doc. 86-10493 Filed 5-8-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,527]

Nitrochem Energy Corp., Biwabik, MI; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Nitrochem Energy Corporation, Biwabik, Minnesota. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-16,527; Nitrochem Energy Corporation, Biwabik, Minnesota (April 28, 1986)

Signed at Washington, DC, this 29th day of April 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-10492 Filed 5-8-86; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Correction

In FR Doc. 86-7278 appearing on pages 11656 through 11658 in the issue of Friday April, 4, 1986, make the following corrections:

In the third column (page 11657) in lines nine through eleven the state and decisions should read "Minnesota . . . MN86-5," "Minnesota . . . MN86-7," and "Minnesota . . . MN86-8."

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determination Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:

Massachusetts:
MA86-3 (Jan. 3, 1986) ..... p. 375.
Maryland:
MD86-1 (Jan. 3, 1986) ..... pp. 384-386.
MD86-2 (Jan. 3, 1986) ..... p. 390.
MD86-15 (Jan. 3, 1986) ..... p. 420.
New Jersey:
NJ86-3 (Jan. 3, 1986) ..... p. 600.
New York:
NY86-3 (Jan. 3, 1986) ..... pp. 661-662.
NY86-4 (Jan. 3, 1986) ..... p. 670.
NY86-7 (Jan. 3, 1986) ..... p. 695.
NY86-13 (Jan. 3, 1986) ..... p. 756.
NY86-18 (Jan. 3, 1986) ..... p. 784.
Rhode Island:
RI86-1 (Jan. 3, 1986) ..... pp. 965, 967.
Tennessee:
TN86-2 (Jan. 3, 1986) ..... p. 1020.
Virginia:
VA86-14 (Jan. 3, 1986) ..... p. 1086.

Volume II:

Iowa:
IA86-9 (Jan. 3, 1986) ..... p. 60.
Kansas:
KS86-6 (Jan. 3, 1986) ..... pp. 327-328.
KS86-8 (Jan. 3, 1986) ..... p. 335.
KS86-9 (Jan. 3, 1986) ..... p. 342.
Louisiana:
LA86-1 (Jan. 3, 1986) ..... p. 347.
LA86-2 (Jan. 3, 1986) ..... p. 351.
Michigan:
MI86-1 (Jan. 3, 1986) ..... pp. 386-398.
MI86-2 (Jan. 3, 1986) ..... pp. 400-409.
MI86-12 (Jan. 3, 1986) ..... pp. 471-476.
Nebraska
NE86-1 (Jan. 3, 1986) ..... p. 618.
NE86-3 (Jan. 3, 1986) ..... p. 624.
New Mexico:
NM86-1 (Jan. 3, 1986) ..... p. 644.
Ohio:
OH86-1 (Jan. 3, 1986) ..... pp. 665-666 p. 672.
OH86-2 (Jan. 3, 1986) ..... p. 678.
OH86-29 (Jan. 3, 1986) ..... pp. 760, 765 PP. 771, 794.
Texas:
TX86-3 (Jan. 3, 1986) ..... p. 849.
TX86-8 (Jan. 3, 1986) ..... p. 866.
TX86-9 (Jan. 3, 1986) ..... p. 868.
TX86-11 (Jan. 3, 1986) ..... p. 874.
TX86-15 (Jan. 3, 1986) ..... p. 884.
TX86-16 (Jan. 3, 1986) ..... p. 887.
Listing by Location (index) ..... pp. xv-xvi p. xvii.
Listing by Location (index) ..... p. xxii.

Volume III:

Hawaii:
HI86-1 (Jan. 3, 1986) ..... pp. 120-122.
Washington:
WA86-9 (Jan. 3, 1986) ..... p. 365m.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest,

since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is $277 per volume. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 2nd Day of May 1986.

James L. Valin,

Assistant Administrator.

[FR Doc. 86-10176 Filed 5-8-86; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

New Mexico State Standard; Approval

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Approval of the New Mexico State Standard, Hearing Conservation Amendment.

SUMMARY: This notice approves New Mexico's adoption of the 1981 version of OSHA's Occupational Noise Exposure; Hearing Conservation Amendment (46 FR 4078) in lieu of OSHA's 1983 revised amendment (48 FR 9738). In response to a Federal program change under 29 CFR 1953.21, the amendment was submitted for OSHA approval on February 2, 1984. The New Mexico amendment is substantially different from the Federal standard found at 29 CFR 1910.95 (amended). Where a State standard adopted pursuant to an OSHA-approved State plan differs significantly from a comparable Federal standard, the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) requires that the State standard must be "at least as effective" in providing safe and healthful employment and places of employment. In addition, if the standard is applicable to a product distributed or used in interstate commerce, it must be required by compelling local conditions and not pose any undue burden on interstate commerce. On November 8, 1985, OSHA sought public comment on the above requirements in the **Federal Register** (50 FR 46460). No comments were received. Therefore, OSHA has made the decision to approve this amendment.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: James Foster, Director Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N3637, 200 Constitution Avenue, NW. Washington, DC 20210, Telephone (202) 532-8148.

SUPPLEMENTARY INFORMATION:

A. Background

The requirements for adoption and enforcement of safety and health standards by a State with a State plan approved under section 18(b) of the Act are set forth in section 18(c)(2) of the Act and in 29 CFR Part 1902, 29 CFR 1952.7, 1952.8, 1952.9 and 29 CFR 1953.21, 1953.22, 1953.23. OSHA regulations (29 CFR 1953.22(a)(1) and 29 CFR 1953.23(a)) require that States respond to the adoption of new or revised permanent Federal standards by State promulgation of comparable standards within six months of OSHA publication in the **Federal Register**. A 30-day response time is required for State adoption of a standard comparable to a Federal emergency temporary standard. Newly adopted State standards or revisions to standards must be submitted for OSHA review and approval under procedures set forth in 29 CFR Part 1953, but are enforceable by the State prior to Federal review and approval. Section 18(c)(2) of the Act provides that State standards must be at least as effective as their Federal counterpart, and that if State standards which are not identical to Federal standards are applicable to products which are distributed or used in interstate commerce, such standards must be required by compelling local conditions and must not unduly burden interstate commerce. (This latter requirement is commonly referred to as the "product clause.")

On December 10, 1975, notice was published in the **Federal Register** (40 FR 57455) of the approval of the New Mexico plan and the adoption of Subpart DD to Part 1952 containing the decision.

The New Mexico plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act after:

1. The technical Advisory Committee's recommendation to the Environmental Improvement Division;

2. The notice of public hearing's published in a newpaper of general circulation in the State at least thirty (30) days prior to the date of such hearing;

3. The public hearing conducted by the Environmental Improvement Board; and

4. The filing of adopted regulations, amendments, or revocations under the State Rules Act.

In January 1981 OSHA promulgated (46 FR 4078) a hearing conservation amendment to its occupational noise exposure standard (29 CFR 1910.95 (a) and (b)). Responding to legal challenges and concerns about the requirements of the January 1981 amendment, on March 8, 1983, OSHA issued a revised amendment (48 FR 9738), which adopted a performance approach toward hearing conservation programs, generally allowing employers to choose their own methods of complying with the obligations of the standard.

The Environmental Improvement Board held a hearing on the proposed amendment (1981 version) on July 29, 1982. There was no opposition or public comment on the proposal and the amendment was adopted and filed on February 8, 1983 and became effective on March 10, 1983. Subsequently, as indicated in the November 8, 1985 **Federal Register** notice (50 FR 46460), the State submitted a plan change which incorporated the hearing conservation amendment as part of its occupational safety and health plan. (New Mexico has elected not to adopt the 1983 Federal amendment.) The subject standard sets forth more detailed requirements for initial determination of employee exposure and monitoring of exposure than does the Federal 1983 amendment.

B. Public Participation

A **Federal Register** notice requesting public comment on both the "at least as effective" criterion as well as the product clause test of section 18(c)(2) of the Act was published on November 8, 1985 (50 FR 46460). This notice invited interested persons to submit by December 9, 1985, written comments and views regarding the New Mexico hearing conservation amendment which reflected OSHA's 1981 requirements in lieu of adopting OSHA's 1983 amendment and whether it should be approved by the Assistant Secretary. In addition, comments were specifically sought on whether the standard is applicable to products which are distributed or used in interstate commerce; required by compelling local conditions; and unduly burdens interstate commerce. No comments were received.

C. Decision

Having reviewed the State submission and having not received any objections to the approval of the amendment, OSHA has determined that:

(1) The New Mexico hearing conservation amendment, although

different, is identical to OSHA's 1981 requirements.

(2) The record on this standard amendment includes no evidence, developed by or submitted to OSHA, that the amendment is not in compliance with the product clause test of section 18(c)(2) of the Act. Therefore the standard amendment is presumed to be in compliance with section 18(c)(2) of the Act.

OSHA therefore approves New Mexico's adoption of the 1981 hearing conservation amendment.

D. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor (OSHA), Room 602, Griffin and Young Streets, Dallas, Texas 75202; Director, Environmental Improvement Division, 1190 St. Francis Drive, Santa Fe, New Mexico 87503; and, the Office of the Director, Federal-State Operations, Occupational Safety and Health Administration, Room N-3476, 200 Constitution Avenue, NW., Washington, DC 20210.

This decision is effective May 9, 1986.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667) (Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)

Signed this 6th day of May, 1986.

Patrick R. Tyson,

Acting Assistant Secretary.

[FR Doc. 86-10484 Filed 5-8-86; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (86-35)]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Agency Report Forms Under OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's, supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

DATE: Comments must be received in writing by May 19, 1986. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comment promptly, you should advise the OMB Reviewer and the Agency Clearance Officer of your intent as early as possible.

ADDRESS: Carl Steinmetz, NASA Agency Clearance Officer, Code NIM, NASA Headquarters, Washington, DC 20546; Michael Weinstein, Office of Information and Regulatory Affairs, OMB, Room 3235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Carl Steinmetz, NASA Agency Clearance Officer, (202) 453-1090.

Reports

Title: NASA FAR Supplement, Part 18-12, Contract Delivery or Performance
Type of Request: Extension
Frequency of Report: On Occasion
Type of Respondent: State and local governments, businesses or other for-profit, non-profit institutions, small businesses or organizations
Annual Responses: 68
Annual Burden Hours: 68

Abstract/Need/Uses: The contractor is required to notify the NASA contracting officer if it is unable to complete the contract work at the time specified. Absent the information NASA would be unaware of an unable to accommodate to unforeseen events with potential impact on mission requirements.

Richard L. Daniels,

Acting Director, Logistics Management and Information Programs Division.

May 1, 1986.

[FR Doc. 86-10400 Filed 5-8-86; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted by June 9, 1986.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202-786-0233), or Ms. Judy McIntosh, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202-395-6880).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Sevices Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506 (202-786-0233), from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filed out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Extention.

Title: Office of Preservation Guidelines and Application Instructions.

Form Number: 3136-0111.

Frequency of Collection: Collections occur twice yearly, according to application deadlines. (Once per application).

Respondents: Humanities institutions and individuals applying for funding for projects involving the preservation of research resources in the humanities.

Use: To describe and to justify the preservation objectives and methodologies used in a project so that competing applications for funding can be evaluated in the peer review process.

Estimated Number of Respondents: 80.

Estimated Hours for Respondents to Provide Information: 40.

Susan Metts,

Director of Administration.

[FR Doc. 86-10438 Filed 5-8-86; 8:45 am]

BILLING CODE 7536-01-M

Museum Advisory Panel; 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 Museum Advisory Panel (Professional Development Section) to the National Council on the Arts will be held on May 28, 1986 from 9:00 a.m. to 5:30 p.m., Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel 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. 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 subsection (c)(4), (6) and (9)(B) of section 552b 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.

Dated: May 5, 1986.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86–10404 Filed 5–8–86; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; 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 Visual Arts Advisory Panel (Challenge/Special Projects Section) to the National Council on the Arts will be held on May 28–29, 1986 from 9:00 a.m. to 6:00 p.m., Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel 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. 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 section 552b 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.

Dated: April 30, 1986.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86–10405 Filed 5–8–86; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Nuclear Regulatory Commission (NRC).

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Extension.
2. The title of the information, collection: NRC Form 4, Occupational External Radiation Exposure History.
3. The form number if applicable: NRC Form 4.
4. How often the collection is required: On occasion.
5. Who will be required or asked to report: NRC licensees.
6. An estimate of the number of responses: 7,500.
7. An estimate of the total number of hours needed to complete the requirement or request: 7,500.
8. An indication of whether section 3504(h), Pub. L. 96–511 applies: Not applicable.
9. Abstract: NRC Form 4 is used to record to keep records of the occupational exposures of individuals to ensure that the accumulated exposure does not exceed regulatory limits.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 5th day of May 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86–10499 Filed 5–8–86; 8:45 am]

BILLING CODE 7590-01-M

Agency Information Collection Activities Under OMB Review

AGENCY: Nuclear Regulatory Commission (NRC).

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Extension.
2. The title of the information, collection: NRC Form 5, Current Occupational External Radiation Exposure.
3. The form number if applicable: NRC Form 5.
4. How often the collection is required: Monthly.
5. Who will be required or asked to report: NRC licensees.
6. An estimate of the number of responses: 3,600,000.
7. An estimate of the total number of hours needed to complete the requirement or request: 124,740.
8. An indication of whether section 3504(h), Pub. L. 96–511 applies: Not applicable.
9. Abstract: NRC Form 5 is used to record the current occupational exposure of individuals to ensure that regulatory limits are not exceeded.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 5th day of May 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86–10500 Filed 5–8–86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on TVA; Meeting

The ARCS Ad Hoc Subcommittee on TVA will hold a meeting on May 22, 1986, Room 1046, 1717 Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, May 22, 1986—8:30 a.m. until the conclusion of business

The Subcommittee will discuss TVA reorganization and related technical and management issues.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; writtten statements will be accepted and made available to the Committee. Recording will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ARCS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Richared Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc. which may have occurred.

Dated: May 6, 1986.

Morton W. Libarkin,

Assistant Director for Project Review.

[FR Doc. 86-10507 Filed 5-8-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-32 and DPR-37, issued to Virginia Electric and Power Company (the licensee), for operation of the Surry Power Station, Unit Nos. 1 and 2 located in Surry County, Virginia.

The proposed amendments would permit plant operation with the reactor coolant pump and steam generator supports redesigned in accordance with the recently noticed amendment to General Design Criterion 4 (GDC-4), 10 CFR Part 50, Appendix A (51 FR 12502), which will be effective May 12, 1986.

The proposed amendments would be in response to the licensee's application for amendment dated April 30, 1986, which requested that the previous exemption request dated November 5, 1985, as supplemented by two additional submittals, be considered an amendment request as required by the supplementary information in the notice for the amended GDC-4.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or conseqences 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 amended GDC-4 states that "the dynamic effects associated with postulated pipe ruptures of primary coolant loop piping in pressurized water reactors may be excluded from the design basis when analyses demonstrate the probability of rupturing such piping is extremely low under design basis conditions." Based on the licensee's submittals and the Commission's review to date of these submittals, the advanced fracture mechanics techniques employed provide assurance that flaws in primary system piping will be detected before they reach a size that could lead to unstable crack growth. Therefore, the probability of large pipe breaks in the primary coolant system is sufficiently low such that dynamic effects associated with postulated pipe breaks need not be a design basis. In addition, based on the review to date, the revised design for the reactor coolant pump and steam generator supports adequately considers all remaining design basis loads. With this modification, the reactor coolant system equipment, piping and supports continue to have acceptable margins of safety under all licensed conditions except for the approved eliminated rector coolant system (RCS) rupture. The accident mitigation features (e.g., emergency core cooling system, containment) of the plant are not affected by the proposed amendments. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Based on the Commission's review to date, the revised design for the reactor coolant pump and steam generator supports adequately considers all remaining design basis loads. The proposed change introduces no new mode of plant operation. Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

Based on the Commission's review to date of the licensee's submittals, Code design criteria for the reactor coolant piping will not be exceeded. The revised design of the reactor coolant pump and steam generator supports will continue to have acceptable margins of safety under all licensed conditions except for the approved eliminated reactor coolant system rupture. The modification may result in net benefit due to increased access to other components for inspection and maintenance purposes and reduction in radiological exposure due to avoidance of further work on snubbers. Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the request for amendments involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

By June 9, 1986, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or 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 amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards consideration, the Commission may issue the amendments and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If a final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lester S. Rubenstein: (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 Michael W. Mauphin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated April 30, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Bethesda, Maryland, this 6th day of May, 1986.

For the Nuclear Regulatory Commission.

Daniel G. McDonald,

Acting Director, PWR Project Directorate No. 2, Division of PWR Licensing-A.

[FR Doc. 86-10498 Filed 5-8-86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-15112]

Application and Opportunity for Hearing; Storage Equities, Inc.

Notice is hereby given that Storage Equities, Inc., a California corporation ("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 Trust Services of America, Inc., a California corporation ("TSA") (as successor trustee to First Interstate Bank of California, a California banking corporation), under a thirteenth and fourteenth supplement of an existing indenture qualified under the Act 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 TSA from acting as trustee under such thirteenth and fourteenth supplement.

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 (90) days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issue are outstanding.

However, under clause (ii) of subsection (1), there may be excluded from the operation this provision another indenture under which other securities of the issuer 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 such qualified indenture and such other indenture 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 such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. TSA, as successor trustee, currently is acting as trustee under an indenture (the "Indenture") and several prior supplements thereto under which the Applicant is an obligor. The Indenture, dated as of August 9, 1983, is between Applicant and TSA and provides for the periodic issuance of secured notes in partial consideration for the purchase of property by Applicant. This indenture was filed as Exhibit 4.3 to Applicant's registration statement no. 2-80850 filed under the Securities Act of 1933, and has been qualified under the Trust Indenture Act in connection with a Form T-1 filing, File No. 22-12633.

Applicant has also entered into, and filed by way of post-effective amendments to the registration statement stated above, prior supplements under which TSA is a trustee. Applicant has issued several series of its secured notes under the prior supplements.

2. Applicant wishes TSA to continue as Trustee under the thirteenth supplemental indenture executed February 28, 1986 and the fourteenth supplemental indenture executed March 12, 1986.

3. The Applicant is not in default in any respect under the Indenture or prior supplements thereto.

4. Each series of secured notes issued under the prior supplements is secured by separate and distinct assets of Applicant so that should TSA have occasion to proceed against the security under any series of notes, such action would not affect the security, or the use of any security, under any other series. Thus, the existence of the other trusteeships should not inhibit or discourage TSA's actions under any one series.

The Applicant has waived notice of hearing, hearing on the issues raised by its Application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission 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. 22-15112, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than May 26, 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 fact or law raised by said Application which he desires to controvert, or he 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 or 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. 86-10490 Filed 5-8-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/968]

Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on June 11, 1986 at 10:00 a.m. in Room 856, Federal Communications Commission, 1919 M Street NW., Washington, DC. This Study Group deals with CCITT preparations for the 1988 World Administrative Telegraph and Telephone Conference (PC/WATTC).

The purpose fo the meeting is to prepare for the upcoming preparatory Study Group meeting for PC/WATTC, tentatively scheduled for December 1986, in Geneva.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the co-Chairmen. Admittance of public members will be limited to the seating available.

For further information, please contact Mr. Wendell Harris, Federal Communications Commission; telephone (202) 632-3214 or Mr. Phil Onstad, Control Data Corporation; telephone (202) 789-6784.

Dated: April 28, 1986.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86-10466 Filed 5-8-86; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/967]

Secretary of State's Advisory Committee on Private International Law, Study Group on Negotiable Instruments; Meeting

There will be a meeting of the Study Group on Negotiable Instruments, a study group of the subject Advisory Committee, at 10:00 a.m. on Friday, May 23, 1986, at the United States Mission to

the United Nations in New York City. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The primary purpose of the meeting is to review the current draft convention on international bills of exchange and international promissory notes prepared by a specialized working group of the U.N. Commission on International Trade Law (UNCITRAL). The Study Group will particularly focus on the revisions of the draft convention proposed by the UNCITRAL working group at its December, 1985 meeting in relation to the interests of the United States business and banking communities. The draft convention, which would establish the legal regime for a specialized instrument for international payments available to payors on an opt-in basis, is to receive thorough and final substantive review by UNCITRAL during three weeks of its plenary session in June–July, 1986.

The Untied States Mission is located at the corner of 45th Street and First Avenue. Participants in the meeting should use the auditorium entrance on 45th Street. As entry is controlled and will be facilitated by advance arrangements, members of the general public planning to attend are requested no later than close of business May 21, 1986 to notify Mrs. Rochelle Mendoza, Office of the Assistant Legal Adviser for Private International Law, Department of State, Washington, DC (telephone (202) 653–9851), of their name, affiliation, address, and phone number.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law.

[FR Doc. 86–10467 Filed 5–8–86; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 86-5-22; Docket 43709 and 43710]

Application of Skystar International, Inc., for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 86–5–22), Dockets 43709 and 43710.

SUMMARY: The Department is directing all interested persons to show cause why it should not issue an order granting Skystar International, Inc., certificates to engage in scheduled foreign and domestic air transportion of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than May 23, 1986.

ADDRESSES: Responses should be filed in Dockets 43709 and 43710 and addressed to the Documentary Services Division, Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590 and should be served on the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Special Authorities Division, Office of Aviation Operations, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590 (202) 755–3812.

Dated: May 5, 1986.

Philip W. Haseltine,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 86–10458 Filed 5–8–86; 8:45 am]

BILLING CODE 4910-62-M

Maritime Administration

[Docket S-788]

United States Lines, Inc.; Application for Waiver Pursuant to Section 804 of the Merchant Marine Act, 1936, as Amended

By order served December 3, 1984 (approved November 30, 1984—Docket S–760), the Maritime Administrator waived the provisions of section 804(a) of the Merchant Marine Act, 1936, as amended (Act), to allow United States Lines, Inc. (USL) to enter into certain foreign-flag vessel charters and space charters. The foreign-flag vessels serve as feeders in support of USL's unsubsidized Jumbo Econoship container vessels which operate in Round-the-World service eastbound. The waiver specified the ports to be served, the number of vessels to be operated in each port range, and the maximum FEU capacity per vessel.

The December 3, 1984 Order allowed USL to, among other things, charter two foreign-flag vessels of up to 225 FEU capacity each to relay cargo at Colombo, Singapore, or a single port in the U.A.E. to and from Masqat and Matrah, Oman, Cochin and Bombay, India, and Karachi, Pakistan.

USL has been operating two vessels in such a feeder service between the U.A.E. port of Khor al Fakkan on the Gulf of Oman and Masqat, Bombay, and Karachi.

USL, by letter of April 15, 1986, requests an amendment to the December 3 Order to permit USL to add the port of Kandla, India to the permitted feeder service described above.

The required addition if granted would result in the waiver of section 804 of the Act for the particular vessel charter arrangement to read, as amended:

Line haul port	Feeder ports	Number of vessels	Maximum FEU capacity per vessel
A single port in the U.A.E., Colombo or Singapore.	Masqat, Matrah (Oman), Cochin, Bombay, Kandla (India), Karachi (Pakistan).	2	225

USL has served the demand for Kandla cargo movements by utilizing overland truck movement through Bombay or a commercial water carrier. USL desires to call its chartered feeder vessels direct at Kandla, thus serving the port more efficiently, as well as saving the expense of transshipment charges. Kandla is between Karachi and Bombay, relatively close to the normal track of the feeder vessels on their transit between those two ports.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such application within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh SW., Washington, DC 20590. Comments must be received no later than 5:00 P.M. on May 23, 1986. This notice is published as a matter of discretion. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

By Order of the Maritime Administrator.

Dated: May 5, 1986.

Murray A. Bloom,

Assistant Secretary.

[FR Doc. 86–10425 Filed 5–8–86; 8:45 am]

BILLING CODE 4910-81-M

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board for Rehabilitation Research and Development; Availability of Annual Report

Under section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act)

notice is hereby given that the Annual report of the Veterans Administration Scientific Review and Evaluation Board for Rehabilitation Research Development for calendar year 1985 has been issued.

The report summarizes activities of the Board on matters related to the review, discussion and evaluation of individual investigator initiated research projects. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Reading Room LM 133, Madison Building, Washington, DC 20540

and

Veterans Administration, Rehabilitation Research and Development Service; Chief, Merit Review Board Staff Division, Room 942, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: April 28, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

FR Doc. 86-10474 Filed 5-8-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 90
Friday, May 9, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., May 14, 1986.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, DC 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Docket No. 86-3: Modifications to the Trans-Pacific Freight Conference of Japan Agreement, the Japan-Atlantic and Gulf Freight Conference Agreement, and the Japan-Puerto Rico and Virgin Islands Freight Conference Agreement.
2. Informal Docket Nos. 1526(I) through 1531(I) — A & E International v. Kawasaki Kisen Kaisha, Ltd.
3. Consideration of Commission Intervention in American Association of Cruise Passengers v. Cunard Line, Ltd., et al., Civil Action No. 86-0571, United States District Court for the District of Columbia.

CONTACT PERSON FOR MORE INFORMATION: John Robert Ewers (202) 523-5725.

John Robert Ewers,
Secretary.

[FR Doc. 86-10596 Filed 5-7-86; 2:58 pm]

BILLING CODE 6730-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 6, 1986.

TIME AND DATE: 10:00 a.m., Thursday, May 22, 1986.

PLACE: Room 600, 1730 K St., NW., Washington, DC.

STATUS: Closed (Pursuant to 5 USC § 552b(c) (10)). This was originally scheduled as open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Consolidation Coal Co., Docket No. WEVA 82-209-R. (Issues including whether the administrative law judge properly concluded that a violation of 30 CFR § 70.100(a), a mandatory health standard dealing with the control of respirable dust in underground coal mines, was "significant & substantial".)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 86-10593 Filed 5-7-86; 2:52 pm]

BILLING CODE 6735-01-M

3

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 10:30 a.m., Wednesday, May 7, 1986.

PLACE: 1776 G Street, NW., Washington, DC., 6th Floor.

STATUS: Closed

MATTER CONSIDERED:

1. Conservatorship.

The Board unanimously voted that the Agency business required that a meeting be held with less than the usual seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (8) and (9)(A)(ii). The General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

Rosemary Brady,
Secretary of the Board.

[FR Doc. 86-10606 Filed 5-7-86; 3:46 pm]

BILLING CODE 7535-01-M

4

NATIONAL TRANSPORTATION SAFETY BOARD

Revised Agenda

TIME AND DATE: 9:00 a.m., Tuesday, May 13, 1986.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: The first three items will be open to the public; the last item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Special Investigation:* Failure of Cargo Tank Transporting Hazardous Waste on the Washington, DC Beltway, I-95, in Fairfax, Virginia, August 12, 1985.
2. *Railroad Accident Report:* Head-On Collision of Two Burlington Northern Railroad Company Trains Extra 6311 West and Extra 6575 East near Westminster, Colorado, August 2, 1985.
3. *Recommendations* to FAA Concerning Development and Use of Calibrated Fuel Quantity Measuring Devices for Part 135 Operations.
4. *Opinion and Order:* Administrator v. Vance, Docket SE-6548; disposition of respondent's appeal.

FOR MORE INFORMATION CONTACT: Catherine T. Kaputa, (202) 382-6525.

Catherine T. Kaputa,
Federal Register Liaison Officer.

May 6, 1986.

[FR Doc. 86-10509 Filed 5-7-86; 9:41 pm]

BILLING CODE 7533-01-M

5

TENNESSEE VALLEY AUTHORITY

"FEDERAL REGISTER" DATE OF PREVIOUS ANNOUNCEMENT: (May 8, 1986.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:30 a.m. (CDT), Wednesday, May 7, 1986.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: Hopkinsville Community College Auditorium, Academic Building, North Drive, Hopkinsville, Kentucky.

STATUS: Open.

ADDITIONAL MATTERS: the following item is added to the previously announced agenda:

D. Personnel Items
5. Personal Services Contract with BCP Technical Services, Incorporated.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA BOARD ACTION

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires the subject matter of this meeting be changed to include the additional item shown above and that no earlier announcement of this change was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below:

Dated: May 6, 1986.

Approved.

C.H. Dean, Jr.

Director and Chairman.

John B. Waters,

Director.

[FR Doc. 86-10529 Filed 5-7-86; 9:40 pm]

BILLING CODE 8120-01-M

federal register

Friday,
May 9, 1986

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 121, 125, 127, 129, and 135
Special Federal Aviation Regulation No. 38; Certification and Operating Requirements; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 125, 127, 129, and 135

[Docket No. 18510; SFAR No. 38-3]

Special Federal Aviation Regulation No. 38; Certification and Operating Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment extends the effectiveness of Special Federal Aviation Regulation (SFAR) No. 38-2 (50 FR 23941; June 7, 1985). SFAR 38-2 revised SFAR 38 primarily by specifying and clarifying FAA requirements for operating certificates and operations specifications for persons who operate under Federal Aviation Regulations (FAR) Parts 121 and 135. The amendment brought SFAR 38 up to date in view of changes in the regulations and the aviation industry that had occurred since it was issued in 1978 and also as part of the FAA's response to the sunset of the Civil Aeronautics Board (CAB). Having generally reviewed the FAA regulations to determine the most appropriate response to the Airline Deregulation Act of 1978 (ADA) and the termination of CAB functions attendant on the CAB sunset, the FAA now concludes that it is necessary to extend the termination date of SFAR 38-2 to allow time for the FAA, in a separate rulemaking action, to propose and receive comments on the incorporation of SFAR 38-2 into the FAR. The termination date for SFAR 38-2 is extended to June 1, 1987. The FAA intends to publish a notice rescinding SFAR 38-2 and a final rule incorporating SFAR 38-2 into the FAR concurrently in the **Federal Register.**

DATES: Effective date May 8, 1986. Comments must be received on or before June 9, 1986.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 18518, 800 Independence Avenue, SW., Washington, DC 20591, or deliver comments in duplicate to: Federal Aviation Administration, Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Coffey, Project Development Branch, AFS-240, Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426-8096.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 1978, the FAA promulgated SFAR 38 in consequence of the ADA (Pub. L. 95-504, 92 Stat. 1705). That Act embodies the Congressional intent that the Federal Government diminish its involvement in regulating the economic aspects of the airline industry. To accomplish this, Congress directed that the CAB be abolished on December 31, 1984. Anticipating its sunset, the CAB curtailed or suspended much of its regulatory activity during the period 1979-1984. On October 4, 1984, additional legislation was enacted further defining the process of CAB sunset. On January 1, 1985, those remaining CAB functions were transferred to the Department of Transportation (DOT).

Because some aspects of FAA safety regulation relied upon CAB definitions and authority, the FAA found it necessary in 1978 to adopt an interim measure to provide for an orderly transition from CAB and FAA interlocking authority to a regulatory regime with no CAB in existence. This action was consistent with the Congressional directive contained in Section 107(a) of the Act that the deregulation of airline economics result in no diminution of the high standard of safety in air transportation which existed when the ADA was enacted. SFAR 38 set forth FAA certification and operating requirements applicable to all "air commerce" and "air transportation" operations for "compensation or hire" (SFAR 38 did not address Part 133 External Load Operations, Part 137 Agriculture Aircraft Operations, or Part 91 training and other special purpose operations.)

On December 27, 1984, the FAA adopted SFAR 38-1 which merely extended the termination date of the regulation, and allowed the FAA time to propose and receive comments on revising SFAR 38.

On May 28, 1985, the FAA adopted SFAR 38-2, which updated SFAR 38 in light of changes since 1978 and clarified provisions that state which FAA regulations apply to each air carrier and each type of operation. This action was necessary because of the changes in the air transportation industry brought about by economic deregulation. Before deregulation, economic certificates were fairly rigidly compartmentalized and each air carrier typically was authorized to conduct only one type of operation (domestic, flag, or charter (supplemental)). The safety certificate issued to the air carrier by the FAA paralleled the authorization granted in the air carrier's economic certificate. Economic deregulation broke down the barriers between the various types of operations. The economic authority granted an air carrier by the DOT is no longer indicative of the safety regulations applicable to the type of operation authorized by the FAA. Thus, it was necessary for the FAA to establish guidelines to determine what safety standards were applicable to an air carrier's particular operation.

Good Cause Justification for Immediate Adoption

The termination date for SFAR 38-2 and the operating certificates issued under SFAR 38, as amended, is May 1, 1986. The reasons which justified the adoption, and the subsequent revision, of SFAR 38 still exist. The FAA is currently preparing a Notice of Proposed Rulemaking (NPRM) which will consolidate the certification rules now in Parts 121 and 135 into a new Part of the FAR. This NPRM will also propose incorporating the necessary portions of SFAR 38-2 into the FAR. Therefore, it is in the public interest to extend the termination date of SFAR 38-2 from May 1, 1986 to June 1, 1987, although the FAA anticipates that a final rule incorporating SFAR 38-2 in the FAR will be published before then. If it is, a notice rescinding SFAR 38-2 will be published concurrently. This action is necessary to permit continued operations under operating certificates issued under SFAR 38, as amended, and to avoid confusion in the administration of FAA regulations regarding operating certificates and operating requirements.

In addition, since this amendment continues in effect the provisions of a currently effective SFAR and imposes no additional burden on any person, I find that notice and public procedures are unnecessary, impracticable, and contrary to the public interest, and that the amendment should be made effective in less than 30 days after publication. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address above. All communications received on or before the close of the comment

period will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

Trade Impact Statement

The FAA finds that this amendment will have no impact on international trade.

Conclusion

The FAA has determined that this document involves a rule change which imposes no additional burden on any person. Accordingly, it has been determined that: The rule change does not involve a major rule under Executive Order 12291; it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and its anticipated impact is so minimal that a full regulatory evaluation is not required.

List of Subjects

14 CFR Part 121

Aviation safety, Safety, Air carrier, Air transportation, Aircraft, Airmen.

14 CFR Part 125

Aircraft, Airports, Air traffic control, Flammable materials, Airmen, Drugs, Smoking, Air transportation, Airspace, Hazardous materials, Handicapped, Chemicals, Infants and children.

14 CFR Part 127

Aircraft, Air carriers, Airworthiness, Airmen.

14 CFR Part 129

Air carriers, Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 135

Air carriers, Aviation safety, Safety, Air transportation, Air taxis, Airworthiness, Airmen, Aircraft.

Adoption of the Amendment

In consideration of the foregoing, SFAR 38–2 (14 CFR Parts 121, 125, 127, 129, and 135) of the Federal Aviation Regulations is revised as follows:

1. The authority citation for SFAR 38–2 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1502; 49 U.S.C. 106(g) (revised Pub. L. 97–449. January 12, 1983).

2. In Special Federal Aviation Regulation No. 38–2 in 14 CFR Parts 121, 125, 127, 129, and 135, the last paragraph is amended by removing the words "May 1, 1986, unless sooner superseded of revoked", and adding in place thereof the words, "June 1, 1987, or the effective date of the codification of SFAR 38–2 into the Federal Aviation Regulations, whichever occurs first."

Issued in Washington, D.C., on April 30, 1986.

Donald D. Engen,

Administrator.

[FR Doc. 86–10399 Filed 5–86; 11:40 am]

BILLING CODE 4910-13-M

federal register

Friday
May 9, 1986

Part III

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 70

Voluntary Standards and Grades for Poultry; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 70

Voluntary Standards and Grades for Poultry

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This revises the regulations for the voluntary grading of poultry products and rabbit products and the voluntary U.S. standards and grades for poultry products. In conformity with requirements for periodic review of regulations, a review of 7 CFR Part 70 was made. As a result of this and the analysis of comments received, it has been determined that the following changes will make the regulations more useful and effective. The major revisions will:

1. Clarify the tolerances for exposed flesh and discoloration in the standards for ready-to-cook poultry carcasses and parts (§§ 70.220 and 70.221), and increase the "1 lb. 8 oz." lower end of the weight range for carcasses to "2 lb." to more accurately reflect the ready-to-cook weight range for Rock Cornish game hens and Cornish game hens.
2. Eliminate the requirements that boneless poultry breasts and thighs (§ 70.231) be examined before and after deboning. Instead, require that they be graded only in the deboned state.
3. Remove the U.S. Grade A—For Further Processing for ready to-cook turkey carcasses (§ 70.260) because this grade is no longer used.
4. Make editorial changes for consistency within the standards for poultry products and with applicable definitions in the Poultry Products Inspection Regulations (9 CFR Part 381).
5. Provide an additional option for printing the USDA grademark for poultry and rabbit products (§ 70.51). This option permits flexibility in displaying the grademark on packaging materials of various colors as long as the grademark is visible and compatible with the colors used.
6. Eliminate the requirement that poultry meat used in the preparation of poultry roasts (§ 70.230) be examined twice. The meat will only be examined after deboning.
7. Make various miscellaneous editorial changes to clarify and update the regulations.

This rule will simplify the interpretation of the poultry grade standards, improve the uniformity of their application, and strengthen their effectiveness.

Two proposals published in the **Federal Register** of October 24, 1985 (50 FR 43204), will not be adopted. They are: (1) The revised standard for Boneless Poultry—A Quality and (2) a new standard for Boneless-Skinless Poultry Products—A Quality. From the comments received on the proposed rule, it appears that specifications between buyers and sellers are working well in the marketplace. Since private standards are presently adequate, the Agency finds that the revised standard for boneless poultry and the new standard for boneless-skinless poultry products are not needed.

EFFECTIVE DATE: June 9, 1986.

FOR FURTHER INFORMATION CONTACT: Merlin L. Nichols, Jr., Assistant Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3507.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, pursuant to this Executive Order, it has been determined there will be no effect on trade sensitive activities.

This final rule has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It will simplify the interpretation of the poultry grade standards, improve their uniformity of application, strengthen their effectiveness, and provide revised grade standards which reflect current poultry production and marketing practices. As such, it is anticipated that the revisions would result in no monetary costs or other impacts offsetting the expected benefits. Alternatively, the Agency could retain the existing grade standards, but adherence to these standards would result in no offsetting benefits such as simplification of their interpretation and improving their effectiveness.

Effect on Small Entities

The Administrator of the Agricultural Marketing Service (AMS) has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because the revisions would reflect current production and marketing practices, and the use of the grading service is voluntary.

Paperwork Reduction Act

This final rule does not change or require any additional collection of information from the public under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35. Existing information collection requirements in 7 CFR Part 70 have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and assigned OMB control number 0581-0127.

Background

The grading of poultry and rabbits by the AMS is a voluntary program, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), and is offered on a fee-for-service basis. The grading program is designed to assist orderly marketing of poultry products and rabbit products. In order to continue equity among all persons affected by grade standards, from the producer to the consumer, the standards must keep abreast of changes in industry production and marketing practices. In 1965, the standards for poultry carcasses were revised and a standard for raw poultry roast established. Standards were established for poultry parts and boneless breasts and thighs in 1969, so they could be graded on an individual basis after being separated from the carcass. Since then, constant innovations and accomplishments have occurred within the poultry industry: (1) Improved quality and uniformity (conformation and fleshing through technological advances and efficient production practices); (2) new processing techniques; (3) effective automation; (4) new products; and (5) new marketing trends.

Periodically, AMS reviews its regulations to determine their adequacy, clarity, and currentness. In conjunction with this, a review of 7 CFR Part 70 was conducted in accordance with requirements of Executive Order 12291 to determine their need, ways to maximize benefits, and to assure benefits outweigh costs.

As a result of the foregoing and in order for grading to be conducted as accurately and uniformly as possible and to be more useful to both industry and consumers, the Agency proposed revisions to keep pace with advancements and trends and to maximize the cost effectiveness of the poultry grade standards and the regulations.

Proposal

Proposed revisions were published in the **Federal Register** (50 FR 43204) on October 24, 1985. The major revisions proposed for 7 CFR Part 70 are summarized below:

For the poultry and rabbit regulations in 7 CFR Part 70, they were: (a) Provide an additional option for printing the grademark (§ 70.51) to permit flexibility in displaying it on packaging materials of various colors so the grademark will be visible and compatible with the colors used, (b) remove obsolete material, (c) correct erroneous wording, and (d) update and simplify provisions.

For the U.S. standards and grades applicable to poultry products, they were: (a) Establish a new standard for boneless-skinless poultry products (poultry meat), (b) revise the existing standard for boneless poultry breasts and thighs to permit the grading of other boneless poultry, (c) clarify the tolerances for exposed flesh and discoloration in the standards for ready-to-cook carcasses and parts (§§ 70.220 and 70.221), and increase the "1 lb. 8 oz." lower end of the weight range for carcasses to "2 lb." to more accurately reflect the ready-to-cook weight range for Rock Cornish game hens and Cornish game hens, (d) require that poultry meat used in poultry roasts (§ 70.230) be examined only after the meat has been deboned rather than examined on the carcasses or parts before deboning and examined again after deboning, (e) make editorial changes for consistency within the standards and with applicable definitions in the Poultry Products Inspection Regulations (9 CFR Part 381), and (f) remove the U.S. Grade A—For Further Processing for ready-to-cook turkey carcasses (§ 70.260) because this grade is no longer used.

Discussion of Comments

A notice of proposed rulemaking was published in the **Federal Register** (50 FR 43204) on October 24, 1985. The proposed rule comment period was to close on December 23, 1985, but was extended to February 28, 1986. The extension notice published in the **Federal Register** (50 FR 50310) on December 10, 1985, was based on a request by two industry organizations for additional time to evaluate the proposed rule. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the AMS.

AMS received eight comments on the proposal within the allotted time period. Two of these were sets of comments from or on behalf of two firms. The following is a discussion of the substantive issues raised by those commenters and the Agency's response to each:

Comment: The revised standard for boneless poultry and the new standard for boneless-skinless poultry products should be adopted, because they will be meaningful and will help promote higher quality and better acceptance by customers.

Response: Traditionally, grade standards are developed to facilitate marketing and to provide customers with a uniform quality product. The Agency proposed the revised and new standards to determine their usefulness in accomplishing those objectives. Several letters were received which share the view stated in the comment.

Comment: The revised standard of quality for boneless poultry and the new standard for boneless-skinless poultry products are objectionable because they constrain innovation and development of new products.

Response: The Agency does not agree with the comment that the proposed standards constrain innovation and development of new products, because the use of the Grading Service is voluntary. Additionally, the standards were developed to permit the grading of products which were not permitted under the current voluntary program. Moreover, the proposed standards were designed to permit maximum flexibility for the grading of a wide range of products including products not yet developed or introduced into the marketplace.

Comment: Certain cities and States require that all product sold be Grade "A." In such instances, the proposed voluntary standards would, in effect, be mandatory.

Response: It is unclear whether the commenter is referring to Grade "A" or U.S. Grade A or both. The Agency is unaware of any State that requires all product sold to be U.S. Grade A. However, the Agency cannot control requirements imposed by State and local authorities.

Comment: The revised standard of quality for boneless poultry and the new standard for boneless-skinless poultry products are not needed because existing specifications between buyers and sellers are working well in the marketplace today, and Government intervention is costly and does not provide an additional benefit.

Response: The Agency agrees that it should not adopt, even voluntary, product standards whenever private, informal standards provide products meeting buyers' expectations. The majority of commenters stated that private informal standards are presently adequate. For this reason, the Agency finds that the proposed revised and new standards are not needed at this time. Therefore, the Agency is withdrawing the revised standard for boneless poultry and the new standard for boneless-skinless poultry products.

However, the Agency will continue to keep abreast of the possible need for product standards in this area. Of particular concern is whether private incentives for adopting these informal standards remain strong and whether inferior product damage the demand for such products in the marketplace.

Comment: The proposed weight range changes for large Cornish hens in the 25- to 32-ounce range do not allow for exposed flesh and discolorations proportionate to the weight ranges currently in the regulations.

Response: The Agency has proposed to increase the maximum carcass weight for the upper end of the lowest weight range from "1 lb. 8 oz." to "2 lb." This change was proposed to more accurately reflect the present ready-to-cook weight range for Cornish game hens and Rock Cornish game hens. The comment addresses the fact that the tolerances for exposed flesh and discolorations of the skin and flesh were not increased to reflect the "½ lb." carcass weight increase of the proposed weight range. The Agency agrees with this comment and did not intend to make the tolerances more restrictive. From field experience, the Agency finds that applicable tolerances in the lowest weight range should be increased by "¼ in." in area. Therefore, the final rule provides A Quality tolerances, for the lowest weight range of "1 in." exposed flesh on the carcass except for the breast and legs,and "¾ in." discolorations of the skin and flesh on the breast and legs, and "1 ¼ in." elsewhere on the carcass. Also B Quality tolerances, for the lowest weight range, of "1¼ in." discolorations of the skin and flesh on the breast and legs, and "2¼ in." elsewhere on the carcass are provided.

Comment: Regarding the existing A Quality standard for boneless poultry breast and thigh (§ 70.231), the

duplicative practice requiring examination of breast and thighs prior to deboning and again after deboning should be eliminated. Examination after deboning using defect criteria similar to those in sections 70.230(b) and 70.231(c) of the existing regulations would prove expeditious to both the Department and the industry.

Response: The Agency agrees with this comment and will eliminate the duplicative requirement in the existing standard, since it merely eliminates an unnecessary practice.

Comment: The standards for A Quality whole turkeys should not be changed to allow additional cuts or tears that do no expand or significantly expose flesh, because this lowers quality and is reflective of a defect in processing or product.

Response: The proposed tolerances for cuts and tears that do not expand are based on the location, size of the defect, and weight of the carcass. The proposed standard for A Quality does not permit any types of cuts or tears on the breast or legs. The existing and proposed standards provide for exposed flesh tolerances, according to the weight of the carcass, elsewhere on the bird. Except for the breast or legs, the proposed standard would additionally permit cuts or tears that do not expand or significantly expose flesh elsewhere on the carcass (e.g., the back and wings). These cuts or tears would only be permitted within certain aggregate length tolerances. For example, in the "6 lb." to "16 lb." weight range, the proposed tolerance would permit such cuts up to an aggregate length of "2 in." Within the tolerances proposed, the Agency does not agree that such cuts or tears are objectionable, because they do note expand or expose flesh and are located elsewhere on the carcass other than on the breast and legs. While these types of nonexpanding cuts and tears are occasionally due to processing or product problems, they are more often reflective of what is possible under normal processing and manufacturing practices. Therefore, this provision will be retained in the final rule.

Comment: The proposed miscellaneous changes are supported because they: (1) Provide helpful clarifications which will promote better interpretation and uniformity of application, (2) make the regulations more effective without increasing the cost of compliance, and (3) provide editorial changes which improve consistency within the standards.

Response: The Agency agrees with this comment. Aside from the deletions or changes adopted because of comments received, the miscellaneous changes are contained in the final rule. In addition, minor editorial changes are made in §§ 70.15(c) and 70.230(e) to improve clarity.

List of Subjects in 7 CFR Part 70

Poultry, Poultry products, Rabbit products, Voluntary grading service.

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES

For reasons explained in the preamble, Part 70 of Title 7 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 70 continues to read as follows:

Authority: Secs. 202–208 of the Agricultural Marketing Act of 1946, as amended, (60 Stat. 1087–1091; 7 U.S.C. 1621–1627).

2. In § 70.1, the definition for "Ready-to-Cook Poultry" is revised to read as follows:

§ 70.1 Definitions.

* * * * *

"Ready-to-Cook Poultry" means any slaughtered poultry free from protruding pinfeathers, vestigial feathers (hair or down as the case may be) and from which the head, feet, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs have been removed, and the kidneys have been removed from certain mature poultry as defined in 9 CFR Part 381, and with or without the giblets, and which is suitable for cooking without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or other parts of poultry as defined in 9 CFR Part 381 that are suitable for cooking without need of further processing.

* * * * *

3. Section 70.15 is amended by revising paragraphs (c) and (d) to read as follows:

§ 70.15 Equipment and facilities to be furnished for use of graders in performing services on a resident basis.

* * * * *

(c) Scales graduated in ounces, tenths of a pound, or less for weighing individual birds and in one-quarter pound or less for containers of product up to 100 pounds and test weights for such scales.

(d) Scales graduated in one-pound graduation or less for weighing bulk containers of poultry and test weights for such scales.

* * * * *

4. Section 70.51 is amended by revising paragraph (a) and Figure 3 and by removing paragraph (d) and Figure 4 as follows:

§ 70.51 Marking graded products.

(a) *Information required on grademark.* Except as otherwise authorized by the Administrator, each grademark, which is to be used, shall include the letters "USDA" and the U.S. Grade of the product it identifies, such as "U.S. A Grade," and such information shall be printed with the shield in a dark color and the wording within the shield in a light color or the shield in a light color and the wording within the shield in a dark color, provided that such design is legible and conspicuous on the material upon which it is printed. In addition, a term, such as "Federal-State Graded," or "Government Graded," may be used adjacent to but not within the grademark.

* * * * *

Figure 3

* * * * *

5. Section 70.80 is amended by revising the text, leaving the table unchanged, and removing the footnote, as follows:

§ 70.80 General.

Whenever grading service is provided for examination of quality, condition, or for test weighing on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers indicated in the following table. The number of representative samples for large bulk containers (combo bins, tanks, etc.) may be reduced by one-half. For quality or condition, all of the poultry and rabbits in each representative sample shall be examined except for individual ready-to-cook carcasses weighing under 6 pounds in large bulk containers. For individual carcasses weighing under 6 pounds in large bulk containers, 100 carcasses shall be examined for quality or condition. Procedures for test

weighing shall be in accordance with those prescribed by the Administrator.

* * * * *

6. Section 70.81 is amended by revising paragraph (b) to read as follows:

§ 70.81 Ready-to-cook poultry and rabbits and specified poultry food products.

* * * * *

(b) Only when ready-to-cook poultry carcasses, parts, poultry food products, including those used in preparing raw poultry food products, have been graded on an individual basis by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader, and when poultry food products have been prepared under the supervision of a grader, may the individual container, carcass, part, or poultry food product be identified with the appropriate official letter grademark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample basis in accordance with a plan prescribed by the Administrator.

* * * * *

7. Section 70.91 is amended by revising paragraph (b) to read as follows:

§ 70.91 Issuance and disposition.

* * * * *

(b) *Other than resident grading.* Each grader shall, in person or by his authorized agent, issue a grading certificate covering each product graded by him. A grader's name may be signed on a grading certificate by a person other than the grader if such person has been designated as the authorized agent of such grader by the national supervisor: *Provided,* That the certificate is prepared from an official memorandum of grading signed by the grader.

* * * * *

8. Section 70.110 is amended by revising the section heading and paragraph (a) to read as follows:

§ 70.110 Requirements for sanitation, facilities, and operating procedures in official plants.

(a) The requirements for sanitation, facilities, and operating procedures in official plants shall be the applicable provisions stated in 9 CFR Part 381 for poultry, and for rabbits the requirements shall be the applicable provisions stated in 9 CFR Part 354.

* * * * *

9. Section 70.210 is amended by revising paragraph (e)(2) to read as follows:

§ 70.210 General.

* * * * *

(e) * * *

(2) "Breasts with ribs" shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in paragraph (e)(3) of this section, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weightmaking purposes, and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "breast with ribs." Neck skin shall not be included, except that "turkey breasts with ribs" may include neck skin up to the whisker.

* * * * *

10. Section 70.220 is amended by revising paragraphs (e) and (g) to read as follows:

§ 70.220 A Quality.

* * * * *

(e) *Exposed flesh.* Parts are free of exposed flesh, resulting from cuts, tears, and missing skin (other than slight trimming on the edge). The carcass is free of these defects on the breast and legs. Elsewhere, the carcass may have cuts or tears that do not expand or significantly expose flesh, provided the aggregate length of all such cuts and tears does not exceed three-quarter inch for poultry weighing up to 2 pounds; 1½ inches for poultry weighing over 2 pounds, but not more than 6 pounds; 2 inches for poultry weighing over 6 pounds, but not more than 16 pounds; and 3 inches for poultry weighing over 16 pounds. The carcass may have exposed flesh elsewhere other than on the breast and legs due to slight cuts, tears, and areas of missing skin, provided the aggregate area of all exposed flesh does not exceed an area equivalent to the area of a circle of the diameter specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	2 lb	None	1 in.
Over 2 lb	6 lb	do	1½ in.
Over 6 lb	16 lb	do	2 in.
Over 16 lb	None	do	3 in.

* * * * *

(g) *Discolorations of the skin and flesh.* The carcass or part is practically free of such defects. Discolorations due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding, such as more than an occasional slightly reddened feather follicle, is not permitted. Flesh bruises and discolorations of the skin such as "blue back," are not permitted on the breast or legs of the carcass, or on these individual parts, and only lightly shaded discolorations are permitted elsewhere. The total areas affected by flesh bruises, skin bruises, and discolorations, such as "blue back," singly, or in any combination, shall not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed an area equivalent to the area of a circle one-fourth inch in diameter for poultry weighing up to 6 pounds and one-half inch in diameter for poultry weight over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed an area equivalent to the area of a circle of the diameter specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	2 lb	¾ in.	1¼ in.
Over 2 lb	6 lb	1 in.	2 in.
Over 6 lb	16 lb	1½ in.	2½ in.
Over 16 lb	None	2 in.	3 in.

* * * * *

11. Section 70.221 is amended by removing the table in paragraph (e), and revising paragraphs (d), (e), and (g) to read as follows:

§ 70.221 B Quality.

* * * * *

(d) *Defeathering.* The carcass or part may have a few nonprotruding pinfeathers or vestigial feathers which are scattered sufficiently so as not to appear numerous. Not more than an occasional protruding pinfeather or diminutive feather shall be in evidence.

(e) *Exposed flesh.* A carcass may have exposed flesh, provided that no part of the carcass has more than one-third of the flesh exposed, and the meat yield of any such part on the carcass is not appreciably affected. A part may have no more than one-third of the flesh normally covered by skin exposed. A moderate amount of meat may be trimmed around the edges of a part to remove defects.

* * * * *

(g) *Discoloration of skin and flesh.* The carcass or part is free of serious defects. Discoloration due to bruising

shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding shall be no more than very slight. Moderate areas of discoloration due to bruises in the skin or flesh and moderately shaded discoloration of the skin, such as "blue back," are permitted, but the total areas affected by such discolorations, singly or in any combination, may not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed an area equivalent to the area of a circle having a diameter of one-half inch for poultry weighing up to 2 pounds; 1 inch for poultry weighting over 2 pounds, but not more than 6 pounds; and 1½ inches for poultry weighing over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed an area equivalent to the area of a circle of the diameter specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	2 lb	1¼ in.	2¼ in.
Over 2 lb	6 lb	2 in.	3 in.
Over 6 lb	16 lb	2½ in.	4 in.
Over 16 lb	None	3 in.	5 in.

* * * * *

12. Section 70.222 is amended by revising paragraph (c) to read as follows:

§ 70.222 C Quality.

* * * * *

(c) C quality backs shall include all the meat and skin from the pelvic bones, except that the meat contained in the ilium (oyster) may be removed. The vertebral ribs and scapula with meat and skin and the backbone located anterior (forward) of the ilia bones may also be removed (front half of back).

13. Section 70.230 is amended by revising the introductory text and paragraphs (a), (b), and (e) to read as follows:

§ 70.230 Poultry roast—A Quality.

The standard of quality contained in this section is applicable to raw poultry products labeled in accordance with 9 CFR Part 381 as ready-to-cook "Roasts" or similar descriptive terminology.

(a) The deboned poultry meat used in the preparation of the product shall be from young poultry.

(b) Bones, tendons, cartilage, blood clots, and discolorations shall be removed from the meat.

* * * * *

(e) The product shall be fabricated in such a manner that it can be sliced after cooking and each slice can be served with minimal separation.

* * * * *

14. In § 70.231, paragraphs (b) and (c) are revised and new paragraphs (d) and (e) are added to read as follows:

§ 70.231 Boneless poultry breast and thigh—A Quality.

* * * * *

(b) The bone or bones shall be removed in a neat maner without undue mutilation of adjacent muscle.

(c) With skin, the breast or thigh shall met A quality requirements for ready-to-cook poultry parts in § 70.220 (d), (e), and (g), and shall be free of tendons and cartilage.

(d) Skinless breast or thighs shall be free of tendons, cartilage, blood clots, and discolorations. Minor abrasions due to preparation techniques are permitted.

(e) Slight trimming is permitted around the edges and inner muscle surface of the part.

15. Section 70.240 is revised to read as follows:

§ 70.240 General.

(a) All terms in the United States standards for quality set forth in §§ 70.210 through 70.231 shall, when used in §§ 70.240 through 70.271, have the same meaning as when used in said standards.

(b) The United States Grades for ready-to-cook poultry and specified poultry food products are applicable to poultry of the kinds and classes set forth in §§ 70.200 through 70.206 when used as described in paragraphs (c) and (d) of this section.

(c) United States Consumer Grades for ready-to-cook poultry and specified poultry food products may be assigned only when (1) each carcass, part, or poultry food product, including those used in preparing a poultry food product, has been graded in an unfrozen state on an individual basis by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader; (2) applicable poultry food product has been prepared under the supervision of a grader; and (3) identified in an unfrozen state.

(d) United States Procurement Grades may be assigned to a lot of ready-to-cook poultry when (1) graded as a lot on the basis of an examination of each carcass or part in the lot by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader, or (2) graded on the basis of an examination of each carcass or part in a representative sample from the lot by a grader. Such ready-to-cook poultry carcasses or parts may be graded in a frozen or unfrozen state.

United States Ready-to-Cook Grade for Further Processing [Removed]

16. Section 70.260 and the preceding undesignated center heading are removed.

§ 70.260 [Removed]

17. Section 70.270 is revised to read as follows:

§ 70.270 U.S. Procurement Grade I.

Any lot of ready-to-cook poultry composed of one or more carcasses or parts of the same kind and class may be designated and identified as U.S. Procurement Grade I when:

(a) ninety percent or more of the carcasses or parts in such lot meet the requirements of A quality, with the following exceptions: (1) Fat covering and conformation may be as described in this subpart for B quality; (2) trimming of the skin and flesh to remove defects is permitted to the extent that not more than one-third of the flesh is exposed on a separated part or on any part on a carcass, and the meat yield of a separated part or any part on a carcass is not appreciably affected; (3) discoloration of the skin and flesh may be as described in this subpart for B quality; (4) one or both drumsticks on a carcass may be removed if the part is severed at the joint; (5) the back on a carcass may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints; (6) the wings or parts of wings on a carcass may be removed if severed at a joint; and

(b) The balance of the carcasses or parts meet the same requirements except they may have only a moderate covering of flesh.

18. Section 70.271 is revised to read as follows:

§ 70.271 U.S. Procurement Grade II.

Any lot of ready-to-cook poultry composed of one or more carcasses or parts of the same kind and class which fails to meet the requirements of U.S. Procurement Grade I may be designated and identified as U.S. Procurement Grade II: *Provided*, That (a) trimming of flesh from a separated part or from any part on the carcass does not exceed 10 percent of the meat; and (b) portions of a carcass weighing not less than one-half of the whole carcass may be included, if the portion approximates in percentage the meat to bone yield of the whole carcass.

Done at Washington, DC, on: May 5, 1986.

William T. Manley,

Deputy Administrator Marketing Programs.

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May 9, 1986

Part IV

Department of Labor

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Explosives and Blasting; Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Explosives and Blasting

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the Mine Safety and Health Administration's existing safety standards for explosives and blasting in underground coal mines. The proposed revisions would upgrade existing provisions consistent with current technology, eliminate duplicative and unnecessary standards, reorganize the existing standards and provide alternative methods of compliance where possible.

DATE: Written comments must be submitted on or before July 8, 1986.

ADDRESS: Send written comments to the Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235-1910.

SUPPLEMENTARY INFORMATION:

I. Background

The Mine Safety and Health Administration (MSHA) is proposing to revise its existing safety standards for explosives and blasting in underground coal mines. These revisions are proposed pursuant to section 101 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811).

On July 9, 1982, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (47 FR 30025) which announced a comprehensive review of the underground coal safety standards and solicited public comments. After reviewing the comments, the Agency developed a preproposal draft of revisions to the existing standards for explosives and blasting. On May 8, 1984, MSHA published a notice in the **Federal Register** which announced the availability of its preproposal draft and scheduled public conferences (49 FR 19601). Public conferences were held June 12, 1984 in Lexington, Kentucky, and June 14, 1984 in Pittsburgh, Pennsylvania. These conferences were well attended by representatives of the mining community. MSHA has received written comments regarding its preproposal draft from all segments of the coal mining community.

The Agency's proposed rule addresses the comments received and is consistent with Executive Order 12291, the Regulatory Flexibility Act and the Paperwork Reduction Act.

II. Discussion of Proposed Rule

A. General Discussion

The use of explosives in underground coal mines continues to present a potentially serious risk of injury and death to miners. Between 1978 and 1984, there were 31 fatalities resulting from improper use of explosives. In addition, there were 240 non-fatal injuries during this period that involved the use of explosives. Prevention of accidents involving explosives depends to a large extent on the knowledge and experience of persons in the mine responsible for using explosives and standards to guide mine operators and miners in the safe conduct of blasting operations.

The proposed rule would address the need for knowledgeable and experienced personnel by establishing requirements for qualified persons. It would also update existing explosive standards to reflect modern blasting practices. The proposed rule would supplement existing standards where they currently do not address important aspects of blasting, and delete obsolete provisions.

The proposed rule would consolidate standards for the use of explosives, some of which are currently addressed in MSHA's approval requirements for explosives and related equipment. Proposed regulations that would update these existing approval regulations are currently under development and will conform to the changes made in this proposal.

Many of the proposed standards are derived from existing requirements, while others are new. The proposed rule would address the various steps in the use of explosives, including transportation, storage, borehole drilling, loading and firing of explosives.

The proposal includes a new standard which would establish qualification requirements for persons performing certain tasks in blasting, such as priming and loading explosives in boreholes, wiring and firing shots and handling misfires.

The proposed rule also contains new requirements for multiple-shot blasting, which is the primary method used in the production of coal in conventional mining. The proposal would specify basic rules for the arrangement of short-delay detonators when blasting solid coal.

Another new provision would establish the conditions under which sheathed explosive units could be used underground. The sheathed unit, which reflects advances in technology, would permit blasting without explosives being confined in a borehole. It is designed so that it will not ignite a flammable mixture of methane or coal dust and air when fired. It has been developed for use in dislodging loose roof slabs and overhangs, rock-fall leveling, slab or boulder breaking, and other situations where the unconfined application of explosives would be appropriate to improve mine conditions.

The standards for anthracite mines and bituminous and lignite mines were addressed in separate sections of the preproposal draft. However, this approach resulted in unnecessary redundancy because the majority of the standards for bituminous and lignite mines were also applicable to anthracite mines. Therefore, to eliminate this duplication and streamline the requirements, the proposal would address all underground coal mines with one set of standards. under the proposal, if a standard is not applicable to all mines, the specific type of mine to which the standard applies would be specified.

B. Section-by-Section Discussion

Qualified Person § 75.1300

This proposal is derived from an existing provision in 30 CFR Part 15, which requires shots to be fired by "certified shotfirers" where State law so requires and would set forth requirements for persons who must be qualified under this Subpart.

MSHA experience indicated that the failure of persons to follow safe blasting practices has contributed to explosives accidents. In addition, the person most frequently injured in these accidents is the person firing the explosives. Therefore, MSHA believes that persons using explosives should be knowledgeable in safe blasting practices and procedures.

The term "qualified person" is substituted for the preproposal draft term "qualified shot firer" in response to several commenters who opposed the use of terms which suggest job titles or classifications in safety standards.

In response to public comments, the proposal includes two alternatives for meeting the qualification requirements. A person could be certified to use explosives by the State in which the mine is located, or have at least one year of underground coal mining

experience and demonstrate to an authorized representative of the Secretary an ability to properly use explosives. The State-certification alternative was included in response to commenters who indicated that the existing State systems for certification are adequate. MSHA solicits comment on the adequacy of State certification for this purpose.

Explosives and Blasting Equipment § 75.1310

This proposal, which is derived from existing §§ 75.1300, 75.1303 and 30 CFR Part 15, would provide that only approved explosives be taken underground, that explosives be fired with an approved blasting unit of sufficient capacity, and that certain types of detonators and other non-electric detonating devices not be used underground. One commenter suggested that the specific prohibition of these detonating devices be deleted in the proposal since a preproposal draft provision would require that only approved detonators be taken underground. This commenter indicated that this approach would allow technological advances in non-electric detonating devices to be used in underground coal mines if they are approved by MSHA. As discussed below, the preproposal draft provision which specified that only approved detonators be taken underground has been deleted in the proposal. Therefore, the specific prohibition of non-electric detonators has been retained in the proposal. The specific prohibition on the use of certain detonators and other devices would prevent the use of devices which are generally recognized by the mining community as presenting fire and explosion hazards when used in underground mines. However, MSHA solicits any information or data concerning the development of non-electric detonating systems that could be safely used in underground coal mines. In response to commenters, the preproposal draft provision that would have required blasting units to be repaired by the manufacturer has been deleted in the proposal. These commenters indicated that the draft provision was unnecessarily restrictive and not consistent with current practice concerning repair of blasting units in service.

The term "permissible" used in the existing standards and the preproposal draft has been replaced with the term "approved" in the proposal. This change is intended to standardize the terminology used in MSHA regulations and standards and eliminate confusion resulting from the use of different terms, such as "permissible," "accepted" and "certified" to refer to equipment and material covered by an MSHA approval or similar action. The change in terminology would in no way restrict the use of explosives or blasting units previously approved as permissible.

The language in the proposal which specifies that a blasting unit used to fire explosives have "sufficient capacity and be appropriate for the blasting operation" would replace the preproposal draft provisions that specifically stated when an approved multiple-shot blasting unit and an approved large-capacity blasting unit must be used. This would eliminate product-specific provisions, while retaining the requirement that the appropriate blasting unit be used for each blasting operation. For example, a blasting unit that has been approved by MSHA for firing 20 or fewer shots could not be used for firing more than 20 shots at one time.

Several commenters suggested that the use of approved blasting units be required only for shots fired inby the last open crosscut. These commenters indicated that this would conform with accepted safe practice. The primary purpose for using an approved blasting unit is to minimize the possibility of igniting coal dust placed into suspension or methane released by the blasting operations. While the possibility of an ignition occurring during blasting operations is greater inby the last open crosscut, the potential for coal dust being placed into suspension or methane being released is present anywhere explosives are fired underground. In 1970 a coal dust explosion, initiated by the use of explosives, occurred in an area outby the last open crosscut, and claimed the lives of 38 miners. While this accident may not have been caused by failure to use an approved blasting unit, it does point out that the potential for ignitions of coal dust and methane exists outby the last open crosscut. Therefore, MSHA believes that approved blasting units should be used to fire explosives in underground coal mines.

The preproposal draft provisions specifying that only approved water stemming bags, detonators and blasting units be taken underground are not included because they are redundant of other provisions in the proposal that would regulate the use of these devices. In addition, the proposal does not require water stemming devices and detonators to be approved by MSHA. These devices are not currently required to be approved and the Agency does not have accident and injury data to indicate that such regulation is necessary to ensure safety in blasting operations.

Methods of Transporting Explosives and Detonators § 75.1331

This proposal is derived from existing § 75.1305 and would specify requirements for transporting explosives and detonators underground. Primarily, the hazards addressed by these provisions are damage to and accidental detonation of explosives and detonators.

The specific types of transportation methods specified in the preproposal draft have been deleted. In addition, the separate sections of the preproposal draft containing requirements for different methods of transportation have been consolidated into one section in order to streamline the rules and eliminate duplication. Several commenters suggested that a provision be added to allow other means of transportation if approved by the District Manager. The commenters indicated that this would allow approval of methods not contemplated by the draft proposal. MSHA believes that deletion of the specific transportation methods from the proposal would adequately address the concerns of these commenters.

Paragraph (a) sets forth proposed requirements for transporting explosives and detonators, regardless of the method of transportation. Explosives and detonators would be required to be separated from each other and enclosed in substantial nonconductive containers; the containers and the cars transporting explosives and detonators would be required to be marked with a readily visible warning identifying the contents as explosive; and persons transported with the explosives and detonators would be restricted to those necessary to operate the equipment or accompany the explosives and detonators. The latter provision was added in response to comments suggesting clarification that the prohibition on transporting persons with explosives and detonators would not exclude the equipment operator.

In response to several comments, the preproposal draft requirement for "reflective warnings" has been revised in the proposal to "readily visible warnings." These commenters indicated that non-reflective warnings are currently being used to identify explosives and that no problems have been encountered with this practice in the past. One commenter suggested that the warning signs be required to be permanently attached because they may be lost or removed and not replaced.

While these warnings are frequently permanently attached to vehicles transporting explosives, MSHA believes that the proposal need only specify the requirement for a warning. In response to another commenter, the draft requirement that explosives and detonators be transported in their "original containers" has been revised in the proposal to require "substantial containers." The purpose of the proposal is to ensure that explosives and detonators are not damaged and minimize the possibility of scattering loose explosive cartridges and detonators during transportation. This could be achieved through the use of substantial containers as well as the original container.

Paragraph (b) would provide several alternative methods of separating explosives and detonators from each other during transportation in track-mounted cars. These precautions would be required to be taken in addition to those specified in paragraph (a).

In response to several comments, the definition of "laminated partition" has been revised to specify minimum nominal dimensions for laminated material rather than exact dimensions. The definition is derived from the Institute of Makers of Explosives Pamphlet Number 22, January 1, 1985. The commenters indicated that this change would permit the use of laminated partitions of greater thickness. The preproposal draft provision specifying on which side of the partition explosives and detonators would be required to be stored has been deleted. The principal purpose of this partition is to minimize the potential detonation of explosives in the event that detonators are accidentially initiated. This change recognizes that protection would be provided regardless of which side the explosives and detonators are placed.

The preproposal draft provision that would require trips transporting explosives and detonators to be separated from other trips by at least 5 minutes travel time is deleted from the proposed rule. At this stage in the rulemaking process, MSHA believes that because of the precautions set forth in the proposal, and accepted industry practices which have been effective, this provision is unnecessary.

Paragraph (c) addresses the specific hazards of transporting explosives and detonators on belt-conveyors. These precautions would be required in addition to those specified in paragraph (a). Explosives and detonators transported on the same belt conveyor would be required to be separated by a distance of at least 50 feet. This would minimize the risk of accidental detonation of the explosives in the event the detonators are prematurely initiated. The proposal also would require at least 6 inches of clearance between the top of any container of explosives and detonators and the mine roof or other overhead obstruction to prevent damage to the explosives and detonators that can be caused by striking the roof or an obstruction. Except when persons are riding the belt to accompany explosives, the proposal would require a person to be at each transfer point between belts and at the unloading locations. The exception for persons riding the belt has been added to the proposal recognizing that they would be in a position to stop the belt at these points. In addition, the preproposal draft requirements for stop controls are not included in the proposed rule, since they are addressed by other MSHA standards.

Storage of Explosives and Detonators in Underground Magazines § 75.1312

This proposal is derived from existing 30 CFR Part 15 and §§ 75.1306 and 75.1307, except paragraphs (c), (f) and (g) which are new. The proposal would establish basic storage requirements and limits on the quantity of explosives permitted to be stored underground. Separate sections in the preproposal draft for magazine construction and location, posting and maintenance have been consolidated into this section, consistent with commenters suggestions.

Paragraph (a) would limit the quantity of explosives stored underground to what is needed for 48 hours of use. The proposal would revise the existing requirement that explosives be used within 48 hours of being taken underground. The proposal addresses the hazard of excessive quantities of explosives being stored underground while recognizing that delays may prevent explosives from being used within 48 hours.

One commenter suggested that the proposed rule prohibit the undergound storage of explosives in any mine that does not use explosives in the regular mining cycle to produce coal. The commenter indicated that explosives stored in these mines, because of their relatively infrequent use, would be more likely to deteriorate. At this stage in the rulemaking process, however, MSHA believes that proposed requirements for storage and handling of explosives address the hazards associated with the storage of explosives and the use of deteriorated explosives.

Paragraph (b) would require explosives and detonators stored underground to be in separate, closed magazines, or if stored in the same magazine, to be separated by a hardwood or laminated partition.

The preproposal draft requirement that explosives and detonators be stored in magazines in the original container has been deleted in response to comments. These commenters believe that deleting this requirement would allow storage of explosives not used during a shift. It would also provide the flexibility to use other containers.

Paragraph (c) specifies that no materials other than explosives and detonators shall be stored in underground magazines. This provision would prohibit the accumulation of empty packaging material, combustible materials or other articles not related to blasting which could contribute to a fire or other hazard.

Paragraph (d) would require that magazines be substantially constructed and all interior surfaces be made of wood or other nonconductive material. This proposal is changed from the preproposal draft requirement in response to several commenters who suggested that the provision be clarified to permit the exterior of magazines to be made of metal. MSHA believes that metal exteriors have been effectively used to protect stored explosives and detonators from damage and accidental detonation. As noted above, the preproposal draft provision specifying on which side of a partition explosives are to be stored has been deleted.

Several commenters suggested that a provision be added to specifically permit the use of mobile magazines. The proposed rule would permit the use of mobile magazines that meet the requirements of the proposal.

Paragraph (e) would clarify and supplement existing requirements for the location of magazines. The proposal would retain the existing requirement that magazines be located at least 25 feet from roadways and sources of electric current and in a dry location. In response to several comments, the latter requirement has been revised to provide that magazines be kept as dry "as practicable," recognizing the frequently wet conditions in many mines. The proposal would also include a requirement from existing § 75.1307 that stored explosives be located out of the direct line of forces from blasting. This proposed requirement would protect against accidental detonation of the explosives.

The preproposal draft provision which would have required that magazines be located no closer to the face than the last open crosscut in which a permanent stopping has been installed and kept at least 150 feet from the pillar line, has

been deleted in the proposal. MSHA believes that the provisions in paragraphs (e) and (f) of this section would adequately address the location of magazines.

Paragraph (f) would require posting of magazine locations to warn persons of the presence of explosives and detonators. The preproposal draft requirement that the magazine itself be posted has been deleted from the proposal in response to comments pointing out that these would be unnecessarily duplicative. In addition, the requirement in the preproposal draft for "reflective" warnings has been revised to permit the continued use of readily visible warnings.

One commenter suggested that the warning signs should be required to be permanent. MSHA believes, however, that a requirement for conspicuous warnings is sufficient without further specifications of the type of warning.

Paragraph (g) specifies that only materials and equipment to be used in blasting would be permitted to be stored at magazine locations. Empty packaging and other combustible material would be required to be removed from the area surrounding the magazine in order to minimize the risk of fire.

Explosives and Detonators Outside of Magazines § 75.1313

This proposal is new, except for paragraph (a), which is derived from existing §§ 75.1301, 75.1304 and 75.1307. The proposal addresses the handling of explosives and detonators when they are removed from magazines for use.

Paragraph (a) specifies the manner in which explosives and detonators would be required to be handled while outside of magazines until they are loaded in boreholes. The proposal retains the existing requirement that explosives and detonators be kept in separate containers. Under the proposal, these containers could be either the original or made of wood or other nonconductive material. Rubberized bags, commonly used in the industry, would also meet this proposed requirement. Also retained in the proposal are the existing requirements that explosives be stored out of the line of forces from blasting and at least 15 feet from electrical conductors. These proposed requirements would protect against accidental detonation of explosives. In addition, the proposal would require that containers of explosives and detonators be protected from damage by mobile equipment and kept as dry as practicable.

Several commenters suggested that a requirement for explosives and detonators to be separated by at least 15 feet from electrical conductors apply only to energized trailing cables or trolley wires. MSHA agrees that energized trailing cables or trolley wires present major risks of accidental detonation. However, to mimimize hazards associated with electricity, MSHA believes that explosives and detonators should be kept away from all sources of electrical current.

Not included in the proposed rule are provisions from the preproposal draft which would have limited the quantity of explosives permitted outside of a magazine at one time. Instead of a specific quantity limitation, the provisions of this proposal would prevent the accumulation of explosives on a working section or other area. Another preproposal draft provision which specified that old stock explosives in magazines be removed first has also been deleted in the proposal. MSHA believes that the provisions in the proposal which limit the quantity of explosives underground to a 48-hour supply and prohibit the use of deteriorated explosives would make this requirement unnecessary.

Paragraph (b) would require explosives and detonators not used during a shift to be returned to the magazine by the end of the shift. MSHA experience indicates that explosives and detonators not returned to the magazine at the end of the shift have been inadvertently left along active haulageways which could result in accidental detonation. Often times these explosives and detonators are not readily visible because they are covered with loose coal or other material.

One commenter suggested that explosives and detonators be returned to the magazine by a qualified person. However, for the reasons discussed below regarding the supervision of explosives and detonator handling, this suggestion is not adopted in the proposal, and persons designated by the operator could perform this task. Consistent with this approach, the proposed rule would also exclude the preproposal draft provisions that explosives and detonators outside a magazine be within sight of a qualified person at all times.

The preproposal draft provided that explosives and detonators be removed from magazines only by a qualified person or another person designated by the operator. One commenter suggested further that removal of explosives and detonators from magazines be restricted solely to qualified persons because designation of inexperienced persons to do this work could subject miners to hazards. Neither provision is included in the proposal, however, because while the handling of explosives and detonators should be supervised by mine operators, proper performance of this task does not indicate that such persons need to be familiar with the use of explosives. Other tasks in blasting operations, however, would be required to be performed only by qualified persons.

Sheathed Explosive Units § 75.1314

This proposal is new and would prescribe the conditions under which sheathed explosive units could be used in underground coal mines. Other generally applicable requirements in the proposal for transportation, storage and handling of explosives would also apply to sheathed explosive units. Because of the hazards associated with flammable methane gas and coal dust, the firing of unconfined explosive charges is currently prohibited in underground bituminous coal mines. Therefore, all explosives must be fired in stemmed boreholes. However, there are situations where it would be advantageous from a safety standpoint to fire unconfined shots, such as in dislodging loose roof slabs or coal or rock overhangs, roof fall leveling, and slab or boulder breaking. The Bureau of Mines has developed a prototype sheathed explosive unit that can be fired unconfined without igniting any flammable atmosphere that might be present. MSHA is currently developing proposed approval requirements for sheathed explosive units. With the development of this proposal and new approval requirements, MSHA anticipates that sheathed explosive units will become available for use in underground coal mines.

Paragraph (a) provides that only instantaneous detonators be used to fire sheathed explosive units. Instantaneous detonators are defined in the proposal as electric detonators that fire within six milliseconds after application of the firing current. The maximum elapsed time of six milliseconds is derived from the maximum elapsed time of No. 6 test detonators, which were used to initiate the sheathed explosive units during testing and evaluation conducted by the Bureau of Mines on prototypes sheathed explosive units. The firing time of other types of instantaneous detonators ranges up to 14 milliseconds. The Bureau of Mines will conduct further research on sheathed explosive units with the other types of instantaneous detonators to determine what effect, if any, the increased elapsed time would have on the safe use of sheathed explosive units. MSHA solicits comment on this issue. The use of instantaneous detonators

would protect against the hazard associated with sheathed explosive units being damaged by the earlier firing of an adjacent unit. MSHA specifically solicits comment on the timing requirement for instantaneous detonators.

Paragraph (b) would require that sheathed explosive units be primed and placed for use only by a qualified person or under direct supervision of such a person. Correct priming and placement of sheathed explosive units, like any explosive, is crucial to safe performance and should be done only by or in the presence of a qualified person. In response to several comments, the term "primed" has been substituted for "prepared" in the preproposal draft to reflect the terminology most commonly used and understood in the mining industry.

Paragraph (b)(1) provides that sheathed explosive units not be primed until immediately before the units are to be fired. An explosive primed with a detonator is extremely sensitive and subject to accidental detonation. Therefore, the time an explosive remains primed prior to firing should be minimized.

Paragraph (c) would prohibit firing more than three sheathed explosive units at one time. Based on tests conducted with prototype units, proper simultaneous firing of three units does not present an ignition hazard, while providing sufficient blasting capacity for most applications in underground mines.

Paragraph (d) would prohibit the use of damaged or deteriorated sheathed explosive units. Using sheathed explosives units that are not in their original approved condition increases the risk of misfires and inadequate performance which can create other safety hazards.

Paragraph (e) would prohibit the firing of a sheathed explosive unit if it is in contact with another unit. This provision would minimize the possibility that concussion created by the firing of a unit would damage the flame-inhibiting sheath of an adjacent unit and adversely affect its performance. The preproposal draft requirement for 2 feet of space between sheathed explosive units has been deleted in the proposal because additional tests conducted by the Bureau of Mines indicates that this distance requirement would be unnecessarily restrictive.

The preproposal draft requirement for rock dusting within 40 feet of the location where the sheathed explosive units are to be fired also has been deleted from the proposal. Existing §§ 75.401 and 75.402 address the situations where coal dust must be suppressed and rendered inert to minimize the possibility of an ignition. Inclusion of a separate requirement applicable to sheathed explosive units is therefore unnecessary.

Several other preproposal draft provisions concerning the preparation of sheathed explosive units for firing and their placement have also been deleted. Under the proposal, these tasks would be required to be performed by a qualified person or a person under the direct supervision of a qualified person. At this stage in the rulemaking process, MSHA does not believe that it is necessary to specify these basic procedures for such trained persons.

Boreholes of Explosives § 75.1315

This proposal is derived from existing §§ 75.1300 and 75.1302 and 30 CFR Part 15, except for paragraphs (c) and (d) which are new. The proposed provisions address the size, placement and drilling procedure for boreholes.

Paragraph (a) would require all explosives fired underground, except sheathed explosive units and certain types of shots fired in anthracite mines, to be confined in boreholes to protect against gas and dust ignitions. This proposal would replace the existing provision that prohibits "mudcaps (adobes) or other unconfined shots."

Paragraph (b) would require a distance of at least 24 inches between boreholes and between each borehole and any free face, unless prohibited by the thickness of the coal seam. The proposal is a revision of the existing standard, which requires a burden of 18 inches in all directions. The results of research recently conducted by the Bureau of Mines, in conjunction with MSHA, indicates that misfires occur approximately 50 percent of the time when only 18 inches of separation is between each borehole or free face. The occurrence of misfires was significantly reduced when the spacing between the boreholes was increased to 24 inches. However, a few misfires did occur at the 24-inch spacing. MSHA solicits data and information on this issue, particularily on industry practice for the spacing of boreholes. The phrase "burden . . . in all directions" as used in existing Part 15 and the preproposal draft would be deleted. MSHA's experience as well as that of several commenters has shown that this language is subject to a variety of interpretations and leads to confusion. As addressed in the proposal, the requirement for spacing would clarify that it is the quantity of material to be dislodged by the explosive charge in each borehole that is crucial, and not solely the distance between the collars of the boreholes. For this reason, this proposal would require careful attention to the depth and direction of boreholes.

Paragraph (c) would prohibit a borehole that has at any time contained explosives from being used to start any other hole. This proposal addresses the hazard of accidentally drilling into undetonated explosives or detonators remaining in a previously loaded borehole. During the period 1948 to 1984 four miners were injured while drilling into holes that contained misfired explosives.

Paragraph (d) would require that when blasting slab rounds off the solid, the opener hole not be drilled beyond the rib line. Boreholes drilled beyond the rib line can result in overburdened shots which contribute to the occurrence of blown-out shots and an increased risk of methane and dust ignitions.

The proposed rule does not retain the preproposal draft provision that would have required support of coal that is cut for blasting in order to maintain the stability of boreholes. After further review and in response to comments, MSHA believes that this provision is unnecessary because explosives could not be placed in boreholes as specified in this proposed rule if the stability of the boreholes is not maintained. Also deleted are preproposal draft provisions specifying the angles for opener holes and providing for borehole alignment checks with a tamping pole or other device. MSHA believes that these provisions would be redundant of the proposed requirement that the depth and direction of boreholes be determined before explosives are loaded.

In response to comments the preproposal draft provision which specified ⅜ of an inch difference between the diameter of explosive cartridges and the diameter of the borehole has also been deleted in the proposal. These commenters stated that current technology has eliminated the problem of desensitization of the explosives. MSHA agrees. The results of tests recently conducted by the Bureau of Mines and MSHA indicate the relationship of the borehole diameter and the explosive cartridge does not contribute to the occurrence of misfires.

Preparation of Boreholes § 75.1316

This proposal is derived from existing 30 CFR Part 15, except for paragraph (d), which is new.

Paragraph (a)(1) would require that before boreholes are loaded, they be cleared and their depth and direction determined. The provision in the preproposal draft for the use of a tamping pole or metal scraper has been

deleted as unnecessary specification of a particular device. In most cases, MSHA would expect a tamping pole to be the most convenient and readily available device for this purpose.

Paragraph (a)(2) would require the removal from the working place or other blasting areas of all mobile electric equipment. Paragraph (a)(3) would also require stationary electric equipment to be deenergized. These sources of electric current increase the risk of accidental initiation of detonators and explosives.

In response to commenters, the preproposal draft provision that would have required water or rock dust to be applied to the roof, ribs, and floor within 40 feet of the face to suppress or make inert the coal dust during blasting, has been deleted in the proposal. The commenters maintained that this provision was duplicative of existing § 75.401, which requires water or other no less effective methods approved by the Secretary, to be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard. MSHA agrees that existing § 75.401 would be applicable to blasting operations and restatement of the requirement in the proposal is therefore unnecessary.

Paragraph (b) would require boreholes that have been drilled beyond the depth of cut coal in bituminous and lignite mines to be tamped with incombustible material before they are loaded so that explosives are not loaded in the portion of the borehole that is beyond cut coal. Firing explosives in boreholes beyond the depth of cut coal can increase the risk of blown-out shots and methane or dust ignitions.

Paragraph (c) would prohibit any work in the working place or other blasting area while boreholes are being loaded, except that necessary to protect persons. Work permitted to be performed would include the installation of posts or timbers and application of rock dust by hand. This practice would reduce the risk of accidental detonation and the number of persons exposed to this hazard in the blasting area.

Paragraph (d) would require that cutting, drilling, and blasting be done at only one working face at a time when two working faces are being developed within 25 feet of each other. For example, if a developing crosscut is being mined from both sides, mining operations would be conducted on only one side at a time when the distance between the two working faces is 25 feet or less. This proposed requirement would protect against accidental initiation of explosives being used in an adjacent face or the face blasting through to another area where persons are working.

Primer Cartridge § 75.1317

This proposal is new and would set forth requirements for primer cartridges. Improper makeup of the primer cartridge can adversely affect the reliability of explosive charges and contribute to the occurrence of misfires.

Paragraph (a) would require primer cartridges to be primed only by a qualified person or a person under his or her supervision. The proposed requirement for supervision would require the qualified person to be in the immediate presence of the person priming explosive cartridges at all times that this work is being performed. In response to several comments, the term "primed" has been substituted for "prepared" in the preproposal draft to reflect the term commonly used and understood in the mining industry.

Paragraph (b) would require that primer cartridges not be primed until immedicately before they are loaded into boreholes. An explosive cartridge primed with a detonator is extremely sensitive and subject to accidental detonation. Therefore, the time in which an explosive is allowed to remain primed prior to firing should be minimized.

The preproposal draft requirements for priming explosive charges have been deleted from the proposal, since the primer cartridges would be prepared by a qualified person, or a person directly supervised by a qualified person. To be qualified under the proposal, a person would need to be proficient in proper techniques for the performance of this task. Therefore, MSHA does not believe that specifying a particular method of priming cartridges is necessary.

Loading Boreholes § 75.1318

This proposal is derived from existing provisions in 30 CFR Part 15, except paragraphs (a) and (b), which are new. The proposed provisions address the procedure for loading boreholes, which directly affects the performance of the explosive charge. Improper loading can contribute to misfired and blown-out shots.

Paragraph (a) provides that explosives are to be loaded in boreholes only by a qualified person or a person under his or her direct supervision. This proposal addresses the risk of explosives being handled at this important phase by untrained persons. Further, the immediate presence of a qualified person would be required at all times that loading explosives is done by another person.

Paragraph (b) would require that the primer cartridge be the first cartridge loaded in the borehole, that the end of the cartridge containing the detonator face the back of the borehole and that the primer cartridge and other explosives be pushed to the back of the borehole in a continuous column without crushing any cartridge. This procedure would locate initiation of the explosives at the point of greatest burden. It would also facilitate detonation of the entire column of explosives by minimizing gaps and voids between cartridges and damage to them, which can interrupt detonation of the column of explosives and result in a misfire.

Paragraph (c) would prohibit the use of damaged, deteriorated or partially filled explosives, or explosives that are below the approved minimum firing temperature. Using explosives that are not in their approved condition increases the risk of misfires and inadequate performance of the explosives. The temperature at which an explosive is used also directly affects its safe performance. Under revised MSHA regulations for the approval of explosives, which are currently under development, the approval issued for each type of explosive would specify the minimum firing temperature.

Paragraph (d) would prohibit the use of different brands, types or cartridge sizes of explosives in the same borehold. Because of the sensitivity variations of various explosives, the use of different types or sizes of explosives in the same borehole can contribute to the occurrence of misfires.

One commenter suggested that a prohibition on combining explosives from different manufacturers in the same borehold be added to the proposal. The phrase "different brands" would include explosives that are made by different manufacturers.

Weight of Explosives Permitted in Boreholes in Bituminous and Lignite Mines § 75.1319

This proposal is derived from existing 30 CFR Part 15 and addresses the amount of explosives that would be permitted when blasting coal, coal with rock partings, solid rock or fallen rock in bituminous or lignite mines. The use of explosives in excess of these limitations could result in excessive heat being released into the mine atmosphere, creating the hazard of methane or coal dust ignitions. Excessive use of explosives could also contribute to the occurrence of cut-off shots in adjacent holes.

Paragraph (a) would retain the existing 3-pound limit on explosives used in boreholes to blast coal, including coal with rock partings and fallen rock. As in the existing standard, the proposal would not apply when blasting solid rock in its natural deposit. Paragraph (a)(1) would require reduction in the weight of explosives in ½ pound increments for boreholes less than 6 feet deep. This would allow sufficient room for the stemming materials.

Blasting solid rock in its natural deposit can require explosive charges in excess of 3 pounds per borehole to properly blast the rock. Blasting solid rock with an insufficient amount of explosives can result in rock overhangs and loose roof which would increase the hazards associated with cleaning up and supporting the area that has been blasted. In addition, the potential for an ignition of coal dust or methane is significantly less than when blasting coal. Since the proper amount of explosives per borehole would depend on the specific circumstances involved, a commenter's suggestion that a 4-pound limit be applied when blasting solid rock inby the last open crosscut has not been adopted.

Multiple-Shot Blasting § 75.1320

This proposal is new, except for paragraph (b), which is derived from existing § 75.1303. It would address requirements for detonator use and placement in multiple-shot blasting. Improperly fired multiple-shot blasts can result in blown-out and cut-off shots, both of which can result in the ignition of coal dust or methane.

Paragrah (a) addresses multiple-shot blasting in anthracite mines. The proposed requirement differs from those for bituminous and lignite mines, reflecting the different character of the coal seams, mining methods and blasting techniques used. Normally, long-delay and instantaneous electric detonators are used for multiple-shot blasting in anthracite mines. This proposal would require that short-delay detonators be used when specified by the District Manager. This provision would provide the necessary flexibility to address situations where methane is present and the use of long delay detonators could increase the likelihood of a methane ignition.

Paragraph (b), applicable to bituminous and lignite mines, specifies that only instantaneous and short-delay detonators of proper strength be used. This proposal would retain the existing provision for short-delay detonators in order to control the elapsed blasting time of a round to minimize the possibility of a methane or coal dust ignition. The proposal also would permit the use of instantaneous detonators, in recognition of the history of safe use of these detonators in under ground blasting of coal. This represents a change from MSHA policy in effect over the last several years and the preproposal draft, which required the use of short-delay detonators.

Currently, short-delay electric detonators used in underground coal mines are limited to 500 milliseconds. However, research conducted by the Bureau of Mines, in conjuction with MSHA, has provided evidence that this time period could be extended to 1000 milliseconds without increasing the risk of a methane or dust ignition. Accordingly, this proposed rule defines "short-delay detonator" as a detonator with a designated delay period of 25 to 1000 milliseconds.

Paragraph (c) specifies that only short-delay detonators be used when blasting solid coal in bituminous and lignite mines. Short-delay detonators would provide sequential firing of each borehole which would better create the relief necessary to allow disbursement of the coal burden before the adjacent shot is fired. Instantaneous detonators which are fired simultaneously would not accomplish this goal. This proposal also specifies that the shots in the round be fired in sequence from the opener hole and that an interval of at least 50 milliseconds be maintained between designated delay periods of adjacent shots. These requirements are intended to provide for an orderly, controlled blast and prevent blown-out shots, cut-off shots and structural damage to the rib, roof or ventilation system.

The detailed provisions in the preproposal draft describing requirements for detonator arrangement for blasting cut coal and solid coal were premised on the fact that only short-delay detonators would be permitted in multiple-shot blasting of coal. Since the proposal would permit the use of instantaneous as well as short-delay detonators, most of the detailed provisions specifying detonator arrangement according to delay period are no longer necessary. In addition, MSHA believes that improved safety standards in combination with the requirement that a qualified person conduct blasting operations would adequately address the hazards of multiple-shot blasting.

For the same reason, a provision in the preproposal draft that would have required the mine operator to obtain a permit from the District Manager before blasting solid coal has not been retained in the proposed rule. MSHA believes that the proposed standards also adequately address the hazards associated with this type of blasting.

Also deleted from the proposed rule is the preproposal draft provision concerning District Manager approval of alternative methods of detonator use and placement. MSHA believes that the proposals addressing the use and placement of detonators would be appropriate for the vast majority of blasting operations, and if alternative methods are necessary, they would be evaluated through the petition for modification process provided for by the Federal Mine Safety and Health Act of 1977. The Agency solicits specific comment on whether there are alternatives to the methods of detonator use and placement set forth in the proposal.

Stemming Boreholes § 75.1321

This proposal is derived from existing § 75.1303 and 30 CFR Parts 15 and 16, except paragraph (d), which is new. It sets forth procedures and requirements for stemming boreholes. Stemming in boreholes acts to suppress the flames from blasting. Failure to properly stem boreholes can result in blown-out shots.

Paragraph (a) would require noncombustible material to be used as stemming material. The use of combustible materials as stemming would be ineffective in controlling the heat and flames generated by the initiation of explosives. This proposal, which essentially restates the existing requirements, has been substituted for the preproposal draft requirement which specified particular types of stemming material. The proposal would, however, permit the continued use of clay dummies, water stemming bags and similar material provided that it is noncombustiable.

Paragraph (b) would require that the stemming materials in each borehole contact the explosive cartridge nearest the collar of the borehole. Space or gaps between the stemming material and the explosives can significantly reduce the effectiveness of stemming in confining the heat and flames generated by the initiation of explosives.

Paragraph (c) would require that the diameter of a water stemming bag and the diameter of the drill bit be within ¼ of an inch. The primary purpose of a water stemming bag is to provide a wall of water within the borehole to confine heat and flames generated by the initiation of the explosives. The Bureau of Mines and MSHA have determined through numerous tests that a spacing of not more than ¼ of an inch between the water stemming bag and the walls of a borehole will allow the water to form a

complete wall within the borehole and prohibit the heat and flames from escaping into the mine atmosphere. However, tests have not been conducted on spacings greater than ¼ of an inch. MSHA solicits data and information or whether this spacing is appropriate or whether it should be increased. In response to several comments, the proposal specifies that the measurement is the difference between the diameter of the water stemming bag and the drill bit, rather than between the water stemming bag and the borehole.

Paragraphs (d) and (e) address the minimum amounts of stemming material to be used based on the depth of the borehole. Experience has shown these minimum amounts to be adequate for confining the heat and flame generated by the initiation of explosives. When clay dummies, moist sand and loose clay are used for stemming material, the specified amount of stemming in the borehole would be measured after tamping.

The preproposal draft requirement that clay dummies be tamped to fill the cross-sectional area of the borehole has been deleted in the proposal because this concern is addressed by the proposed requirement that boreholes be stemmed. A borehole in which clay dummies are used for stemming would not be considered properly stemmed unless they were tamped to fill the corss-sectional area of the borehole. The preproposal draft provision that would have prohibited the use of water stemming bags when blasting solid coal has also been deleted in the proposal. While water bags historically have not been used for stemming in blasting solid coal, MSHA has no data to indicate that this practice is unsafe.

Blasting Circuits § 75.1322

This proposal is derived from existing 30 CFR Part 15, except for paragraphs (b), (f), (h), (i) and (j), which are new. The proposal would set out the requirements for the use and protection of blasting circuits, including the blasting cable. The use of devices in the blasting circuit that are appropriate for their intended purpose and properly maintained is necessary for reliable detonation of explosives and to reduce the risk of misfires and premature or unplanned detonation.

Paragraph (a) would require blasting circuits to be protected from sources of stray and static electricity. Blasting circuits can become energized by any source of electricity and such protection is necessary to prevent premature initiation of the explosives.

Paragraph (b) would prohibit in the same blasting circuit the use of detonators made by different manufacturers. Due to sensitivity variations and firing characteristics among detonators, combining detonators made by different manufacturers can result in misfires.

Paragraph (c) would require detonator leg wires to be kept shunted (short-circuited) until connected to the blasting circuit. When leg wires are not shunted, the detonator is subject to initiation by extraneous electricity. Detonator leg wires are shunted when received from the manufacturer.

Paragraph (d) would require blasting cables to be well-insulated copper wire of at least 18-gauge and long enough to permit the round to be fired from a safe location. The proposal would set a minimum standard for blasting cables that would be compatible with the capacity of permissible blasting units. The proposed requirements for cable length would enable the qualified person to fire the blast from the location specified in § 75.1324, which is out of the line of forces from the blast. The preproposal draft requirement for cables of a different color has been deleted as unnecessary.

The proposal adopts the suggestion of several commenters that blasting cables be at least 18-gauge insulated copper wire. The preproposal draft specified 14- or 16-gauge copper wire. This change would permit the continued use of existing blasting cables in view of their record or safe performance. Eighteen-gauge copper wire is the minimum size cable compatible with permissible blasting units. This proposal would also apply to all coal mines. Accordingly, the preproposal draft provision permitting 20-guage wire to be used in anthracite mines has been deleted.

Paragraph (e) would require each blasting cable to be shunted until immediately before the blast is fired, except when testing for circuit continuity. The connection of blasting cables to the blasting circuit before the round is ready to be fired significantly increases the risk of accidental initiation.

Paragraph (f) would require that wire used between the blasting cable and the detonator circuitry be well-insulated and have a resistance no greater than 20-gauge copper wire. These requirements would prohibit the use of previously used detonator leg wire, or other wire that is damaged or has a resistance that may be inconsistent with the capabilities of the blasting unit.

Several commenters suggested that connecting wire not be permitted to have a resistance greater than 18-gauge. In MSHA's experience, however, wire with a resistance of up to 20-gauge may safely be used.

In response to several commenters, the 30-foot limitation on the length of wire used between the blasting cable and the detonator circuitry in the preproposal draft has been deleted. MSHA believes that the proposed provision that limits the size of such wire to at least 20 gauge and requires the blasting cable to be long enough to permit the round to be fired from a safe location would adequately address the problem of excessively long connecting wire, which could affect total circuit resistance.

Some commenters suggested that the limitation on blasting cable length be deleted and that the standard be based on total circuit resistance. These commenters suggested that the resistance of connecting wire or lead line be limited to 3 ohms. Adopting this suggestion would, however, require the use of instruments to reliably determine the resistance and would not address the concerns associated with connecting wire.

Paragraph (g) would require that all connections in the blasting circuit be properly spliced and sufficiently separated from other connections to prevent accidental contact or arcing. Poor connections increase the resistance of the blasting circuit. Connections that are too close together or contact each other can result in arcing and increase the potential for a misfire. In response to several comments, and to clarify the proposal, the commonly used term "properly spliced" has been substituted for the preproposal draft term "securely connected."

Paragraph (h) would require that bare (uninsulated), connections be kept out of water and away from the coal, roof, ribs and floor. Failure to protect bare connections can result in loss of electrical current through grounding, increasing the potential for misfires. A commenter suggested that bare connections also be required to be kept "clean and shiny." Such a subjective requirement, MSHA believes, is not necessary in light of the proposed requirements to protect bare connections.

Paragraph (i) would require blasting circuits to be wired in a single series when 20 or fewer shots are to be fired in a round. This would ensure that the resistance of the blasting circuit is compatible with permissible blasting units.

Paragraph (j) would require that if blasting circuits are checked for circuit continuity, only a blasting galvanometer or other instrument specifically designed

for testing blasting circuits be used. The proposal does not require that blasting circuits be checked, only that the specified instruments be used if a check is performed. Only instruments that produce insufficient electrical energy to initiate detonators are appropriate for testing circuit continuity. The use of other devices can result in the accidental initiation of explosives. By using the term "blasting galvanometer," the proposal clarifies the preproposal draft language which permitted the use of a galvanometer with a silver chloride cell or other device approved by MSHA.

Several commenters suggested that there be a requirement to check circuit continuity. Another commenter suggested that a check of circuit resistance also be required. At this stage in the rulemaking process, MSHA believes that these checks are not necessary since the complete failure of a round to detonate indicates a problem in continuity. A device to check continuity would not provide any additional information. A qualified person still must locate and repair the break in continuity. In addition, proper circuit resistance can be ensured by following the proposed requirements applicable to blasting circuts.

Methane Concentration and Tests § 75.1323

This proposal is derived from existing § 75.320 and § 75.1302 and addresses methane concentrations and tests in areas where explosives are to be fired. Blasting in areas which contain explosive concentrations of methane can cause mine explosions.

Paragraph (a) would prohibit blasting in any area that contains 1.0 volume percent or more methane. While a one percent concentration of methane in air is not explosive, it is recognized throughout the coal mining community as the level at which steps should be taken to remove the methane.

Paragraph (b) would require that tests for methane be made immediately before shots are fired and that these tests be made by a person qualified to conduct such tests. Methane tests made immediately before the shots are fired would warn of methane concentrations at or above 1.0 volume percent.

The provision in the preproposal draft requiring methane tests to be made with a means approved by the Secretary is not included in the proposal, since this is already addressed by the existing ventilation requirements that are applicable to underground coal mining.

Several commenters suggested that methane tests before blasting be conducted "prior to leaving the face or other area to connect the shot," rather than "immediately before shots are fired." These commenters indicated that the use of the phrase "immediately before" could result in improper application of the requirement. However, since the proposal reflects the existing requirement for methane testing and MSHA is not aware of any confusion concerning application of this requirement, this suggestion has not been adopted.

The preproposal draft requirement for a methane test after blasting has been moved to proposed § 75.1325, which addresses examinations after blasting.

Firing Procedure § 75.1324

This proposal, which is derived from existing § 75.1303 and 30 CFR Part 15, sets forth the procedures to be followed when firing explosives.

Paragraph (a) would require that shots be fired only by a qualified person or a person under his or her direct supervision.

Paragraph (b) would limit blasting in a working place to one face at a time, except that up to three faces in a single working place could be blasted in cut coal if each face has a separate kerf and no more than 20 shots are fired in the round. This exception was added in response to a suggestion by commenters who stated that this method is currently practiced safely and should continue to be permitted.

Paragraph (c) would require certain steps to be taken before a blast is fired, including the removal of persons from areas where a hazard would be created by the blast, issuance of warnings that a blast is to be fired and a determination by the qualified person that all persons are a safe distance from the blasting area. These precautions would minimize the exposure of miners to the hazards created by the force of the blast. Between 1978 and 1984, 8 fatalities and 173 nonfatal injuries occurred to miners who were not in a safe location during blasting operations.

Several commenters suggested that the draft provisions specifying the removal of persons when blasting be revised to require their removal from the working place and other areas where a hazard would be created. Commenters also suggested a clarification that only those persons required to be removed need to be around one corner from the blast. In response, the proposal has been clarified to specify that the requirement to remove persons applies to the blasting area and, where a working place is being blasted, to the adjacent working place. In addition, the proposal has been revised to clarify that only those persons required to be removed must be around one corner. Also, the draft requirement that these persons be on the intake air side of the blasting area has been deleted in the proposal as unnecessarily specific. Generally, miners would not be on the return side of an area being blasted because of the dust and smoke generated by the blast.

Other commenters suggested that the requirement to be around at least one corner from the blasting area be deleted because they considered it vague, unsafe and misleading. MSHA believes that the proposal is necessary for protection against flyrock that may be generated by the blast.

Paragraph (d) would require all shots to be fired promptly after they are ready to be fired. This practice minimizes the time persons are exposed to the hazard of unplanned detonation. In response to several comments, the proposal has been revised to substitute "promptly" for "without delay" to avoid any confusion with the term as it is used when referring to detonators.

Paragraph (e) provides that when a round partially detonates, no person shall enter the affected area for at least 15 minutes. This time period would allow time for the slow burning of any explosive material that may produce a delayed detonation. The 15-minute waiting period has been included in response to several commenters who suggested that this period is standard industry practice. Existing standards require a 5-minute waiting period in bituminous and lignite mines and 30 minutes in anthracite mines. The Agency solicits additional comment on the appropriateness of this waiting period. Also in response to comments, the proposal would distinguish partial detonation of a round from a complete failure of the round to detonate. A complete failure usually indicates an electrical problem with the blasting circuit which should be addressed promptly. A misfire, on the other hand, presents the hazard of undetonated explosives and detonators, the location and condition of which often are unknown.

The preproposal draft provision that required approval of the District Manager before firing more than 20 shots in a round is not included in the proposed rule. MSHA believes that the availability of permissible large-capacity blasting units and improved safety standards makes this requirement unnecessary.

Examination After Blasting § 75.1325

The proposal is derived from existing § 75.1308 and 75.320 and would specify steps to be taken after blasting.

The proposal would prohibit entry into the blast area before it is clear of smoke and dust. The concentrations of smoke and dust immediately after the blast is fired can impair the recognition of hazards such as unstable roof and rib conditions. Except when a misfire is known to have occurred, the proposal would require that the area be examined for misfires, methane and other hazardous conditions as soon as it has cleared. An immediate examination after blasting would enable prompt action to be taken to correct any hazards resulting from the blast.

Misfires § 75.1326

This proposal, which is new, specifies general procedures to be followed in the handling of misfires. The proposal retains the substance of the preproposal draft provisions on misfires. Misfires that are not found and disposed of promptly and safely can be accidentally detonated during loading or other operations, creating the potential for serious injury. Because of varying product performance characteristics, the proposal would not specify a particular procedure for handling misfires, but rather would allow a qualified person and mine management to address these situations on a case-by-case basis.

Paragraph (a) would limit the work in the area affected by a misfire to that done by a qualified person to dispose of the misfire and other work to protect persons, such as necessary roof control measures. This proposal would limit the exposure of persons to the hazard of accidental detonation.

A commenter suggested that the area in which a qualified person is working to dispose of misfires should be "dangered off" until the misfire is disposed of. The proposed rule addresses the substance of this commenter's concern by restricting the work permitted in the affected area. Under the proposal, the qualified person, who is responsible for safely disposing of misfires, could take all necessary precautions, including "dangering off" or posting the affected area. MSHA does not believe, however, that "dangering off" would be necessary in all cases.

Paragraph (b) would require all misfires disposed of during the shift to be reported to mine management by the end of the shift. This practice would provide information necessary to establish a history or pattern of misfires and assist in identification of the cause or causes.

One commenter suggested that misfired explosives be placed in a separate magazine and removed from the mine as soon as possible. MSHA believes that proposed § 75.1327 concerning the disposal of damaged or deteriorated explosives adequately addresses the removal of misfired explosives. The same commenter suggested that the information concerning misfires that would be required to be reported to mine management under this proposal should also be recorded and maintained as a record, to be signed by the mine foreman. The purpose of the proposal, however, is to provide information for mine management that will assist in identifying and eliminating the cause of the misfires. MSHA believes that the manner in which this information is kept is an appropriate matter for mine management and need not be regulated.

Paragraph (c) describes the steps to be followed when a misfire cannot be disposed of by a qualified person. The proposal would require each accessible entrance to the affected area to be posted with a warning to alert persons of the existence of the hazard and prevent anyone from being inadvertently exposed to the hazard. The proposal would also require immediate reporting of the misfire to mine management so that technical assistance can be arranged to safely dispose of the misfire.

Damaged or Deteriorated Explosives and Detonators § 75.1327

This proposal is new and sets forth requirements for handling and disposing of damaged or deteriorated explosives or detonators. Such explosives and detonators would be required by paragraph (a) to be placed in separate containers with absorbent material and removed from the mine or returned to the magazine for later removal. Absorbent material would prevent fluids from the explosives leaking outside the container and would cushion the explosives or detonators from impact. Damaged or deteriorated explosives or detonators are more sensitive to initiation.

Paragraph (b) would require damaged or deteriorated detonators with shunts that have been separated to be reshunted before being removed from the mine or placed in a magazine. This provision, which was added to the proposed rule in response to several comments, would conform the proposal to currently accepted safe blasting practices.

Paragraph (c) would require damaged or deteriorated explosives or detonators to be disposed of only on the surface and in safe manner. The preproposal draft provision which specified that damaged or deteriorated explosives and detonators be disposed of in accordance with the manufacturers' instruction has been deleted. Because of the variety of explosive and detonator formulations and characteristics, the instructions provided by the manufacturers are relied upon by the mining industry as an authoritative source of information when disposing of damaged or deteriorated explosives. MSHA anticipates that the industry will continue in the future to follow the manufacturers' instructions. Accordingly, MSHA does not believe it is appropriate to include the manufacturers' instructions in the proposal. The hazardous and complex nature of disposal operations requires that disposal be done only on the surface.

Blasting Near an Adjacent Mine or an Abandoned Portion of an Active Mine

Sections 75.1338 and 75.1375 of the preproposal draft specified conditions under which blasting would be permitted near an adjacent mine or an abandoned portion of an active mine. The draft provisions addressed the hazards of blasting into areas which could contain accumulations of water or explosives or harmful gases. Upon further consideration, MSHA believes that these hazards are adequately addressed by existing § 75.1701, which specifies the use of boreholes to detect and evaluate hazards when approaching abandoned areas or adjacent mines.

Compressed Air Blasting

Sections 75.1380 through 75.1385 of the preproposal draft, which addressed the use of compressed air blasting, have been deleted from the proposal. The technique of blasting coal with compressed air has been discontinued in underground coal mines. This method of blasting has been replaced by the use of explosives or continuous-mining machines. Therefore, MSHA believes that such requirements are not necessary.

Derivation Table

The following derivation table lists: (1) each section number of the proposed rule; and (2) the number of the existing standard from which the proposal is derived.

DERIVATION TABLE

Proposal	Existing standard
§ 75.1300	Part 15.
§ 75.1310	Part 15; § 75.1300, § 75.1303.
§ 75.1311	§ 75.1305.
§ 75.1312	Part 15; §§ 75.1306, 75.1307; New.
§ 75.1313	§§ 75.1301, 75.1304, 75.1307; New.
§ 75.1314	New.
§ 75.1315	Part 15; §§ 75.1300, 75.1302
§ 75.1316	Part 15; New

DERIVATION TABLE—Continued

Proposal	Existing standard
§ 75.1317	New.
§ 75.1318	Part 15; New.
§ 75.1319	Part 15.
§ 75.1320	New.
§ 75.1321	Part 15; § 75.1303 & § 16.16(a); New.
§ 75.1322	Part 15.
§ 75.1323	§§ 75.320, 75.1302
§ 75.1324	Part 15
§ 75.1325	§§ 75.320, 75.1308
§ 75.1326	New.
§ 75.1327	New.

Distribution Table

The following distribution table lists: (1) each section number of the existing standards in Subpart N and Part 15; and (2) the section number of the proposed rule which contains provisions derived from the corresponding existing section.

DISTRIBUTION TABLE

Existing standard	Proposal
§ 75.1300	§§ 75.1310, 75.1315.
§ 75.1301	§ 75.1313.
§ 75.1302	§ 75.1315.
§ 75.1303	§§ 75.1310, 75.1321, 75.1324.
§ 75.1303-1	Deleted.
§ 75.1304	§ 75.1311.
§ 75.1305	§ 75.1311.
§ 75.1306	§ 75.1312.
§ 75.1307	§§ 75.1312, 75.1313.
§ 75.1308	§ 75.1325.
Part 15	§ 75.1300 § 75.1310. § 75.1312. § 75.1315. § 75.1316. § 75.1318. § 75.1319. § 75.1321. § 75.1322. § 75.1324. § 75.1326.

III. Drafting Information

The persons principally responsible for preparing this proposed rule are: Bill W. Clemons, Edward C. Connor and A. Keith Watson, Coal Mine Safety and Health, MSHA; Harry C. Verakis, Technical Support, MSHA; Earnest C. Teaster, Jr., and Helen B. Caraway, Office of Standards, Regulations and Variances, MSHA; and David M. Melnick, Office of the Solicitor, Department of Labor.

IV. Executive Order 12291 and Regulatory Flexibility Act

In accordance with Executive Order 12291, MSHA has prepared an initial analysis to identify potential costs and benefits associated with the proposed changes to its explosives and blasting standards for underground coal mines. The Agency has incorporated this analysis into the Initial Regulatory Flexibility Analysis required by the Regulatory Flexibility Act. In this analysis, summarized below, MSHA has determined that the proposed rule would not result in major cost increases nor have an effect of $100,000,000 or more on the economy. Therefore, the rule is not within the criteria for a major rule and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, wherever possible, compliance alternatives that minimize and adverse impact on small business when developing regulatory proposals. This proposed rule would introduce alternative compliance methods to the existing regulations which would directly benefit small mining operations. In addition, the proposals would clarify compliance responsibilities and adopt performance-oriented standards when possible.

In the following summary of the Initial Regulatory Flexibility Analysis, MSHA has compared the costs and benefits associated with the proposed requirements with the costs of the existing requirements. A copy of the full analysis is available upon request.

MSHA estimates the initial cost for compliance with the existing requirements to be $3,393,433 compared to $3,297,549 for the proposal. The annual recurring costs for compliance with the existing requirements are estimated to be $2,693,723 as opposed to $2,596,655 for the proposal. The proposed rule represents an initial cost decrease of $95,884 and an annually recurring cost savings of $97,068 when compared to the existing rule. The proposed regulations would affect approximately 1920 underground mining operations. MSHA estimates about 960 of these mines are small businesses. For purposes of the Regulatory Flexibility Act, MSHA has defined small business entities as mines with fewer than 20 employees.

In developing cost estimates, MSHA has taken into consideration industry-wide practices. Current compliance costs are related to labor, supply and equipment purchase and maintenance. In calculating the costs of the proposed rule, the Agency projected capital expenditures and recurring costs.

In the proposed rule, MSHA has reorganized, updated, and clarified existing provisions, proposed the deletion of duplicative provisions and eliminated one recordkeeping requirement. MSHA believes that the clarification would foster a better understanding of safe blasting practices and the new proposed requirements, especially those that address the use of sheathed explosive units, would afford greater protection for the miners.

The primary benefit of the proposed rule is the enhanced protection that the standards would provide to miners who are exposed to hazards related to the use of explosives.

The Agency specifically solicits comments and data on how the proposed regulations would impact the mining industry.

V. Paperwork Reduction Act of 1980

The proposed rule contains no collection of information provisions subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The information collection requirement in existing § 75.1303-1 concerning permits for the use of nonpermissible shot-firing units to fire more than 20 shots would be deleted.

List of Subjects in 30 CFR Part 75

Mine safety and health, Mandatory safety standards, Underground coal mines, Explosives and blasting.

Dated: May 2, 1986.

David A. Zegeer,

Assistant Secretary Mine Safety and Health.

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

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

Authority: Section 101, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811).

Subpart A—General

2. It is proposed to add new paragraphs (r), (s), (t), (u), (v), (w), (x), (y) and (z) to § 75.2 to read as follows:

§ 75.2 Definitions

* * * * *

(r) "Approved blasting unit" is a device that has been approved under Part 7 or Part 25 of this chapter or Bureau of Mines Schedule 16 E, May 26, 1960, that is used for firing electric detonators.

(s) "Battery starting" is the use of unconfined explosives to start the flow of coal down a breast or chute in an anthracite mine.

(t) "Blasting off the solid" is blasting coal at the working face without providing a second free face by cutting, shearing or other method before blasting.

(u) "Instantaneous detonator" is an electric detonator that fires within 6 milliseconds after application of the firing current.

(v) "Laminated partition" is a partition composed of the following

material and minimum nominal dimensions: ½ inch thick plywood, ½ inch thick gypsum wallboard, ⅛ inch thick low carbon steel and ¼ inch thick plywood, bonded together in that order.

(w) "Opener hole" is the first shot or shots fired in a round blasted off the solid to create an additional free face.

(x) "Sheathed explosive unit" is a device approved under Part 15 of this chapter consisting of a permissible explosive covered by a sheath of flame-inhibiting material encased in a sealed covering.

(y) "Round" is a group of shots fired or intended to be fired in a continuous sequence with one application of the firing current.

(z) "Short-delay detonator" is an electric detonator with a designated delay period of 25 to 1000 milliseconds.

3. It is proposed to remove from § 75.2 "and" following the semi-colon at the end of paragraph (b)(1), add "and" following the semi-colon at the end of paragraph (b)(2) and add new paragraph (b)(3) to read as follows:

§ 75.2 Definitions.

* * * * *

(b) * * *

(3) An individual qualified in accordance with § 75.1300 to perform blasting and related activities under Subpart N of this Part.

* * * * *

4. It is proposed to remove § 75.2(c)(2) and redesignate § 75.2(c)(3) as (c)(2).

5. It is proposed to revise newly redesignated § 75.2(c)(2) to read as follows:

§ 75.2 Definitions.

* * * * *

(c) * * *

(2) The manner of use of equipment means the manner of use prescribed by the Secretary.

* * * * *

Subpart D—Ventilation

§ 75.320 [Removed]

6. Subpart D is proposed to be amended by removing § 75.320.

7. Subpart N is proposed to be revised to read as follows:

Subpart N—Explosives and Blasting

Sec.
75.1300 Qualified person.
75.1310 Explosives and blasting equipment.
75.1311 Transporting explosives and detonators.
75.1312 Storage of explosives and detonators in underground magazines.
75.1313 Explosives and detonators outside of magazines.
75.1314 Sheathed explosive units.
75.1315 Boreholes for explosives.
75.1316 Preparation of boreholes.
75.1317 Primer cartridges.
75.1318 Loading boreholes.
75.1319 Weight of explosives permitted in boreholes in bituminous and lignite mines.
75.1320 Multiple-shot blasting.
75.1321 Stemming boreholes.
75.1322 Blasting circuits.
75.1323 Methane concentration and tests.
75.1324 Firing procedure.
75.1325 Examination after blasting.
75.1326 Misfires.
75.1327 Damaged or deteriorated explosives and detonators.

Subpart N—Explosives and Blasting

§ 75.1300 Qualified person.

(a) A person is a qualified person under this subpart if:

(1) The person is certified or qualified to use explosives by the State in which the mine is located; or

(2) The person has at least one year of underground coal mining experience and has demonstrated to an authorized representative of the Secretary the ability to use explosives in accordance with this Subpart N.

§ 75.1310 Explosives and blasting equipment.

(a) Explosives taken underground shall be approved in accordance with Part 15 of this chapter.

(b) Explosives shall be fired only with an approved blasting unit that has sufficient capacity and is appropriate for the blasting operation.

(c) Non-electric detonators, aluminum-cased detonators, aluminum-alloy-cased detonators, detonators with alumimum leg wires, detonating cord and safety fuses shall not be used underground.

§ 75.1311 Transporting explosives and detonators.

(a) When explosives and detonators are transported underground:

(1) Cars used to transport the explosives and detonators shall be marked on all sides with a warning identifying the contents as explosive.

(2) The Explosives and detonators shall be enclosed in separate substantial containers made of nonconductive material with no metal or other conductive material exposed inside;

(3) The containers shall be marked with a readily visible warning identifying the contents as explosive; and

(4) No persons, other than those necessary to operate the equipment or to accompany the explosives and detonators, shall be transported with the explosives and detonators.

(b) When explosives and detonators are transported in track-mounted cars they shall be:

(1) In separate cars; or

(2) In the same car:

(i) Separated by a hardwood partition at least 4 inches thick; or

(ii) Separated by a laminated partition.

(c) When explosives and detonators are transported on belt conveyors:

(1) The explosives shall be separated from the detonators by at least 50 feet;

(2) At least 6 inches of clearance shall be maintained between the top of any container of explosives or detonators and the mine roof or other obstruction; and

(3) Except when persons are riding the belt to accompany the explosives and detonators, a person shall be at each transfer point between belts and at the unloading location.

§ 75.1312 Storage of explosives and detonators in underground magazines.

(a) The quantity of explosives stored in underground magazines shall not be more than is needed for 48 hours of use.

(b) Except as provided in § 75.1313, explosives and detonators stored underground shall be:

(1) In separate closed magazines at least 5 feet apart; or

(2) In the same closed magazine:

(i) Separated by a hardwood partition at least 4 inches thick; or

(ii) Separated by a laminated partition.

(c) Only explosives and detonators shall be stored in underground magazines.

(d) Magazines shall be substantially constructed and all interior surfaces shall be made of nonconductive material, with no metal or other conductive material exposed inside.

(e) All magazines shall be:

(1) Located at least 25 feet from roadways and any source of electric current;

(2) Located out of the direct line of the forces from blasting; and

(3) Kept as dry as practicable.

(f) Magazine locations shall be posted with readily visible warnings indicating the presence of explosives.

(g) Only materials and equipment to be used in blasting shall be stored at magazine locations.

§ 75.1313 Explosives and detonators outside of magazines.

(a) Explosives and detonators outside a magazine that are not being transported or prepared for loading in boreholes shall be in closed separate containers made of nonconductive material with no metal or other conductive material exposed inside and the containers shall be:

(1) At least 15 feet from any source of electric current;

(2) Out of the direct line of the forces from blasting;

(3) In a location to prevent damage by mobile equipment; and

(4) Kept as dry as practicable.

(b) Explosives and detonators not used during a shift shall be returned to a magazine by the end of the shift.

§ 75.1314 Sheathed explosive units.

(a) Only instantaneous detonators shall be used to fire sheathed explosive units.

(b)(1) Sheathed explosive units shall be primed and placed for use only by a qualified person or a person under the immediate supervision of a qualified person.

(2) Sheathed explosive units shall not be primed until immediately before the units are placed where they are to be fired.

(c) No more than three sheathed explosive units shall be fired at one time.

(d) A sheathed explosive unit shall not be fired if it is damaged or deteriorated.

(e) No sheathed explosive unit shall be fired if it is in contact with another sheathed explosive unit.

§ 75.1315 Boreholes for explosives.

(a) All explosives fired underground shall be confined in boreholes, except:

(1) Sheathed explosives units; and

(2) Shots fired in anthracite mines for battery starting or for blasting coal overhangs.

(b) Each borehole for explosives shall be at least 24 inches from any other borehole and from any free face, unless prohibited by the thickness of the coal seam.

(c) No borehole that has contained explosives shall be used for starting any other hole.

(d) When blasting slab rounds off the solid, the opener hole shall not be drilled beyond the rib line.

§ 75.1316 Preparation of boreholes.

(a) Before loading boreholes with explosives:

(1) Each borehole shall be cleared and its depth and direction determined;

(2) All mobile electric equipment shall be removed from the working place or other area where blasting is to be performed; and

(3) All stationary electric equipment in the working place or other area where blasting is to be performed shall be deenergized.

(b) No borehole drilled beyond the depth of cut coal shall be loaded with explosives, unless that portion of the borehole deeper than the cut is tamped with noncombustible material.

(c) When boreholes are being loaded, no other work except that necessary to protect persons shall be done in the working place or other area where blasting is to be performed.

(d) When two working faces that are approaching each other are within 25 feet, cutting, drilling and blasting shall be done only at one working face at a time.

§ 75.1317 Primer cartridges.

(a) Primer cartridges shall be primed and loaded only by a qualified person or a person under the direct supervision of a qualified person.

(b) Primer cartridges shall not be primed until immediately before loading boreholes.

§ 75.1318 Loading boreholes.

(a) Explosives shall be loaded only by a qualified person or a person under the direct supervision of a qualified person.

(b)(1) The primer cartridge shall be the first cartridge loaded in the borehole;

(2) The end of the cartridge in which the detonator is inserted shall face the back of the borehole; and

(3) The primer cartridge and other explosives shall be pushed to the back of the borehole in a continuous column.

(c) An explosive shall not be loaded into a borehole if it is damaged, deteriorated, incompletely filled, or below the approved minimum firing temperature.

(d) Explosives of different brands, types or cartridge size shall not be loaded in the same borehole.

§ 75.1319 Weight of explosives permitted in boreholes in bituminous and lignite mines.

(a) Except when blasting solid rock in its natural deposit, the total weight of explosives loaded in any borehole shall not exceed 3 pounds.

(1) The total weight of explosives loaded in a borehole less than 6 feet deep shall be reduced by ½ pound for each foot of borehole less than 6 feet.

§ 75.1320 Multiple-shot blasting.

(a) In anthracite mines, only detonators of proper stength shall be used and short-delay detonators shall be used for multiple-shot blasting when required by the District Manager.

(b) In bituminous and lignite mines, only instantaneous and short-delay detonators of proper strength shall be used to initiate explosives.

(c) When blasting off the solid in bituminous and lignite mines:

(1) Only short-delay detonators shall be used for multiple-shot blasting;

(2) Each shot in the round shall be initiated in sequence from the shots in the opener holes; and

(3) The interval between designated delay periods of adjacent detonators shall be at least 50 milliseconds.

§ 75.1321 Stemming boreholes.

(a) Only noncombustible material shall be used for stemming boreholes.

(b) Stemming material shall contact the explosive cartridge nearest the collar of the borehole.

(c) The diameter of a water stemming bag shall be within ¼ of an inch of the diameter of the drill bit.

(d) Each borehold 4 of more feet deep shall be stemmed for at least 24 inches.

(e) Each borehole less than 4 feet deep shall be stemmed for at least half the depth of the borehole.

§ 75.1322 Blasting circuits.

(a) Blasting circuits shall be protected from sources of stray elecric current.

(b) Detonators made by different manufacturers shall not be combined in the same blasting circuit.

(c) Detonator leg wires shall be shunted until connected to the blasting circuit.

(d) Blasting cables shall be:

(1) Well insulated, copper wire of at least 18-gauge; and

(2) Long enough to permit the round to be fired from a safe location.

(e) Each blasting cable shall be shunted until immediately before firing, except when testing for circuit continuity.

(f) Wire used between the blasting cable and detonator circuitry shall:

(1) Be undamaged;

(2) Be well insulated; and

(3) Have a resistance per-unit-length no greater than 20-gauge copper wire.

(g) Each wire connection in a blasting circuit shall be:

(1) Properly spliced; and

(2) Separated from other connections in the circuit to prevent accidential contact and arcing.

(h) Bare connections in each blasting circuit shall be kept out of water and shall not contact the coal, roof, ribs, or floor.

(i) When 20 or fewer shots are fired in a round the blasting circuits shall be wired in a single series.

(j) When a blasting circuit is tested for continuity, a blasting galvonometer or other instrument specifically designed for testing blasting circuits shall be used.

§ 75.1323 Methane concentration and tests.

(a) No shot shall be fired in an area that contains 1.0 volume percent or more of methane.

(b) Immediately before shots are fired the methane concentration in a working place, or any other area where blasting is to be performed, shall be determined by a person qualified to test for methane.

§ 75.1324 Firing procedure.

(a) Shots shall be fired by a qualified person or a person under the direct supervision of a qualified person.

(b) Only one face in a working place shall be blasted at a time, except that up to three faces in a working place may be blasted at a time if each face has a separate kerf and no more than 20 shots are fired in the round.

(c) Before a shot is fired:

(1) All persons shall be removed from the blasting area and, when blasting is to be performed in a working place, from each adjacent working place to an area that is around at least one corner from the blasting area;

(2) A warning shall be given and adequate time allowed for persons to respond; and

(3) The qualified person shall ascertain that all persons are a safe distance from the blasting area.

(d) All shots shall be fired promptly, after all persons have been removed to a safe location.

(e) When a round partially detonates, no person shall enter the affected area for at least 15 minutes.

§ 75.1325 Examination after blasting.

(a) After blasting operations are performed, the blasting area shall not be reentered until it is clear of smoke and dust.

(b) Except as provided in § 75.1324(e), immediately after the blasting area has cleared, a qualified person shall examine the area for misfires, methane and other hazardous conditions.

§ 75.1326 Misfires.

(a) When misfires occur, only work by a qualified person to dispose of misfires and other work necessary to protect persons shall be done in the affected area.

(b) All misfires disposed of during a shift shall be reported to mine management not later than the end of the shift.

(c) When a misfire cannot be disposed of by a qualified person:

(1) Each accessible entrance to the area affected by the hazard of the misfire shall be posted with a warning at a conspicuous location; and

(2) The misfire shall be immediately reported to mine management.

§ 75.1327 Damaged or deteriorated explosives and detonators.

(a) Damaged or deteriorated explosives or electric detonators shall be:

(1) Placed in separate containers with absorbent material; and

(2) Removed from the mine or placed in a magazine and removed when the magazine is resupplied.

(b) Damaged or deteriorated detonators with shunts that have been separated shall be reshunted before being removed from the mine or placed in a magazine.

(c) Damaged or deteriorated explosives and electric detonators shall be disposed of only on the surface and in a safe manner.

[FR Doc. 86-10457 Filed 5-8-86; 8:45 am]

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federal register

Friday
May 9, 1986

Part V

Department of Transportation

Federal Railroad Administration

49 CFR Part 232
Railroad Power Brakes and Drawbars;
Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 232

[Docket No. PB-7, Notice No. 3]

Railroad Power Brakes and Drawbars

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This notice amends FRA's power brake rules to permit use of a telemetry device that provides, in the cab of the controlling locomotive, a continuous readout of the brake pipe pressure at the rear car of a train, as an alternative to reliance on a gauge at the end of the train and visual observation of the application and release of the brakes on the rear car during intermediate terminal air brake tests. This action is in response to a petition for rulemaking submitted by the Association of American Railroads (AAR).

EFFECTIVE DATE: June 15, 1986.

FOR FURTHER INFORMATION CONTACT: *Principal Program Person:* Philip Olekszyk, Office of Safety, Federal Railroad Administration, Washington, DC 20590. Telephone 202-426-0897.

Principal Attorney: Michael E. Chase, Office of Chief Counsel, Federal Railroad Administration, Washington, DC 20590. Telephone 202-426-8285.

SUPPLEMENTARY INFORMATION:

Background

On June 5, 1984, FRA conducted a Safety Inquiry hearing to explore the safety implications inherent in sanctioning the use of radio telemetry devices, in lieu of a gauge and visual observation, to convey information about the functioning of a train's air brake system. The Safety Inquiry was prompted by FRA's interest in determining whether the devices could enhance the safety of train operations by providing the crew with continuing information on the status of the train's air brake system. It was also responsive to an AAR petition for rulemaking to address the use of radio telemetry devices (also known as end-of-train devices). As a result of the information obtained at that inquiry and operational data obtained from an extensive field test program of radio telemetry devices, FRA issued a notice of proposed rulemaking on September 3, 1985 (50 FR 35640) to amend FRA's power brake regulations at 49 CFR Part 232.

In summary, the changes proposed in the NPRM were designed to permit the optional use of a device at the rear of a train in lieu of visual inspection of the rear of the train for compliance with certain test procedures in § 232.13. The device would monitor the brake pipe pressure at the rear of the train and convey that information to the cab of the locomotive controlling the train. Thus, where the current rule required the manual use of a gauge at the rear of the train to ascertain brake pipe pressure, the device could be used instead. Similarly, where the current rule required a visual determination of the application and release of the brakes on the rear car, the device could be used instead to read the decrease and increase in brake pipe pressure resulting from a train crew member's applying and releasing the brakes by operating the valve on the locomotive. This decrease and increase could be used to determine the application and release of the brakes on the rear car.

A public hearing on the proposed rule was held on October 25, 1985. The hearing was well attended. Commenters at the hearing included three manufacturers of end-of-train devices, six major railroads, the AAR, several national rail labor organizations, and six individual railroad employees. Additional written comments to the docket were received from individuals, railroads, state level rail labor groups, and the State Corporation Commission of New Mexico. General comments about the proposed rule are discussed in this portion of the preamble, while comments addressing the specific provisions of the rule language are addressed in the section-by-section analysis.

The proposed rule was supported by most commenters. Manufacturers of end-of-train devices, the AAR, and the railroad commenters strongly supported the use of end-of-train devices. The extensive test program of various devices by several railroads under waiver from FRA was cited. Over 90,000 conductor trips have demonstrated the high reliability of these devices, in excess of 98 percent. The maturity of the technology and engineering of the devices was stressed by the manufacturers. The AAR, in particular, stressed that the enroute failure of a device does not pose any safety problem since a visual observation of the set and release of the brakes on the rear car is an acceptable method of assuring brake pipe continuity.

FRA agrees with these commenters that the waiver program involving end-of-train devices proved the high level of reliability of the pressure transducer and the telemetry system. FRA also agrees that train line continuity, the critical safety issue addressed in the rear car set and release requirement, is fully demonstrated by use of an end-of-train device. However, FRA has also concluded that these devices offer safety benefits during train operations that go beyond simple compliance with air brake test requirements. A device provides the engineer with a brake pipe "image" at the initial terminal test, including leakage and gradient, which can be used for comparison purposes to assess the train's air brake system throughout the trip. It also aids the engineer when utilizing the brakes for train handling since the engineer will know with certainty when a brake application (pressure reduction) or brake release (pressure increase) signal has reached the rear of the train.

One railroad, the Long Island Railroad, requested that the final rule include its sophisticated brake indicator system used on certain newer passenger equipment, even though the system is not a radio telemetry system. FRA has not included that system in the final rule because it is used on only a very small fleet. FRA believes that the effectiveness of the "brake indicator system" can be more fully and efficiently explored through the waiver process.

Rail labor organizations and individual railroad employees generally opposed the rule. The thrust of their objections, however, dealt with the presence or absence of a caboose at the end of a train, not the device itself or whether the device can effectively ascertain brake pipe continuity. Most of these commenters recognized, explicitly or implicitly, that radio telemetry or end-of-train devices have a future in railroading.

The major objection raised by commenters opposed to the proposed rule was the opinion that elimination of a caboose from the end of a train adversely affects safety. For example, the comments of the Railway Labor Executives' Association and the United Transportation Union called for new requirements, e.g., overheated bearing/wheel detectors, train length restrictions, and dragging equipment detectors, to counteract the perceived safety detriment of cabooseless trains. FRA does not agree with this line of analysis. First, nothing in any current FRA regulation requires a caboose on any train, nor does anything in the final rule issued in this docket authorize the removal of a caboose. The determination on whether a railroad uses a caboose on any given line is

made through the collective bargaining process. Moreover, the FRA does not consider the lack of a caboose to be a safety issue per se. While this final rule may facilitate railroads' obtaining economic benefits from cabooseless operations, it does not in any way determine whether a caboose will or will not be used.

Several commenters suggested that FRA require that end-of-train devices be capable of initiating an emergency brake application. After careful consideration, FRA has concluded that such a requirement is unwarranted. First, cabooseless trains operated currently without an end-of-train device lack any ability to initiate an emergency brake application from the rear of the train. Those operations have not demonstrated a need to be able to do so. Second, FRA notes that currently available devices generally do not incorporate this feature and that development work remains to be done before a reliable system is available. Third, this feature would require two-way signal transmission, sharply escalating the cost of the device. However, FRA intends to monitor the development and impact of end-of-train devices as time goes on.

Several commenters addressed the problems of rear markers on trains, e.g., light color. Most of these comments are unrelated to this rulemaking, and undoubtedly were submitted because many end-of-train devices are combined rear marker and rear car brake pipe pressure telemetry systems. For example, several labor organizations commented that the telemetry system should be capable of providing information regarding the status of the rear marker light, including the level of battery reserve. FRA views these types of comments as reflective of the tremendous potential of end-of-train devices to provide the engineer with information about the train. FRA expects significant developments in the capabilities and features of these devices. However, FRA has concluded that it is both premature and unwarranted from a safety standpoint to mandate these optional features.

Section-by-Section Analysis

Section 232.13(b). In the NPRM, FRA proposed to permit use of a "device" in addition to a "gauge" to ascertain that brake pipe pressure is being restored at the rear of the train. The final rule adopts the proposed change with minor language revision. The performance specifications of the device are included in new § 232.19.

Section 232.13(c). In the NPRM, FRA proposed to permit use of a "device" to determine that brake pipe pressure has been charged to the prescribed level. FRA also proposed to permit the device to be used to ascertain that the rear car brake pipe pressure is being reduced, as an alternative to a visual determination that the rear car brakes have applied. Finally, the NPRM proposed to permit the device to be used to ascertain that the rear car brake pipe pressure is being restored, as an alternative to a visual determination that the rear car brakes have released. The final rule adopts these changes, although certain editorial revisions are made for the sake of clarity. FRA believes that reliance on changes in rear car brake pipe pressure to determine the application and release of the brakes on the rear car is reasonable since the valve on each individual car is designed to respond to such changes in pressure. One editorial revision to this paragraph and to paragraphs (d)(1) and (d)(2) is deleting the proposed language requiring a rear car set and release test if the device becomes inoperative enroute. Since the final rule permits use of a device as an alternative to the rear car set and release test, an inoperative device would preclude using that alternative. Hence, a rear car set and release test is automatically required.

Section 232.13(d)(1). As in § 232.13(c), FRA proposed to permit use of a device to determine that the brake pipe at the rear of train is charged to the specified level, and to ascertain that the rear car pressure is being reduced and restored in lieu of determining visually that rear car brakes have applied and released. In addition, FRA proposed in the NPRM to incorporate the procedure authorized in a recent FRA technical bulletin that permits a single 20-pound brake pipe reduction in lieu of a 15-pound reduction followed by increasing the reduction to full service. These changes have been adopted in the final rule, although minor editorial revisions are made for the sake of clarity.

Thus, the final rule permits use of a rear car gauge or device to observe a rear car pressure reduction and then a pressure increase in lieu of observing the application and release of the rear car's brakes. This portion of the test procedure in § 232.13(d)(1) may be made in conjunction with the portion requiring observation of the application and release of the brakes on the cars added to the train.

Section 232.13(d)(2). FRA adopts the proposed change, with minor drafting revision, to permit use of a gauge or device to determine that the rear car brake pipe pressure is being reduced and restored, as an alternative to a visual determination that the brakes on the rear car apply and release.

The final rule does not include a requirement to charge the train before the brake pipe pressure is reduced as was proposed. Several railroad commenters objected to the proposed language suggesting that the requirement to charge the train is a new and unnecessary requirement. These commenters noted that the test in (d)(2) is only to determine brake pipe continuity, whereas the test in (d)(1) involves both a leakage test and a car-by-car inspection of cars added to the train. FRA agrees and, hence, has deleted the proposed language from the final rule.

Section 232.13(g). In the NPRM FRA proposed to add a new paragraph (g) describing the performance standards for a device that may be used to comply with the test procedures in § 232.13. Paragraph (g) in the final rule merely defines a "device" as a system of components designed and inspected in accordance with § 232.19. The performance standards are now embodied in new § 232.19.

Section 232.13(h). FRA had added a new paragraph (h) to the final rule to clarify what constitutes pressure "being reduced" and "being restored" at the rear of the train when an end-of-train device is used. It provides that the rear car brake pipe pressure must be at least 5 psig different than the pressure before action is taken to decrease or increase brake pipe pressure.

Section 232.19. The final rule includes a new section, "§ 232.19 *End of train device.*" This section addresses the performance standards that were included in proposed § 232.13(g), the predeparture inspection requirements in proposed § 232.13(h), and new performance related requirements responsive to issues raised by the comments to the proposed rule.

Paragraph (a) provides that an end-of-train device includes both the rear-of-train unit (rear unit) and the front-of-train unit (front unit). These two units may or may not be permanently mated to one another. However, when a device is in use, the front unit and rear unit must work together in the manner prescribed in paragraphs (e) and (h).

Paragraph (b) describes the characteristics of the rear unit. The rear unit must be capable of determining the rear car brake pipe pressure and transmitting that information to the front unit. As proposed, the rear unit shall have an accuracy of ±3 psig of the actual brake pipe pressure (§ 232.19(b)(1)). Paragraph (b) also includes four other requirements not

explicitly contained in the proposed rule, but which are included in the current AAR guidelines on end-of-train devices. These four requirements are directly safety related.

First, the rear unit must be equipped with a "bleeder valve" to release air under pressure from the rear unit or associated air hoses prior to detaching the rear unit from the brake pipe (§ 232.19(b)(2)). Absence of such a valve can create a personal injury hazard.

Second, the rear unit must be designed so that an internal failure of the device will not cause an undesired emergency brake application (§ 232.19(b)(3)).

Third, the rear unit must be equipped with either an air gauge or a means of visually displaying the rear unit's brake pipe pressure measurement (§ 232.19(b)(4)). This capability is necessary to comply with the requirement in § 232.19(h)(2) to compare the brake pipe pressure reading on the rear unit with the reading displayed on the front unit. This comparison, made at the point of installation of the device, demonstrates the proper internal functioning of the device. Moreover, this feature permits the rear unit to be used as gauge by a person at the rear of the train. Thus, a person at the rear of the train could use the rear unit as a gauge for purposes of complying with the requirements of § 232.12(d)(1).

Fourth, the rear unit must be equipped with a pressure relief safety valve (§ 232.19(b)(5)). This valve is to prevent an explosion from a high pressure air leak inside the rear unit, an event that would otherwise present a risk of personal injury.

Paragraph (c) prescribes the reporting rate of messages from the rear unit. Many commenters objected to the proposed rule language that the device determine "the brake pipe pressure on the rear car on a continuous basis." The manufacturers of end-of-train devices and railroads indicated that while the front unit provides a continuous display of the rear car brake pipe pressure, that display is only updated in the event of pressure changes greater than two pounds or after a time interval of approximately one minute. The final rule responds to these comments and provides for a continuous display with periodic updates. FRA has adopted a pressure change criterion of ± 2 psig and a time interval of not more than 70 seconds.

Paragraph (d) defines the operating environment in which the rear unit must be designed to operate. It sets forth temperature, humidity, pressure (altitude), shock, and vibration criteria. These criteria are from the current industry standards for end-of-train devices.

Paragraph (e) establishes a requirement that each rear unit have a unique and permanent identification code that is transmitted with each message transmitted. This unique code is also set, though not necessarily permanently, in the front unit when the device is being used so that only the mated units will communicate with each other. This unique code system is currently used and has obvious critical safety implications. The codes are currently provided by AAR and the rule provides that an AAR provided code is deemed to be a unique code for purposes of compliance with the rule. A unique code may also be obtained from FRA.

Paragraph (f) describes the characteristics of the front unit. The front unit must be capable of receiving messages from a rear unit and displaying the rear car brake pipe pressure in not more than one-pound increments (§ 232.19(f)(1)).

The display must be clearly visible and legible in daylight and darkness from the engineer's normal operating position (§ 232.19(f)(e)). Several commenters noted that many locomotives have multiple locations from which an engineer can operate the train. In such situations, the normal operating position is the position occupied by the engineer for the particular train movement. However, FRA will not require relocating the front unit when an engineer changes location for a brief time, for example, when making a switching move.

The front unit must have a means of entering the unique identification code of the rear unit being used and display messages only from that rear unit (§ 232.19(f)(3)).

Finally, the front unit must be designed to function properly in the operating environment normally encountered in the cab of a locomotive (232.19(f)(4)).

Paragraph (g) provides that the radio equipment used in the front and rear units must comply with all Federal Communications Commission requirements (§ 232.19(g)(1)). It further provides a minimum battery life of 36 hours at 0°C for any battery-powered radio equipment (§ 232.19(f)(2)).

Paragraph (h) of the final rule prescribes requirements for the inspection of end-of-train devices. Subparagraph (h)(1) requires that the unique identification code of the rear unit shall be entered into the front unit upon installation of an end-of-train device. The functional capability of the device also must be checked at the point of installation (§ 232.19(h)(2)). This is accomplished by comparing the quantitative value display on the front unit with the value displayed on the rear unit or an air gauge. The rule prohibits use of the end-of-train device if the difference between the two values exceeds three pounds. Finally, the rule requires that the rear unit be calibrated for accuracy at least every 92 days and a tag applied to the rear unit concerning the last inspection (§ 232.19(h)(3)).

The requirement to periodically calibrate the rear unit is essentially identical to the requirement in the proposed rule. However, the proposed rule envisioned the inspection being made as part of the periodic inspection of a locomotive under 49 CFR Part 229. Railroad commenters supported the periodic inspection requirement, but noted that the rear units are not attached to locomotives and, therefore, should not be connected to the periodic inspection of locomotives. FRA agrees and the final rule simply requires an inspection at least every 92 days. Thus, the entire use, operation, and inspection of end-of-train devices is regulated under the Safety Appliance Acts (49 U.S.C. 1 *et seq.*). The requirement to have a tag, sticker, or other method of information storage regarding the last calibration affixed to the rear unit is designed for ease of compliance. It provides a simple method for a railroad employee or an FRA inspector to determine that the rear unit has been calibrated within the last 92 days. It is also an easy and virtually cost-free system for a railroad to follow. FRA envisions a small sticker affixed on the inside portion of the door or section of the rear unit covering the battery, a sticker not unlike ones found on automobiles providing information about the date and mileage at the last oil change.

Regulatory Impact

This final rule has been evaluated in accordance with existing regulatory policies. It is neither a "major" rule as defined under Executive Order 12291 nor a "significant" rule under DOT's policies and procedures.

The rule will not increase the economic burden of the existing regulation since it does not propose any new mandatory requirements. The alternative method of compliance with the requirements of 49 CFR 232.13 permitted in the final rule will have a positive economic impact by permitting carriers to reduce delays associated with manual power inspections at intermediate points. Although FRA is constrained in its analysis by the

absence of well defined industry-wide economic data, FRA has prepared and placed in the docket an economic analysis addressing the impact of the final rule. It can be inspected or copied at Room 8201, 400 Seventh Street, SW., Washington, DC. Copies can also be obtained from the Docket Clerk at the same address. FRA's draft economic evaluation prepared for the NPRM in this docket identified total estimated benefits from avoidance of train delays to be $11,135,000 per year. The total first year costs, attributable to the purchase and installation of telemetry devices, were estimated at $1,370,000. These amounts were annual averages from a twenty-year forecast that uses a 10 percent discount rate. The benefit-to-cost ratio for the entire forecast period would be 8 to 1.

The cost-benefit ratio in the draft economic evaluation was conservative for a number of reasons, and FRA specifically requested that commenters provide information on the economic impact of the NPRM. The commenters who addressed the economic impacts in their comments to the NPRM confirmed that the cost-benefit ratio is conservative. Accordingly, it is certified that the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required.

Paperwork Reduction Act

This final rule contains information collection requirements in § 232.19. They have been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). FRA anticipates that OMB will undertake prompt action on the request for approval. FRA will publish a notice in the **Federal Register** announcing that action. Any comments on the information collection requirements should be submitted to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503.

List of Subjects in 49 CFR Part 232

Railroad safety.

The Final Rule

PART 232—[AMENDED]

In consideration of the foregoing, Part 232 of 49 Code of Federal Regulations is amended as follows:

1. The authority citation for 49 CFR Part 232 continues to read as follows:

Authority: Secs. 1, 3, 5, and 6, 27 Stat. 523, as amended, secs. 1–3, 32 Stat. 943, as amended, secs. 1, 2, 3, and 6, 36 Stat. 298–299, sec. 6 (e) and (f), 80 Stat. 939 (45 U.S.C. 1, 3, 5, 6, 8–10, 11, 12, 15, 16, 49 U.S.C. 1655)

2. Section 232.13 is amended by revising paragraphs (b), (c)(1), (d)(1), (d)(2)(i), and by adding paragraphs (g) and (h) to read as follows:

§ 232.13 Road train and intermediate terminal train air brake tests.

* * * * *

(b) *Freight trains:* Before motive power is detached or angle cocks are closed on a freight train, brakes must be applied with not less than a 20-pound brake pipe reduction. After recoupling, and after angle cocks are opened, it must be known that brake pipe air pressure is being restored as indicated by a rear car gauge or device. In the absence of a rear car gauge or device, an air brake test must be made to determine that the brakes on the rear car apply and release.

(c)(1) At a point other than an initial terminal where a locomotive or caboose is changed, or where one or more consecutive cars are cut off from the rear end or head end of a train with the consist otherwise remaining intact, after the train brake system is charged to within 15 pounds of the feed valve setting on the locomotive, but not less than 60 pounds as indicated at the rear of a freight train and 70 pounds on a passenger train, a 20-pound brake pipe reduction must be made and it must be determined that the brakes on the rear car apply and release. As an alternative to the rear car brake application and release test, it shall be determined that brake pipe pressure of the train is being reduced as indicated by a rear car gauge or device and then that brake pipe pressure of the train is being restored as indicated by a rear car gauge or device.

* * * * *

(d)(1) At a point other than a terminal where one or more cars are added to a train, after the train brake system is charged to not less than 60 pounds as indicated by a gauge or device at the rear of a freight train and 70 pounds on a passenger train, a brake test must be made to determine that brake pipe leakage does not exceed five (5) pounds per minute as indicated by the brake pipe gauge after a 20-pound brake pipe reduction. After this test is completed, it must be determined that the brakes on each of these cars and on the rear car of the train apply and release. As an alternative to the rear car brake application and release portion of the test, it shall be determined that brake pipe pressure of the train is being reduced as indicated by a rear car gauge or device and then that brake pipe pressure of the train is being restored as indicated by a rear car gauge or device. Cars added to a train that have not been inspected in accordance with § 232.12(c)–(j) must be so inspected and tested at the next terminal where facilities are available for such attention.

(2)(i) At a terminal where a solid block of cars, which has been previously charged and tested as prescribed by § 232.13(c)–(j), is added to a train, it must be determined that the brakes on the rear car of the train apply and release. As an alternative to the rear car application and release test, it shall be determined that brake pipe pressure of the train is being reduced as indicated by a rear car gauge or device and then that brake pipe pressure of the train is being restored as indicated by a rear car gauge or device.

* * * * *

(g) As used in this section, "device" means a system of components designed and inspected in accordance with § 232.19.

(h) When a device is used to comply with any test requirement in this section, the phrase "brake pipe pressure of the train is being reduced" means a pressure reduction of at least five pounds and the phrase "brake pipe pressure of the train is being restored" means a pressure increase of at least five pounds.

3. Adding new § 232.19 to read as follows:

§ 232.19 End of train device.

(a) An end of train device shall be comprised of a rear-of-train unit (rear unit) located on the last car of a train and a front-of-train (front unit) unit located in the cab of the locomotive controlling the train.

(b) *Rear unit.* The rear unit shall be capable of determining the rear car brake pipe pressure and transmitting that information to the front unit for display to the locomotive engineer. The rear unit shall be—

(1) capable of measuring the rear car brake pipe pressure with an accuracy of ±3 psig and brake pipe pressure variations of ±1 psig;

(2) equipped with a "bleeder valve" that permits the release of any air under pressure from the rear of train unit or the associated air hoses prior to detaching the rear unit from the brake pipe;

(3) designed so that an internal failure will not cause an undesired emergency brake application;

(4) equipped with either an air gauge or a means of visually displaying the rear unit's brake pipe pressure measurement; and

(5) equipped with a pressure relief safety valve to prevent explosion from a high pressure air leak inside the rear unit.

(c) *Reporting rate.* Multiple data transmissions from the rear unit shall occur immediately after a variation in the rear car brake pipe pressure of ±2 psig and at intervals of not greater than 70 seconds when the rear car brake pipe pressure variation over the 70-second interval is less than ±2 psig.

(d) *Operating environment.* The rear unit shall be designed to meet the performance requirements of paragraphs (b) and (c) of this section under the following environmental conditions:

(1) At temperatures from −40 °C to 60 °C;

(2) At a relative humidity of 95% noncondensing at 50 °C;

(3) At altitudes of zero to 12,000 feet mean sea level;

(4) During vertical and lateral vibrations of 1 to 15 Hz., with 0.5 g. peak to peak, and 15 to 500 Hz., with 5 g. peak to peak;

(5) During the longitudinal vibrations of 1 to 15 Hz., with 3 g. peak to peak, and 15 to 500 Hz., with 5 g. peak to peak; and

(6) During a shock of 10 g. peak for 0.1 second in any axis.

(e) *Unique code.* Each rear unit shall have a unique and permanent identification code that is transmitted along with the pressure message to the front-of-train unit. A code obtained from the Association of American Railroads, 50 F Street, NW., Washington, DC 20036 shall be deemed to be a unique code for purposes of this section. A unique code also may be obtained from the Office of Safety Enforcement (RRS–10), Federal Railroad Administration, Washington, DC 20590.

(f) *Front unit.* (1) The front unit shall be designed to receive data messages from the rear unit and shall be capable of displaying the rear car brake pipe pressure in not more than one-pound increments.

(2) The display shall be clearly visible and legible in daylight and darkness from the engineer's normal operating position.

(3) The front device shall have a means for entry of the unique identification code of the rear unit being used. The front unit shall be designed so that it will display a message only from the rear unit with the same code as entered into the front unit.

(4) The front unit shall be designed to meet the requirements of 232.19(d) (2), (3), (4), and (5). It shall also be designed to meet the performance requirements in this paragraph—

(i) At temperatures from 0°C to 60°C;

(ii) During a vertical or lateral shock of 2 g. peak for 0.1 second; and

(iii) During a longitudinal shock of 5 g. peak for 0.1 second.

(g) *Radio equipment.* (1) The radio transmitter in the rear unit and the radio receiver in the front unit shall comply with the applicable regulatory requirements of the FCC and use of a transmission format acceptable to the FCC.

(2) If power is supplied by one or more batteries, the operating life shall be a minimum of 36 hours at 0°C.

(h) *Inspection.* (1) Upon installation of an end-of-train device, it shall be determined that the identification code entered into the front unit is identical to the unique identification code on the rear-of-train unit.

(2) The functional capability of the device shall be determined at the point of installation, after charging the train, by comparing the quantitative value displayed on the front unit with the quantitative value displayed on the rear unit or on an air gauge. The end device may not be used if the difference between the two readings exceeds three pounds.

(3) The rear unit shall be calibrated for accuracy at least every 92 days. A tag, sticker, or other method of information storage that provides the date of the last calibration, the location where the calibration was made, and the name of the person doing the calibration shall be affixed to the rear unit.

Issued in Washington, D.C. on May 5, 1986.

John H. Riley,

Administrator.

[FR Doc. 86–10456 Filed 5–8–86; 8:45 am]

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federal register

Friday
May 9, 1986

Part VI

Department of Agriculture

Agriculture Stabilization and Conservation Service

7 CFR Part 736

Grain Warehouses; Transfer of Stored Grain; Interim Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 736

[Amdt. No. 2]

Grain Warehouses; Transfer of Stored Grain

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim final rule.

SUMMARY: This rule amends 7 CFR Part 736 relating to grain warehouses licensed under the United States Warehouse Act (Act) to allow a warehouseman to transfer receipted stored agricultural products from one licensed warehouse to another licensed warehouse. The Act was amended on March 20, 1986, to allow such transfers which are advantageous to warehousemen and producers in handling unusually large crops. The authority for this action is found in the United States Warehouse Act 7 U.S.C. 241 *et seq.*

EFFECTIVE DATE: May 9, 1986.

Comment date: Written comments, data, and opinions on this Interim Rule must be submitted by July 8, 1986 to be assured of consideration.

ADDRESS: Written comments should be sent to Paul W. King, Director, Warehouse Division, Room 5968–South Agriculture Building, Agricultural Stabilization and Conservation Service, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harry J. Wishmire, 202–475–4028.

SUPPLEMENTARY INFORMATION:

This rule has been reviewed under the provisions of Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "non major." This action does not constitute a review as to the need, currency, and effectiveness of these regulations under those procedures. A complete review of these regulations is in process.

Milton J. Hertz, Acting Administrator, ASCS, has determined that this action is "non major" since implementation of the proposed rule will not result in (a) an annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local government, or a geographic region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets.

Reporting and recordkeeping requirements have received OMB clearance under OMB No. 0560–0120 and no additional requirements are proposed by this rule.

Milton J. Hertz, Acting Administrator, ASCS, has certified that this action will not have a significant economic impact on a substantial number of small entities because (i) this action imposes no additional economic costs on small entities; and (ii) the use of the service is voluntary; therefore no regulatory flexibility analysis was prepared.

This rule is not expected to have any significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as wildlife habitat, water quality, or land use and appearance. Accordingly, neither an environmental assessment nor an environmental impact statement is required and none was prepared.

This action will not have a significant impact specifically upon area and community development, therefore review as established by Executive Order 12291 (February 17, 1981) was not used to assure that units of local government are informed of this action.

The U.S. Warehouse Act (7 U.S.C. 241 *et seq.*) [the "Act"] provides for the licensing of warehousemen who apply to the Secretary of Agriculture and meet certain statutory and regulatory standards. The primary objectives of the Act are to: (1) Protect producers and others who store their property in public warehouses; (2) assure the integrity of warehouse receipts as documents of title, thereby facilitating trading of agricultural commodities in interstate commerce; and (3) set and maintain a standard for sound warehouse operations.

Issuance of a warehouse receipt (preparation by the warehouseman and delivering to the depositor) is the best legal evidence of the bailment contract (the storage obligation). A warehouse receipt is generally acceptable in commerce only when the original depositor or a subsequent holder of a receipt has reasonable assurance that the product covered by the warehouse receipt will be returned upon surrender of the receipt and a valid request for delivery.

The amendment to the Act which mandated this change in the regulations became effective March 20, 1986. The amendment allows a federally licensed warehouseman to transfer receipted stored agricultural products from one licensed warehouse to another licensed warehouse in accordance with regulations to be issued by the Secretary and subject to such terms and conditions as the Secretary may prescribe. This transfer was prohibited under previous provisions of the Act.

The amendment grants discretionary authority to the Secretary to assist federally licensed warehousemen in coping with a storage situation that is beyond their control.

A tight storage situation exists and is expected to continue for the 1986 crops. This change will help facilitate storage operations of primary receiving warehouses by enabling them to forward grain to other licensed facilities. Receiving warehouses will continue to be responsible for the safekeeping of grain.

The Act was amended to help federally licensed warehousemen more readily handle bumper crops of grain. Harvest of a large winter wheat crop will begin in late May. A tight storage situation already exists in that production area. Emergency action on this rule is necessary if the amendment to the Act is to assist in freeing storage space at local warehouses for this crop. Therefore, good cause is shown for making this rule effective immediately without provisions for prior notice and comment. Comments will be received for 60 days after the effective date of this Interim Rule and will be considered before the rule is confirmed.

List of Subjects in 7 CFR Part 736

Grains, Warehouse licenses, Duties of warehouseman, Warehouses.

Interim Final Rule

PART 736—GRAIN WAREHOUSES

Accordingly it is proposed to amend 7 CFR Part 736 as follows:

1. The authority citation for 7 CFR Part 736 continues to read as follows:

Authority: Sec. 28, 39 Stat. 490 (7 U.S.C. 268)

2. Section 736.42 is revised to read as follows:

§ 736.42 Excess Storage.

(a) If at any time a warehouseman shall store grain in his warehouse in excess of the capacity for which it is licensed, such warehouseman shall immediately notify the Secretary of such excess storage, the reason therefor, and the location thereof.

(b) A warehouseman wishing to transfer stored grain for which receipts have been issued to another licensed warehouse in accordance with section 17 of the Act may do so subject to the following terms and conditions.

(1) The transferring (shipping) warehouseman's accepted rules or schedule of charges must contain notice that the warehouseman may forward grain deposited on a commingled basis such terms and conditions as the Secretary may prescribe.

(2) For purposes of this section of the regulations a licensed warehouse means a warehouse operated by a warehouseman who holds an unsuspended, unrevoked license under the U.S. Warehouse Act for grain, or a warehouse operated by a warehouseman who holds an effective warehouse license for the public storage of grain and/or rice issued by a State that has financial, bonding and examination requirements for the benefit of all depositors.

(3) Non-negotiable warehouse receipts shall be obtained promptly by the shipping warehouseman from the receiving warehouseman for all transferred grain. Such receipts shall have printed or stamped in large bold or outline letters diagonally across the face and covering the face from corner to corner the words "NOT NEGOTIABLE". Receipts are not valid for collateral purposes. They shall be retained by the shipping warehouseman to be presented to and used by the Department examiners in lieu of an on-site inventory. The grain covered by such receipts is not the property of either the receiving or shipping warehouseman but held in trust by both solely for the benefit of the depositors whose bailed grain was transferred individually or collectively and the depositor or the depositor's transferee retains title thereto.

(4) The shipping warehouseman's bond shall be increased to consider the addition of the transferred grain to the licensed capacity of the warehouse with the net asset requirements based on the total of the licensed capacity and the forwarded grain. The bond amount need not be more than $500,000 unless necessary to cover a deficiency in net assets to meet requirements. The receiving warehouseman shall not incur storage obligations that exceed the licensed capacity of his warehouse.

(5) The shipping warehouseman continues to retain a storage obligation to the owners of all grain deposited in the warehouse for storage whether forwarded or retained and is, except as otherwise agreed upon under paragraph (b)(6) of this section, required to redeliver the grain upon demand to the depositor or the depositor's transferee at the warehouse where the grain was first deposited for storage.

(6) The owner of grain deposited for storage at the warehouse must make settlement and take delivery at the warehouse where the grain was first deposited for storage, unless the owner of the commodity, with the consent of both the shipping warehouseman and the receiving warehouseman, elects to take delivery at the warehouse to which grain was transferred under this section.

(7) Nothing in this section shall in any way diminish the right of the owner of the grain to receive on delivery, or the obligation of the warehouseman of a licensed warehouse from which the product is transferred, to deliver to the owner, grain in the amount, and of the kind, quality, and grade, called for by the warehouse receipts or other evidence of storage.

(8) Recording and retention of non-negotiable warehouse receipts received as a result of forwarding a commodity under this section shall be subject to the requirements for warehouse receipts specified elsewhere in these regulations.

(9) If it is the shipping warehouseman's obligation by terms of the warehouse receipt or otherwise to insure the grain subject to the transfer, he must in accordance with regulation 736.33 keep such grain insured in his own name or transfer the grain only to a warehouse where the grain is fully insured.

(c) A warehouseman may transfer stored grain for which receipts have not and are not to be issued to another licensed warehouse for continued storage by complying with the provisions of paragraphs (b) (1) (2) (5) (6) (7) and (9) of this section. However, in no event shall the warehouseman's total storage obligations to others (not including stored receipted grain shipped under provisions of paragraph (b) of this section exceed the shipping warehouseman's licensed capacity.

Signed at Washington, DC, on May 7, 1986.

Milton J. Hertz,

Acting Administrator, Agricultural Stabilization and Conservation Service.

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