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Monday
May 19, 1986

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Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5479 of May 15, 1986

Jewish Heritage Week, 1986

By the President of the United States of America

A Proclamation

American Jews have made immeasurable contributions to our country's economic, political, social, and cultural development. The remarkable and varied achievements of American Jews have greatly enriched the lives of all Americans, from medicine and mathematics to movies and the musical theater.

It is appropriate at this time of year that we remind ourselves of the tragedy and glory of Jewish history. The Jewish people have recently celebrated Passover, the holiday that commemorates their deliverance by God from the bondage of Egypt to freedom in the Holy Land. Last week marked the observance of Yom Hashoa, the Day of Remembrance, and this week, Israeli Independence Day is celebrated. These events remind us that Israel was reborn out of ashes of the Holocaust. These commemorations sustain our hope that someday the persecuted Jews of the Soviet Union will be delivered from bondage.

At this time of year, it is appropriate for all Americans to acknowledge how much our country has benefited from the contributions of American Jews. We should be proud that Jews in America have always been free to practice their religion and preserve their traditions. And the Jewish people have responded with an ardent patriotism once so eloquently expressed by one of America's foremost rabbis:

> "God built Him a continent of glory and filled it with treasures untold. . . . Then He called unto a thousand peoples, and summoned the bravest among them. . . . And out of the bounty of earth and the labor of men, out of the longing of hearts and the prayers of souls, out of the memory of ages and the hopes of the world, God fashioned a nation in love, blessed it with a purpose sublime, and called it—America!"
>
> Silver, "America," 1917.

The Congress, by Senate Joint Resolution 275, has authorized and requested the President to issue a proclamation designating the week of May 11, 1986, through May 17, 1986, as "Jewish Heritage Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 11, 1986, through May 17, 1986, as Jewish Heritage Week. I call upon the people of the United States to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-11358
Filed 5-16-86; 9:05 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5480 of May 15, 1986

National Defense Transportation Day and National Transportation Week, 1986

By the President of the United States of America

A Proclamation

Our Nation was founded on beliefs in basic human freedoms. Among these cherished freedoms is free movement of people and ideas. In exercising that freedom, Americans have developed the greatest transportation system the world has ever known. We can travel where and when we want, either by air, water, or land. We can move goods by airplane, railroad, ship, barge, and truck. This ability to travel and to ship goods is as important to our Nation's strength today as it was vital for the pioneers who settled this great Republic.

The first Federal highway built with national funds, the Cumberland Road, was begun in 1811. A century later, when the Lincoln Highway opened to traffic in 1913, we had our first paved coast-to-coast road. Between now and 1990, we will complete funding for our greatest highway project yet, the Interstate Highway System. Great progress has already been made, and when it is finished, the Nation will be linked together with 42,500 miles of unbroken, limited-access roadway. This is the equivalent of circling the world almost twice without hitting a traffic light—an achievement that benefits not only business and pleasure travel, but greatly strengthens our national defense as well.

In a few months, we will be celebrating the 100th birthday of our great symbol of freedom, the Statue of Liberty. This magnificent lady watched as millions of people streamed across the Atlantic to our shores in pursuit of a dream—a land of opportunity, a country where people were free to go as far as their abilities could take them. Many of these immigrants became involved in designing and building our highways, bridges, railways, and airports. Their sons and daughters are working on new challenges, high-speed railways, hypersonic flight, and new technologies to make all travel safer. What the future will bring we can only guess, but improvement in the swiftness, safety, dependability, and economy of transportation will be an integral part of even greater prosperity and human fulfillment.

In recognition of the importance of transportation, and to honor the millions of Americans who serve and supply our transportation needs, the Congress, by joint resolution approved May 16, 1957 (36 U.S.C. 160), has requested that the third Friday in May of each year be designated as National Defense Transportation Day; and by joint resolution approved May 14, 1962 (36 U.S.C. 166), that the week in which that Friday falls be proclaimed National Transportation Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, May 16, 1986, as National Defense Transportation Day and the week beginning May 11, 1986, through May 17, 1986, as National Transportation Week. I urge the people of the United States to observe these occasions with appropriate ceremonies that will give full recognition to the importance of our transportation system to this country.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-11359
Filed 5-16-86; 9:06 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Monday, May 19, 1986

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 22

[Docket No. 86-11]

Loans in Areas Having Special Flood Hazards

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is making technical amendments to 12 CFR Part 22—Loans in Areas Having Special Flood Hazards. This action is required to change a citation and to correct several titles, cross-references, and typographical errors. This amendment is solely technical in nature and will not have substantive impact.

DATE: May 19, 1986.

FOR FURTHER INFORMATION CONTACT: Yvonne McIntire, Legislative and Regulatory Analysis Division, (202) 447-1177.

ADDRESS: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The Office is amending 12 CFR Part 22 including the Appendix to remove all references to the "Secretary of Housing and Urban Development" and to insert, in its place, the "Director of the Federal Emergency Management Agency". This change is required to reflect an amendment to 42 U.S.C. 4003 which replaced the Secretary of Housing and Urban Development with the Director of the Federal Emergency Management Agency as administrator of the National Flood Insurance Program.

The Office also is removing the references to the regulations of the Federal Insurance Administration of the Department of Housing and Urban Development and substituting the apropriate regulations of the Federal Emergency Management Agency.

Finally, the Office is amending paragraphs (1) and (2)(a) of the Appendix to 12 CFR Part 22 in order to correct several typographical errors—(1) the word "ares" in line 8 of paragraph (1) is removed and replaced with the word"ares"; (2) the word "is" in line 1 of paragraph (2)(a) is removed and replaced with the word "in"; and (3) the word "approve" in line 14 of paragraph (2)(a) is removed and replaced with the word "approved".

Reason for Not Allowing Notice and Comment Procedures

This final rule is purely technical in nature and will have no substantive impact. Since this final rule only makes corrections and reflects existing regulatory language, notice and comment procedure under section 553 of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, is unnecessary.

Reason for Immediate Effective Date

This final rule is not substantive. A 30-day delayed effective date, therefore, is unnecessary.

Regulatory Flexibility Act

The Comptroller certifies that this amendment will not have a substantial economic impact on a significant number of small entities. The amendment is purely technical in nature and will have no substantive impact.

Executive Order 12291

The Office has determined that this proposal does not constitute a "major rule" and, therefore, does not require a Regulatory Impact Analysis. This amendment is purely technical in nature and will have no substantive impact.

Paperwork Reduction Act

This amendment contains no information collection requirements; consequently, it does not require Office of Management and Budget review pursuant to the Paperwork Reduction Act.

List of Subjects in 12 CFR Part 22

Flood insurance, National banks.

Authority and Issuance

For the reasons set forth in the preamble, 12 CFR Part 22 and the Appendix to 12 CFR Part 22 are amended as follows:

PART 22—[AMENDMENT]

1. The authority citation for 12 CFR Part 22 is revised to read as follows:

Authority: 42 U.S.C. 4003, 4106, 4012a, 4104a, 4128.

2. Section 22.0 is revised to read as follows:

§ 22.0 Scope.

This part applies to certain loans secured by improved real estate made by banks in areas determined by the Director of the Federal Emergency Management Agency to have special flood hazards.

3. Section 22.1 (b) and (d) are revised to read as follows:

§ 22.1 Definitions.

* * * * *

(b) The term "loan" means any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director of the Federal Emergency Management Agency as an area having special flood hazards.

* * * * *

(d) The phrase "participating community" means a community which has been designated as eligible for the sale of insurance by the Director of the Federal Emergency Management Agency pursuant to 44 CFR Part 64 and in which flood insurance is currently being sold.

* * * * *

4. Section 22.3 is revised to read as follows:

§ 22.3 Exemption.

Notwithstanding § 22.2, flood insurance shall not be required on any State-owned property that is covered under an adequate policy of self-insurance satisfactory to the Director of the Federal Emergency Management Agency who shall publish and periodically revise the list of states falling within the exemption provided by this section.

5. In the Appendix to 12 CFR Part 22 paragraphs (1) and (2)(a) are revised to read as follows:

Appendix—Sample Notices to Borrower

(1) Notice to Borrower of Special Flood Hazard Area

Notice is hereby given to ———— that the improved real estate or mobile home described in the attached instrument is or will be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area. This area is delineated on ———— 's Flood Insurance Rate Map (FIRM) or, if the FIRM is unavailable, on the Flood Hazard Boundary Map (FHBM). This area has a 1 percent chance of being flooded within any given year. The risk of exceeding the 1 percent chance increases with time periods longer than one year. For example, during the life of a 30 year mortgage, a structure located in a special flood hazard area has a 26 percent chance of being flooded.

(2) Notice to Borrower About Federal Disaster Relief Assistance

(a) *Notice in Participating Communities.* The improved real estate or mobile home securing your loan is or will be located in a community that is now participating in the National Flood Insurance Program. In the event such property is damaged by flooding in a federally declared disaster, Federal disaster relief assistance may be available. However, such assistance will be unavailable if the community has been identified for at least one year as a flood hazard area and is not participating in the National Flood Insurance Program at the time the assistance would be approved. This assistance, usually in the form of a loan with a favorable interest rate, may be available for damages incurred in excess of your flood insurance.

* * * * *

Dated: May 9, 1986.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 86-11180 Filed 5-16-86; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 11

[Docket No. 14607; Amdt. No. 11-31]

Termination of Suspension of Amendment 91-157; Minimum Equipment Lists (MEL); Correction

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects an error made when an Office of Management and Budget Control Number was printed in the **Federal Register** (50 FR 51188; December 13, 1985). This amendment is required to ensure that the list of control numbers is accurate.

EFFECTIVE DATE: May 19, 1986.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Safety Regulations Division (APR-200), Office of Program and Regulations Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 426-8357.

SUPPLEMENTARY INFORMATION: When Amendment No. 11-26 was published in the **Federal Register** (50 FR 51188; December 13, 1985), the Office of Management and Budget Control Number (2120-0522) for § 91.30 of the Federal Aviation Regulations was added to the table in § 11.101(b). However, the language in § 11.101(b) prior to the issuance of Amendment No. 11-26 listed the control number for §§ 91.24 through 91.34 as "2120-0005." Amendment No. 11-26 inadvertently neglected to amend the language in § 11.101(b).

Good Cause Justification for Making This Rule Effective Without Further Public Comment

Since this amendment corrects an editorial error, the FAA has determined that this action is appropriate without further delay. Because of this and since no additional burden is being placed on any person, additional notice and public procedure are impracticable and unnecessary.

Conclusion

This amendment corrects an editorial error. Accordingly, it has been determined that this document does not involve a rule change that is major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). I certify that, under the criteria of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 11

Aircraft, Airmen, Aviation safety, General aviation, reporting and recordkeeping requirements, Safety.

The Amendment

PART 11—[AMENDED]

Accordingly, Part 11 of the Federal Aviation Regulations (14 CFR Part 11) is amended to read as follows:

1. The authority citation For 14 CFR Part 11 continues to read as follows:

Authority: 49 U.S.C. 1341(a), 1343(d), 1348, 1354(a), 1401 through 1405, 1421 through 1431, 1481, 1502; 49 U.S.C. 106(g) (revised Pub. L. 97-449, January 12, 1983).

2. By amending § 11.101 by removing the OMB control numbers in paragraph (b) for §§ 91.24 through 91.34 and 91.30 and adding the following:

§ 11.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

§§ 91.24 thru 91.34 (except § 91.30)	2120-0005
§ 91.30	2120-0522

* * * * *

Issued in Washington, DC, on May 9, 1986.

Donald D. Engen,

Administrator.

[FR Doc. 86-11135 Filed 5-16-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-ANE-30; Amdt. 39-5293]

Airworthiness Directives; Avco Lycoming Division T5313B and T5317A Series Turboshaft Engines

Correction

In FR Doc. 86-10001, beginning on page 16506, in the issue of Monday, May 5, 1986, make the following correction.

On page 16507, in the second column, in paragraph (a)(2), in the second line, "T513B" should read "T5313B".

BILLING CODE 1505-01-M

14 CFR Part 39

[Docket No. 85-NM-152-AD; Amdt. 39-5314]

Airworthiness Directives; Boeing Model 747 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires inspection of trailing edge flap tracks for cracking on certain

Boeing Model 747 airplanes. This amendment will incorporate a decrease in the inspection intervals from 2,000 landings to 1,000 landings. This action is prompted by recent reports of cracking of twelve flap tracks. The cracking has occurred aft of the third lower forward fail-safe bar fastener hole. This recent service experience has shown that the present 2,000 landing inspection interval is inadequate.

DATE: Effective June 23, 1986.

ADDRESSES: The service bulletin specified in this AD may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. It may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM-120S; telephone (206) 431-2923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require inspection for and subsequent repair of cracked structure was published in the **Federal Register** on February 4, 1986 (51 FR 4365). The comment period for the proposal closed on March 28, 1986. Interested parties have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

Comments were received from the Air Transport Association (ATA) of America summarizing the comments of its member operators. The airlines had no objections to the proposed rule. However, several operators questioned why the proposed initial inspection interval of 300 cycles is needed since it will disrupt their established inspection interval of 1,000 landings, and the ATA requested that Table I of the AD be replaced with a provision that requires operators to inspect within 1,000 landings after the effective date of the AD and to repeat the inspection at 1,000 landing intervals. The FAA does not concur with this request. The FAA recognizes that there may be some disruptions in the established inspection schedules of those operators who will have accumulated 1001 to 1700 landings since the last inspection as of the date of this amendment; however, the schedule as required by this amendment has been determined to be necessary in consideration of the risk associated with the subject cracking, and fact that such cracking has been found to occur on airplanes with fewer flight cycles than expected.

In a comment directly to the FAA, one operator requested changing the repeat inspection interval from 1,000 landings to 1,100 or 1,200 landings. The FAA does not concur with this increase based on recent service experience of cracking occurring at lower intervals, and the recommendation of the manufacturer.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 101 airplanes of U.S. operators will be affected by this AD, that it will take approximately 48 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD is estimated to be $193,920 per additionally required inspection cycle.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria for the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A final evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

2. By amending AD 84-19-02, Amendment 39-4917 (49 FR 36819; September 20, 1984), by revising paragraph B. to read as follows:

B. Initially, as specified in Table I, below, and at intervals thereafter not exceeding 1,000 landings, visually inspect the flap track webs for cracks extending from all fastener holes not previously inspected under paragraph A., above, in accordance with Boeing Service Bulletin 747-57-2146, Revision 3, or later FAA-approved revisions. Cracked parts must be replaced before further flight."

TABLE I

Number of landings since last inspection as of the effective date of this amendment	Inspect prior to the accumulation of the following number of landings
0 to 700	1,000 from last inspection.
701 to 1,700	300 after effective date of amendment.
1,701 to 2,000	2,000 from last inspection.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective June 23, 1986.

Issued in Seattle, Washington, on May 9, 1986.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-11133 Filed 5-16-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 93

[Docket No. 24600; Amd't No. 93-50]

Abbotsford, British Columbia (BC), Canada, Special Airport Traffic Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action lowers the ceiling of the Abbotsford, BC, Special Airport Traffic Area (SATA) from 4,000 feet mean sea level (MSL) to 3,000 feet MSL. This SATA is located in the State of Washington and is associated with the Abbotsford, BC, Airport in Canada. This action is being taken to complement the recent Canadian-controlled airspace reclassification which resulted in the establishment of a general ceiling for Canadian control zones of 3,000 feet above the elevation of the airport.

EFFECTIVE DATE: 0901 G.m.t., July 3, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Airspace-Rules

and Aeronautical Information Division, ATO–200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

As part of the reorganization of controlled airspace in Canada, most Canadian control zones are established at 3,000 feet above the airport elevation and expressed as cardinal altitudes above MSL. The current Abbotsford SATA lateral boundary is geographically described identically to the Abbotsford Control Zone in the U.S. However, the ceiling of the SATA is established as 4,000 feet MSL so that it would have the same ceiling as the Abbotsford Control Zone in Canada. The effect of the existing rule is that it establishes a U.S. airport traffic area, in U.S. airspace, for an airport located in Canada. However, the recent Canadian-controlled airspace reorganization lowered the ceiling of the Canadian Abbotsford Control Zone to 3,000 feet MSL leaving a disparity in the applicability between the U.S. and Canadian flight rules. Accordingly, by letter dated March 27, 1985, Mr. K. S. Gray, Transport Canada, petitioned the FAA to lower the ceiling of the Abbotsford SATA.

By way of Notice No. 85–18 (50 FR 41906), published on October 16, 1985, the FAA granted Mr. K. S. Gray's petition for rulemaking by proposing to amend Part 93 of the Federal Aviation Regulations (14 CFR Part 93) to lower the floor of the Abbotsford SATA from 4,000 feet MSL to 3,000 feet MSL. Interested parties were invited to participate in the rulemaking effort by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for one change of an editorial nature, this amendment is the same as that proposed in the notice. The editorial change is the insertion of the provision that the SATA's of Abbotsford, BC, and Sault Ste. Marie, ON, are only effective when the respective control towers in those SATA's are operational. The current rule makes the SATA's effective regardless of the status of the control towers.

Because this proposed amendment would establish, simplify, and standardize the flight rules for operations conducted to and from a Canadian airport, and its effect on the users of U.S. airspace is minimal, this document involves a rulemaking action which is not a major rule under Executive Order 12291 and is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Further, for these reasons, I certify that, under the criteria of the Regulatory Flexibility Act, a resulting amendment will not have a significant impact on a substantial number of small entities. In addition, the FAA has determined that the expected impact of this action is so minimal that it does not require an evaluation.

The Rule

Accordingly, the FAA is lowering the ceiling of the Abbotsford SATA from 4,000 feet MSL to 3,000 feet MSL so that it would coincide with the established ceiling of the Canadian Abbotsford Control Zone. Additionally, as previously discussed, the FAA is limiting the effect of the rule to the operational hours of the Abbotsford, BC, and Sault Ste. Marie, ON, control towers.

List of Subjects in 14 CFR Part 93

Special airport traffic areas, Traffic patterns, Safety, Aircraft, Aircraft pilots, Air traffic control.

Adoption of the Amendment

PART 93—[AMENDED]

For the reasons stated in the preamble, the FAA is amending Subpart Q of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) as follows:

1. The authority citation for Part 93 continues to read as follows:

Authority: 49 U.S.C. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2402, and 2424; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. By revising § 93.195 as follows:

§ 93.195 Applicability.

(a) *Scope.* This Subpart describes special airport traffic areas and air traffic rules for persons operating in the airspace designated under this subpart for Abbotsford, British Columbia, and Sault Ste. Marie, Ontario, Canada.

(b) *Effective periods.* The respective airspace designations and rules of this subpart are effective only during the periods that the control towers at the affected airports are operational.

§ 93.197 [Amended]

3. In § 93.197(a) by removing the words "4,000 feet MSL" and substituting the words "3,000 feet MSL."

Issued in Washington, DC, on May 9, 1986.

Donald D. Engen,

Administrator.

[FR Doc. 86–11015 Filed 5–16–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 93

[Docket No. 24990; Amdt. No. 93–51]

Anchorage, Alaska, Special Airport Traffic Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action makes a minor revision to the description of the boundary of the Anchorage, AK, Special Airport Traffic Area (ATA). The revision is made necessary because of construction of a new Runway 14/32 to replace old Runway 13/31, slight changes in the geographical centers of the Anchorage International Airport and Elmendorf Air Force Base, and a reconfiguration to the boundaries of restricted areas whose boundaries, both past and present, form a portion of the ATA boundary.

Two other editional revisions are made to the Anchorage ATA. One is the deletion of the requirement that two-way radio communication be maintained with Anchorage International Airport Tower when the satellite Lake Hood Tower is not operating. This requirement is no longer applicable since Lake Hood Tower has been combined operationally with the Anchorage International Tower. The other editorial revision results from the fact that Palmer Highway, which appears as a reference point in the description, has been renamed as Glenn Highway. Accordingly, references in the former description to Palmer Highway have been changed to Glenn Highway.

DATES:

Comment Date: Comments must be submitted by July 3, 1986.

EFFECTIVE DATE: July 3, 1986.

ADDRESSES: Send comments on the rule in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–204), Docket No. 24990, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this regulatory action by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in

developing reasoned regulatory decisions. Communications should identify the regulatory docket number and be submitted in duplicate to the above specified address. All communications received on or before the closing date for comments will be considered by the Administrator. Commenters who wish the FAA to acknowledge receipt of their comments must submit with comments a self-addressed, stamped postcard on which the following statement is written: "Comments to Docket No. 24990." The postcard will be date/time stamped and returned to the commenter. The provisions in this rule may be changed in light of comments received. All comments submitted will be available, both before and after closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of Document

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (200) 426–8058. Communications must identify the docket number.

Background

Part 93, Subpart D, of the Federal Aviation Regulations (FAR), prescribes the boundaries of the Anchorage ATA and local operating rules. Several actions have been taken which require changes to the description of the ATA boundary and the deletion of an obsolete reference to a two-way radio communications requirement. These actions are:

(a) Construction and use of a new north/south Runway (14/32) at Anchorage International Airport and the closing of Runway 13/31.

(b) The reconfiguration of Restricted Area R–2203.

(c) The combining of Lake Hood Tower with Anchorage International Tower.

(d) A corrected description of the Elmendorf Air Force Base geographical center.

(e) Palmer Highway, which appears as a reference point in the description of the Anchorage ATA, has been renamed as Glenn Highway.

Need for Amendment

The actions listed above affect the Anchorage ATA description as follows:

(a) The new runway results in a need to correct the Anchorage International Airport geographical center. This point serves as a base reference in the general ATA description. Runway 13/31 is no longer in operation and physically does not exist. It can no longer be used as a reference to describe the "International" segment of the Anchorage ATA. Instead, the new reference point is the Anchorage International Tower. In the amended description, a line will be drawn from this reference which will help to depict an area which will include new Runway 14/32 and its associated traffic pattern.

(b) Restricted Area R–2203 has been reconfigured. The new configuration has slightly altered part of the ATA's northeastern boundary. The alteration of the ATA, as affected by the reconfigured restricted area, is minor. However, the FAA believes that no part of the definition of the Anchorage ATA boundary should be dependent upon the configuration of the restricted areas which are subject to change. Accordingly, the new description is referenced to coordinates. The reference to coordinates is a method which will be independent of any future restricted area reconfiguration that might occur. The revised description of the ATA in terms of coordinates does not in itself alter the airspace designation of the ATA.

(c) The Lake Hood Tower has been combined with the Anchorage International Tower which operates 24 hours a day. The current rule requires two-way radio communications with Anchorage Tower when Lake Hood Tower is not operating. Because of the combined operation, the rule is inaccurate and misleading to pilots.

(d) The revised Elmendorf geographical center, while not specified in the current rule, does require a slight change in the depiction of the ATA's north/northwest boundary.

(e) Renaming of Palmer Highway to Glenn Highway requires appropriate updating in the description of the Anchorage ATA.

These actions do not result in or necessitate any substantial change to the boundary of the ATA nor to aircraft operations or ATC procedures. However, the changes do require the technical amendment of the ATA boundary description and deletion of the outdated two-way radio communications requirement in the FAR.

The effect of this amendment is the slight alteration in the description of the Anchorage ATA boundary and the deletion from the rule of a two-way radio requirement which, because of the combining of tower operations, is no longer applicable. The amendment requires no change to aircraft operations in the ATA or to ATC procedures. Because the amendment is editorial in nature and only revises aeronautical charts and regulatory language to reflect configurations of adjacent airspace and airport facilities which are already in effect, this is a minor technical amendment in which the public would not be particularly interested. For the above reasons, I find that notice and public procedure under 5 U.S.C. 553 are unnecessary. This document involves a rulemaking action which is not a major rule under Executive Order 12291 and is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Further, for these reasons, I certify that, under the criteria of the Regulatory Flexibility Act, the amendment will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that the expected impact of this amendment is so minimal that it does not require a regulatory evaluation.

List of Subjects in 14 CFR Part 93

Airport traffic areas, Special air traffic rules, Aviation safety.

Adoption of the Amendment

PART 93—[AMENDED]

Accordingly, Part 93 of the Federal Aviation Regulations (14 CFR Part 93), Subpart D, Anchorage, Alaska, Terminal Area, is amended as follows:

1. The authority citation for Part 93 continues to read as follows:

Authority: 49 U.S.C. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2402, and 2424; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

§ 93.53 [Amended]

2. In § 93.53, the introductory paragraph is amended as follows:

a. By removing the words "the south boundary of Restricted Area R–2203A; thence west along the southern boundaries of R–2203A and R–2203B; thence north along the west boundary of R–2203B to its intersection with"; and substituting the words "a point which is lat. 61°17'15" N., long. 149°37'10" W.; thence west to lat. 61°17'15" N., long. 149°42'25" W.; thence northwest to lat. 61°19'12" N., long. 149°46'36" W.; thence via"

b. By removing the word "Palmer" which appears twice in the second sentence, and substituting the word "Glenn."

§ 93.55 [Amended]

3. Section 93.55 is amended as follows:

a. Paragraph (a) *International segment,* is amended by removing the words "terminal building extending northwesterly along a line ¼ statute mile east of, and parallel to runway 13/31" and substituting the words "control tower extending northwesterly on a direct line toward the substation."

b. Paragraph (b) *Merrill segment,* is amended by removing the word "Palmer" and substituting the word "Glenn."

§ 93.6 [Amended]

4. In § 93.61 paragraph (c) is removed.

Issued in Washington, DC, on May 9, 1986.

Donald D. Engen,

Administrator.

[FR Doc. 86-11136 Filed 5-16-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance Benefits Unlimited Reopening for Insured Status

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These final regulations clarify our regulations on when a determination or decision that a claimant did not have the necessary quarters of coverage for insured status under title II of the Social Security Act may be reopened and revised. It has long been our policy to permit unlimited reopening of this determination or decision only in certain situations. On August 5, 1980, we published new regulations (45 FR 52078) which restated in simpler language our rules governing this policy to make them easier for the public to read and understand. These new regulations have been interpreted by one court and some individuals to permit reopening in situations other than those originally included in the regulations. By making clarifying revisions, we hope to be able to eliminate such interpretations of the regulations which provide for unlimited reopening of an unfavorable determination or decision concerning an individual's insured status. In addition, the final regulations on unlimited reopening for insured status reflect a requirement concerning the evidence of earnings establishing insured status which has been part of our longstanding policy in this area, but which was not specifically expressed in our regulations.

The final regulatory changes affect current 20 CFR 404.988.

EFFECTIVE DATE: These rules are effective May 19, 1986.

FOR FURTHER INFORMATION CONTACT: Philip Berge, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7452.

SUPPLEMENTARY INFORMATION:

Background and Final Regulations

The Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** on November 20, 1985 at 50 FR 47758-47760 with a 60-day comment period. No comments were received.

A worker who wants to collect benefits or establish a period of disability under title II of the Social Security Act (the Act) must have insured status. Insured status is acquired by working for a certain amount of time at a job or jobs which are covered under Social Security and, thus, paying Social Security taxes. The number of quarters of coverage needed for insured status varies depending on such factors as the date of birth and date of disability onset. The worker's covered earnings are credited to his or her earnings record which is maintained by the Social Security Administration.

We are clarifying our regulations on when a determination or decision that a claimant did not have the necessary quarters of coverage for insured status under title II of the Act may be reopened and revised. It has long been our policy that a determination or decision which finds that a claimant did not have the necessary quarters of coverage for insured status at the time of the determination or decision, may be reopened and revised at any time only in certain situations where certain provisions of the Act permit a correction in the earnings credited to the individual's earnings record and where the evidence of the earnings was in the possession of the Railroad Retirement Board (RRB) or in our possession prior to the date of notice of disallowance or denial. Prior to August 5, 1980, the regulations governing the policy (20 CFR 404.957(c)(7)(1980)) made specific references to the particular sections of the Act which permit certain corrections in an individual's earnings record at any time and which, under our policy, provide the grounds for unlimited reopening and revision of an unfavorable determination or decision concerning insured status. However, on August 5, 1980, we published new regulations in the **Federal Register** (45 FR 52078-52110) which restated our rules in simpler language to make them clearer and easier for the public to use. The new regulations (20 CFR 404.988(c)(7)) do not contain specific references to the particular sections of the Act concerning the correction of earnings records which, under our longstanding policy, represent the only situations where unlimited reopening to give insured status is permitted based on the correction of an earnings record. Subsequently, these new regulations have been interpreted by one court and some individuals to permit reopening in situations other than those originally included in the regulations. By making clarifying revisions, we hope to be able to eliminate such interpretations.

In addition, it has been a longstanding policy (although not previously stated in the regulations) that in order for unlimited reopening to apply in these situations, the evidence of earnings establishing insured status must have been in the possession of the RRB or in our possession prior to the date of the notice of disallowance or denial. We are adding this longstanding policy to the regulations in order to have the regulations reflect our policy.

The Social Security Act has no provisions on reopening and revising determinations and decisions that affect an individual's rights under title II of the Act. Our existing regulations which provide for reopening and revising determinations and decisions within specified time limits (or at any time with regard to certain matters) are based on general rulemaking authority granted the Secretary under the Act. We believe that we and the individual to whom the determination or decision applies should be able to rely on its correctness and, at some point, the finality of the determination or decision. Therefore, current regulations provide that when a determination or decision is made with respect to entitlement to, eligibility for, the amount of, or the actual payment of benefits under title II of the Act, it is generally final and binding upon us and the individual unless there is a timely appeal. However, there are special circumstances set out in current regulations which permit reopening and revising of a determination or decision which is otherwise final.

Under our regulations (20 CFR 404.988), a determination or decision we make about a person's rights under title II of the Social Security Act may be reopened (1) within 12 months of the date of the notice of the initial determination for any reason, (2) within 4 years of the date of that notice if we

find good cause as defined in our regulations, or (3) at any time under certain exceptions spelled out in the regulations.

Section 205(c)(5) of the Act lists 10 situations under which earnings may be credited to an earnings record after the expiration of the time limitation of 3 years, 3 months and 15 days, which applies to the correction of earnings records under section 205(c) of the Act. It has been our long-established policy that a determination or decision which finds that a claimant did not have the necessary quarters of coverage for insured status at the time of the determination or decision, may be reopened at any time only where earnings (which would have given the individual an insured status at the time of the determination or decision) may be credited under section 205(c)(5)(C) (to correct errors apparent on the face of the earnings record), or section 205(c)(5)(D) (to enter items transferred by the Railroad Retirement Board (RRB) which were credited under the Railroad Retirement Act when they should have been credited under the Social Security Act), or section 205(c)(5)(G) (to correct errors made in the allocation of wages or self-employment income to individuals or periods), and the evidence of the earnings was in the possession of the RRB or in our possession at the time of the determination or decision. We made these exceptions to the 4-year time period for reopening a determination or decision (20 CFR 404.988(b)) because they represent situations in which the unfavorable determination or decision was due solely to our (or the RRB's) mishandling of the evidence of the individual's earnings. We permit unlimited reopening in these situations so as not to penalize the claimant for an error we or the RRB made in the handling of his or her claim.

If, more than 4 years after the date of the notice of the initial determination that a claimant did not have the necessary quarters of coverage for insured status, new evidence is received which establishes additional earnings for insured status, we will credit the earnings record with these additional earnings if permitted under any of the 10 categories in section 205(c)(5) of the Act. However, we will not reopen the previous determinations or decision because of our long-established and accepted policy that the claimant has the responsibility to present the evidence necessary to establish that he or she qualifies for benefits. Since the previous determination or decision will not be reopened in these situations, the claimant has to file a new application to receive benefits.

We are clarifying the regulations by making specific references to those sections of the Act concerning the correction of earnings records which, under our policy, provide the bases for unlimited reopening of an unfavorable determination or decision concerning insured status. Also, while not explicit in the regulations prior to August 5, 1980, we are revising our regulations to reflect our current policy and policy prior to August 5, 1980, that the evidence of earnings establishing insured status must have been in the possession of the RRB or in our possession at the time of the determination or decision.

Regulatory Procedures

Executive Order No. 12291

These final regulations do not meet any of the criteria for a major regulation because they result in negligible program and administrative costs and savings. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

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

Regulatory Flexibility Act

We certify that these final regulations will not have a significant economic impact on a substantial number of small entities because these rules only affect individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

List of Subjects in 20 CFR Part 404

Administrative Practice and Procedure, Death Benefits, Disabled, Old-Age, Survivors, and Disability Insurance.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.804 Social Security—Survivors Insurance.)

Dated: April 3, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: May 5, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 404—[AMENDED]

Part 404 of Chapter III of 20 CFR is amended as follows:

1. The authority citation for Subpart J of Part 404 continues to read as follows:

Authority: Secs. 205 and 1102, Social Security Act, sec. 5 of Reorganization Plan No. 1 of 1953, 53 Stat. 1368, 49 Stat. 647 (42 U.S.C. 405 and 1302).

2. Paragraph (c)(7) of § 404.988 is revised to read as follows:

§ 404.988 Conditions for reopening.

* * * * *

(c) * * *

(7) It finds that the claimant did not have insured status, but earnings were later credited to his or her earnings record to correct errors apparent on the face of the earnings record (section 205(c)(5)(C) of the Act), to enter items transferred by the Railroad Retirement Board, which were credited under the Railroad Retirement Act when they should have been credited to the claimant's Social Security earnings record (section 205(c)(5)(D) of the Act), or to correct errors made in the allocation of wages or self-employment income to individuals or periods (section 205(c)(5)(G) of the Act), which would have given him or her insured status at the time of the determination or decision if the earnings had been credited to his or her earnings record at that time, and the evidence of these earnings was in our possession or the possession of the Railroad Retirement Board at the time of the determination or decision;

* * * * *

[FR Doc. 86-11216 Filed 5-16-86; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Colloidal Ferric Oxide Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing the portion of the regulation that reflected approval of a new animal drug application (NADA) sponsored by Veterinary Laboratories, Inc., providing for use of colloidal ferric oxide injection in baby pigs for preventing and treating iron deficiency anemia. In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of the subject NADA at the request of the sponsor.

EFFECTIVE DATE: May 29, 1986.

FOR FURTHER INFORMATION CONTACT: Vitolis Vengris, Center for Veterinary Medicine (HFV-214), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of Veterinary Laboratories, Inc.'s, NADA 46–210 which covers use of Iron-Dex 100 Injectable Iron (colloidal ferric oxide in a dextrin solution) in baby pigs for preventing and treating iron deficiency anemia. This document removes the portion of the regulation that reflected approval of the NADA.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM, NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 522 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)); 21 CFR 5.10 and 5.83.

§ 522.940 [Amended]

2. Section 522.940 is amended in paragraph (c)(1) by removing the number "012481."

Dated: May 9, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86–11138 Filed 5–16–86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Salinomycin and Bacitracin Zinc

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by International Minerals & Chemical Corp., providing for use of previously approved salinomycin and bacitracin zinc Type A medicated articles to make Type C medicated broiler chicken feeds. The feeds are used for prevention of coccidiosis and for increased rate of weight gain.

EFFECTIVE DATE: May 19, 1986.

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

SUPPLEMENTARY INFORMATION: International Minerals & Chemical Corp., P.O. Box 207, Terre Haute, IN 47808, filed NADA 139–235 providing for combining separately approved salinomycin and bacitracin zinc Type A articles to make Type C broiler feeds. The Type C feeds contain: salinomycin sodium, 40 to 60 grams per ton; and bacitracin zinc, 10 to 50 grams per ton. The feed is used for prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* and for increased rate of weight gain. The NADA is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information summary.

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

The agency has determined under 21 CFR 25.24(d)(1)(ii) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

2. Section 558.78 is amended by adding new paragraph (d)(3)(x) to read as follows:

§ 558.78 Bacitracin zinc.

* * * * *

(d) * * *

(3) * * *

(x) Salinomycin as in § 558.550

3. Section 558.550 is amended by adding new paragraph (b)(1)(vii) to read as follows:

§ 558.550 Salinomycin.

* * * * *

(b) * * *

(1) * * *

(vii)(*a*) *Amount per ton.* Salinomycin 40 to 60 grams and bacitracin zinc 10 to 50 grams.

(*b*) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* and for increased rate of weight gain.

(*c*) *Limitations.* Feed continuously as sole ration. Not approved for use with pellet binders. Do not feed to layers. May be fatal if accidentally fed to adult turkeys or horses. Bacitracin zinc as provided by No. 012769 in § 510.600(c) of this chapter.

* * * * *

Dated: May 9, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86–11139 Filed 5–16–86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Approval of Amendment to the Pennsylvania Permanent Regulatory Program 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 a program amendment submitted by Pennsylvania as an amendment to the State's permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment satisfies two conditions of the Secretary of the Interior's approval of the Pennsylvania program. The two conditions, listed at 30 CFR 938.11(d) and 938.11(k), pertain to prime farmland requirements for proposed mining operations in the

anthracite region and to bond release procedures. The amendment also includes revisions to Pennsylvania's permitting and blasting regulations.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Secretary has determined that the amendment meets the requirements of SMCRA and the Federal regulations, with the exception of four deficiencies. Thus, the Secretary is approving the amendment while requiring the correction of these deficiencies by a specified date. The Federal rules at 30 CFR Part 938 codifying decisions concerning the Pennsylvania program are being amended to implement this decision.

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

EFFECTIVE DATE: May 19, 1986.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South Second Street, Suite L–4, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background

On February 28, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior disapproved the program. The State resubmitted its program on January 25, 1982, and, subsequently, the Secretary approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050). Additionally, on April 20, 1983, the United States District Court for the Middle District of Pennsylvania in *Pennsylvania Coal Mining Association v. Watt*, Civil No. 82–1129, remanded to the Secretary for correction the provision in the Pennsylvania program concerning the timing of the bond release hearing and the decision. Pursuant to 30 CFR 732.17(e), the Secretary notified Pennsylvania by a letter dated June 7, 1983, that a State program amendment was required to revise the State provision. In the **Federal Register** (48 FR 27102) dated June 13, 1983, OSMRE announced its intention to impose new condition (k) on the approval of the Pennsylvania program to comply with the district court decision. The State responded to OSMRE's June 7, 1983, letter on July 27, 1983, and advised OSMRE that it would amend its regulations (PA 86.171) to rectify the matter. In the **Federal Register** dated September 6, 1983 (48 FR 40223), OSMRE imposed condition (k). Other actions concerning the conditions of approval and program amendments are identified under 30 CFR 938.15 and 938.16.

II. Submission of Program Amendments

On November 2, 1984, the Pennsylvania Department of Environmental Resources (DER) submitted program amendments to satisfy the requirements of the Secretary's conditions of approval of the Pennsylvania program listed at 30 CFR 938.11(d) and 938.11(k). These amendments are filed in the OSMRE Administrative Record for Pennsylvania under number PA–539.

Condition (d) stipulates that Pennsylvania must submit to the Secretary copies of promulgated regulations, or otherwise amend its program to require: (1) That the applicant conduct a prime farmland investigation prior to mining in the anthracite region which is no less effective than 30 CFR 779.27, 783.27 (now cited at 30 CFR 785.17(b)), and in accordance with section 507(b)(16) of SMCRA; (2) that the applicant obtain, with respect to prime farmland, and negative determination when proposing to mine coal in the anthracite region which is not less effective than 30 CFR 786.19(1) (recodified as 30 CFR 773.15(c)(8)) and in accordance with section 510(d)(1) of SMCRA; and (3) the prohibition of bond release for anthracite mining operations until after the soil productivity for prime farmland has been returned to a level of yield comparable with non-mined prime farmland which is no less effective than 30 CFR 807.12(e)(2)(iii) (now cited at 30 CFR 800.40(c)(2)) and in accordance with section 519(c)(2) of SMCRA.

Condition (k) stipulates that Pennsylvania must submit to the Secretary a copy of promulgated regulations or other amendments to its program to contain provisions no less effective than 30 CFR 800.40(b)(2) and (f) to require the State to hold a bond release hearing or informal conference within 30 days after it is requested and that a decision be rendered within 30 days after the hearing or informal conference has been held.

In addition to amendments to satisfy conditions (d) and (k), Pennsylvania also submitted for OSMRE's approval proposed changes amending Sections 88.24, 88.30, 88.134, 88.135, 88.136, 88.137, and 88.491 of Pennsylvania's regulations.

OSMRE announced receipt of the amendments and initiated a public comment period on January 4, 1985 (50 FR 486). The comment period closed on January 24, 1985.

During review of the amendments, OSMRE identified some concerns related to anthracite operations on prime farmland and to blasting operations within 500 feet of any active underground mine. OSMRE's concerns are fully explained in its letter to the State of April 24, 1985 (Administrative Record number PA–553). On September 5, 1985, Pennsylvania responded to the issues raised by OSMRE (Administrative Record number PA–565).

On February 7, 1986, OSMRE reopened the comment period on the amendment for 15 days to provide the public an opportunity to review and comment on the clarifying materials submitted by Pennsylvania on September 5, 1985 (51 FR 4766). The comment period closed on February 24, 1986.

III. Summary Description of Amendments

Following is a summary description of the amendments to the Pennsylvania program submitted to OSMRE by the State on November 2, 1984.

Chapter 86

Section 86.37(a)(13)—amended by adding a reference to Chapter 88 which requires the applicant to conduct a prime farmland investigation prior to mining in the anthracite region.

Section 86.171—revised to require a bond release hearing or informal conference within 30 days after it is requested and that a decision be rendered within 30 days after the hearing or informal conference.

Section 86.172(d)(2)(iii)—amended by adding a reference to Chapter 88 which prohibits bond release for anthracite operations until after the soil productivity for prime farmland has been returned to a level of yield comparable with non-mined prime farmland.

Chapter 88

Subchapter A: Anthracite Coal Mining Activities Application Requirements, Premining Resources

Section 88.1 Definitions—the following definitions were added relevant to prime farmland requirements for anthracite operations:

Cropland
Historically used for cropland
Prime farmland
Soil survey

Section 88.24 Geology

(b)(4)—The requirement to analyze for marcasite has been deleted.

Section 86.30 Description of Land Use

(a)(1)—changed for clarification [the map requirement of old (a)(1) is now included in (a)].

(a) and old (1)—added to clarify the content requirements of the statement and map required under paragraph (a).

Section 88.31 Maps and Plans

(a)(7)—revised to add the location and elevation of springs and wells to the mapping requirements.

Section 88.32 Prime Farmland Investigation

—Added to include prime farmland requirements for anthracite surface mine operations.

Section 88.61 Prime Farmlands

—Added to establish prime farmland standards for anthracite surface mines.

Subchapter B: Surface Anthracite Coal Mines, Minimum Environmental Protection Performance Standards

Section 88.129 Revegetation: Standards for Successful Revegetation

—Added to establish prime farmland standards for anthracite surface mines.

Section 86.134 Blasting: General Requirements

(a)—clarification (storage and handling are covered by regulation of blasting in Pennsylvania).

(e)—clarification (replaces term "proximity" with set distance "500 feet").

Section 86.135 Blasting: Surface Blasting Requirements

(c)(1)—revised to define the distance from the operation for a warning.

(f)(2)—clarification (reference to Pennsylvania blasting regulations).

(h)—clarification (defines what the three mutually perpendicular directions are).

Section 88.136 Blasting: Near Underground Mines

(a)—clarification (replaces term "proximity" with a set distance "500 feet").

(c)—clarification regarding safety measures.

Section 86.137 Blasting: Records of Blasting Operations

(18)—clarification—the term "sketch" has been replaced with the term "arrangement" to be more precise regarding the information required.

(19)—old 19 deleted (information concerning the number of persons in the blasting crew). New (19) is old 20 renumbered.

Subchapter C: Anthracite Bank Removal and Reclamation, Minimum Environmental Protection Performance Standards

Section 86.217 Vegetation: Standards for Successful Vegetation

—Added to establish prime farmland standards for anthracite bank removal operations.

Subchapter D: Anthracite Refuse Disposal, Minimum Environmental Standards

Section 88.330 Revegetation: Standards for Successful Revegetation

—Added to establish prime farmland standards for anthracite disposal operations.

Subchapter E: Coal Processing Facilities

Section 88.381 General requirements

(b)(2)—clarification of reference.

(c)(6)—clarification of reference.

(c)(8)—added to establish prime farmland standards for anthracite coal processing facilities.

(c)(9)—change of number.

Subchapter F: Anthracite Underground Mines

Section 88.491 Minimum Requirements for Information on Environmental Resources

(i)(1)—revised to require landowner names and boundary information for anthracite underground mines.

(i)(13)—clarification (misprint).

(i)(22)—added to require surface feature information for the permit area and 1000 feet or permit area.

(i)(23)—clarification (number change).

(j)—clarification—the term "maps" added.

(k)—added to establish prime farmland requirements for anthracite underground operations.

Section 88.492 Minimum Requirements for Reclamation and Operation Plan

(m)—added to establish prime farmland standards for anthracite underground operations.

Section 88.493 Minimum Environmental Protection Performance Standards

(8)—added to establish prime farmland standards for anthracite underground operations.

IV. Secretary's Findings

The Secretary finds in accordance with SMCRA and 30 CFR 732.15 and 732.17 that the program amendments submitted on November 2, 1984, including clarifications submitted on September 5, 1985, meet the requirements of SMCRA and 30 CFR Chapter VII, with certain exceptions, as discussed below.

In conducting the initial review of the amendments submitted by Pennsylvania, OSMRE identified certain concerns related to anthracite operations on prime farmland and to blasting operations within 500 feet of active underground mines at anthracite operations. OSMRE's concerns were outlined in a letter to the State dated April 24, 1985. The State responded to the issues raised by OSMRE in a letter dated September 5, 1985. After reviewing the additional clarifying information submitted by the State, OSMRE has determined that the State's amendment satisfies conditions (d) and (k) as listed at 30 CFR 938.11 and are no less effective than the Federal requirements with certain minor exceptions.

Accordingly, the Secretary is approving the amendments and removing the two conditions while requiring revision of four provisions which do not satisfy the criteria for approval of State program amendments.

A full discussion of OSMRE's initial concerns and the disposition of each is provided below, together with the Secretary's findings on the State's satisfaction of conditions (d) and (k).

Finding 1

In its letter to Pennsylvania dated April 24, 1985, OSMRE advised the State that it found the revised bond release provision at 86.172 as it applies to anthracite operations to be less effective than the Federal requirements because it does not specify that the reference area for measuring the return of productivity of mined prime farmland be *of the same soil type* and *have been subject to equivalent management practices* as the mined prime farmland. The Federal

regulation at 800.40(c)(2) provides that "no part of the bond shall be released until soil productivity for prime farmlands has returned to the equivalent levels of yield as non-mined land *of the same soil type* in the surrounding area *under equivalent management practices* . . ."

In its September 5, 1985 letter responding to the issues raised by OSMRE, Pennsylvania pointed out that these requirements are contained in the performance standards for anthracite operations contained in Chapter 88.

The State's rule at 88.129(g) as submitted on November 2, 1984, provides that "In all cases, soil productivity for prime farmlands shall be returned equivalent levels of yield as non-mined land of the same soil type in the surrounding area under equivalent management practices . . ."

OSMRE has determined that Pennsylvania's revised regulation at 86.172, when considered in conjunction with State rule 88.129(g), provides the same standard for bond release on prime farmland as the Federal regulation. Therefore, the Secretary is approving it as an amendment to Pennsylvania's program. In adopting this amendment, Pennsylvania has satisfied part (3) of condition (d) of the Secretary's approval of the Pennsylvania program listed at 30 CFR 938.11. Condition 938.11(d)(3) provides that Pennsylvania must amend its program to require the prohibition of bond release for anthracite mining operations until after the soil productivity for prime farmland has been returned to a level of yield comparable with non-mined prime farmland which is no less effective than 30 CFR 807.12(e)(2)(iii) (recodified as § 800.40(c)(2)) in accordance with section 519(c)(2) of SMCRA. As noted above OSMRE has determined that the State's provisions at 86.172 and 88.129(g) are no less effective than the Federal standard at § 800.40(c)(2) for bond release on prime farmlands. Therefore, the Secretary is removing condition (d)(3).

Finding 2

Under Pennsylvania rules 88.32(a) and 88.491(k), which pertain to surface and underground anthracite mines, the applicant is required to conduct a pre-application investigation of the proposed permit area to determine whether lands within the area may be prime farmland. In its April 24, 1985 letter, OSMRE advised Pennsylvania that, unlike OSMRE's rule at 30 CFR 785.17(b)(1), the State rules do not specify that the nature and extent of the investigation shall be determined by the regulatory authority in consultation with the U.S. Soil Conservation Service (SCS).

Pennsylvania reponded in its September 5, 1985 letter to OSMRE that the SCS has completed soil surveys for all counties containing anthracite coal and identified soil map units within each county classified as prime farmland soils. Thus, the State pointed out, a "reconnaissance inspection" for determining the existence of prime farmland soils is not necessary. Under Pennsylvania's program, the permit applicant must identify soils within the proposed permit area which are classified by SCS as prime farmland soils, as well as identify prime farmland soils historically used for cropland.

OSMRE confirmed with SCS that it has identified all soil map units in the anthracite region classified as prime farmland soils. Thus, OSMRE has determined that the State's approach of requiring a "pre-application investigation" rather than a "reconnaissance inspection" for determining the existence of prime farmland soils is no less effective than the Federal requirement at 30 CFR 785.17(b)(1). The State's rules at 88.32 and 88.491(k), together with the State's permit application forms which require the submission of an SCS soil map delineating prime farmland soils and prime farmland soils historically used for cropland within the permit area, will ensure that the regulatory authority is informed of the existence of all prime farmland soils within a proposed permit area. The pertinent sections of the State's permit application forms were submitted by the State together with its letter and other materials on September 5, 1985 (Administrative Record number PA-565).

With the adoption of Pennsylvania rules 88.32(a) and 88.491(k), the State has satisfied part (1) of the condition of approval listed at § 938.11(d). That condition specifies that Pennsylvania must amend its program to require that the applicant conduct a prime farmland investigation prior to mining in the anthracite region which is no less effective than 30 CFR 779.27 and 783.27 (recodified as § 785.17(b)(1)) and in accordance with section 507(b)(16) of SMCRA.

As noted above, OSMRE has determined that State rules 88.32 and 88.491(k), together with relevant sections of Pennsylvania's permit application forms, are no less effective than 30 CFR 785.17(b)(1). Therefore, the Secretary is removing condition (d)(1).

Finding 3

Paragraph (b) under new section 88.32 of Pennsylvania's rules sets forth the allowable exemptions from prime farmland requirements for surface anthracite operations. OSMRE advised Pennsylvania in its April 24, 1985 letter that it had found the exemption under section 88.32(b)(4) to be inconsistent with SMCRA and Federal regulations. That provision provides that land shall not be considered prime farmland if the applicant can demonstrate that the area of prime farmland is minimal in size (less than 5 acres) and has been or will be in use for an extended period of time (more than 10 years).

OSMRE's regulation at 30 CFR 823.11(a) was remanded by the U.S. District Court on October 1, 1984 in Round II of *In re: Permanent Surface Mining Regulation Litigation II*. The Federal provision at 30 CFR 823.11(a) provides an exemption from the prime farmland performance standards for coal preparation plants, support facilities and roads of surface and underground mines that are actually used over extended periods of time and affect a minimal amount of land. The court found that OSMRE's rule improperly extended the exemption to facilities associated with both surface and undergound mining operations, contradicting the court's 1980 decision that such an exemption was reasonable only for underground mining operations.

Thus, Pennsylvania's rule at 88.32(f)(4), which provides an exemption for *surface* anthracite operations on the basis of long term usage and the minimal acreage affected, is inconsistent with the Federal rule as remanded by the court on October 1, 1984. Therefore, the Secretary is requiring Pennsylvania to amend its program by deleting the regulatory provision at 88.32(b)(4). As set forth herein under 30 CFR 938.16(c), the Secretary is requiring Pennsylvania to delete this provision from its regulations by January 31, 1987.

Finding 4

The Pennsylvania regulations at 88.32(a) and 88.491(k)(3) pertaining to surface and underground anthracite mines, specify that if the investigation of the proposed permit area which the applicant is required to make indicates that lands within the proposed permit area may be prime farmlands, the applicant shall cause a soil survey of those lands to be made if a soil survey does not already exist. In its April 24, 1985 letter to the State, OSMRE advised Pennsylvania that it found this provision to be consistent with the Federal

regulation at 30 CFR 785.17(b)(3) with one exception. Unlike the Federal regulation, the State rule does not indicate the required level of detail for the soil survey that is to be made. The Federal rule at 30 CFR 785.17(b)(3) stipulates that the soil survey used to identify and locate prime farmland soils must be of the detail used by SCS for operational conservation planning. In its letter responding to concerns raised by OSMRE, Pennsylvania pointed out that this requirement is significant only when no soil survey exists.

As discussed in Finding 2 above, SCS soil surveys identifying prime farmland soils have been completed for all counties in which anthracite mining operations occur. Thus, OSMRE has determined that the absence of a State requirement specifying the level of detail for a soil survey does not render the State program less effective than the Federal requirements and the Secretary is, therefore, approving the provisions at 88.32(d) and 88.491(k)(3) as amendments to the State program.

Finding 5

Pennsylvania rules 88.32(e) and 88.491(k)(4), as submitted November 2, 1984, require the applicant to submit with the permit application a soil survey of the proposed permit area according to the standards of the National Cooperative Soil Survey and the procedures set forth in the U.S. Department of Agriculture (USDA) Handbooks 436 and 18. The State rules further specify that the soil survey shall include a map unit and representative soil profile description for each prime farmland soil within the proposed permit area. The State rules provide that "other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey" may be used if available and approved by the Department. In its April 24, 1985 letter to Pennsylvania, OSMRE indicated that it had found the State rules to be consistent with the Federal regulation at 30 CFR 785.17(c)(1) with one exception. The Federal rules requires SCS approval of alternative soil profile descriptions, whereas the State rules allow the use of such alternative descriptions if prepared in conjunction with the National Cooperative Soil Survey and approved by the Department. OSMRE advised Pennsylvania that to be no less effective than the Federal regulation, the State rules must require SCS approval of alternative soil profile descriptions.

Pennsylvania advised OSMRE that the State regulatory authority's Memorandum of Understanding (MOU) with the State SCS provides for SCS review, comment and approval of all prime farmland reconstruction plans within a permit application. Pennsylvania indicated that SCS approval of prime farmland informational requirements and reconstruction plans would constitute approval of any alternative soil profile description which may be submitted by a permit applicant. After reviewing the State's MOU with SCS, OSMRE determined that is does not *explicitly* provide for SCS approval of prime farmland informational requirements and reconstruction plans. Therefore, OSMRE has determined that the State regulations at 88.32(e) and 88.491(k)(4) are less effective than the Federal requirements at 30 CFR 785.17(c)(1) to the extent that they do not require SCS approval of alternative soil profile descriptions. Therefore, the Secretary is requiring Pennsylvania to amend its program to include this requirement. As set forth herein under 30 CFR 938.16(d), the Secretary is requiring Pennsylvania to adopt this change by January 31, 1987.

Finding 6

Pennsylvania has added a new section 88.61 which sets forth special requirements for the applicant's operation and reclamation plan relevant to prime farmlands in the anthracite region. The State's proposed rule requires the applicant to demonstrate that:

(1) The land will be restored, within a reasonable time to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management, and

(2) The standards for successful revegetation of Sections 88.129, 88.217 and 88.330 can be achieved.

Unlike the Federal regulations at 30 CFR 785.17(c)(2), (3) and (4), the State's proposed rule does not also specify that the applicant's operation and reclamation plan for prime farmland include the following:

(i) A plan for soil reconstruction, replacement and stabilization to establish the technological capability to restore the operator's prime farmland to the soil reconstruction standards of 30 CFR Part 823.

(ii) The productivity prior to mining, including the average yield of food, fiber, forage or wood products obtained under a high level of management.

OSMRE informed the State in its letter of April 24, 1985, that its regulation at 88.61 is less effective than the Federal regulations because it lacks these two requirements. In responding to this issue in its September 5, 1985 letter to OSMRE, Pennsylvania pointed out that section 529 of Pub. L. 95-87 excluded anthracite coal mines from the environmental protection performance standards of sections 515 and 516. The State indicated that the soil reconstruction performance standards found at 30 CFR Part 823 do not apply to anthracite operations as these are derived from section 515(b)(7) of SMCRA, and the applicant should not, therefore, be required to provide a soil reconstruction plan. OSMRE agrees that performance standards contained in OSMRE's regulations which are derived from section 515 or 516 of the Act do not apply to anthracite mining operations. However, section 510(d) of SMCRA does apply to such operations. That section of the Act requires the regulatory authority, prior to granting a permit to mine on prime farmland, to make a written finding that the operator has the technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management. OSMRE has determined that while the Federal law does not require the State to adopt counterparts to the soil reconstruction standards set forth under 30 CFR Part 823 and to the corresponding requirement for a soil reconstruction plan contained in 30 CFR 785.17(c), Pennsylvania's program must include permit application requirements that will ensure that the requirements of section 510(d) of SMCRA relevant to the restoration of prime farmland soil will be met. Therefore, as set forth under 30 CFR 938.16(e) the Secretary is requiring Pennsylvania to amend its regulation at 88.61 or otherwise amend its program to (a) establish criteria for evaluating the applicant's operation and reclamation plan to determine whether the productivity standard for mined prime farmland can be achieved following mining; (b) require the applicant to submit a plan to establish his technological capability to comply with the requirements for restoring prime farmland productivity; and (c) require the applicant to submit information on productivity prior to mining. The State is required to adopt these changes to its program by January 31, 1987.

Finding 7

Paragraph (f) under Pennsylvania rule 88.129 establishes standards for determining success of revegetation on prime farmlands for surface anthracite coal mines. OSMRE advised Pennsylvania in its letter of April 24, 1985, that the standards established by the State's rule are not consistent with the Federal requirements because they

do not require that restoration of prime farmland productivity shall be determined on the basis of measurement of crop yields.

The State's rule provides that the standards for determining success of restoration on prime farmlands may be based on crop yields or on a soil survey. Section 88.129(f)(1) specifies that the standards shall be based on crop yields if crops are grown; section 88.129(f)(2) provides that the standards shall be based on a soil survey if crops are not grown. The State has similar requirements under Chapter 88, Subchapters C, D, and F pertaining to Anthracite Bank Removal and Reclamation, Anthracite Refuse Disposal and Anthracite Underground Mines.

As discussed in Finding 6 above, section 510(d) of SMCRA establishes that mined prime farmland shall be returned to equivalent or higher levels of yield as non-mined primed farmland in the surrounding area. OSMRE has determined that cropping is the only viable means to determine whether the statutory goal of restoration of prime farmland has been met because insufficient research has been published that demonstrates the reliability of any other methods. Under the Federal rules, it is the determination that prime farmland soil has been restored to pre-mining productivity levels, based on actual crop yields, and not soil surveys, that triggers the release of the operator's bond.

OSMRE advised Pennsylvania that to be consistent with the applicable requirements of the Act, Pennsylvania's rules must provide that restoration of prime farmland productivity shall be determined on the basis of measurement of crop yields.

In its letter to OSMRE dated September 5, 1985, Pennsylvania made the following points. The State asserted that the evaluation of the physical and chemical properties of the soil provides an adequate measure of soil productivity potential. The State indicated that the Federal rules allow for the substitution of other soil materials in place of the A horizon based on an evaluation of soil properties. Therefore, the State commented, OSMRE should allow analysis of soil properties to demonstrate soil productivity potential following mining on prime farmlands. In formulating the Federal standard for measuring the restoration of prime farmland productivity, OSMRE considered alternative measures, including the analysis of soil properties. These, however, were rejected and a determination made that the only reliable measure of prime farmland productivity is the growing of crops. The Federal standard was challenged by industry in *In re: Permanent Surface Mining Regulation Litigation.* In his Round II opinion issued October 1, 1984, Judge Flannery upheld OSMRE's regulation.

Therefore, the Secretary is requiring Pennsylvania to amend its rules at 88.129(f) (1) and (2) and the corresponding provisions under Chapter 88, Subchapters C, D and F to require that the restoration of prime farmland soil productivity shall be determined on the basis of the measurement of crop yields. As set forth herein under 30 CFR 938.16(f), Pennsylvania is required to adopt these changes by January 31, 1987.

Finding 8

Pennsylvania's regulation at 88.134(e) requires that each person who conducts blasting in connection with surface mining within 500 feet of any active underground mine shall do so in a manner as to protect the health and safety of persons working underground, to prevent any adverse impact upon an active, inactive or abandoned underground mine.

The Federal rule at 30 CFR 780.13(c) requires that blasting operations within 500 feet of active underground mines require the approval of the State and Federal regulatory authorities concerned with the health and safety of underground miners.

In its letter to Pennsylvania dated April 24, 1985, OSMRE advised the State that to be no less effective than the Federal provision, the State rules must require, either in this section or under Section 88.136, that blasting operations within 500 feet of an active underground mine be approved by Federal or State agencies concerned with the health and safety of underground miners.

In its September 5, 1985 letter to OSMRE, Pennsylvania noted that section 88.134(a) provides that an operator must comply with "all applicable State and Federal laws in the storage, handling and use of explosives." It further noted that section 88.136(a) provides that a permittee operating in the proximity of a deep mine shall notify the surface mine inspector who in turn will notify the deep mine inspector and together they shall instruct the surface and deep mine operators as to procedure.

OSMRE has determined that these provisions, taken together with the State rule at 88.134(e), will provide adequate protection for underground mining operations in close proximity to surface blasting operations consistent with the Federal regulation at 30 CFR 780.13(c). Therefore, the Secretary is approving State revised rule 88.134(e) as an amendment to Pennsylvania's program.

Finding 9

Conditions of Approval

The amendments submitted by Pennsylvania on November 2, 1984, as clarified on September 5, 1985 are intended to address two conditions of the Secretary's approval of the Pennsylvania program, those listed at 30 CFR 938.11(d) and (k).

Condition "(d)"

As discussed above under Findings 1 and 2, OSMRE has determined that the provisions submitted by the State fully satisfy subparts (1) and (3) of the condition at § 938.11(d). With respect to the remaining subpart (2) under this condition OSMRE has made the following determination. Condition § 938.11(d)(2) specifies that Pennsylvania must amend its program to add a requirement that the applicant obtain, with respect to prime farmland, a negative determination when proposing to mine coal in the anthracite region which is no less effective than the Federal requirement at 30 CFR 786.19(e) [recodified as § 773.15(c)(8)] and section 510(d)(1) of SMCRA. Pennsylvania adopted provisions at §§ 86.37(a)(13), 88.32(c), 88.381(c)(8) and 88.491(k)(2) relevant to this condition. Section 86.37(a)(13) prohibits permit approval until the State has found that the applicant has satisfied the requirements of §§ 88.32 and 88.491(k) relating to a prime farmland investigation. Sections 88.32(c) and 88.491(k)(2) pertaining to performance standards for surface and underground anthracite operations, require that if the applicant determines after investigation that all of part of the lands in the proposed permit area are not prime farmland, the applicant shall submit with the permit application a request for a negative determination. This requirement is also incorporated by reference under State rule 88.381(c)(8) pertaining to coal processing facilities for anthracite operations. The Secretary has determined that the provisions adopted by the State are no less effective than the Federal requirements pertaining to negative determinations for prime farmland at 30 CFR 773.15(c)(8) and 785.17(b)(2). Therefore, the Secretary is approving the State provisions as amendments to the program and removing conditions § 938.11(d)(2).

Condition "(k)"

With regard to the Secretary's condition of approval at 30 CFR

938.11(k), Pennsylvania has revised § 86.171 of the State program regulations to address this condition. The condition at § 938.11(k) requires Pennsylvania to amend its program to include provisions no less effective than § 800.40(b)(2) and (f) to require the State to hold a bond release hearing or informal conference within 30 days after it is requested and that a decision be rendered within 30 days after the hearing or informal conference has been held.

Pennsylvania's revised rule at § 86.171 stipulates that the Department will hold an informal conference on a bond release application if one is requested within 30 days from the date of the request for the conference, except that all requests for an informal conference that are filed prior to the tenth day following the final newspaper advertisement shall have a constructive date of filing as the tenth day following the final newspaper advertisement. Section 86.171(b) requires that at the time of filing an application for bond release, the applicant shall advertise the filing in a newspaper at least once a week for four consecutive weeks. Section 86.171(f)(3) specifies that if there has been an informal conference, notification of the decision shall be made within 30 days after the conference.

OSMRE has determined that the State's provisions under § 86.171 are no less effective than the Federal requirements at 30 CFR 800.40(b)(2) and (f). While the State's provision regarding the hearing date is somewhat different than the Federal provision at 30 CFR 800.40 (f), it nonetheless ensures that the last possible date for holding a conference is 60 days after the publication of the last newspaper advertisement of the filing of the bond release application. Under the Federal rules the last possible hearing date is also 60 days after the publication of the last newspaper advertisement. Thus, the Secretary has determined that the State's provision is no less effective than the Federal regulation and he is approving it as an amendment to the program and removing the condition.

V. Public Comment

OSMRE offered two comment periods on the amendments submitted by Pennsylvania. The first comment period was announced in the **Federal Register** on January 4, 1985 (50 FR 486). Comment was invited on the amendments submitted by Pennsylvania on November 2, 1984. On September 5, 1985, Pennsylvania submitted additional clarifying material for OSMRE's consideration. OSMRE announced receipt of this material on February 7, 1986 (51 FR 4766) and invited comment on it for 15 days.

During the first comment period OSMRE received one comment from the U.S. Department of Agriculture, Soil Conservation Service (SCS). No comments were received during the second comment period. SCS commented that regarding the provisions in Chapter 86 and 88 that the minimum prime farmland area be five acres, it would be more logical to use soil map units as delineated by the National Cooperative Soil Survey or comparable soil mapping. Soil map units in Pennsylvania range in size from two to five acres and are on the same map scale used by SCS for operational conservation planning.

As discussed in Finding 3 above, OSMRE has determined that an exemption from prime farmland requirements for surface anthracite operations involving less than 5 acres of prime farmland is inconsistent with the Federal rules as remanded by the court. With respect to underground anthracite operations, OSMRE has determined that an exemption from prime farmland requirements for areas of prime farmland that are minimal in size is not inconsistent with the Federal regulations as remanded by the court. In Round III of *In Re: Permanent Surface Mining Regulation Litigation II*, Judge Flannery ruled that an exemption properly applies to surface facilities for underground mines that are actively used over extended periods of time and where such uses affect a minimal amount of land. However, the judge further stated that the Secretary must provide guidelines limiting the scope of this exemption. OSMRE has not yet provided guidance to indicate what is meant by extended period of time or a minimal amount of land. Pennsylvania has defined the time and spatial limits of the exemption as "less than 5 acres" and "more than 10 years". As OSMRE has not yet established specific guidelines with respect to the scope of the exemption for underground mining, it has no basis for requiring Pennsylvania to adopt the acreage limitation recommended by SCS. Once such guidance is established, OSMRE will reexamine the State's provision in light of the Federal standards.

SCS also commented that the provisions in Chapter 86 and 88 concerning the growing of the reference crop and measuring yields or using measured soil parameters to determine reclamation success need to be given further consideration. SCS pointed out that OSMRE's final rule on surface mining and reclamation operations published in the May 12, 1983, **Federal Register**, requires that the reference crop be grown and measured.

As discussed in Finding 7 above, the Secretary is requiring Pennsylvania to amend its program to require the measurement of prime farmland soil productivity to be made on the basis of cropping.

VI. Secretary's Decision

Based on the above findings, the Secretary is approving the amendments submitted by Pennsylvania on November 2, 1984, as clarified by the State's letter to OSMRE dated September 5, 1985, while requiring the State to correct certain deficiencies by a specified date. The Secretary is also removing conditions of approval of the Pennsylvania program (d) and (k) as listed under 30 CFR 938.11. The Secretary is amending Part 938 of 30 CFR Chapter VII to implement this decision.

VIII. 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 on 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 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 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 OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

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

Dated: May 12, 1986.

J. Steven Griles,

Assistant Secretary, Land and Minerals Management.

PART 938—PENNSYLVANIA

1. The authority citation for Part 938 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.*).

§ 938.11 [Amended]

2. 30 CFR 938.11 is amended by removing and reserving paragraphs (d) and (k).

3. 30 CFR 938.15 is amended by adding a new paragraph (k) to read as follows:

§ 938.15 Approval of regulatory program amendments.

* * * * *

(k) Amendments to the following sections of the Pennsylvania Department of Environmental Resources regulations as submitted to OSMRE on November 2, 1984, as clarified by the State's letter to OSMRE dated September 5, 1985, are approved effective May 19, 1986.

Regulations of the Department of Environmental Resources.

Chapter 86

86.37(a)(13)
86.171(e)(12)
86.172(d)(2)(iii)

Chapter 88

88.1—definitions for "cropland," historically used for cropland," "prime farmland," and "soil survey".
88.24(b)(4)—deleted
88.30(a) and (a)(1)
88.31(a)(7)
88.32—Subject to the required amendments set forth under 938.16(c) and (d)
88.61—Subject to the required amendment set forth under 938.16(e)
88.129—Subject to the required amendment set forth under 938.16(f)
88.134 (a) and (e)
88.135(c)(1), (f)(2) and (h)
88.136(a) and (c)
88.137(18 and (19)
88.217—Subject to the required amendment set forth under 938.16(f)
88.330—Subject to the required amendment set forth under 938.16(f)
88.381(b)(2), (c)(6), (c)(8) and (c)(9)
88.491(i)(1), (i)(13), (i)(22), (i)(23), (j), (k)—to the required amendments set forth under 938.16(d) and (f)
88.492(m)
88.493(8)

4. 30 CFR 938.16 is amended by adding paragraphs (c), (d), (e), and (f) to read as follows:

§ 938.16 Required program amendments.

* * * * *

(c) By January 31, 1987, Pennsylvania shall amend its program regulations to be consistent with the Federal regulations at 30 CFR Part 823 as remanded by the U.S. District Court for the District of Columbia on October 1, 1984, by deleting the language at PA 88.32(b)(4) which provides an exemption to the prime farmland requirements if "the area of prime farmland is minimal in size (less than 5 acres) and has been or will be in use for an extended period of time (more than 10 years)."

(d) By January 31, 1987, Pennsylvania shall amend its program regulations at 88.32(e) and 88.491(k)(4) or otherwise amend its program to be no less effective than 30 CFR 785.17(c)(1)(ii) in requiring approval by the U.S. Department of Agriculture Soil Conservation Service of alternative soil profile descriptions for prime farmland soils included in the permit application.

(e) By January 31, 1987, Pennsylvania shall amend its program regulations at 88.61 or otherwise amend its program to be consistent with section 510(d) of SMCRA to: (1) Establish criteria for evaluating the applicant's operation and reclamation plan to determine whether the productivity standard for mined prime farmland set forth under Chapter 88 can be achieved following mining; (2) require the applicant to submit a plan to establish his technological capability to comply with the requirements for restoring prime farmland productivity; and (3) require the applicant to submit information on productivity prior to mining.

(f) By January 31, 1987, Pennsylvania shall amend its regulations at 88.129(f)(1) and (2) and the corresponding provisions under Chapter 88, Subchapters C, D, and F (88.217, 88.330 and 88.491) or otherwise amend its program to be consistent with section 510(d) of SMCRA by requiring that the restoration of prime farmland soil productivity shall be determined on the basis of measurement of crop yields.

[FR Doc. 86–11114 Filed 5–16–86; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD5 86–03]

Security Zone; James River, VA.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone in the waters of the James River immediately adjacent to the Newport News Shipbuilding and Drydock Co. (NNS) located in Newport News, Va., and is also establishing a section of anchorage G–1 as a security zone anchorage. This action is necessary to safeguard U.S. Naval vessels from sabotage or other subversive acts, accidents, or other incidents of a similar nature while they are moored at the shipyard. This security zone will provide protection to these vessels by prohibiting access to the waters around the shipyard, except by certain authorized vessels, and by providing a sufficient area in which to detect unauthorized intrusions in time to allow appropriate security measures to be taken.

EFFECTIVE DATE: June 18, 1986.

FOR FURTHER INFORMATION CONTACT: Lieutenant W.J. Wetzel, (804) 398–6388.

SUPPLEMENTARY INFORMATION: On February 27, 1986, the Coast Guard published a notice of proposed rule making in the **Federal Register** for these regulations (Vol. 51, FR 6921). Interested persons were requested to submit comments and six comments were received.

Drafting Information

The drafters of these regulations are Lieutenant W.J. Wetzel, Project Officer, Port and Vessel Safety Branch, Fifth Coast Guard District, and Commander R.J. Reining, Project Attorney, Legal Office, Fifth Coast Guard District.

Discussion of Comments

Of the six comments received on this matter, four addressed the issue that the regulation would exclude commercial shellfishermen from the security zone, who have traditionally harvested clams from within its waters. Three of these four commenters were expressly opposed to the security zone unless a specific provision within the regulation itself would guarantee these shellfishermen continued entry to these waters for the purpose of harvesting clams.

This issue was discussed in the notice of proposed rule making, and it has been, and continues to be, the Coast Guard's intention to allow shellfishermen entry into the zone. To clarify this point, however, the Coast Guard has amended the proposed regulation to specifically include shellfishing vessels within the category of vessels exempt from certain portions of the regulations. Those shellfishermen and commercial shellfish harvesting vessels properly licensed by the Virginia Marine Resources Commission will be authorized by the Captain of the Port to enter the zone to harvest clams, provided that the Captain of the Port determines that the presence of the individual or vessel does not pose a security threat to the United States. We anticipate that the period of time during which this authorization will apply will coincide with the period authorized by the Virginia Marine Resources Commission, usually May 1 to September 1 of each year.

The Virginia Marine Resources Commission has offered to provide the Coast Guard a list of boats and individuals authorized to harvest clams from the shellfish beds within the zone; however, the method by which these boats and individuals will receive permission to enter the security zone is left to the Captain of the Port.

One commenter, the City of Newport News, recommended amending the southeasternmost boundary of the security zone because of its effect upon the city's downtown redevelopment plans. The city expects to locate small boat docking and marina facilities in this area, and believes that the proposed security zone boundary would interfere with these development plans. Because of this they have recommended that the zone be modified to exclude a portion of the area directly seaward of the planned development area.

The Coast Guard concurs that the security zone may unnecessarily interfere with the development of this waterfront area, and believes that the security zone can be reduced in size without compromising the security of this zone. As a result, the Coast Guard is amending the southeastern portion of the security zone boundary by moving it closer to the shipyard approximately 125 yards. Even with such a reduction in size, the new southeastern boundary line will still extend further from the shipyard than the overall boundary line along most other portions of the shipyard.

The City of Newport News also expressed concern that that portion of the security zone that will encompass the Land Level Ship Facility being built by the shipyard will create an inconvenience for recreational boaters, by forcing boaters to go further out of their way to stay out of the zone. The Coast Guard disagrees with this, and believes that the configuration of the security zone at this location is consistent with the overall need for security, and that its presence poses a minimum inconvenience, if any, to boaters.

Finally, three commenters made the request that a public hearing be held. They indicated a need to provide the public a forum to discuss these issues and have their comments made known. The Coast Guard recognizes the value of such proceedings, but in this instance feels that there is little new, if anything, which could be brought out on these issues through a public hearing. For this reason, the Coast Guard declines to hold a public hearing before issuing this final rule.

This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of Part 165.

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 has been found to be so minimal that a full regulatory evaluation is unnecessary. The only adverse effects expected to be caused by this regulation are to those interests which will be denied access to the waters contained in this zone. Those interests affected are expected to be primarily recreational, and the loss of the use of this part of the James River should not effect their use of the river for navigation or other purposes except in a very minor way.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities. No environmental assessment has been prepared for this regulation. One is not required, because these regulations clearly do not have any environmental impact.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulations

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. Section 165.504 is added to read as follows:

§ 165.504 Newport News Shipbuilding and Dry Dock Company Shipyard, James River, Newport News, Va.

(a) *Location.* The following is a security zone: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 37°00'38.1" N, longitude 76°27'05.7" W, thence southerly to latitude 36°59'58.4" N, longitude 76°27'16.7" W, thence southeasterly to latitude 36°59'23.0" N, longitude 76°26'54.6" W, thence westerly to latitude 36°59'21.5" N, longitude 76°26'58.4" W, thence southeasterly to latitude 36°59'12.9" N, longitude 76°26'52.4" W, thence easterly to latitude 36°59'14.2" N, longitude 76°26'49.1" W, thence southeasterly to latitude 36°58'37.8" N, longitude 76°26'26.3" W, thence easterly to latitude 36°58'43.5" N, longitude 76°26'13.7" W, thence northerly to the intersection of the shoreline with the southernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 36°58'48.0" N, longitude 76°26'11.2" W, thence northwesterly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Company shipyard at latitude 37°00'38.1" N, longitude 76°27'05.7" W, thence southerly to latitude 36°59'58.4" N, longitude 76°27'16.7" W, thence easterly to the shoreline at latitude 36°59'58.5" N, longitude 76°27'11.6" W, thence along the shoreline to the point of beginning.

(c) *Special Regulations.* (1) Section 165.33 (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States.

(ii) Public vessels owned or operated by the Commonwealth of Virginia or its

subdivisions for law enforcement or firefighting purposes.

(iii) Vessels owned by, operated by, or under charter to Newport News Shipbuilding and Dry Dock Co.

(iv) Vessels that are performing work at Newport News Shipbuilding and Dry Dock Co., including the vessels of subcontractors and other vendors of Newport News Shipbuilding and Dry Dock Co. or other persons that have a contractual relationship with Newport News Shipbuilding and Dry Dock Co.

(v) Vessels that are being built, rebuilt, repaired, or otherwise worked on at or by Newport News Shipbuilding and Dry Dock Co. or another person authorized to perform work at the shipyard.

(vi) Vessels that are authorized by Newport News Shipbuilding and Dry Dock Company to moor at and use its facilities.

(vii) Commercial shellfish harvesting vessels properly licensed by the Virginia Marine Resources Commission to harvest clams from the shellfish beds within this zone, during periods and under conditions specified by the Captain of the Port.

(2) Any vessel authorized to enter or remain in the security zone may anchor in the security zone anchorage.

(3) Other vessels desiring access to this zone shall secure permission from the Captain Of The Port through the Security Office of the U.S. Navy Supervisor of Shipbuilding, Conversion, and Repair at Newport News, Virginia. The request shall be forwarded in a timely manner to the Captain Of The Port by the appropriate Navy official.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the enforcement of this zone by the U.S. Navy.

Dated: May 7, 1986.

James C. Irwin,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 86-11011 Filed 5-16-86; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Parts 3 and 4

Amendment to Bylaws of Board of Governors

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends the bylaws of the Board of Governors to reflect the creation of a new senior level position at Headquarters, that of Associate Postmaster General.

EFFECTIVE DATE: April 8, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. David F. Harris, (202) 268-4800.

List of Subjects in 39 CFR Parts 3 and 4

Organization and functions (Government agencies), Postal Service.

Accordingly, the Board amends 39 CFR as follows:

PART 3—BOARD OF GOVERNORS—[ARTICLE III]

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

Authority: 39 U.S.C. 202, 203, 205, 401(2), (10), 402, 1003, 3013; 5 U.S.C. 552b (g),)(j).

§ 3.4 [Amended]

2. In paragraph (p) of § 3.4, insert the words "the Associate Postmaster General," immediately before the word "Senior".

3. In paragraph (q) of § 3.4, insert the words "the Associate Postmaster General," immediately before the words "the Senior".

§ 3.7 [Amended]

4. In paragraph (c) of § 3.7, insert the words "Associate Postmaster General" before the words "Senior Assistant Postmasters General".

PART 4—OFFICERS—[ARTICLE IV]

5. The authority citation for Part 4 is revised to read as set forth below and the authority citations following all the sections in Part 4 are removed.

Authority: 39 U.S.C. 202, 203, 205, 401(2), (10, 1003, 3013.

§ 4.5 [Amended]

6. In the first sentence of § 4.5, insert the words "the Associate Postmaster General," immediately before the word "Senior".

David F. Harris,

Secretary.

[FR Doc. 86-11151 Filed 5-16-86; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 704 and 716

[OPTS-82021A; FRL-3014-6]

P-Tert-Butylbenzoic Acid, P-Tert-Butyltoluene, P-Tert-Butylbenzaldehyde; Final Reporting and Recordkeeping Requirements, and Health and Safety Data Reporting

Correction

In FR Doc. 86-10590 beginning on page 17336 in the issue on Monday, May 12, 1986, make the following corrections:

On page 17336, second column, **DATES** paragraph, fifth line, "May 26, 1986" should read "May 27, 1986".

On page 17339, first column, § 704.33 (a)(3), "P-TBT" should read "P-TBB"

BILLING CODE 1505-01-M

40 CFR Parts 712 and 716

[OPTS-82027; FRL-3017-3]

Addition of Chemicals to Information-Gathering Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Interagency Testing Committee (ITC) in its Eighteenth Report to EPA recommended that EPA give priority consideration to one chemical substance, phosphoric acid, tributyl ester, CAS. No. 126-73-8, in promulgating a chemical test rule. To assist EPA in its determination of which, if any, tests are needed for this substance, EPA is adding this substance to two model information gathering rules: the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information rule (PAIR) and the TSCA section 8(d) Health and Safety Data Reporting Rule. These model rules will require manufacturers, importers, and processors of this substance to report volume, end use, exposure, and unpublished health and safety data to EPA. The ITC also announced that two chemicals which had been recommended with intent-to-designate by the ITC in its Seventeenth Report, are now designated for response within 12 months.

DATE: This rule shall become effective on June 18, 1986.

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

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(e) of TSCA established the ITC to recommend to EPA substances and mixtures for priority consideration in promulgating chemical test rules. For some of these substances the ITC may designate that EPA respond to its recommendations within 12 months.

Within this time, EPA must either initiate a rulemaking to test the substance or state in the **Federal Register** its reasons for not doing so. For the remainder of the recommended substances, no time limit for Agency response is imposed.

Elsewhere in today's **Federal Register**, EPA is announcing the receipt of the Eighteenth Report of the ITC, which was transmitted to EPA on May 1, 1986. The Eighteenth Report revises and updates the Committee's priority list of chemicals and adds one substance, phosphoric acid, tributyl ester, CAS. No. 126–73–8, to the section 4(e) priority list. This rule adds phosphoric acid, tributyl ester to the PAIR and the Section 8(d) Health and Safety Data Reporting Rule which will require reporting of volume, end use, exposure, and unpublished health and safety data to EPA. In addition, two chemical substances which had been recommended with intent-to-designate by the ITC in its Seventeenth Report, are now designated for response within 12 months. This revision does not trigger any new reporting requirements because following the recommendation with intent-to-designate, the two chemicals were automatically added to the PAIR and the section 8(d) Health and Safety Data Reporting Rule, as published in the **Federal Register** of November 19, 1985 (50 FR 47538).

To assist EPA in responding to the ITC recommendations, the Agency has provided in both the Preliminary Assessment Information Rule, and the Health and Safety Data Rule, for the automatic addition of all ITC priority list substances. Whenever EPA announces the receipt of an ITC report, EPA may, at the same time, without notice and comment, amend the two model information-gathering rules by adding the recommended substances. Thirty days after publication of the amendment, this substance, phosphoric acid, tributyl ester, will be added to the PAIR and the Health and Safety Data Reporting Rule.

EPA issued PAIR under section 8(a) of TSCA (15 U.S.C. 2607(a)), and it is codified at 40 CFR Part 712. This model section 8(a) rule established standard reporting requirements for manufacturers and importers of the chemicals listed in the rule. These manufacturers and importers are required to submit a one-time report on general volume, end use, and exposure information using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710–35). EPA uses this model section 8(a) rule to gather current information on substances of concern quickly.

EPA issued the model Health and Safety Data Reporting Rule under section 8(d) of TSCA (15 U.S.C. 2607(d)), and it is codified at 40 CFR Part 716. The section 8(d) model rule requires past, current, and prospective manufacturers, importers, and processors of listed chemical substances and mixtures to submit to EPA lists and copies of unpublished health and safety studies on the listed substances that they manufacture, import, or process. These studies provide EPA with useful information and have provided significant support for EPA's decisionmaking under TSCA sections 4, 5, 6, 8, and 9.

II. Chemicals Formerly in the "Recommended With Intent-to Designate" Section Now Designated for Response Within 12 months

The Seventeenth Report established a third section of the priority list. The new section is Part B of the list and contains those chemicals and categories of chemicals "recommended with intent-to-designate." Part A lists those chemicals, mixtures, and categories designated for priority consideration and response by EPA within 12 months, and Part C contains those chemicals, mixtures, and categories that have been recommended for priority consideration without being designated for response within 12 months. The requirement for automatic reporting under TSCA section 8(a) and section 8(d) includes the chemicals, mixtures, and categories listed by the ITC in all the three sections of the priority list.

The information received following recommendation with intent-to-designate of a chemical, mixture, or category of chemicals may influence the committee either to designate or not designate that chemical, mixture, or category for EPA response within 12 months. Revising a "recommended with intent-to-designate" recommendation to "designated for response within 12 months" does not trigger any new reporting requirements because following the recommendation with intent-to-designate, chemicals are automatically added to the PAIR and the section 8(d) Health and Safety Data Reporting Rule.

The ITC in its Seventeenth Report to EPA recommended two chemicals with intent-to-designate: cyclohexane, CAS No. 110–82–7 and 2,6-di-*tert*-butylphenol, CAS No. 128–39–2.

Information on cyclohexane reviewed by the ITC in response to the Seventeenth Report included any public comments on the recommendations; production volume, use, exposure and release information reported by manufacturers of cyclohexane under PAIR; health and safety studies submitted under the Health and Safety Data Reporting Rule and any unpublished and published data available to the ITC. The information included acute toxicity studies, skin and eye irritation studies and additional genotoxicity studies. Summary data from acute toxicity, skin irritation and repeated dose studies were also received from other submitters. Additionally, although ecological effects testing was not recommended for cyclohexane, information dealing with environmental persistence was also received.

After reviewing the information, the ITC concluded that data are still lacking on chronic (2-year) effects, especially oncogenicity and neurotoxicity. Teratogenic and reproductive effects studies are also absent. For these reasons, and for the reasons presented in its Seventeenth Report, the ITC in its Eighteenth Report announced that the chemical cyclohexane, CAS No. 110–82–7 is now designated for response within 12 months.

Information on 2,6-di-*tert*-butylphenol reviewed by the ITC in response to the Seventeenth Report also included any public comments on the recommendations; production volume, use, exposure and release information reported by manufacturers of 2,6-di-*tert*-butylphenol under PAIR; health and safety studies submitted under the Health and Safety Data Reporting Rule and any unpublished and published data available to the ITC. The information included data on acute oral and percutaneous LD_{50} studies with rats; skin and eye irritation with rabbits; skin depigmentation, skin sensitization and delayed contact hypersensitivity with guinea pigs; rat hepatocyte primary culture and DNA repair tests; and Ames Salmonella microsomal assay; intravenous toxicity to mice, and a report on the physiological response of experimental animals to the absorption of alkylated phenols and anilines. A summary of ecological effects was also received.

After reviewing the information, the ITC concluded that data are still lacking on toxicokinetics, chronic toxicity, persistence in sediments, acute toxicity

to benthic organisms and bioconcentration in benthic organisms. For these reasons, and for the reasons presented in its Seventeenth Report, the ITC in its Eighteenth Report announced that the chemcial 2,6-di-*tert*-butylphenol is now designated for response within 12 months.

III. Chemical to be Added

The newly added ITC priority list substance for which reporting is required under 40 CFR Parts 712 and 716 is listed below by Chemical Abstract Service (CAS) Registry Number:

Recommended with Intent-to-Designate:

CAS No.	Name
126-73-8	Phosphoric acid, tributyl ester.

IV. Reporting Requirements

A. Preliminary Assessment Information Rule

All persons who manufactured or imported the chemical named in this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35) for each manufacturing or importing site at which they manufactured or imported a listed substance. The form must be submitted to the Agency no later than August 18, 1986. Persons who have previously and voluntarily submitted a Manufacturer's Report to the ITC or EPA should read § 712.30(a)(3). This section allows these persons to submit a copy of the original Report to EPA or to notify EPA by letter of their desire to have its submission accepted in lieu of a current data submission.

Complete details of the reporting requirements, including the small manufacturers exemption, other exemptions, and a facsimile of the reporting form are fully described in 40 CFR Part 712. Copies of the form are available from the TSCA Assistance Office at the address given under **FOR FURTHER INFORMATION CONTACT.**

B. Health and Safety Data Reporting Rule

Listed below are the general reporting requirements of the section 8(d) model rule.

1. Persons who, in the 10 years preceding the date a substance is listed, either have proposed to manufacture, import, or process; or have manufactured, imported, or processed the listed substance must submit to EPA:

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

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

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

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

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

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

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

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

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

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

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

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

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

Detailed guidance for reporting unpublished health and safety data is provided in 40 CFR Part 716. Also found in Part 716 are the reporting exemptions.

C. Removal of Chemicals From the Rules

Any person who believes that section 8 (a) or (d) reporting required by this rule on a particular substance is unwarranted, should promptly submit to the Agency in detail the reasons for that belief. The request for removal of a substance from this rule must be received by EPA within 14 days of the publication of the rule. If EPA withdraws a substance from the rule, the Agency will issue a rule amendment for publication in the **Federal Register**.

V. Release of Aggregate Data

The Agency will follow procedures for the release of aggregate data as prescribed in a rule-related notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Included in the notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be received by EPA no later than August 18, 1986.

VI. Economic Analysis

A. Preliminary Assessment Information Rule

EPA estimates that the PAIR reporting cost of this rule is $9,786. To calculate this figure, EPA used the TSCA Inventory and other sources to generate a list of past, and possibly current, manufacturers and importers of this substance. Five companies operating at approximately five sites were identified as potential manufacturers and three companies were identified as potential importers of the chemical. Since one of the companies may qualify as small businesses as defined in 40 CFR 712.25(c), EPA estimates that seven firms may be required to report a total of seven reports.

Reporting cost (dollars):	
(a) 7 reports expected at $762/report	$5,334
(b) 7 familiarization cases at $636/case	$4,452
Total	$9,786
Average cost per site	$1,398
Average cost per firm	$1,398
Reporting burden (hours):	
(a) Familiarization (18 hours per site times 7 sites/importers)	126
(b) Reporting (16 hours per report times 7 reports)	112
Total	238

Note.—*EPA Cost:* Processing Cost = ($86/report times 7 reports) = $602.

B. Health and Safety Data Reporting Rule

EPA estimates that the total reporting cost for establishing section 8(d) reporting requirements for this substance is $6,671. This cost estimate is relatively high, because the Agency is uncertain about the likely number of respondents to the rule. Although EPA

has used the best available data to make its economic projections, much of the data is not current. In view of this, EPA has chosen to overestimate rather than underestimate the reporting burden.

Nevertheless, the cost of this proposed rule is low in comparison with its potential benefits. Health and safety studies concerning this substance would improve EPA's ability to identify potential public health and environmental problems with regard to this chemical. The Agency therefore would be better able to determine whether further regulatory action would be necessary.

The estimated reporting costs are broken down as follows:

Initial corporate review	$2,448
Site identification/File search	918
File searches at affected sites	1,782
Title listing	114
Photocopying	185
Managerial review	918
Ongoing reporting	306
Total	6,671

VII. Rulemaking Record

The following documents constitute the public record for this rule (docket control number OPTS-82027). All of these documents are available to the public in the OTS Reading Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Rm. E-107, 401 M St., SW., Washington, DC.

1. This final rule.
2. The economic analyses for this rule.
3. The Eighteenth Report of the Interagency Testing Committee.

VIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not a major rule because it will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget (OMB) review, because the automatic listing of recommended or designated substances is provided for in 40 CFR 712.30(c) and 716.18(b)—final rules which have been previously reviewed by OMB under the terms of the Executive Order.

B. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the OMB under the provision of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. and have been assigned OMB control numbers 2070-0054 and 2070-0004.

List of Subjects in 40 CFR Parts 712 and 716

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

Dated: May 6, 1986.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

Therefore, 40 CFR Parts 712 and 716 are amended as follows:

PART 712—[AMENDED]

1. In Part 712:

a. The authority citation continues to read as follows:

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

b. Section 712.30 is amended by adding paragraph (q) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(q) A Preliminary Assessment Information Manufacturer's Report must be submitted by August 18, 1986, for each chemical substance listed below.

CAS No.	Name
126-73-8	Phosphoric acid, tributyl ester.

PART 716—[AMENDED]

2. In Part 716:

a. The authority citation continues to read as follows:

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

b. Section 716.17 is amended by adding paragraph (a)(17) to read as follows:

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

(a) * * *

(17) As of June 18, 1986, the following chemical substances are added to this section:

CAS No.	Name
126-73-8	Phosphoric acid, tributyl ester.

* * * * *

[FR Doc. 86-11069 Filed 5-16-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 763

[OPTS-62044A; FRL 2965-7]

Toxic Substances; Asbestos Abatement Projects

Correction

In FR Doc. 86-9190 beginning on page 15722 in the issue of Friday, April 25, 1986, make the following corrections:

1. On page 15722, in the third column, in the twenty-fifth line of the **"SUPPLEMENTARY INFORMATION"** "routing" should read "routine";

2. On page 15726, in the third column, in the sixth line of the third complete paragraph, "0.5f/cc" should read "0.05f/cc";

3. On page 15729, in the first column, in the third line under the heading "VIII. Enforcement", insert "under" after "promulgated";

4. On page 15730, in the second column, in § 763.121(b)(2), eighth line "(3)" should read "(e)"; and

5. On page 15733, in the third column, in § 763.125(e), fourth line "7 of 17" should read "7 or 17".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Hearings and Appeals Procedures; Change of Time Period for Filing Notices of Appeal in Indian Probate Proceedings

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Final rule.

SUMMARY: This Office amends its regulations to change the time period for filing notices of appeal in Indian probate proceedings. This action is being taken to facilitate determinations of finality of non-appealed decisions, and so to expedite distribution of Indian trust estates.

EFFECTIVE DATE: June 18, 1986.

FOR FURTHER INFORMATION CONTACT: Bruce A. Johnson, Deputy Director, Office of Hearings and Appeals, (703) 235-3810.

SUPPLEMENTARY INFORMATION: On November 25, 1985, the Office of Hearings and Appeals published proposed regulations providing for the amendment of the present regulation concerning the date for filing a notice of appeal with the Board of Indian Appeals from decisions of Administrative Law Judges (Indian Probate).

On January 23, 1981, this Office had published regulations governing appeals in Indian probate proceedings in 43 CFR 4.320–4.323. These regulations replaced and updated the former appeals regulations found in 43 CFR 4.290–4.297 (1980). Paragraph (a) of 43 CFR 4.320 presently requires appeals in these cases to be filed within 60 days from receipt of the decision being appealed. The former rule had required the notice of appeal to be filed within 60 days from the date of the decision. In order to be able to prove date of receipt, this Office's Administrative Law Judges (Indian Probate) must mail their decisions by certified mail, return-receipt requested.

After 4 years experience with this procedure, it has been determined that by using this form of mail, Indian parties are frequently likely either not to receive decisions affecting them or to receive those decisions after long delays. It is therefore difficult for the Bureau of Indian Affairs to determine whether the time for filing an appeal has passed. Because of this uncertainty, the Bureau often delays distributing Indian trust estates that have not been appealed in order to avoid the problems that could result if an appeal were filed by a party who had received the decision after distribution. These facts lead to a situation in which distribution of Indian trust estates to the heirs and devisees is often needlessly protracted.

The return to a date based on a the date the decision was issued will provide certainly as to when estates can be distributed.

Two comments were received on the proposed change. One comment supported the change. The other comment, received from the Native American Rights Fund in Anchorage, Alaska, noted that receipt of mail is often difficult for Alaska Natives who maintain a traditional life-style and who might consequently lose their appellate rights. The commenter thus suggested that the 60-day appeal period set forth in the proposed regulation be increased to 120 days.

A general rule allowing a 120-day appeal period would unduly delay resolution of most Indian trust estate proceedings. The 60-day period is identical to the period required of Alaska Natives since 1971 to petition for rehearing of Indian probate decisions under 43 CFR 4.241. The Office therefore believes that the 60-day probate appeal period is sufficient.

The Department of the Interior has determined that this document is not a major rule under E.O 12291 and certifies that this document 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 determination is based on the fact that the amendment concerns only a simplification of the determination of the time period for filing an appeal in certain administrative cases, and does not affect any substantive rights.

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. 3501 *et seq.*

The Department of the Interior has determined that the rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969, *as amended* (42 U.S.C. 4321–4347).

This rule was written by Kathryn Lynn, Office of Hearings and Appeals.

Dated: February 24, 1986.

Ann McLaughlin,

Under Secretary.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Indians

PART 4—[AMENDED]

43 CFR Part 4, Subpart D, is amended as follows:

1. The authority citation for Part 4, Subpart D, continues to read as follows:

Authority: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; R.S. 463, 465; 5 U.S.C. 301; 25 U.S.C. secs. 2, 9, 372, 373, 374, 373a, 373b.

2. Sections 4.320 is amended by revising the first sentence of (a) to read as follows:

§ 4.320 Who may appeal; scope of review.

* * * * *

(a) *Notice of Appeal.*—Within 60 days from the date of the decision, an appellant shall file a written notice of appeal signed by appellant, appellant's attorney, or other qualified representative as provided in 43 CFR 1.3, with the Board of Indian Appeals, Office of Hearings and Appeals, U.S.C. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. * * *

* * * * *

[FR Doc. 86–11199 Filed 5–16–86; 8:45 am]

BILLING CODE 4310–10–M

43 CFR Part 4

Hearings and Appeals Procedures; Use of Written Interrogatories and Requests for Admission as Discovery Devices in Indian Probate Proceedings

AGENCY: Office of Hearing and Appeals, Interior.

ACTION: Final rule.

SUMMARY: This Office is amending its regulations concerning the use of written interrogatories and requests for admission as discovery devices in Indian probate proceedings. Present regulations require that these devices be ordered by the Administrative Law Judge (Indian Probate). The amendment makes the procedures for using these discovery devices more like the procedures for the production of documents and depositions. It also extends the time for response from 15 days to 30 days from the date of service. This conforms to the Federal Rules of Civil Procedure.

EFFECTIVE DATE: June 18, 1986.

FOR FURTHER INFORMATION CONTACT: Bruce A. Johnson, Deputy Director, Office of Hearings and Appeals, (703) 235–3810.

SUPPLEMENTARY INFORMATION: On November 25, 1985, the Office of Hearings and Appeals published proposed regulations providing for the amendment of regulations concerning the use of written interrogatories and requests for admission as discovery devices in Indian probate proceedings. Current Departmental regulations in 43 CFR 4.222 provide that when parties involved in these proceedings wish to use written interrogatories and requests for admission, the application or request must be filed with the Administrative Law Judge (Indian Probate). The Judge is then responsible for serving the application or request on the party to whom it is addressed. This procedure causes unnecessary delays and is contrary to the procedures set out in 43 CFR 4.220, regarding production of documents, and 43 CFR 4.221, regarding depositions, in which the Judge becomes involved only when a problem develops between the parties.

The proposed amendment would provide that written interrogatories and requests for admission would be served directly upon the party to whom they are addressed, with a copy to the Judge. The Judge's involvement in discovery would be limited to those situations in which problems develop.

Two comments were received concerning the proposed amendment. One comment noted that the potential

for conflict between disputing parties might be intensified by requiring them to attempt to work together. Parties are already required to attempt cooperative use of discovery mechanisms under existing regulations relating to production of documents and depositions. Because the potential for conflict is always present in an adversary setting, the regulations provide for intervention by the Administrative Law Judge (Indian Probate), if necessary. The possibility of increased conflict is not seen as sufficient enough to justify retaining disparate treatment of the various forms of discovery devices.

The second comment generally supports the proposed changes, but suggests that the time for serving cross-interrogatories be changed from 10 to 15 days, which the commenter believed was a more realistic time limit. The 10-day period conforms to the period required under Rule 31(a) of the Federal Rules of Civil Procedure. It is our view that extending the period is not warranted.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document 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 determination is based on the fact that the amendment concerns only the way discovery procedures in certain administrative appeals will be handled, and does not affect any substantive rights.

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. 3501 *et seq.*

The Department of the Interior has determined that the rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969, *as amended* (42 U.S.C. 4321–4347).

This rule was written by Kathryn Lynn, Office of Hearings and Appeals.

Dated: February 24, 1986.

Ann McLaughlin,

Under Secretary.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Indians.

PART 4—[AMENDED]

43 CFR Part 4, Subpart D, is amended as follows:

1. The authority citation for Part 4, Subpart D, continues to read as follows:

Authority: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; R.S. 463, 465; 5 U.S.C. 301; 25 U.S.C. secs. 2, 9, 372, 373, 374, 373a, 373b.

2. Section 4.222 is revised to read as follows:

§ 4.222 Written interrogatories; admission of facts and documents.

At any time prior to a hearing and in sufficient time to permit answers to be filed before the hearing, a party in interest may serve upon any other party in interest written interrogatories and requests for admission of facts and documents. A copy of such interrogatories and requests shall be filed with the administrative law judge. Such interrogatories and requests for admission shall be drawn with the purpose of defining the issues in dispute between the parties and facilitating the presentation of evidence at the hearing. Answers shall be served upon the party propounding the written interrogatories or requesting the admission of facts and documents within 30 days from the date of service of such interrogatories or requests, or within such other period of time as may be agreed upon by the parties or prescribed by the administrative law judge. A copy of the answer shall be filed with the administrative law judge. Within 10 days after written interrogatories are served upon a party, that party may serve cross-interrogatories for answer by the witness to be interrogated.

[FR Doc. 86–11198 Filed 5–16–86; 8:45 am]

BILLING CODE 4310-10-M

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43 CFR Part 4

Special Rules Applicable to Surface Coal Mining Hearings and Appeals

Correction

In FR Doc. 86–9918 beginning on page 16319 in the issue of Friday, May 2, 1986, the CFR part number in the heading was incorrect. It should have read as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 307

Establishment of Mandatory Position Reporting System for Vessels

AGENCY: Maritime Administration, Transportation.

ACTION: Final rule.

SUMMARY: This final rule establishes that vessel operators previously required to report separately to the Maritime Administration's mandatory U.S. Merchant Vessel Locator Filing System (USMER), which has been used to collect information on vessel locations for national emergency purposes, now must submit these reports to the Coast Guard's Automated Mutual-Assistance Vessel and Rescue System (AMVER). The Coast Guard will forward this information to MARAD. Currently, certain U.S. and non-U.S. vessel operators report their locations voluntarily to the AMVER System. The Coast Guard uses this information to maintain a plot for search and rescue (SAR) purposes worldwide. Since the existing AMVER Center recently has enhanced its data processing capability, it is now more feasible for the Coast Guard to process reports on vessel locations. Vessel operators that previously were required to file UMMER reports and voluntarily filed AMVER reports will now benefit from having to file only one set of reports with the Coast Guard.

EFFECTIVE DATE: May 19, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Lockland, Office of Ship Operations, Maritime Administration, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, Telephone (202) 426–5743.

SUPPLEMENTARY INFORMATION: The Maritime Administration (MARAD) established the USMER system in 1975 to enable MARAD to obtain the current locations of U.S.-flag and certain non-U.S. flag ships to facilitate the immediate marshalling of ships for national emergency purposes.

MARAD established the USMER system under authority of section 212(A) of the Merchant Marine Act, 1936, as amended, (46 U.S.C. 1122(a)), which requires operators of vessels in waterborne foreign commerce of the United States to file such reports relating to the use and performance of

vessels as the Secretary of Transportation may determine to be necessary to carry out the purposes of the Act. The system was extended by section 1203(a) of the 1936 Act (46 U.S.C. 1283) to cover foreign flag vessels insured or reinsured under the Government War Risk Insurance Program.

The U.S. Coast Guard, in connection with its SAR responsibility, operates the AMVER system, which receives reports from ships of all nations for the purpose of maintaining ship positions for SAR purposes worldwide. The enhancement of data processing capability at the AMVER Center now makes it feasible to process all position reports. In consideration of this, the Maritime Administrator and the Commandant of the United States Coast Guard have agreed that the USMER and AMVER objectives for U.S. ships should be met by a single reporting system. Separate USMER reports will be suspended. AMVER reports will remain voluntary for foreign ships unless directed otherwise by their governments. The voluntary reports will not be forwarded to MARAD. The Coast Guard will forward to MARAD the USMER information from vessel operators required to report under this part. This change in reporting procedure is not intended to affect vessel reporting requirements under 46 U.S.C. § 2306. MARAD retains its national security and enforcement authority.

Reporting will now be required for all U.S. ships operating in the waterborne foreign commerce of the United States, and foreign-flag vessels insured or reinsured under the Government War Risk Insurance Program, pursuant to 46 U.S.C. 1122(a), 1283. Affected ship operators will be required to file departure, arrival, position and deviation reports. Reporting formats and required data are described in § 307.11.

Prior to this time, operators of U.S. commercial ships had to send separate reports to satisfy the USMER requirement and to be a voluntary participant in AMVER. USMER reports could only be sent to certain Coast Guard and Navy radio stations. Under the new system, the ship operator will have to send only one set of reports to AMVER to satisfy both national security and SAR requirements. Radio operators will be able to select stations from the worldwide AMVER radio network at no charge. These benefits will save shipboard personnel time in preparing and transmitting the reports, thus resulting in cost savings. The Maritime Administration has found that alternatives, such as a satellite tracking or automatic position reporting beacons, while technically feasible, are too costly, and manual collection is inaccurate and not timely enough to accomplish the objectives.

E.O. 12291, Statutory and DOT Requirements

The Maritime Administrator has determined that this regulation is not a major rule as defined in E.O. 12291, but it is significant under DOT regulatory policies and procedures (49 FR 11034; Feb. 26, 1979) because of substantial Department interest. Because the issuance of this rule is necessary for timely support of national emergency-related operations, the Maritime Administrator has determined that there is good cause for exempting this rule from the notice and public procedure requirements of 5 U.S.C. 533 (the Administrative Procedure Act). This rule makes no substantive change in established procedures for the affected shipowners/operators except for a slight decrease in the reporting burden. Therefore, MARAD believes notice and public procedure thereon are impractical, unnecessary, and contrary to the public interest.

Moreover, 5 U.S.C. 553(d) requires that a rule not be made effective in fewer than 30 days except, among other things, where the agency finds good cause. For the reasons specified above in connection with notice and public procedure, the Administrator finds good cause for making this rule effective immediately. Under any circumstances, the rule principally affects ship operators that usually have annual receipts far in excess of the upper limit for qualification as small business entities under existing SBA criteria (13 CFR 121.3). Moreover, it has been determined that the economic impact of this proposal is minimal. Therefore, the Maritime Administrator certifies that it will not exert a significant economic impact on a substantial number of small entities. This rulemaking contains reporting requirements for the collection of information that are being submitted to OMB under control number 2133–0025.

List of Subjects in 46 CFR Part 307

Maritime carriers, national emergency, search and rescue.

Accordingly, a new Subchapter F, entitled Position Reporting System is added to 46 CFR, consisting of new Part 307 to read as follows:

Subchapter F—Position Reporting System

PART 307—ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM FOR VESSELS

Sec.

Authority: Sections 204(b), 212(A), 1203(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1122(a), 1283); Pub. L. 97–31; 46 CFR 1.66.

§ 307.1 Purpose.

This Part establishes that operators of U.S.-flag oceangoing vessels in U.S. foreign trade and certain foreign-flag vessels as described in 46 U.S.C. 1283 must report on their locations according to the provisions of this regulation to enhance the safety of vessel operations at sea and provide a contingency for events of national emergency.

§ 307.3 Definitions.

As used in this Part:

(a) "Administrator" means the Maritime Administrator of the Department of Transportation.

(b) "MARAD" means the Maritime Administration, Department of Transportation.

(c) "Coast Guard" means the United States Coast Guard, Department of Transportation.

(d) "AMVER" means the Automated Mutual-Assistance Vessel Rescue System operated by the U.S. Coast Guard as it applies to U.S.-flag ships and certain non-U.S.-flag ships in U.S. foreign commerce under this regulation.

§ 307.5 Provisions of General Applicability.

(a) The following operators must comply with the reporting requirements contained in this Part:

(1) Operators of United States-flag vessels of one thousand gross tons or more, operating in the foreign commerce of the United States.

(2) Operators of foreign-flag vessels of one thousand gross tons, or more, for which an Interim War Risk Insurance Binder has been issued under the provisions of Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281 *et seq.*).

(b) Operators of other merchant vessels may choose to submit reports

and have voyage information forwarded to MARAD, when approved by the Coast Guard and MARAD. Information voluntarily provided by them will be released by Coast Guard only for safety purposes or to satisfy certain advance notification requirements of 33 CFR Part 160. Requests should be addressed to the Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, Attn: MAR-742.

§ 307.7 Information Required in Report.

(a) *Types of Reports.* Reports on vessel departure, arrival, position and deviation are required under this part. Sailing plans are optional, and may be sent prior to departure, or may be combined with departure reports.

(b) *Report Content.* Content of each type of required report are specified below. Note that the word "MAREP" must be included in the text of each message if MARAD is to receive the information.

(1) *Sailing Plan Report.* Sailing plan reports, though optional, must contain the following:

(i) Vessel name,
(ii) International Radio Call Sign,
(iii) Intended time of departure,
(iv) Port of departure and latitude/longitude,
(v) Port of destination and latitude/longitude,
(vi) Estimated time of arrival,
(vii) Route information, and
(viii) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

(2) *Departure Report.* Departure reports must contain the following:

(i) Vessel name,
(ii) International Radio Call Sign,
(iii) Time of departure,
(iv) Port of departure,
(v) Latitude and longitude, and
(vi) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

(3) *Position Report.* Position reports must contain the following:

(i) Vessel name,
(ii) International Radio Call Sign,
(iii) Time at reported position,
(iv) Latitude and longitude, and
(v) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

(4) *Deviation Report.* Deviation reports are necessary to report sailing plan changes or other changes and must contain the following:

(i) Vessel name,
(ii) International Radio Call Sign,
(iii) The changes to prior reports, and
(iv) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

(5) *Arrival Report.* Arrival reports must contain the following:

(i) Vessel name,
(ii) International Radio Call Sign,
(iii) Port name,
(iv) Latitude and longitude,
(v) Time of arrival, and
(vi) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

§ 307.9 When to Report.

(a) Operators required to report under this regulation shall send reports during the Radio Officer's normal duty hours.

(b) Operators shall send reports as follows:

(1) Departure Reports must be sent as soon as practicable upon leaving the Port of Departure.

(2) Position Reports must be sent within twenty-four hours of departure, and subsequently, no less frequently that every forty-eight hours until arrival.

(3) Arrival Reports must be sent immediately prior to or upon arrival at the Port of Destination.

(4) Deviation Reports may be sent at the discretion of the vessel operator. Reports may be sent more frequently than the above schedule, as, for example, in heavy weather or under other adverse conditions.

§ 307.11 Report Changes.

The Administrator, through MARAD advisory or special warning, may direct changes in reporting frequency and specify particular information to be included in the comments section of AMVER messages.

§ 307.13 Where to Report.

To ensure that no charge is applied, all AMVER reports must be passed through specified radio stations. Those stations which currently accept AMVER reports and apply no coastal station, ship station, or landline charge are listed in each issue of the "AMVER Bulletin" publication, together with respective International Radio Call Sign, location, frequency bands, and hours of operation. The "AMVER Bulletin" is available for Commander (As), Atlantic Area, U.S. Coast Guard, AMVER Center, Governors Island, New York, NY 10004. Although AMVER reports may be sent through other stations, the Coast Guard cannot reimburse the sender for any charges applied.

§ 307.15 Release of Information from Reports.

(a) The information collected under these instructions will be released to recognized search-and-rescue authorities, to make advance notice to the U.S. Coast Guard of arrival in U.S. ports as required by certain sections of 33 CFR. The information collected will also be forwarded to the MARAD.

(b) AMVER reports will remain voluntary for foreign ships unless otherwise directed by their governments, and will be kept strictly confidential by the U.S. Coast Guard. Information collected from such foreign ships will not be forwarded to MARAD.

(c) any information provided in the remarks line will be stored in AMVER's automatic data processing system for later review. However, no immediate action will be taken, nor will the information be routinely passed to other organizations. The remarks line cannot be used as a substitute for sending information to other search-and-rescue authorities or organizations. However, AMVER will, at the request of other SAR authorities, forward remarks line information to the requesting agencies.

§ 307.17 Distress Messages and Hostile Action Reports.

(a) AWVER reports shall not replace distress messages and hostile action reports prescribed by Chapter 5, Defense Mapping Agency (DMA) Publication 117.

(b) Vessel owners or operators subject to this part shall summarize distress messages or hostile action reports in the comments sections of AMVER reports.

§ 307.19 Penalties.

The owner or operator of a vessel in the waterborne foreign commerce of the United States is subject to a penalty of $50 for each day of failure to file an AMVER report required by this Part. Such penalty shall constitute a lien upon the vessel, and such vessel may be libeled in the district court of the United States in which the vessel may be found.

Dated: May 14, 1986.

By Order of the Maritime Administrator.

Murray A. Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 86-11211 Filed 5-16-86; 8:45 am]

BILLING CODE 4910-81-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 85-273; RM-4902; FCC 86-186]

Relax Restrictions on Certain Frequencies in the Business Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Report and Order amending § 90.75 of the rules concerning restrictions on ten pairs of Business Radio Service frequencies in the UHF band. This change will allow these frequencies to be used more effectively.

EFFECTIVE DATE: June 6, 1986.

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

FOR FURTHER INFORMATION CONTACT: Stuart Overby, Private Radio Bureau, (202) 634–2443.

This is a summary of the Commission's report and order, PR Docket No. 85–273, adopted April 17, 1986, and released April 30, 1986.

The full texts of Commission decisions are available for instpection and copying during normal business hours in the FCC dockets branch (room 230), 1919 M Street, Northwest, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street Northwest, Suite 140, Washington, D.C. 20037.

Summary of Report and Order

1. Since 1968, ten pairs of frequencies in the Business Radio Service have been reserved in 87 urban areas for ground support activities of entities engaged in furnishing commercial air transportation services.

Other Business Radio Service eligibles have been allowed to use these frequencies 75 or more miles outside the airports serving those areas. Also, low power (2 watts or less) stations have been allowed to operate 5 or more miles from those airports. In response to a Petition for Rule Making filed by the National Association of Business and Educational Radio, Inc. (NABER) on August 27, 1985, the FCC adopted a *Notice of Proposed Rule Making (Notice)*, PR Docket No. 85–273, 50 FR 37875 (September 18, 1985), that proposed to reduce the mileage restriction from 75 to 50 miles. The *Notice* proposed to authorize new operations on a non-interference basis with respect to co-channel facilities of commercial air transportation carriers located at the airports in the 87 urban areas. The intent of the proposal was to allow additional use of these frequencies by Business Radio Service eligibles in certain areas while maintaining adequate protection for ground support communications of commercial airline operations. Also, to avoid delays in applications processing, the FCC proposed to include a list of the protected airports and their reference coordinates in the rules.

2. By this *Report and Order*, the FCC has amended its rules essentially as proposed. The rules have been amended to specify which airport facilities are protected, and the reference coordinates for those airports. In response to the comments, the FCC has also added ten new airports to the list of protected facilities. Existing Business Radio stations located around the newly protected facilities may continue operation as currently authorized. The existing limitations on use of these frequencies for low power Business Radio Service operations have also been modified. Previously, such operations were allowed to locate 5 or more miles from a protected airport's *boundary*. The rules have been modified to allow new low power operations 10 or more miles from a protected airport's *reference coordinates*. Existing low power stations may continue operation as currently authorized. The amended rules specify that all Business Radio Service operations are authorized on a non-interference basis with respect to protected air terminal communications facilities.

3. The frequency pairs subject to these rule changes are: 460.650/465.650, 460.675/465.675, 460.700/465.700, 460.725/465.725, 460.750/465.750, 460.775/465.775, 460.800/465.800, 460.825/465.825, 460.850/465.850, 460.875/465.875 MHz.

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision.

5. The decision contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure or record retention requirements, and will not increase or decrease burden hours imposed on the public.

Ordering clause

6. Accordingly, it is Ordered, effective June 6, 1986, that Part 90 of the Commission's Rules (47 CFR Part 90 is amended as set forth below. The authority for this action is found in sections 4(i), 303(c), 303(f), 303(r), and 331 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(c), 303(f), 303(r), and 332.

List of Subjects in 47 CFR Part 90

Business radio service, Frequencies, Private land mobile radio services, Radio.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

7. The authority citation for Part 90 continues to read:

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

8. Section 90.75 is amended by revising paragraph (c)(15), by revising the introductory text, removing the undesignated paragraph following (c)(25)(vi), revising paragraph (c)(25)(vi), and by adding new paragraphs (c)(25)(vii) and (viii) as follows:

§ 90.75 Business radio service.

* * * * *

(c) * * *

(15) Operation on this frequency in connection with the servicing and supplying of aircraft is limited to a maximum output power of 20 watts.

* * * * *

(25) Except as noted in subparagraph (vii), this frequency is available for assignment to stations located on or near airports listed in subparagraph (viii) below and may be assigned only to persons engaged in furnishing commercial air transportation service, or to a corporation or association for the purpose of furnishing radio communications service to persons so engaged in accordance with the shared use provisions of § 90.179 of the rules. Stations on this frequency may be used only in connection with the servicing and supplying of aircraft at the listed airports. Common frequency signal boosters may be employed in accordance with the following criteria:

* * * * *

(vi) If signal boosters are to be used in conjunction with other facilities, the number of such boosters must be stated on the license application.

(vii) This frequency is available for assignment to stations in the Business Radio Service for use at locations removed by 80 or more km (50 or more mi.) from the reference coordinates of the airports listed below at a maximum effective radiated power (ERP) of 300 watts. This frequency may also be

assigned to low power (2 watts or less transmitter output power) stations in the Business Radio Service for use in areas removed by 16 or more km (10 or more mi.) from the reference coordinates of airports listed below. All such low power use is restricted to the confines of an industrial complex or manufacturing yard area. Business Radio Service stations first licensed prior to April 17, 1986 may continue to operate with facilities authorized as of that date. All Business Radio Service stations on this frequency may operate only on a non-interference basis to the co-channel facilities of air carriers located on or near the airports specified below.

(viii) The airports and their respective reference coordinates are:

City and airport	Reference coordinates	
	Latitude	Longitude
Akron, OH:		
Akron-Canton Regional (CAK).	40°55'01" N	81°26'30" W
Albany-Troy - Schenectady, NY:		
Albany County (ALB)	42°44'53" N	73°48'12" W
Albuquerque,NM:		
Albuquerque International (ABQ).	35°02'30" N	106°36'23" W
Allentown-Bethlehem, PA:		
Allentown-Bethlehem-Easton (ABE).	40°39'11" N	75°26'25" W
Anchorage, AK:		
Anchorage International (ANC).	61°10'30" N	149°59'38" W
Atlanta, GA:		
Atlanta International (ATL).	33°38'25" N	84°25'37" W
Dekalb-Peachtree (PDK).	33°52'30" N	84°18'08" W
Fulton County (FTY)	33°46'45" N	84°31'17" W
Baltimore, MD:		
Baltimore-Washington Int'L (BWI).	39°10'30" N	76°40'10" W
Birmingham, AL:		
Birmingham Municipal (BHM).	33°33'50" N	86°45'16" W
Boston, MA:		
Logan International (BOS).	42°21'51" N	71°00'21" W
Bridgeport, CT:		
Sikorsky Memorial (BDR).	41°09'49" N	73°07'35" W
Buffalo, NY:		
Greater Buffalo Int'l (BUF).	42°56'26" N	78°43'57" W
Canton, OH:		
Akron-Canton Regional (CAK).	40°55'01" N	81°26'30" W
Charlotte, NC:		
Charlotte-Douglas Int'l (CLT).	35°12'52" N	80°56'37" W
Chattanooga, TN:		
Lovell (CHA)	35°02'07" N	85°12'15" W
Chicago,IL-Northwest, IN:		
Chicago-Wheeling-Palwaukee (PWK).	42°64'08" N	87°54'03" W
Meigs (CGX)	41°51'32" N	87°36'28" W
Michiana Regional (SBN).	41°42'18" N	86°18'59" W
Midway (MDW)	41°47'10" N	87°45'08" W
O'Hare International (ORD).	41°58'48" N	87°54'16" W
West Chicago-Dupage (DPE).	41°54'52" N	88°14'47" W
Cincinnati, OH:		
Greater Cincinnati Int'l (CVG).	39°14'59" N	84°23'14" W
Lunken (LUK)	39°06'12" N	84°25'08" W
Cleveland, OH:		
Burke Lakefront (BKL)	41°31'03" N	81°41'01" W
Cuyahoga County (CGF).	41°33'54" N	81°29'11" W
Hopkins International (CLE).	41°24'38" N	81°50'58" W
Columbus, OH:		
Port Columbus Int'l (CMH).	39°59'42" N	82°53'11" W
Dallas, TX:		
Addison (ADS)	32°58'06" N	96°50'10" W
Dallas-Ft. Worth Regional (DFW).	32°53'45" N	97°02'10" W
Dallas-Love Field (DAL).	32°50'49" N	96°51'05" W
Red Bird (RBD)	32°40'49" N	96°52'02" W
Davenport, IA (Rock Island, Moline, IL):		
Davenport Municipal (DVN).	41°36'42" N	90°35'21" W
Quad City (MLI)	41°26'56" N	90°30'35" W
Dayton, OH:		
Dayton International (DAY).	39°54'04" N	84°13'12" W
Denver, CO:		
Centennial (APA)	39°34'19" N	104°50'54" W
Colorado Springs Municipal (COS).	38°48'31" N	104°42'35" W
Denver-Jeffco (BJC)	39°54'28" N	105°26'53" W
Stapleton International (DEN).	39°46'22" N	104°52'38" W
Des Moines, IA:		
Des Moines Municipal (DSM).	41°32'06" N	93°39'38" W
Detroit, MI:		
Detroit City (DET)	42°24'33" N	83°00'36" W
Detroit Metro-Wayne County (DTW).	42°12'55" N	83°20'55" W
Oakland-Pontiac (PTK).	42°39'54" N	83°25'05" W
Willow Run (YIP)	42°14'16" N	83°31'50" W
El Paso, TX:		
El Paso International (ELP).	31°48'24" N	106°22'38" W
Flint, MI:		
Bishop (FNT)	42°57'56" N	83°44'37" W
Ft. Lauderdale-Hollywood, FL:		
Ft. Lauderdale Executive (FXE).	26°11'49" N	80°10'15" W
Ft. Lauderdale-Hollywd Int'l (FLL).	26°04'19" N	80°09'13" W
Ft. Worth,TX:		
Meacham (FTW)	32°49'09" N	97°21'44" W
Fresno, CA:		
Chandler Downtown (FCH).	36°43'56" N	119°49'08" W
Fresno Air Terminal (FAT).	36°46'36" N	119°43'02" W
Grand Rapids, MI:		
Kent County Int'l (GRR).	42°52'57" N	85°31'26" W
Hana, HI:		
Hana (HNN)	20°47'56" N	156°01'02" W
Harrisburg, PA:		
Capital City (CXY)	40°13'01" N	76°51'06" W
Harrisburg Int'l (MDT)	40°11'36" N	76°45'49" W
Hartford, CT (Windsor Locks):		
Bradley Int'l (BDL)	41°56'20" N	72°41'01" W
Hartford-Brainard (HFD).	41°44'10" N	72°39'02" W
Hilo, HI:		
General Lyman Field (ITO).	19°43'24" N	155°03'05" W
Honolulu, HI:		
Honolulu International (HNL).	21°19'20" N	157°55'27" W
Houston, TX:		
W.P. Hobby (HOU)	29°38'43" N	95°16'43" W
D.W. Hooks Memorial (DWH).	30°03'50" N	95°33'11" W
Houston Intercontinental (IAH).	29°58'55" N	95°20'45" W
Indianapolis, IN:		
Indianapolis Int'l (IND)	39°43'28" N	86°16'60" W
Jacksonville, FL:		
Craig Municipal (CRG)	30°20'10" N	81°30'53" W
Jacksonville Int'l (JAX)	30°29'33" N	81°41'24" W
Kahului, HI:		
Kahului (OGG)	20°54'07" N	156°25'60" W
Kailua-Kona, HI:		
Ke-Ahole (KOA)	19°44'08" N	156°25'06" W
Kameula, HI:		
Waimea-Kohala (MUE).	20°00'16" N	155°40'15" W
Kansas City, MO-KS:		
Fairfax Municipal (KCK).	39°08'50" N	94°56'14" W
Kansas City Int'l (MCI)	39°17'57" N	94°43'04" W
Kansas City Municipal Dntn (MKC).	39°07'24" N	94°35'33" W
Richard-Gebaur (GBW).	38°50'37" N	94°33'37" W
Kauna Kakai, HI:		
Molokai (MKK)	21°09'22" N	157°55'07" W
Las Vegas, NV:		
McCarran INt'l (LAS)	36°04'58" N	115°09'13" W
Lihue, HI:		
Lihue (LIH)	21°58'42" N	159°20'40" W
Los Angeles,CA:		
Burbank-Glendale-Pasadena (BUR).	34°21'02" N	118°21'27" W
Catalina (AVX)	33°24'20" N	118°24'50" W
Long Beach-Daugherty Field (LGB).	33°49'03" N	118°09'03" W
Los Angeles Int'l (LAX).	33°56'33" N	118°24'26" W
Ontario Int'l (ONT)	34°03'22" N	117°36'11" W
Santa Ana-John Wayne-Orange City (SNA).	33°40'32" N	117°52'02" W
Louisville, KY:		
Standiford Field (SDF)	38°10'40" N	85°44'11" W
Memphis, TN:		
Memphis Int'l (MEM)	35°02'59" N	89°58'43" W
Miami, FLA:		
Miami Int'l (MIA)	25°47'34" N	80°17'26" W
Opa Locka (OPF)	25°54'25" N	80°16'50" W
Tamiami (TMB)	25°38'51" N	80°25'59" W
Milwaukee, WI:		
General Mitchell (MKE).	42°56'49" N	87°53'49" W
Minneapolis-St. Paul, MN:		
Minneapolis-St. Paul (MSP).	44°53'03" N	93°12'54" W
Mobile, AL:		
Bates Field (MOB)	30°41'23" N	88°14'31" W
Nashville, TN:		
Nashville Metropolitan (BNA).	36°07'37" N	86°40'53" W
New Haven, CT:		
Tweed-New Haven Municipal (HVN).	41°15'50" N	72°53'15" W
New Orleans, LA:		
Lakefornt (NEW)	30°02'33" N	90°01'41" W
New Orleans Int'l (MSY).	29°59'34" N	90°15'23" W
Newport News-Hampton,VA:		
Patrick Henry Int'l (PHF).	37°07'54" N	76°29'36" W
New York-Northeast, NJ:		
Farmingdale Republic (FRG).	40°43'43" N	73°24'50" W
JFK International (JFK).	40°38'25" N	73°46'42" W
LaGuardia (LGA)	40°46'38" N	73°52'27" W
Long Island-McArthur (ISP).	40°47'44" N	73°06'00" W
Morristown Municipal (NJ) (MMU).	40°47'57" N	74°24'55" W
Newark Int'l (FWR)	40°41'35" N	74°10'07" W
Teterboro (NJ) (TEB)	40°51'00" N	74°03'41" W
Norfolk-Portsmouth, VA:		
Norfolk Int'l (ORF)	36°53'40" N	76°12'06" W
Oklahoma City, OK:		
Wiley Post (DWA)	35°32'03" N	97°38'48" W
Will Rogers World (OKC).	35°23'35" N	97°36'02" W
Omaha, NE:		
Eppley Airfield (OMA)	41°18'04" N	95°53'36" W
Orlando, FL:		
Orlando Executive (ORL).	28°32'43" N	81°19'59" W
Orlando Int'l (MCO)	28°25'54" N	81°19'29" W
Philadelphia, PA-NJ:		
Northeast Philadelphia (PNE).	40°04'55" N	75°00'40" W
Philadelphia Int'l (PHC).	39°52'13" N	75°14'43" W

City and airport	Reference coordinates	
	Latitude	Longitude
Phoenix, AZ:		
Phoenix-Sky Habor Int'l (PHX).	33°26'10" N	112°00'32" W
Scottsdale Municipal (SDC).	33°37'22" N	111°54'35" W
Pittsburgh, PA:		
Allegheny County (AGC).	40°21'17" N	79°55'49" W
Greater Pittsburgh Int'l (PIT).	40°29'30" N	80°13'55" W
Portland, OR:		
Portland-Hillsboro (HIO).	45°32'26" N	122°56'55" W
Portland International (PDX).	45°35'20" N	122°35'47" W
Portland-Troutdale (TTD).	45°32'58" N	122°24'00" W
Providence-Pawtucket, RI—MA:		
North Central State (SFZ).	41°55'15" N	71°29'30" W
T.F. Green State (PVD).	41°43'31" N	71°25'41" W
Reno, NV:		
Reno International (RNO).	39°29'52" N	119°46'04" W
Richmond, VA:		
Byrd International (RIC).	37°30'18" N	77°19'12" W
Rochester, NY:		
Rochester-Monroe County (ROC).	43°07'08" N	77°40'22" W
Sacramento, CA:		
Sacramento Executive (SAC).	38°30'45" N	121°29'33" W
Sacramento Metropolitan (SMF).	38°41'44" N	121°36'01" W
St. Louis, MO—IL:		
Spirit of St. Louis (SUS).	38°39'36" N	90°38'43" W
St. Louis-Lambert Int'l (STC).	38°44'51" N	90°21'39" W
St. Petersburg, FL:		
Albert Whitted Municipal (SPG).	27°45'53" N	82°37'39" W
Clearwater Int'l (PIE)	27°54'38" N	82°41'16" W
Salt Lake City, UT:		
Salt Lake City Int'l (SLC).	40°47'13" N	111°58'05" W
San Antonio, TX:		
San Antonio Int'l (SAT).	29°32'00" N	98°28'10" W
San Bernardino, CA:		
Ontario Int'l (ONT)	34°03'22" N	117°36'11" W
San Diego, CA:		
Lindbergh Int'l (SAN)	32°44'01" N	117°11'12" W
San Francisco-Oakland, CA:		
Metropolitan Oakland Int'l (OAK).	37°43'17" N	122°13'11" W
San Francisco Int'l (SFO).	37°37'08" N	122°22'26" W
San Jose, CA:		
San Jose Int'l (SJC)	37°21'41" N	121°55'38" W
Scranton, PA:		
Wilkes-Barre Scranton Int'l (AVP).	41°20'20" N	75°43'27" W
Seattle, WA:		
King County Int'l (BFI)	47°31'49" N	122°18'03" W
Seattle-Tacoma Int'l (SEA).	47°26'57" N	122°18'29" W
Shreveport, LA:		
Shreveport Downtown (DTN).	32°32'23" N	93°44'40" W
Shreveport Regional (SHV).	32°26'48" N	93°49'30" W
South Bend, IN:		
Michiana Regional (SBW).	41°42'18" N	86°16'59" W
Spokane, WA:		
Grant County (MWH)	47°12'28" N	119°19'08" W
Spokane Int'l (GEG)	47°37'12" N	117°31'58" W
Springfield, MA:		
Barnes Municipal (BAF).	42°09'28" N	72°42'58" N
Westover Field (CFF)	42°11'52" N	72°31'50" W
Syracuse, NY:		
Syracuse-Hancock Int'l (SYR).	43°06'44" N	76°06'32" W
Tacoma, WA:		
Tacoma Narrows (TIW)	47°16'05" N	122°34'37" W
Tampa, FL:		
Tampa Int'l (TPA)	27°58'31" N	82°32'00" W
Toledo, OH:		
Toledo Express (TOL)	41°35'15" N	83°48'19" W
Trenton, NJ-PA:		
Mercer County (TTN)	40°16'38" N	74°48'50" W
Tucson, AZ:		
Tucson Int'l (TUS)	32°07'06" N	110°56'35" W
Tulsa, OK:		
R.L. Jones, Jr. (RVS)	36°02'18" N	95°59'05" W
Tulsa Int'l (TUL)	36°11'54" N	95°53'16" W
Washington, DC:		
Dulles International (IAD).	38°56'39" N	77°27'26" W
National (DCA)	38°51'07" N	77°02'17" W
Wichita, KS:		
Mid-Continent (ICT)	37°38'06" N	97°25'58" W
Wilkes-Barre, PA:		
Wilkes-Barre-Scranton (AVP).	41°20'20" N	75°43'27" W
Wilmington, DE:		
Gr. Wilm.-New Castle City (ILG).	39°40'42" N	75°36'25" W
Worcester, MA:		
Worcester Municipal (ORH).	42°16'02" N	71°52'34" W
Youngstown-Warren, OH-PA:		
Youngstown Municipal (YNG).	41°15'32" N	80°40'34" W

* * * * *

[FR Doc. 10658 Filed 5-16-86; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1144

[Ex Parte No. 445 (Sub-N 1)]

Intramodal Rail Competition

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rules.

SUMMARY: On November 6, 1985, the Commission published final rules at 50 FR 46066 to govern the handling of certain competitive access issues. That notice contained an inadvertent error in new § 1144.1 which this notice corrects.

DATES: This correction is effective on publication in the **Federal Register**, May 19, 1986.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: At 49 FR 46067, November 6, 1985, § 1144.1(b)(3) contains an error in the last sentence, which is corrected as follows:

§ 1144.1 Notification, explanation, and justification.

* * * * *

(b) * * *

(3) * * * The 49 CFR Part 1132 time periods for protests and replies apply.

* * * * *

Decided: May 6, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,

Secretary.

[FR Doc. 86–11165 Filed 5–16–86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 51180–5180]

Fishery Conservation and Management; Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Notice of final initial specifications and in-season adjustments.

SUMMARY: NOAA announces the final initial specifications for 1986 and apportionment of amounts of Alaska groundfish to the domestic annual harvest (DAH) under provisions of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) and its implementing regulations. The intent of this action is to assure optimum use of these groundfish by allowing the domestic and foreign fisheries to proceed without interruption.

EFFECTIVE DATE: MAy 14, 1986.

FOR FURTHER INFORMATION CONTACT: Janet Smoker (Resource Management Specialist, NMFS), 907–586–7229.

SUPPLEMENTARY INFORMATION:

Background

The total allowable catches (TACs) for various groundfish species are established under the FMP, which was developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act, and which is implemented by rules appearing at 50 CFR 611.93 and Part 675. The TACs are apportioned initially among DAH, reserves, and the total allowable level of foreign fishing (TALFF). Each reserve amount, in turn, is to be apportioned to DAH and/or TALFF during the fishing year, under §§ 611.93(b) and 675.20(b).

Interim initial specifications for 1986 were announced in the **Federal Register** on January 9, 1986 (51 FR 956) and public comments were invited. No comments on the specifications were received.

Therefore, the initial specifications as announced are hereby made final for 1986.

As soon as practicable after April 1, June 1, and August 1, or on other dates as are deemed necessary, the Secretary of Commerce apportionsto DAH all or part of the reserve that he finds will be harvested by U.S. vessels during the remainder of the year, and apportions to TALFF the remaining portion of the reserve that will not be apportioned to DAH. When the interim initial specifications for 1986 were announced (51 FR 956, January 9, 1986), DAH and TALFF were supplemented with 29,857 metric tons (mt) from the initial 300,000-mt reserve, thereby reducing it to 270,143 mt. In April, DAH and TALFF were supplemented by an additional 135,072 mt from the reserve, reducing it to 135,071 (51 CFR 16058, April 30, 1986). This action supplements DAH with 500 mt from the reserve.

Apportionments to DAH

In the Bering Sea, the catch of sablefish intended for domestic processing (DAP), a component of DAH, has reached 1,760 mt, only 66 mt short of the current DAP apportionment of 1,826 mt. During the first 2 months of 1986, domestic catches of sablefish in the Bering Sea exceeded 140 mt per week. Those catches included target fisheries on sablefish by three catcher-processor trawlers, three longliners, and three pot vessels. During March and April, average weekly catches dropped to about 55 mt. Although total effort remained about the same, there were far fewer instances of trawlers reporting large sablefish catches. In order to provide for continued DAP catches of sablefish at current levels of catch and effort until the June Council meeting, when the situation will be reassessed, 500 mt of the non-specific reserve is apportioned to the Bering Sea sablefish allocation for DAP, thus increasing it to 2,326 mt.

At its March meeting, the Council indicated its support for increasing the sablefish TAC for the Bering Sea to allow continued DAP fishing as long as the TAC did not exceed the current equilibrium yield of 3,000 mt. This action also increases the TAC from 2,250 mt to 2,667 mt. These changes are reflected in Table 1.

TABLE 1—BERING SEA/ALEUTIANS REAPPORTIONMENTS OF TAC DAH = DAP + JVP

[figures are in metric tons]

		Current	This action	Revised
Sablefish	TAC	2,250	+417	2,667
(Bering Sea Area only).	DAP	1,826	+500	2,326
Equilibrium yield = 3,000.	JVP	246	.....	246
	TALFF	95	.....	95
Totals	DAP	325,099	+500	325,599
(TAC = 2,000,000)	JVP	1,048,383	.....	1,048,383
	RES	135,071	−500	134,571
	TALFF	491,447	.....	491,447

Comments and Responses

In accordance with §§ 611.93(b) and 675.20(b), aggregated reports of U.S. catches of Alaska groundfish and the processing of those groundfish were available for public inspection to facilitate informed public comment. In addition, those provisions afforded the public an opportunity to submit comments on the extent to which U.S. fishermen will harvest and the extent to which U.S. processors will process Alaska groundfish. No comments were received.

Classification

This action is taken under §§ 611.93(b) and 675.20(b), and complies with Executive Order 12291.

In view of the notice provided in the authorizing regulations regarding the dates after which apportionment of reserves and reassessment of DAH are to occur, together with the need to avoid disruption of U.S. and foreign fisheries and to afford a reasonable opportunity to achieve OY, the Agency has determined that providing further opportunity for public comment and delaying the effective date of this notice would be impracticable, unnecessary, and contrary to the public interest.

List of Subjects in 50 CFR Parts 611 and 675

Fisheries.

(16 U.S.C. 1801 *et seq.*)

Dated: May 13, 1986.

Joseph W. Angelovic,

Deputy Assistant Administrator For Science and Technology, National Marine Fisheries Service.

[FR Doc. 86-11173 Filed 5-14-86; 1:39 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 96
Monday, May 19, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Ch. III

Nonlawyer Representation; Meeting on Proposed Recommendation

AGENCY: Committee on Regulation; ACUS.

ACTION: Meeting to review comments and to vote on proposed recommendation.

SUMMARY: The Administrative Conference Committee on Regulation is considering a tentative recommendation on the subject of "elimination of barriers to representation by nonlawyers". This topic relates to representation by persons other than lawyers of other persons who have business with "mass justice agencies" (as that term is defined in the recommendation). The Committee will meet on May 22, 1986, to review public comments on the recommendation, and to decide whether to forward the recommendation to the full Administrative Conference for consideration at the Conference's June 19–20 plenary session.

DATE: May 22, 1986, at 9:30 a.m.

ADDRESS: 2120 L Street NW., Washington, DC. Hearing Room #1, Lower Level Floor.

Public participation: Attendance at the meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance. The committee chairman may permit members of the public to make oral statements at the meeting. Written statements may be submitted to the committee at any time. Minutes of the meeting will be available on request.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, DC 20037; telephone (202) 254–7020.

SUPPLEMENTARY INFORMATION: The Committee on Regulation is working toward development of a recommendation concerning prepresentation by nonlawyers of persons having business with mass justice (e.g., Social Security) agencies. At its meeting on March 20, 1986, the Committee gave tentative approval to a draft recommendation captioned "Elimination of Barriers to Representation by Nonlawyers".

The Committee requested comments on the tentative recommendation by **Federal Register** notice on April 10, 1986 (51 FR 12332). The comment period expired on May 7, 1986. The Committee will meet on May 22, 1986, to review the comments and to decide whether, and in what form, to forward its recommendation to the full Administrative Conference. The Committee will, to the extent feasible, consider any additional comments received prior to the May 22 meeting.

The Committee's tentative recommendation is based largely on a report by our consultant Zona Hostetler. Copies of Ms. Hostetler's report, *Nonlawyer Assistance to Individuals in Federal Mass Justice Agencies: The Need for Improved Guidelines*, are available on request.

Dated: May 12, 1986.

Richard K. Berg,

General Counsel.

[FR Doc. 86–11152 Filed 5–16–86; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket Number 85–ANE–46]

Airworthiness Directives; Pratt & Whitney (PW) JT8D –1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) to require eddy current inspection and subsequent replacement of stage 8–9 high pressure compressor (HPC) removable sleeve spacers with the HPC integral sleeve spacer design on certain PW JT8D engines. This NPRM would amend Final Rule AD 86–08–04, Amendment 39–5287, which requires eddy current inspection of stages 7–8 and 9–10 HPC removable sleeve spacers, and subsequent replacement of all HPC spacers with the integral sleeve design. The FAA has determined that the spacer stage 8–9 HPC is subject to the same stress levels and environment as the stage 7–8 HPC spacer, and should therefore be addressed in like manner. This NPRM is needed to prevent failure of stage 8–9 HPC removable sleeve spacers which could result in in-flight engine shutdowns, engine cowl penetrations and airframe damage.

DATES: Comments must be received on or before July 9, 1986.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Office of the Regional Counsel, Attn: Rules Docket Number 85–ANE–46, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to the above address, to Room 311. Comments delivered must be marked: Docket Number 85–ANE–46.

Comments may be inspected at Room 311 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jim Jones, Engine Certification Branch, ANE–141, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7121.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be

changed in the light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 85-ANE-46." The postcard will be date/time stamped and returned to the commenter.

This notice proposes to amend Final Rule AD 86-08-04, Amendment 39-5287, (51 FR 12690), by adding stage 8-9 HPC removable sleeve spacers to the eddy current inspection requirements. On April 4, 1986, Amendment 39-5287 was issued requiring eddy current inspection of stages 7-8 and 9-10 HPC removable sleeve spacers, and subsequent replacement of all HPC spacers stages with the integral sleeve design on certain PW JT8D engines. Following issuance of the AD, the FAA determined that the stage 8-9 is subject to the same stress levels and environment as stage 7-8. The potential energy of the stage 8-9 spacer, imparted by the rotational velocity of the HPC rotor, is comparable to the stage 7-8 spacer. Also, analysis of the containment capability of the surrounding cases does not indicate that a stage 8-9 spacer failure is any more likely to be contained than a stage 7-8 or 9-10 spacer failure. There have been four fractures of stage 8-9, none of which penetrated the engine cowls.

Since this condition is likely to exist or develop on other engines of the same design, this notice proposes to amend Final Rule AD 86-08-04, Amendment 39-5287, (51 FR 12690), to additionally require one time, eddy current inspection of stage 8-9 HPC removable sleeve spacers in accordance with PW ASB 5649, dated January 15, 1986. The proposed amendment would also add the requirement to replace the stage 8-9 HPC removable sleeve spacers with the integral sleeve spacers at the next rotor disassembly but not to exceed 2 years or 4,000 flight cycles, whichever occurs later.

Conclusion

The FAA has determined that this proposed regulation involves approximately 1,840 engines (domestic fleet) at an approximate additional cost of 6.7 million dollars. It has been determined that few if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the rule affects only operators using aircraft in which JT8D engines are installed, none of which are believed to be small entities. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations as follows:

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85.

2. By amending § 39.13, Amendment 39-5287, Airworthiness Directive (AD) 86-08-04, (51 FR 12690), as follows:

(a) Amend the second paragraph following the applicability statement and compliance paragraphs (a) and (b) by inserting a comma and then "8-9" between "7-8" and "and 9-10".

(b) Amend compliance Paragraph (c) by removing "8-9.".

(c) Revise the effectivity statement at the conclusion of the amendment to read "The provisions of this amendment applicable to the stage 8-9 spacer become effective on (the effective date of the amendment). The remaining provisions of this amendment applicable to stages 7-8 and 9-10 spacers are effective on May 27, 1986."

Issued in Burlington, Massachusetts, on May 8, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-11134 Filed 5-16-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 86-AWA-25]

Proposed Alteration of Restricted Area R-6601, Fort A.P. Hill, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the times of use of Restricted Area R-6601, Fort A.P. Hill, VA. The Department of the Army has stated that the current published time of designation is inadequate to meet their requirements and necessitates nearly continuous Notices to Airmen (NOTAMs) to permit regular daily operations during the months of March, April, October and November.

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

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Eastern Region, Attention: Manager, Air Traffic Division, Docket No. 86-AWA-25, Federal Aviation Administration, JFK International Airport, The Fitzgerald Federal Building, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the

airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWA-25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comment. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list of future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to increase the time of designation for Restricted Area R-6601, Fort A.P. Hill, VA, by adding the months of March, April, October and November to the period published for regular daily use. The present time of designation does not meet the Department of the Army's daily requirements for R-6601 during those months, necessitating nearly continuous NOTAM's to permit regular operations in March, April, October and November. The proposal would adjust the published times to reflect actual restricted area use and would enhance aviation safety by more accurately depicting this information on appropriate aeronautical charts. During the period December 1 through February 28/29, the restricted area would continue to be activated, when needed, through NOTAM action. Section 73.66 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

The Proposed Amendment

PART 73—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 73.66 is amended as follows:

R-6601 Fort A.P. Hill, VA—[Amended]

By removing the words "0700 to 2300 EST, June 1 through September 8; and 0700 to 2300 EST, September 9 through May 31, by NOTAM issued at least 48 hours in advance." and substituting the words "0700 to 2300 local time daily, March 1 through November 30; and 0700 to 2300 local time, December 1 through February 28/29 when activated by NOTAM at least 48 hours in advance."

Issued in Washington, DC, on May 12, 1986.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 86-11137 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

[Docket No. T-020]

Indiana State Plan; Eligibility for Final Approval Determination; Comment Period and Opportunity To Request Public Hearing

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed final State plan approval; request for written comments; notice of opportunity to request informal public hearing.

SUMMARY: This document gives notice of the eligibility of the Indiana State occupational safety and health plan, as administered by the Indiana Department of Labor, for a determination under section 18(e) of the Occupational Safety and Health Act of 1970 as to whether final approval of the plan should be granted.

If an affirmative determination under section 18(e) is made, Federal standards and enforcement authority will no longer apply to issues covered by the Indiana plan. This notice also announces that OSHA is soliciting written public comment to afford interested persons an opportunity to present their views regarding whether or not the final State plan approval should be granted, and that interested persons may request an informal public hearing on the question of final State plan approval.

DATES: Written comments or requests for a hearing must be received by June 23, 1986.

ADDRESS: Written comments or requests for a hearing should be submitted, in quadruplicate, to the Docket Officer, Docket No. T-020, Room N3670, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et seq.* (the "Act"), provides that States which desire to assume responsibility

for the development and enforcement of occupational safety and health standards may do so by submitting, and obtaining Federal approval of, a State plan. Procedures for State plan submission and approval are set forth in regulations at 29 CFR Part 1902. If the Assistant Secretary, applying the criteria set forth in section 18(c) of the Act and 29 CFR 1902.3 and 1902.4, finds that the plan provides or will provide for State standards and enforcement which are "at least as effective" as Federal standards and enforcement, "initial approval" is granted. A State may commence operations under its plan after this determination is made, but the Assistant Secretary retains discretionary Federal enforcement authority during the initial-approval period as provided by section 18(e) of the Act. A State plan may receive initial approval even though, upon submission, it does not fully meet the criteria set forth in §§ 1902.3 and 1902.4 if it includes satisfactory assurances by the State that it will take the necessary "developmental steps" to meet the criteria within a 3-year period (29 CFR 1902.2(b)). The Assistant Secretary publishes a "certification of completion of developmental steps" when all of a State's developmental commitments have been met (29 CFR 1902.34).

When a State plan that has been granted initial approval is developed sufficiently to warrant a suspension of concurrent Federal enforcement activity, it becomes eligible to enter into an "operational status agreement" with OSHA (29 CFR 1954.3(f)). A State must have enacted its enabling legislation, promulgated State standards, achieved an adequate level of qualified personnel, and established a system for review of contested enforcement actions. Under these voluntary agreements, concurrent Federal enforcement will not be initiated with regard to Federal occupational safety and health standards in those issues covered by the State plan, where the State program is providing an acceptable level of protection.

Following the initial approval of a complete plan, or the certification of a developmental plan, the Assistant Secretary must monitor and evaluate actual operations under the plan for a period of at least one year to determine, on the basis of actual operations under the plan, whether the criteria set forth in section 18(c) of the Act and 29 CFR 1902.37 are being applied. An affirmative determination under section 18(e) of the Act (usually referred to as "final approval" of the State plan) results in the withdrawal of Federal standards authority and enforcement jurisdiction in the State with respect to occupational safety and health issues covered by the plan (29 U.S.C. 667(e)). Procedures for 18(e) determinations are found at 29 CFR Part 1902, Subpart D.

In general, in order to be granted final approval, actual performance by the State must be "at least as effective" overall as the Federal OSHA program in all areas covered under the State plan. An additional requirement for final approval consideration is that a State must meet the compliance staffing levels, or benchmarks, for safety inspectors and industrial hygienists established by OSHA for that State. This requirement stems from a 1978 Court Order by the U.S. District Court for the District of Columbia (*AFL–CIO* v. *Marshall*, C.A. No. 74–406), pursuant to a U.S. Court of Appeals decision, that directed the Assistant Secretary to calculate for each State plan State the number of enforcement personnel needed to assure a "fully effective" enforcement program. A final requirement for final approval consideration is that a State must participate in OSHA's Integrated Management Information System (IMIS). This is required so that OSHA can obtain the detailed program performance data on a State necessary to make an objective evaluation of whether the State performance meets the statutory and regulatory criteria for final approval.

History of the Indiana Plan and its Compliance Staffing Benchmarks

Indiana Plan

On December 21, 1972, Indiana submitted an occupational safety and health plan in accordance with section 18(b) of the Act and 29 CFR Part 1902, Subpart C, and on April 23, 1973, a notice was published in the **Federal Register** (38 FR 10049) concerning the submission of the plan, announcing that initial Federal approval of the plan was at issue and offering interested persons an opportunity to submit data, views and arguments in writing and to request an informal hearing concerning the plan.

Comments in response to the April 23, 1972, **Federal Register** notice were received from: The American Federation of Labor and Congress of Industrial Organizations Standing Committee on Safety and Occupational Health; Indiana State AFL–CIO; Lake and Porter Counties AFL-CIO; United Steelworkers of America, Local 1066; United Steelworkers of America, Local 1014; United Steelworkers of America, Local 6787; Allied Industrial Workers of America; AFL-CIO District 31, Local 3008; United Auto Workers, Local 1122; Hoosier Air Transport, Local Lodge 2294; International Association of Machinists, Lincoln Lodge 209; Oil, Chemical and Atomic Workers, Local 7–1; the Indiana Chamber of Commerce; the Indiana Manufacturers Association; United States Steel Corporation; and, Miles Laboratories. In addition to the comments, an informal hearing was requested. In response to these comments and questions raised by OSHA, Indiana made many significant modifications to the plan.

Consequently, the Assistant Secretary found it appropriate to afford an additional opportunity for public comment on the modifications to the plan (38 FR 26837; September 26, 1973). Comments on the plan's modifications were received from: The AFL-CIO Standing Committee on Safety and Occupational Health; the Indiana State AFL-CIO; Lake and Porter Counties AFL-CIO; United Steelworkers of America, Local 1066; United Steelworkers of America Safety and Health Department; United Steelworkers of America Steelworkers of America District 31, Subdistrict 2; Allied Industrial Workers of America; the United Paperworkers International Union; Indiana Chamber of Commerce; the Indiana Manufacturers Association; AMOS Inc.; and, the Migrant Legal Reform and Rural Development Project. Requests for an informal hearing were made by: the AFL-CIO Standing Committee on Safety and Occupational Health; the Indiana State AFL-CIO; and, the Allied Industrial Workers of America.

In further response to expressed concerns, the Governor submitted a letter of assurance to the Assistant Secretary indicating that the State's supplemental operating budget, containing an additional appropriation for the Division of Labor, would be introduced in the 1974 Indiana General Assembly. The supplemental budget, as passed in 1974, ensured an increase of 34 State inspectors under the plan, thus raising the total number of inspectors to 69 during the first year of operation.

As there were no significant objections which were outstanding to the plan, as amended, all requests for a public hearing were denied. None of the questions raised in the public comments were of such a such a nature to require a hearing.

On March 6, 1974, the Assistant Secretary published a notice granting initial approval of the Indiana plan as a developmental plan under section 18(b) of the Act (39 FR 8611). The plan provides for a program patterned in

most respects after that of the Federal Occupational Safety and Health Administration.

The plan covers all issues except private-sector maritime employment and private sector hazardous waste disposal facilities designated as Superfund sites. The Indiana Department of Labor is designated as having responsibility for administering the plan throughout the State. The day-to-day operations of the plan are directed by the Administrator of Indiana OSHA (IOSHA). The plan provides for the adoption by Indiana of all Federal occupational safety and health standards contained in 29 CFR Parts 1910, 1926, and 1928, and the legislation provides for the adoption of future Federal standards after public hearing. The plan requires employers to furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm, and to comply with all occupational safety and health standards promulgated by the agency. Employee are required to comply with all standards and regulations applicable to their conduct. The plan contains provisions similar to Federal procedures governing emergency temporary standards; imminent danger proceedings; variances; safeguards to protect trade secrets; protection of employees against discrimination for exercising their rights under the plan; and employer and employee rights to participate in inspection and review proceedings. Appeals of citations and penalties are heard by the Indiana Board of Safety Review. Decisions of the Indiana Board of Safety Review may be appealed to the appropriate State District Court.

The notice of initial approval noted a few distinctions between the Federal and Indiana program. The review system for contested enforcement actions is two tiered in that (1) contests result in automatic informal review by the Commissioner of Labor with (2) further contest and review by the Review Board. The State public sector plan provides for an employer's self-inspection program. The public-sector self-inspection program was subsequently limited by IOSHA to those agencies employing a full-time, professional Safety Director; and in those agencies, IOSHA will conduct general schedule inspections, monitoring visits, investigations of fatalities and catastrophes, as well as respond to employee complaints where the employee is dissatisfied with the Safety Director's handling of his or her complaint. Monetary penalties are not included in the public sector plan.

The Assistant Secretary's initial approval of Indiana's developmental plan, a general description of the plan, a schedule of required developmental steps, and a provision for discretionary concurrent Federal enforcement during the period of initial approval were codified in the Code of Federal Regulations (29 CFR Part 1952, Subpart Z; 39 FR 8611 (March 6, 1974)).

In accordance with the State's developmental schedule, all major structural components of the plan were put in place and submitted for OSHA approval during the developmental period ending February 25, 1977. These "developmental steps" included submission of a State poster; amendments to the Indiana Occupational Safety and Health Act; submission of documentation outlining training and refresher courses for State compliance staff; submission of documentation showing that Indiana had substantially met its initial compliance staffing commitments by providing for 14 health and 70 safety compliance officers; development of an occupational safety and health program for public employess and revision thereto with implementing regulations; promulgation of rules for on-site consultation; submission of a compliance operations manual and a revised Industrial Hygiene manual; promulgation of regulations for inspections, safety orders, and proposed penalties parallel to 29 CFR Part 1903; promulgation of regulations for recordkeeping and reporting of occupational injuries and illnesses parallel to 29 CFR Part 1904, including revised recordkeeping and reporting provisions for the public sector; promulgation of rules for variances, limitations, variations, tolerances, and exemptions, parallel to 29 CFR Part 1905; adoption of rules of procedure for the Board of Safety and Review; deletion of coverage of the maritime and longshoring issues from its plan; and submission of documentation on establishment of a Management Information System.

These submissions were carefully reviewed by OSHA; after opportunity for public comment and modification of State submissions, where appropriate, the major plan element were approved by the Assistant Secretary as meeting the criteria of section 18 of the Act and 29 CFR 1902.3 and 1902.4. The Indiana subpart of 29 CFR Part was amended to reflect each of these approval determinations (see 29 CFR 1952.324).

On September 24, 1981, in accordance with procedures at 29 CFR 1902.34 and 1902.35, the Assistant Secretary certified that Indiana has satisfactorily completed all developmental steps (46 FR 49120). In certifying the plan, the Assistant Secretary found the structural features of the program—the statute, standards, regulations, and written procedures for administering the Indiana plan—to be at least as effective as corresponding Federal provisions. Certification does not, however, entail findings or conclusions by OSHA concerning adequacy of actual plan performance. As has already been noted, OSHA regulations provide that certification initiates a period of evaluation and monitoring of State activity to determine in accordance with section 18(e) of the Act whether the statutory and regulatory criteria for State plans are being applied in actual operations under the plan and whether final approval should be granted.

On December 23, 1977, OSHA published notice in the **Federal Register** (42 FR 64464) requesting public comment on a petition the Agency received requesting withdrawal of OSHA approval of the State plan. The petition was submitted by the President of the Indiana State AFL–CIO and the AFL–CIO Standing Committee on Occupational Safety and Health. The United Steelworkers of America subsequently joined the AFL–CIO in its petition. The petition alleged a failure by the State to adopt required provisions by statute or regulation, a lack of compliance with substantial provisions of the plan, deficiencies in performance as compared with Federal OSHA, and, particularly, a failure to provide an adequate health program.

OSHA's initial consideration of the petition and the agency's investigation of the allegations resulted in the January 16, 1981, publication of a notice of initiation of plan withdrawal proceeding and of a 30-day period for State response to the issues (46 FR 3919). However, based on a reconsideration of OSHA's investigation findings and a determination that the evidence therein was out-dated and did not reflect current State performance, as well as on a substantial increase by the State in the number of health compliance staff, the agency published notice of March 27, 1981 (46 FR 19000), of its decision to withdraw the complaint initiating the withdrawal of the Indiana State plan.

Although OSHA has not previously entered into an operational status agreement with Indiana, in 1981 OSHA determined that such agreements should be concluded with all qualified States.

Thus, a **Federal Register** notice was published on June 11, 1982 (47 FR 25324), announcing that an operational status agreement has been signed on May 18, 1981, for Indiana. Under the terms of that agreement, OSHA voluntarily suspended the application of concurrent Federal enforcement authority with regard to Federal occupational safety and health standards in all issues covered by the Indiana plan.

On October 6, 1981, OSHA published notice (46 FR 49116) of its approval of amendments to the Indiana Occupational Safety and Health Act (IOSHA Act) which were enacted subsquent to initial approval. These amendments included provision of specific authority for an on-site consultation program, broadening of the definition of the term "employment" to include centain non-paid employees, provision that the Commissioner of Labor or his designee may enter without delay to inspect places of employment, requirement that inspectors consult with a reasonable number of employees where there is no authorized employee representative, and requirement for issuance of a failure to correct notice where a previously cited standard violation has not been abated. An additional amendment to the IOSHA Act was signed by the Governor in 1983 providing that IOSHA may not adopt or enforce provisions more stringent than corresponding Federal provisions.

Indiana Benchmarks

Under the terms of a 1978 Court Order in *AFL–CIO* v. *Marshall*, compliance staffing levels (benchmarks) necessary for a "fully effective" enforcement program were required to be established for each State operating an approved State plan. In 1980, in response to the Court Order, OSHA established benchmarks for all approved State plans, including benchmarks of 81 safety and 140 health compliance officers for Indiana. The 1978 Court Order noted that new information might warrant an adjustment by OSHA of the fully effective benchmarks. In September 1984 Indiana, in conjunction with OSHA, completed a reassessment of the levels initially established in 1980 and proposed revised compliance staffing benchmarks of 47 safety and 23 health compliance officers. After opportunity for public comment and service on the AFL-CIO, the Assistant Secretary approved these revised staffing requirements on January 17, 1986 (51 FR 2481).

Determination of Eligibility

This **Federal Register** notice announces the eligibility of the Indiana plan for an 18(e) determination. (29 CFR 1902.39(c) requires that this preliminary determination of eligibility be made before 18(e) procedures begin.) The determination of eligibility is based upon OSHA's findings that:

(1) The Indiana plan has been monitored in actual operation for at least one year following certification. The results of OSHA monitoring of the plan since the commencement of plan operations are contained in written evaluation reports which are prepared annually and made available to the State and to the public. The results of OSHA's most recent post-certification monitoring during the period from March 1984 through December 1985 are set forth in an 18(e) *Evaluation Report* of the Indiana Plan, which together with all other post-certification reports has been made part of the record of the present proceedings.

(2) The plan meets the State's revised benchmarks for enforcement staffing. In January 1986, pursuant to the terms of the Court Order and the 1980 *Report to the Court* in *AFL-CIO v. Marshall*, OSHA approved revised fully effective benchmarks of 47 safety and 23 health compliance officers for Indiana, based on an assessment of State-specific characteristics and historical experience. Indiana has allocated these positions, as evidenced by the FY 1986 *Application for Federal Assistance* (and amendment thereto) in which the State has committed itself to funding the State share of salaries for 47 safety inspectors adn 23 health compliance officers. The FY 1986 application has been made part of the record in the present proceedings.

(3) Indiana participates and has assured its continued participation in the Integrated Management Information System (IMIS) developed by OSHA.

Issues for Determination in the 18(e) Proceedings

The Indiana plan is not at issue before the Assistant Secretary for determination as to whether the criteria of section 18(c) of the Act are being applied in actual operation. 29 CFR 1902.37(a) requires the Assistant Secretary, as part of the final approval process, to determine if the State has applied and implemented all the specific criteria and indices of effectiveness of §§ 1902.3 and 1902.4. The Assistant Secretary must make this determination by considering the factors set forth in § 1902.37(b). OSHA believes that the results of its evaluation of the Indiana plan, contained in the 18(e) Evaluation Report, considered in light of these regulatory criteria and the criteria in section 18(c) of the Act, indicates that the regulatory indices and criteria are being met, and the Assistant Secretary accordingly has made an initial determination that the Indiana plan is eligible for an affirmative 18(e) determination. This notice initiates proceedings by which OSHA expects to elicit public comment on the issue of granting an affirmative 18(e) determination to Indiana. In order to encourge the submission of informed and specific public comment, a summary of current evaluation findings with respect to these criteria is set forth below.

(a) Standards and Variences. Section 18(c)(2) of the Act requires State plans to provide for occupational safety and health standards which are at least as effective as Federal standards. A State is required to adopt, in a timely manner, all Federal standards and amendments or to develop and promulgate standards and amendments which are at least as effective as the Federal standards. See §§ 1902.37(b)(3); 1902.3(c); 1902.4(a) and (b). The Indiana plan provides for adoption of standards that are at least as effective as Federal standards. The State has generally adopted standards which are identical to Federal standards.

While past evaluations have shown IOSHA adopts standards in timely manner, during the evaluation period the State adopted five of eight required standards actions in a timely manner. There were minor delays ranging from two to four months in adopting OSHA's permanent standard for Ethylene Oxide and an amendment thereto and an amemdment to OSHA's Commercial Diving standard. The delays were occasioned by the departure from IOSHA of the individual assigned responsibility for preparation of standards promulgation packages and a reorganization to reassign these responsibilities, as well as by the subsequent illness of the individual now assigned this responsibilty. The temporary problem causing the standards delays was resolved by the end of the evaluation period and the State is now current in its adoption of required standards. (18(e) Evaluation Report, pp. 83–84.)

Where a State adopts Federal standards, the State's interpretation and application of such standards must ensure consistency with Federal interpretation and application. Where a State develops and promulgates its own standards, interpretation and application must ensure coverage at least as effective as comparable Federal standards. While acknowledging prior approval of individual standards by the Assistant Secretary, this requirement

stresses that State standards, in actual operation, must be at least as effective as the Federal standards. See §§ 1902.37(b)(4), 1902.3(c)(1), 1902.3(d)(1), 1902.4(a), and 1902.4(b)(2). As already noted, the Indiana plan provides for adoption of standards which are at least as effective as the Federal standards. Indiana likewise adopts standards interpretations which are as effective as the Federal.

The State is required to take the necessary administrative, judicial or legislative action to correct any deficiency in its program caused by an administrative or judicial challenge to any State standard, whether the standard is adopted from Federal standards or developed by the State. See § 1902.37(b)(5). The Indian Court of Appeals found one State standard (identical to Federal OSHA's 29 CFR 1926.501(a)) impermissibly vague during a review of a contested case. Federal OSHA's Solicitors reviewed the decision of the Indiana court which affected a standard relating to employee exist(s) from elevated ramps. Although in their opinion, the Court's adverse decision did not render the IOSHA standard or the State program less effective than OSHA's, the Indiana OSHA officials appealed the case to the State's Supreme Court. At the end of the evaluation period, the case was still awaiting hearing. (18(e) *Evaluation Report*, p. 84.)

When granting permanent variances from standards, the State is required to ensure that the employer provides as safe and healthful working conditions as would have been provided if a permanent variance had not been granted. See §§ 1902.37(b)(6) and 1902.4(b)(2)(iv). Indiana's regulations and procedures governing actions on permanent variances are equivalent to the Federal. The 16 permanent variances granted during the evaluation period were granted in a timely manner in accordance with approved State procedures and were deemed to provide equivalent protection. (18(e) *Evaluation Report*, p. 88.)

Where a temporary variance is granted, the State must ensure, among other things, that the employer complies with the standard as soon as possible. See §§ 1902.37(b)(7) and 1902.4(b)(2)(iv). The State's temporary variance procedures are comparable to the Federal. There were no temporary variances granted by Indiana during the evaluation period.

(b) Enforcement. Section 18(c)(2) of the Act requires State plans to maintain an enforcement program which is at least as effective as that conducted by Federal OSHA; section 18(c)(3) requires the State plan to provide for right of entry and inspection of all workplaces at least as effective as that in section 8 of the Act.

The State inspection program must provide that sufficient resources be directed to designated target industries while providing adequate protection to all other workplaces covered under the plan. See §§ 1902.37(b)(8), 1902.3(d)(1), and 1902.4(c). Indiana's targeting system is similar to the Federal system. Data contained in the 18(e) evaluation indicate that 98.7% of State programmed safety inspections and 99.3% of State programmed health inspections were conducted in high hazard industries. (18(e) *Evaluation Report*, p. 30).

In cases of refusal of entry, the State must exercise its authority, through appropriate means, to enforce the right of entry and inspection. See §§ 1902.37(b)(9), 1902.3(e), and 1902.4(c)(2) (i) and (ix). Indiana law allows the IOSHA to apply for a warrant from the State courts to permit entry into an establishment that has refused entry for the purpose of inspection or investigation. The State successfully obtained warrants for all of the 155 denials of entry during the evaluation period. (18(e) *Evaluation Report*, p. 38).

Inspections must be conducted in a competent manner following approved enforcement procedures which include the requirement that inspectors acquire information adequate to support any citation issued. See §§1902.37(b)(10), 1902.3(d)(1), and 1902.4(c)(2).

Procedures for the IOSHA compliance program are set out in the Indiana *Field Operations Manual*, which is patterned after the Federal manual, and thus the State follows inspection procedures, including documentation procedures, which are similar to the Federal. The Evaluation Report notes adherence to these procedures. ISOHA cites an average of 3.5 violations on programmed safety inspections with citations and 2.5 violations on programmed health inspections with citations, and 25.5% of safety and 26.5% of health violations are cited as serious, performance comparable to Federal OSHA during the evaluation period. (*Evaluation Report*, p. 43.)

State plans must include a prohibition on advance notice, and exceptions to this prohibition must be no broader than those allowed by Federal OSHA procedure. See § 1902.3(f). Indiana has adopted procedures governing advance notice which are comparable to OSHA's. The 18(e) Evaluation Report (p. 39) notes that no advance notice of inspection was provided to employers during the period.

State plans must provide for inspections in response to employee complaints, and must provide an opportunity for employee participation in State inspections. See §§ 1902.4(c)(2) (i) through (iii). Although IOSHA has a procedure similar to OSHA's for handling non-formal complaints by a letter to the employer, it responded by inspection to a greater extent than OSHA during the evaluation period (70.4% of safety complaints and 61.7% of health complaints received by the State were responded to by inspection). Complaint response was timely. (18(e) *Evaluation Report*, pp. 33–35.)

In addition, Indiana's law and procedures provide for employee participation in inspections. Employees either exercised their right to accompany the inspector or were interviewed on the walkaround in 88.1% of initial inspections. The remaining 11.9% of initial inspections were records inspections, in accordance with Indiana's adoption of the Federal OSHA policy. In these cases, since no inspection was conducted, no employee representatives were available. The report concludes that Indiana's efforts in apprising employees of their rights, and providing them with the means to exercise their rights, have been successful. (18(e) *Evaluation Report*, pp. 39–42.)

State plans must also provide protection for employees against discrimination similar to that found in section 11(c) of the Federal Act. See § 1902.4(c)(2)(v). The Indiana Act and regulations provide for discrimination protection equivalent to that provided by Federal OSHA. During the evaluation period, the State investigated 37 discrimination complaints in a timely manner. Of the investigated complaints, 17% were found to have merit; all were settled administratively. (18(e) *Evaluation Report*, pp. 89–91.)

The State is required to issue, in a timely manner, citations, proposed penalties, and notices of failure to abate. See §§ 1902.37(b)(11), 1902.3(d), and 1902.4(c)(2) (x) and (xi).

Indiana's lapse time from inspection to issuance of citation has averaged 14 days for safety and 30 days for health, both of which exceed Federal performance during the period. (18(e) *Evaluation Report*, pp. A–19.)

The State must propose penalties in a manner that is at least as effective as the penalties under the Federal program, which includes first instance violation penalties and consideration of comparable factors required in the Federal program. See §§ 1902.37(b)(12), 1902.3(d), and 1902.4(c)(2) (x) and (xi).

Indiana's procedures for calculation of penalties are comparable to Federal OSHA's. The 18(e) evaluation indicates that average proposed penalties for serious violations were $153 for safety and $395 for health. (18(e) *Evaluation Report*, pp. A–14, 15.)

The State must ensure abatement of hazards cited including issuance of notices of failure to abate and appropriate penalties. See §§ 1902.37(b)(13), 1902.3(d), and 1902.4(c)(2) (vii) and (xi). Indiana conducts a proportionately greater number of follow-up inspections to assure abatement of cited violations (12.5% of not-in-compliance inspections) that does Federal OSHA. State abatement periods average 8.8 days for serious safety and 37.4 days for serious health violation. (18(e) *Evaluation Report*, p. 51.)

Wherever appropriate, the State must seek administrative and judicial review of adverse adjudications. Additionally, the State must take necessary and appropriate action to correct any deficiencies in its program which may be caused by an adverse administrative or judicial determination. See §§ 1902.37(b)(14) and 1902.3 (d) and (g). The 18(e) *Evaluation Report* for Indiana found no adverse adjudications which could result in program deficiencies.

(c) Staffing and Resources. A State is required to have a sufficient number of adequately trained and competent personnel to discharge its responsibilities under the plan. See section 18(c)(4) of the Act; 29 CFR 1902.37(b)(1); 1902.3(d) and 1902.3(h). A State must also direct adequate resources to administration and enforcement of the plan. See section 18(c)(5) of the Act and § 1902.3(i). As discussed above, the Indiana plan provides for 47 safety compliance officers and 23 industrial hygienists as set forth in the Indiana FY 1986 grant. This staffing level meets the approved revised fully effective benchmarks for Indiana for health and safety staffing, as discussed elsewhere in this notice. The State provides a comprehensive training program for new compliance personnel and refresher and specialized training for experienced staff, which includes attendance at the OSHA Training Institute and in-house and field training exercises. (18(e) Evaluation Report, p. 77–79.) During the evaluation period, State safety and health inspectors received, on the average, over 80 hours of formal training. (18(e) *Evaluation Report*, p. 80).

(d) Other requirements. States which have approved plans must maintain a safety and health program for State and local government employees which must be as effective as the State's plan for the private sector. See section 18(c)(6) of the Act and § 1902.3(j). Indiana's plan provides a program in the public sector separate from that in the private sector, but which is patterned after the private-sector program with the exception that monetary penalties are not utilized. In addition to the full-time safety inspectors assigned to public-sector activities, the program is supplemented with the services of industrial hygienists from the Bureau of Industrial Hygiene, who are assigned to handle health-related programs in State and local government agencies. (18(e) Evaluation Report, p. 56.) Injury and illness rates for State and local government employment (1984: all case rate 5.9; lost workday case rate 2.6) are lower than those for the private sector. However, the State government lost workday case rate rose slightly (from 2.5 to 2.6) in 1984, while the private sector rate had a slightly higher increase (from 3.1 to 3.3). (18(e) *Evaluation Report*, pp. 20, 25–26.)

As a factor in its 18(e) determination, OSHA must consider whether the Bureau of Labor Statistics' annual occupational safety and health survey and other available Federal and State measurements of program impact on worker safety and health indicate that trends in worker safety and health injury and illness rates under the State program compare favorably with those under the Federal program. See § 1902.37(b)(15). The 1983 and 1984 Bureau of Labor Statistics injury and illness rates for Indiana (private sector all case rate for 1983, 7.3; 1984, 7.7; lost workday case rate for 1983, 3.1; 1984, 3.3) were the same as or lower than rates in States where Federal OSHA provides enforcement coverage. In 1984, the all case incidence rates and the lost workday case rates for the private sector, manufacturing and construction experienced a modest increase in Indiana; however, the rate of increase was within the acceptable range established under OSHA's State Plan Activity Measures and the absolute rates in each case for 1984 were the same as or lwoer than corresponding rates in Federal States. However, while the percent change in lost workday cases for three of the State's five most hazardous industries was within the acceptable range as compared to the change in rates under Federal jurisdiction, the rate change in the two lowest ranked industries of the five exceeded the acceptable range. The relatively greater increase from 1983 to 1984 in lost workday case rates in these two industries (fabricated metal products, Standard Industrial Classification (SIC) 34; and, furniture and fixtures manufacturing, SIC 25) in Indiana is attributed to a greater increase in employment levels in these SIC's in Indiana when compared to States under Federal OSHA jurisdiction for the same period. Indiana workers employed in SIC 34 increased by 11.5% and hours worked increased by 11.8% in 1984, while employment and hours worked increased by only 3.2% and 5.9%, respectively, in States under Federal jurisdiction. In SIC 25, Indiana employment increased by 11.3% while increasing by 9.1% in Federal jurisdiction States, and the absolute rate in this industry is lower in Indiana (6.5). (18(e) Evaluation Report, pp. 18–20.)

State plans must assure that employers in the State submit reports to the Secretary in the same manner as if the plan were not in effect. See section 18(c)(7) of the Act; 29 CFR 1902.3(k). The plan must also provide assurances that the designated agency will make such reports to the Secretary in such form and containing such information as he may from time to time require. Section 18(c)(8) of the Act; 29 CFR 1902.3(1). Indiana employer recordkeeping requirements are substantially equivalent to those of Federal OSHA, and the State participates in the BLS Annual Survey of Occupational Illnesses and Injuries. As noted above, the State participates and has assured its continuing participation with OSHA in the Integrated Management Information System as a means of providing reports on its activities to OSHA.

Section 1902.4(c)(2)(xiii) requires States to undertake programs to encourage voluntary compliance by employers by such means as conducting training and consultation with employers and employees. The 18(e) Evaluation Report (p. 80) notes that the State conducts a comprehensive training and education program covering the private and public sectors. Training sessions for employers, employees and labor representatives have included seminars on general safety and health regulations, specific subjects such as forklift operations, machine guarding, flammable and combustible liquids, and hazard communication requirements. (18(e) Evaluation Report, p. 80.)

Indiana administers under its State plan a consultation program for both private and public sector employers and employees, designed to supplement the enforcement efforts of the safety and health compliance officers, with a field staff of 11 safety and three health consultants. During the last 12 months of the evaluation period, IOSHA received and responded to 587 requests for

consultations. Consultants observed an average of six violations per visit.

As part of its consultation program, Indiana also offers exemptions from general schedule inspections to companies which meet certain prerequisites, similar to the exemption program implemented by Federal OSHA for companies receiving consultations under section 7(c)(1) of the Act. In the twelve month period between October 1984 and September 1985, IOSHA received 466 requests for exemption from general schedule safety inspections. IOSHA granted 346 of these requests, denied 32, and the balance were pending at the time of Federal review.

OSHA conducted a special study of the State's inspection exemption program consisting of a review of 60 case files on companies which were granted and 32 companies which were denied exemptions. The review disclosed principally that more than half of the files on the 60 exempted companies contained some deficiency in documentation and that employee interviews and injury and illness rates were used inconsistently.

The problems identified in case file reviews were further investigated in on-site vists to ten exempted companies with high lost workday inclidence rates. In the Federal monitors' judgment, three of the ten companies visited did not have all of the required exemption prerequisites implemented.

The OSHA Regional Administrator reviewed the special study findings with the Indiana Commissioner of Labor, and in response to OSHA recommendations, IOSHA instituted a series of actions to correct the deficiencies and to prevent their recurrence including establishment of clear guidelines, intensive training, hiring a new field supervisor, and closer supervisory review of case files, as discussed in the 18(e) Evaluation Report. In addition, IOSHA terminated the exemption status of the three questionable companies and obtained the information to complete the files on the 32 cases with inadequate documentation. Additionally, IOSHA conducted an internal audit of companies granted exemptions in 1985 and 1986, and as a result completed documentation in deficient files and identified three additional companies with high injury rates whose exemptions will be terminated.

Based on the remedial action undertaken by IOSHA to correct deficiencies in the inspection exemption through the consultation program, OSHA believes that IOSHA meets all criteria for an acceptable voluntary compliance program. (18(e) Evaluation Report, pp. 73–77.)

Effect of 18(e) Determination

If the Assistant Secretary, after completion of the proceedings described in this notice, determines that the statutory and regulatory criteria for State plans are being applied in actual operations, final approval will be granted and Federal standards and enforcement authority will cease to be in effect with respect to issues covered by the Indiana plan, as provided by section 18(e) of the Act and 29 CFR 1902.42(c). Indiana does not cover safety and health in private-sector hazardous waste facilities designated as Superfund sites, or in private sector maritime activities (enforcement of occupational safety and health standards comparable to 29 CFR Parts 1915, 1917, 1918 and 1919, as well as provisions of general industry standards (29 CFR 1910) appropriate to hazards found in those employments). Thus, Federal coverage of Superfund sites and private sector maritime employment would be unaffected by an affirmative 18(e) determination. In the event an affirmative 18(e) determination is made by the Assistant Secretary following the proceedings described in the present notice, a notice will be published in the **Federal Register** in accordance with 29 CFR 1902.43; the notice will specify the issues as to which Federal authority is withdrawn, will state that Federal authority with respect to discrimination complaints under section 11(c) of the Act remains in effect, and will state that if continuing evaluations show that the State has failed to maintain a compliance staff which meets the revised fully effective brenchmarks, or has failed to maintain a program which is at least as effective as the Federal, or that if the State has failed to submit program change supplements as required by 29 CFR Part 1953, the Assistant Secretary may revoke final approval and reinstate Federal enforcement authority or, if the circumstances warrant, initiate action to withdraw approval of the State plan. At the same time, Subpart Z of 29 CFR Part 1952, which codifies OSHA decisions regarding approval of the Indiana plan, would be amended to reflect the 18(e) determination if an affirmative determination is made.

Documents of Record

All information and data presently available to OSHA relating to the Indiana 18(e) proceeding have been made a part of the record in this proceeding and placed in the OSHA Docket Office. The contents of the record are available for inspection and copying at the following locations:

Docket Office, Room N–3670, Docket No. T–020, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Regional Administrator, U.S. Department of Labor, OSHA, 32nd Floor, Room 3244, 230 South Dearborn Street, Chicago, Illinois 60604.

Indiana Department of Labor, 1013 State Office Building, 100 North Senate Avenue, Indianapolis, Indiana 46204.

To date, the record on final approval determination includes copies of all **Federal Register** documents regarding the plan including notices of plan submission, initial Federal approval, certification of completion of developmental steps, codification of the State's operational status agreement, and approval of various standards, developmental steps, and other plan supplements. The record also includes the State plan document, which includes a plan narrative, the State legislation, regulations and procedures, an organizational chart for State staffing; the State's FY 1986 Federal grant; and the March 1984 through December 1985 18(e) *Evaluation Report* and all previous, post-certification reports.

Public Participation

Request for Public Comment and Opportunity to Request Hearing

The Assistant Secretary is directed under § 1902.41 to make a decision whether an affirmative 18(e) determination is warranted or not. As part of the Assistant Secretary's decision-making process, consideration must be given to the application and implementation by Indiana of the requirements of section 18(c) of the Act and all the specified criteria and indices of effectiveness as presented in 29 CFR 1902.3 and 1902.4. These criteria and indices must be considered in light of the 15 factors in 29 CFR 1902.37(b)(1–15). However, this action will be taken only after all the information contained in the record, including OSHA's evaluation of the actual operations of the State plan, and information presented in written submissions and during an informal public hearing, if held, is reviewed and analyzed. OSHA is soliciting public participation in this process so as to assure that all relevant information, views, data and arguments related to the indices, and criteria and factors presented in 29 CFR Part 1902, as they apply to the Indiana State plan, are available to the Assistant Secretary during this administrative proceeding.

Interested persons are invited to submit written data, views, and arguments with respect to this proposed 18(e) determination. These comments must be received on or before June 23, 1986 and submitted in quadruplicate to the Docket Officer, Docket No. T-020, Room N-3670, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Written submissions must clearly identify the issues which are addressed and the positions taken with respect to each issue. The State of Indiana will be afforded the opportunity to respond to each submission.

Pursuant to 29 CFR 1902.39(f), interested persons may request an informal hearing concerning the proposed 18(e) determination. Such requests also must be received on or before June 23, 1986 and should be submitted in quadruplicate to the Docket Officer, Docket T-020, at the address noted above. Such requests must present particularized written objections to the proposed 18(e) determination. The Assistant Secretary will decide within 30 days of the last day for filing written views or comments and requests for a hearing whether the objections raised are substantial and, if so, will publish notice of the time and place of the scheduled hearing.

The Assistant Secretary will, within a reasonable time after the close of the comment period or after the certification of the record if a hearing is held, publish his decisions in the **Federal Register**. All written and oral submissions, as well as other information gathered by OSHA will be considered in any action taken. The record of this proceeding, including written comments and requests for hearing and all materials submitted in response to this notice and at any subsequent hearing, will be available for inspection and copying in the Docket Office, Room N-3670, at the previously mentioned address, between the hours of 8:15 a.m. and 4:45 p.m.

Regulatory Flexibility Act

OSHA certifies pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et. seq.*) that this determination will not have a significant economic impact on a substantial number of small entities. Final approval would not place small employers in Indiana under any new or different requirements, nor would any additional burden by placed upon the State government beyond the responsibilities already assumed as part of the approved plan. A copy of this certification has been forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health, Occupational Safety and Health Administration.

(Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 9-83 (43 FR 35736))

Signed at Washington, DC, this 9th day of May 1986.

Patrick R. Tyson,

Acting Assistant Secretary of Labor.

[FR Doc. 86-11233 Filed 5-16-86; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CCD7 86-16]

Regatta; Apache Offshore Challenge Powerboat Race

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to close for three hours on 27 September 1986, the waters of Government Cut in the Port of Miami and further restrict the waters one nautical mile offshore from the City of Miami Beach, from one quarter nautical mile south of Bakers Haulover to one nautical mile south of theMiami seabuoy and two nautical miles offshore from Fisher Island affecting the approaches to the Miami ship channel and the Port of Miami. The consideration is due to an APPLICATION FOR APPROVAL OF MARINE EVENT (CC-4423) received from the Offshore Power Boat Racing Association, Inc. (OPBRA) on 4 April 1986.

DATES: Comments must be received on or before July 29, 1986.

ADDRESSES: Comments should be mailed to Commander, U.S. Coast Guard Group Miami. The comments and other materials referenced in this notice will be available for inspection and copying at 100 MacArthur Causeway, Miami Beach, Fl. 33139. Normal office hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer T.C. Small: (305) 535-4304.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this fulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice CCGD7 86-16 and the specific section of the proposal to which their comments apply, and give reasons for each comment. The regulations 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. Additionally, a public hearing will be held in the City of Miami Beach Commission Chambers located at 1700 Convention Center Drive, on May 29, 1986, from 1:00 to 3:00 p.m., to allow interested persons the opportunity to make oral presentations which will aid the rulemaking process.

Drafting Information

The drafters of this notice are Chief Warrant Officer T.C. Small, project officer, U.S. Coast Guard Group Miami and Commander K.E. Gray, project attorney, Seventh, Coast Guard District Legal Office.

Discussion of Proposed Regulations

The proposed event is designed to benefit the cities of Miami and Miami Beach and to promote commerce, power boat racing, spectator interest, tourism and governmental cooperation. The closure of Government Cut and the Port of Miami is viewed as a major logistical undertaking. However, after initial meetings and discussions with the Port of Miami Operations Office, Florida Marine Patrol, City of Miami Beach Police Chief, local Congressional office and numerous commercial and private interests in the port, no adverse comments have been received to date. Private vessel movements will only be slightly inconvenienced and then only for three hours. The agreed upon race course was intentionally designed so as not to interfere with areas on the western end of Government Cut turning basin and more specifically the nearby Atlantic Intercoastal Waterway (ICW), thus allowing north/south ICW traffic and providing for alternate routes to the Atlantic Ocean in nearby areas. A minimum of prior planning by commercial vessel operators will enable them to adjust their schedules during the event, with little or no inconvenience. The public notice and an open public hearing will allow all concerned parties an opportunity to be part of the rule making process and to further solicit comments. The sponsor of the proposed event envisions the race as an eventual annual event, paralleling that of the Miami Grand Prix auto race and is carefully nurturing commercial,

governmental, political and private part support and enthusiasm. In order to provide for the safety of both participants and spectators, the regulations as set forth in paragraph 2. of the proposed regulations herein, shall be implemented should this rule become final and the proposed event permitted.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 100.

Economic Assessment and Certification

These proposed 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. Further, sufficient advance notice is being given to all commercial, governmental and private interests in the affected areas. The proposed closure of Government Cut, the Port of Miami, port approaches and the other affected areas will not exceed three (3) hours. A comprehensive mailing list to all concerned parties was developed and provides for the individual notification of those parties, allowing and soliciting any objections caused by the proposed regulation. Since 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).

Proposed Regulations

PART 100—[AMENDED]

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 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. Section 100.35–716 is added to read as follows:

§ 100.35–716 Port of Miami approaches, waters of Government Cut and Waters off the City of Miami Beach, FL.

(a) *Regulated Area.* All navigable waters (Chart 11466) from shoreline at 25–53.8N south of Bakers Haulover, 090 degrees true to 25–53.7N/80–06. 1W, thence southward to 25–45.6N/80–05.6W, thence 195 degrees true to 25–44.8N.80–06.0W, thence 292 degrees true to the eastern tip of the Port of Miami entrance channel south jetty and all waters within Government Cut proper and westward to a line between the northwestern most end of Dodge Island and the southwestern corner of the Chalk's Airline ramp.

(b) *Special Local Regulations.* (1) Entry into the restricted area is prohibited unless authorized by the patrol commander.

(2) Participating race vessels will be departing and entering the regulated area in two locations known as the "outbound and inbound slots" and identified by large orange markers. Spectator vessels may observe the race from outside of the regulated area. Spectator vessels may not congregate at the outbound or inbound slots.

(3) No vessel shall anchor or moor within the restricted area unless authorized to do so by the patrol commander. Commercial vessels already moored or anchored will be allowed to remain in position at their moorings or anachorage at the discretion of the patrol commander.

(4) The waters of Government Cut and those adjacent waters providing access into the cut will be closed to all non-participating waterborne traffic during this event. Emergency vessels will be allowed to enter the regulated area with the prior coordination and permission of the patrol commander.

(5) A succession of not less than 5 short whistle or horn blasts will be the signal for any non-participating vessels to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately. (46 U.S.C. 454; 49 U.S.C. 1655(b), 49 CFR 1.46(b); and 33 CFR 100.35)

(c) *Effective date/times.* These regulations become effective on 27 September 1986 from 1100 to 1400 local time.

Dated: May 7, 1986.

R. P. Cueroni,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 86–11196 Filed 5–16–86; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 115

[CGD 81–057]

General Bridge Permit Program Regulations; Correction

AGENCY: Coast Guard, DOT.

ACTION: Supplementary notice of proposed rulemaking; correction.

SUMMARY: This document corrects the preamble to the supplementary notice of proposed rulemaking on the General Bridge Permit program that appeared at page 15503 in the **Federal Register** of Thursday, April 24, 1986, (51 FR 15503). The action is necessary to add the **"ADDRESSES"** section, which was inadvertently omitted from the supplementary notice, and to insert the name of the newly assigned person to contact for further information.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Thompson (202) 755–7620.

Accordingly, the Coast Guard is correcting FR Doc. 86–9201 appearing on page 15503 in the issue of April 24, 1986, to read as follows:

1. On page 15503 after the **"DATE"** paragraph, add the following paragraph:

ADDRESSES: Comments should be mailed to Commandant (G–CMC/21) (CGD 81–057), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593. Comments are available for inspection or copying at the Office of the Marine Safety Council, Room 2110, at the above address, between the hours of 8 a.m. and 4 p.m., Monday through Friday, except holidays. The telephone number is (202) 426–1477.

2. On page 15503 in the **"FOR FURTHER INFORMATION CONTACT"** paragraph, "Mr. Jerome D. Schwartz" is corrected to read "Mr. Mark Thompson."

Dated: May 8, 1986.

W.J. Brogdon, Jr.,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 86–11017 Filed 5–16–86; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Department Hearings and Appeals Procedures; Indian Trust Property or Interest

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rule.

SUMMARY: This Office is proposing to add a new regulation allowing persons receiving Indian trust property or an interest in such property either under a will or through interstate succession to renounce succession to that property or interest in property. A conforming amendment is proposed to clarify that the office's Administrate Law Judges (Indian Probate) have authority to accept such a renunciation of interest. A

second amendment to the regulation setting forth the general authority of Administrative Law Judges (Indian Probate) is also proposed. The second amendment would explicitly provide authority for the partial distribution of estates when a potential heir or devisee is missing and cannot be located.

DATE: Comments on the proposed rule must be received by June 18, 1986.

ADDRESS: Comments may be mailed to Bruce A. Johnson, Deputy Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Bruce A. Johnson, Deputy Director Office of Hearings and Appeals, (703) 235–3810.

SUPPLEMENTARY INFORMATION: Based upon its experience in probating Indian trust estates, this Office has observed that allowing renunciations of Indian trust company or interests in such property would frequently be in the best interests of an Indian decedent's survivors. Often property passes to individuals who either do not want it or believe that another person needs or deserves it more. When property passes to a non-Indian, it loses its Indian trust status, often to the detriment of all persons concerned.

Therefore, it is proposed that a new regulation providing a consistent mechanism for renunciations be adopted. The proposed rule is intended to be lenient, with few mandatory procedural requirements, so that it will be easy to use, while still ensuring that the person renouncing both understands and intends the results.

A proposed conforming amendment to 43 CFR 4.202 would show that the office's Administrative Law Judges (Indian Probate) have authority to accept such renunciations.

A second amendment is also proposed to 43 CFR 4.202 that would explicitly provide for partial distribution of Indian trust estates when a potential heir or devisee is missing and cannot be located. The lack of such explicit authority has resulted in delay in the distribution of interests in Indian trust estates to those determined entitled to receive interests. Such unnecessary delay is not in accordance with the Department's trust responsibility to Indians. This amendment conforms with recent decisions of the Interior Board and Indian Appeals (IBIA) and the Director of the Office of Hearings and Appeals. On October 16, 1985, the IBIA held in *Estate of Frances Ingeborg Conger (Ford)*, 13 IBIA 296, 92 I.D. 512 (1985), that the Department has the authority to allow partial distribution of an Indian decedent's trust estate when a potential heir or devisee cannot be located. This decision was reviewed by the Director and his decision of December 30, 1985, held that an Administrative Law Judge (Indian Probate) possesses authority to decree such distribution. *Estate of Frances Ingeborg Conger (Ford)* (On Review By Director), 13 IBIA 296, 92 I.D. 634 (1985).

The Department of the Interior has determined that neither rule is a major rule under E.O. 12291 and certifies that they will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. *et seq.*). This determination is based on the fact that the new regulations concern only procedures for distributing the trust estates of certain deceased Indians.

Paperwork Reduction Act. These rules do not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Department of the Interior has determined that the rules do not constitute major Federal actions significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969, *as amended* (42 U.S.C. 4321–4347).

The rules were written by Paul T. Baird, Director, Office of Hearings and Appeals.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Indians, Indians—Lands.

Dated: April 14, 1986.

Paul T. Baird,

Director.

43 CFR Part 4, Subpart D, is proposed to be amended as follows:

PART 4—[AMENDED]

1. The authority citation for Part 4, Subpart D, continues to read as follows:

Authority: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; R.S. 463, 465; 5 U.S.C. 301; 25 U.S.C. secs. 2, 9, 372, 373, 374, 373a, 373b.

2. In § 4.202 the first sentence is proposed to be revised to read as follows:

§ 4.202 General authority of administrative law judges.

Administrative law judges shall determine the heirs of Indians who die intestate possessed of trust property, except as otherwise provided in §§ 4.205(b) and 4.271; approve or disapprove wills of deceased Indians disposing of trust property; accept or reject full or partial renunciations of interest in both testate and intestate proceedings; allow or disallow creditor's claims against estates of deceased Indians; and decree the distribution of trust property to heirs and devisees, including the partial distribution to known heirs or devisees where one or more potential heirs or devisees are missing but not presumed dead, after attributing to and setting aside for such missing person or persons the share or shares such person or persons would be entitled to if living.* * *

3. A new § 4.208 is proposed to be added to read as follows:

§ 4.208 Renunciation of interest.

Any person 21 years or older, whether of Indian descent or not, may renounce intestate succession or devise of trust or restricted property, wholly or partially (including the retention of a life estate), by filing a signed and acknowledged declaration of such renunciation with the administrative law judge prior to entry of the administrative law judge's final order. No interest in the property so renounced is considered to have vested in the heir or devisee and the renunciation is not considered a transfer by gift of the property renounced, but the property so renounced passes as if the person renouncing the interest has predeceased the decedent. A renunciation filed in accordance herewith shall be considered accepted when implemented in an order by an administrative law judge and shall be irrevocable thereafter. All disclaimers or renunciations heretofore filed with and implemented in an order by an administrative law judge are hereby ratified as valid and effective.

[FR Doc. 86–11197 Filed 5–16–86; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. MC–178; Sub-1]

Response to Petition for Investigation of Insurance Surcharges

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition filed by the Owner-Operator Independent Drivers Association of America, Inc., (Association), the Commission has instituted a rulemaking proceeding to determine whether carriers should be

prohibited from excluding revenues earned under insurance-related surcharges from computation of gross revenues. The Association seeks to ensure that owner-operators will share in the added revenues. The Interstate Carriers Conference replied in opposition and argues that adopting any rule defining gross revenues under the leasing regulations would be equivalent to the Commission regulating compensation paid to owner-operators in contravention of the holding in *Central Forwarding, Inc.* v. *ICC*, 698 F.2d 1266 (5th Cir. 1982). Comments are invited on the legal and policy issues raised in the petition and the reply.

DATES: Comments are due June 18, 1986.

ADDRESS: Send comments (original and 10 copies) to: Ex Parte No. MC–178 (Sub-No. 1), Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Mark S. Shaffer, (202) 275–7805 or Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2229, 12th and Constitution Ave., NW., Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Energy and Environmental Considerations

This action does not appear to significantly affect either the quality of the human environment or conservation of energy resources. Comments on these issues are welcome.

Initial Regulatory Flexibility Analysis

Under 5 U.S.C. 601 *et seq.* we are required to analyze the potential impact of proposed rules on small entities.

We preliminarily conclude that, if the Commission were to adopt a rule requiring insurance surcharges to be included in carriers' computation of gross revenues, such a rule would not have a significant economic impact upon a substantial number of small entities inasmuch as it would not affect substantially the costs of doing business or costs involved in paying owner-operators. We are unaware of any regulatory burdens imposed by the proposal or of any alternative to the proposal that would result in a lesser burden on small entities. Comments on this issue are welcome.

Authority: 49 U.S.C. 10101, 10321, 11701, 10762, 10927; 5 U.S.C. 553.

Decided: May 8, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Chairman Gradison Commissioner Andre dissented with separate expressions.

James H. Bayne,

Secretary.

[FR Doc. 86–11164 Filed 5–16–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 565

[Docket No. 86–03; Notice 1]

Vehicle Identification Number—Content Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice of proposed rulemaking is to propose an amendment to 49 CFR Part 565, *Vehicle Identification Number—Content Requirements*. The amendment would change Table I which specifies, for each type of vehicle, the vehicle attributes which are required to be coded into the 17-character vehicle identification number (VIN). The rquirements that a "series" designation for trailers and a brake system for incomplete trailers be coded into the VIN would be deleted. This proposal is made in response to a petition from the Truck Trailer Manufacturers Association. The agency believes that this amendment is consistent with the purpose of this regulation which is to simplify vehicle identification information retrieval and increase the accuracy and efficiency of vehicle defect recall campaigns.

DATE: Comments must be received on or before July 18, 1986. The proposed effective date is upon publication of a final rule.

ADDRESS: Comments should refer to the docket and notice number stated above and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. The docket is open on weekdays from 8 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Rutland, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202–426–2154).

SUPPLEMENTARY INFORMATION: Part 565, *Vehicle Identification Number—Content Requirements*, specifies the format and content for a vehicle identification number (VIN) system to simplify vehicle identification information retrieval and increase the accuracy and efficiency of vehicle defect recall campaigns. The physical requirements for a VIN are contained in Standard No. 115, *Vehicle Identification Number—Basic Requirements*. Under this standard, each vehicle must have a VIN assigned by its manufacturer. The standard also requires that each VIN have 17 characters.

In establishing the VIN content requirements, Part 565 divides the 17-character VIN into four sections. The proposed amendment would affect only the second section. This section consists of five characters which occupy positions four through eight (4–8) in the 17-character VIN. These five characters are used to identify uniquely the attributes of different types of vehicles as specified in Table I.

Table I specifies the information which must be decipherable from the numerals or letters in the second section according to the type of vehicle. For a trailer or trailer kit, the five characters currently must identify the type of trailer, series, body type, length, and axle configuration.

The Truck Trailer Manufacturers Association (TTMA) has submitted a petition for rulemaking requesting two revisions to Table I. The first would delete the requirement that a series be specified in the second section of the VIN for trailers. TTMA states that a survey of their trailer manufacturing members indicates that the term "series" is not applicable to truck trailers. The agency understands this statement to mean that trailer manufacturers do not divide their product line into series, as, for example, automobile manufacturers do. TTMA states in its petition that trailers are sufficiently designated by type, body type, length, and axle configuration. Therefore, requiring a series designation in trailer VIN's may not simplify vehicle identification information retrieval or contribute to the accurate identification of particular trailers.

The result of this proposed change would be that trailer manufacturers would have five characters with which to describe the four attributes listed above. Part 565.4 now states that a manufacturer may determine the characters utilized and their placement within the second section of the VIN. Therefore, if this amendment were adopted, a manufacturer could use two characters to indicate any one of these attributes. The agency's experience with

the information provided by trailer manufacturers to decipher the data coded into the VIN indicates that this proposed change could enable manufacturers to describe trailer attributes more accurately.

If this proposal were adopted, trailer manufacturers would not be required to code any new information into the VIN, but could delete the information about a "series" in the second section of the VIN. Therefore, trailer manufacturers would have to submit revised deciphering information for the second section of the VIN, if they delete the information on "series" or if they change the coded information on the remaining four attributes. This information would be required to be submitted on a one-time basis after the effective date of this proposed rule. If trailer manufacturers decide not to change the information now coded into the second section of the VIN, no submission would be required.

TTMA's second request was that Table I be amended to remove the requirement for incomplete trailers to have the brake system indicated in the second section of their VIN. Currently, Table I sets forth five attributes which must be encoded in the VIN for any type of incomplete vechicle, including trailers. These attributes are model or line, series, cab type, engine type, and brake system. Most of these attributes may be inappropriate for trailers. TTMA requests that Table I be amended to state that the same attributes be encoded for incomplete trailers as for complete trailers. Thus, this proposal would amend Table I to require that the same information be encoded in the VIN for complete and incomplete trailers, i.e., type, body type, length, and axle configuration. The incomplete vehicle category would be modified to state that it no longer includes incomplete trailers. Incomplete trailer manufacturers would be required to submit revised deciphering information for the second section of the VIN, on a one-time basis after the effective date, because the four attributes would be different from the five attributes now required to be coded into the second section of the VIN.

In addition, the agency proposes a technical correction to Table I which would remove the reference to footnote 1 after axle configuration in the list of trailer attributes. This footnote reference is incorrect because the footnote concerns engine net brake horsepower.

Since this proposal would relieve a restriction by reducing the information which Part 565 requires to be coded into the VIN, the agency believes that making the amendments effective on the publication date of a final rule would be appropriate.

Comments are requested on these proposed changes in the content requirements of Part 565.

Paperwork Reduction

The VIN information requirements in this proposal are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320. Accordingly, these proposed requirements are being submitted to the OMB for its approval, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Comments on the proposed information collection requirements should be submitted to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for NHTSA. It is requested that comments sent to the OMB also be sent to the NHTSA rulemaking docket for this proposed action.

Costs and Other Effects

The agency has evaluated the economic and other effects of this proposed rule and determined that they would be neither major as defined by Executive Order 12291 nor significant as defined by the Department's Regulatory Policies and Procedures. The agency concludes that the economic and other consequences of the amendment would be so minimal as not to require the preparation of a full regulatory evaluation. Trailer manufacturers would have to submit revised deciphering information for the second section of the VIN, only if they decide to revise the information now coded into the second section of the VIN. The submission would be made on a one-time basis, for trailers manufactured after the effective date. The only change would be a slight modification in the details of part of that information. The agency estimates that the administrative and cost burdens on trailer manufacturers to prepare the VIN deciphering information would be slight. Similarly, the government cost to process and store this revised information would be minimal.

The agency has considered the effects of this proposal in relation to the Regulatory Flexibility Act. I certify that this proposal would not have a significant economic impact on a substantial number of small entities. Trailer manufacturers which are small businesses would have the minor, one-time cost of preparing and submitting modified deciphering information for the VIN's on trailers manufactured after the effective date. Thereafter, deciphering information would have to be submitted only when other manufacturing changes occur, such as the production of a new vehicle type. This proposal would make small modifications in the description of that information to reflect trailer characteristics more closely, but would make no change in the basic administrative or cost burdens. Small organizations and small government jurisdictions would not be affected because the prices of new trailers would not be changed.

Finally, the agency has analyzed this amendment for purposes of the National Environmental Policy Act and determined that this proposal would not have a significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after the date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection

in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 573

Imports, Motor vehicle safety, Motor vehicles.

To accomplish the changes outlined above, the agency would amend Part 565, *Vehicle Identification Number—Content Requirements*, in Title 49 of the Code of Federal Regulations, as follows:

PART 565—[AMENDED]

1. The authority citation for Part 565 would be revised to read as follows:

Authority: 15 U.S.C. 1395, 1397, 1401, 1407, and 1412; delegation of authority at 49 CFR 1.50.

§ 565.4 [Amended]

2. Table I in § 565.4 would be revised to read as follows:

Table I—Type Of Vehicle And Information Decipherable

Passenger car: Line, series, body type, engine type,[1] and restraint system type.

Multi-purpose passenger vehicle: Line, series, body type, engine type,[1] gross vehicle weight rating.

Truck: Model or line, series, chassis, cab type, engine type,[1] brake system and gross vehicle weight rating.

Bus: Model or line, series, body type, engine type,[1] and brake system. Trailer, including trailer kit and incomplete trailer: Type of trailer, body type, length, and axle configuration.

Motorcycle: Type of motorcycle, line, engine type,[1] and net brake horsepower.[1]

Incomplete vehicle other than trailer: Model or line, series, cab type, engine type,[1] and brake system.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-11221 Filed 5-16-86; 8:45 am]

BILLING CODE 4910-59-M

[1] Engine net brake horsepower when encoded in the VIN shall differ by no more than 10 percent from the actual net brake horsepower, shall, in the case of motorcycle with an actual net brake horsepower of 2 or less, be not more than 2; and shall, in the case of a motorcycle with an actual brake horsepower greater than 2, be greater than 2.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Establishment of Regulations for Subsistence Harvest of Migratory Birds in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to propose rules.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) intends to propose regulations governing subsistence harvest of migratory birds in Alaska. These regulations will be based on provisions for such harvest in various laws, including the Fish and Wildlife Improvement Act of 1978. It is intended that the regulations will be adopted by spring of 1987, and that they will provide standards for managing subsistence harvest of migratory birds in Alaska so as to preserve and maintain their stocks.

DATE: Comments must be received on or before July 3, 1986.

ADDRESS: Comments should be addressed to: Regional Director (Attn: Robert Leedy, Wildlife Assistance), U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. Telephone: (907) 786-3443.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Leedy or Mr. Richard Pospahala, Wildlife Assistance, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. Telehone: (907) 786-3443.

SUPPLEMENTARY INFORMATION: Since 1984, the Fish and Wildlife Service has regulated the subsistence harvest of migratory waterfowl in the Yukon-Kuskokwim Delta region in southwestern Alaska pursuant to cooperative management plans signed by representatives of the Service, the Alaska Department of Fish and Game, Alaska Natives, and the California Department of Fish and Game. The legality of these plans was challenged in *Alaska Fish and Wildlife Federation and Outdoor Council, Inc., et al.* v. *Jantzen, et al.*, No. J84-013 CIV (D. Alaska). On January 24, 1986, the court ruled that:

> Until such time as the Secretary of the Interior adopts regulations pursuant to section 3(h)(2) of the Fish Wildlife Improvement Act, the Congress has authorized Alaska Natives to harvest migratory waterfowl under the Alaska Game Act of 1925 (as amended) during any season of the year, including but not limited to spring and summer months, when they or members of their family are in need of food and other sufficient food is not available.

The court stated that this authorization extends to taking for nutritional needs but not to taking for cultural purposes.

Section 3(h)(2) of the Fish and Wildlife Improvement Act of 1978 (FWIA), 16 U.S.C. 712 (1) provides that:

> In accordance with the various migratory bird treaties and conventions with Canada, Japan, Mexico, and the Union of Soviet Socialist Republics, the Secretary of the interior is authorized to issue such regulations as may be necessary to assure that taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.

Section 3(h)(2) of the FWIA is virtually identical to the subsistence hunting provision contained in Article II, Paragraph 1(c) of the U.S.-U.S.S.R. migratory bird treaty negotiated in 1976. The report on the Soviet treaty submitted by the American treaty negotiating team to the United States Senate demonstrates two points. First, the phrase "indigenous inhabitants" is intended to encompass both Native and non-Native residents of rural Alaska. Second, the subsistence hunting provisions of the Soviet treaty were drafted in full recognition of the ostensibly more restrictive provisions of the United States-Canada migratory bird treaty negotiated in 1916. The subsistence hunting provisions in the Soviet treaty were intended to provide the Service with greater flexibility to resolve conflicts concerning regulation of subsistence hunting for migratory birds in Alaska. The legislative history of section 3(h)(2) of the FWIA indicates the firm intent of Congress that the provisons of the Soviet treaty would be the ultimate guide for regulation of subsistence use of migratory birds in Alaska.

Need to Develop Subsistence Harvest Regulations

Based upon the January 24, 1986, decision in *Alaska Fish and Wildlife Federation and Outdoor Council* and on the FWIA, the Service intends to propose regulations to govern the subsistence harvest of migratory birds in Alaska. These regulations, which would become effective prior to the commencement of the migratory bird harvest in Spring 1987, would address subsistence harvest of migratory birds throughout the State of Alaska. The

regulations would provide a general framework for management of subsistence taking of migratory birds throughout the State, but they would also address in detail problem associated with particular stocks of birds in certain parts of the State that are known to be of concern. The goose populations that nest in the Yukon-Kuskokwim Delta region certainly will require more restrictive and detailed regulations than other stocks of birds.

For the 1986 season, the Service is relying upon a renewal of the Yukon-Kuskokwim Delta Goose Management Plan. This plan had beneficial impacts in 1984 and 1985 in lowering subsistence harvest of the waterfowl species whose numbers have declined and in promoting a cooperative approach to regulation of subsistence harvest that relies principally upon voluntary compliance rather than enforcement by the Service. The Service anticipates similar results for 1986.

The Service, through this notice, invites public comment on its intent to propose and establish regulations for subsistence harvest of migratory birds in Alaska. Topics most affecting development of proposed regulations include the following: (1) Definition of "nutritional and other essential needs", (2) how birds and eggs taken for subsistence may be used; (3) who may participate in subsistence hunting of migratory birds and in what geographic areas; (4) allowable levels of harvest; (5) means of regulation (methods and means of harvest, seasons, bag limits, etc.); and (6) provisions for enforcement of the regulations. Although comments focused on these topics are viewed as being most useful in the development of the proposed regulations, comments on other subjects also may be appropriate.

As soon as possible after the comment period on this notice of intent closes, and upon review and consideration of all comments received, the Service will develop proposed regulations and a draft environmental assessment addressing subsistence harvest of migratory birds in Alaska. The Service will provide public notice of the proposed regulations and assessment through publication in the **Federal Register** and will consider all comments received. Public hearings will be conducted in various communities throughout Alaska to provide additional opportunity for public comment. Notice of these hearings will be published in the **Federal Register** as soon as possible after determination of times and locations.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife.

Dated: May 14, 1986.

Frank Dunkle,

Director, Fish and Wildlife Service.

[FR Doc. 86-11212 Filed 5-16-86; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 51, No. 96
Monday, May 19, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Agency Information Collection Request Under OMB Review

AGENCY: ACTION.

ACTION: Information Collection Request Under Review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the National Volunteer Agency.

Background: Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents] may be obtained from the agency clearance officer.

Information About This Proposed Collection

Agency Clearance Officer—Melvin E. Beetle, 202–634–9321.
Agency Address: ACTION, 806 Connecticut Ave., NW., Washington, DC 20525
Office of ACTION Issuing Proposal: Domestic Operations
Title of Form: Project Progress Reports for all ACTION programs [Older American Volunteer Programs (includes Foster Grandparent, Retired Senior Volunteer and Senior Companion Programs); VISTA/Service Learning Programs (includes Volunteers in Service to America, Young Volunteers in ACTION (YVA) and Service Learning Projects); Title I Part C (includes Volunteer Management Support Program (VMSP) in Domestic Operatons and other demonstration and special volunteer programs in the Office of Voluntarism Initiatives (OVI)].
Type of Request: Revision.
Frequency of Collection: Quarterly
General Description of Respondents: State or local governments, non-profit institutions, small businesses or organizations.
Estimated Number of Responses: 1794
Estimated Annual Reporting or Disclosure Burden: 43,056 hours.
Respondent's Obligation to Reply: Required to obtain or retain a benefit.
Person responsible for OMB Review: Judy MacIntosh, 202–395–6880.

Melvin E. Beetle,

Clearance Officer, ACTION.

[FR Doc. 86–11183 Filed 5–16–86; 8:45 am]

BILLING CODE 6050–28–M

CIVIL RIGHTS COMMISSION

Connecticut Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 3:00 p.m. and adjourn at 5:00 p.m., on June 4, 1986, at the Connecticut Historical Society, 1 Elizabeth Street, Hartford, Connecticut. The purpose of the meeting is to develop preliminary plans for a proposed project on affirmative acton in the construction industry.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson James Stewart or Jacob Schlitt, Director of the New England Regional Office at (617) 223–4671, (TDD 617/223–0344). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five(5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, May 14, 1986.

Donald A. Deppe,

Program Specialist for Regional Programs.

[FR Doc. 86–11236 Filed 5–16–86; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Subcommittee on Export Administration of the President's Export Council; Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration will be held June 13, 1986, 9:00 a.m. to 3:30 p.m., Herbert Hoover Building, Room B841, 14th and Constitution Avenue, NW, Washington, DC.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Amendments Act of 1985 that deal with United States policies of encouraging trade with all counties with which the United States has diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

General session: 9:00–11:30. Status reports by Ad Hoc Chairmen and various developments at Commerce in the International Trade area.

Executive session: 1:30–3:00. Discussion of matters properly classified under Executive Order 12356 dealing with matters pertaining to the control of exports for national security, foreign policy or short supply reasons under the Export Administration Amendments Act of 1985. A Notice of Determination to close meetings or portions of meetings of the Subcommittee to the public on the basis of 5 U.S.C. 522b(c)(1) was approved October 17, 1985 in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377–4217.

For further information or copies of the minutes, contact Debra Waggoner (202) 377–4220.

Dated: May 14, 1986.

David Schlechty,

Acting Director, Strategic Policy and Planning Division, Export Administration.

[FR Doc. 86-11181 Filed 5-16-86; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

Scoping Meeting on the Proposed Norfolk Canyon National Marine Sanctuary

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is considering Norfolk Canyon, located approximately 60 miles off the coast of Virginia, for designation as a national marine sanctuary. NOAA will hold a public meeting to gather information to determine the range and significance of issues related to sanctuary designation and management. This meeting will be held on June 11, 1986, from 2:00 to 4:00 P.M. and from 7:00 to 9:00 P.M. in the auditorium of Watermans Hall, Virginia Institute of Marine Science, Gloucester Point, Virginia. All interested persons are invited to attend.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, (202)673-5126.

ADDRESS: Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW. Washington, DC 20235.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 as amended, 16 U.S.C. 1431 et seq. (the Act), authorizes the Secretary of Commerce to designate ocean water, over which the United States exercises jurisdiction, consistent with international law, as national marine sanctuaries. The purpose of designating national marine sanctuaries is to protect and manage distinctive areas of the marine environment for those conservation, recreational, ecological, historical, research, educational or aesthetic values which give these areas special national significance. The Act is administered by the National Oceanic and Atmospheric Administration (NOAA) through the Office of Ocean and Coastal Resource Management (OCRM), Sanctuary Program Division (SPD).

Natural Resources

Norfolk Canyon is the southernmost in a series of major submarine canyons along the Atlantic continental margin of the United States and is the only one of these canyons that can be associated with a major drainage system in a non-glaciated area. Norfolk Canyon extends for 10 to 12 miles on the continental shelf, descends the slope, and terminates on the upper continental rise. The extensive range of water depths and topography within the canyon provides habitats for a variety of demersal fish, decapods and other benthic or sessile organisms, including several types of coral. A more detailed discussion of Norfolk Canyon marine life is contained in the announcement of preliminary consultation on the site, 50 FR 37760.

Human Uses

The major human activities in the Norfolk Canyon area are recreational and commercial fishing and military operations. Two old dump sites for radioactive wastes are located in the canyon, but no dumping occurs there at present. There is currently no mineral resource development activity in the vicinity of Norfolk Canyon, although the area may have exploitable oil and gas deposits (EG & G *Environemntal Description of Norfolk Submarine Canyon.* Prepared for NOAA, Washington, DC, 1983).

The Designation Process

The preliminary consultation on Norfolk Canyon as a potential site for designation as a national marine sanctuary was begun with a notice published in the **Federal Register**, September 17, 1985, 50 FR 37760. A summary of comments received in the preliminay consultation and NOAA's response to them was published February 28, 1986, 51 FR 7097, in an announcement that Norfolk Canyon had been selected as an active candidate for sancturay status and that NOAA intended to prepare a draft environmental impact statement and management plan for the site. The initiation of this process does not commit NOAA to the final designation of Norfolk Canyon as a national marine sanctuary.

The management plan to be prepared for the proposed sanctuary will specify the goals and objectives of sanctuary designation and describe programs for resource protection, research and interpretation. Implementation of the management plan will be analyzed in the environmental impact statement.

Opportunities for public participation in NOAA's development of an environmental impact statement and management plan will be provided through the June scoping meeting, the solicitation of comments on the draft environmental impact statement, and formal public hearings.

The June scoping meeting will attempt to identify issues in establishing a Norfolk Canyon sanctuary and generate suggestions for resolving them.

Topics for discussion will include the following: (1) Boundary alternatives, (2) Management alternatives, (3) Resource protection, (4) Research opportunities and (5) Interpretative opportunities.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 86-11185 Filed 5-16-86; 8:45 am]

BILLING CODE 3510-08-M

Patent and Trademark Office

Extension of Previously Granted Interim Orders Under the Semiconductor Chip Protection Act of 1984

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Date for Hearing on Interim Orders under 17 U.S.C. 914.

SUMMARY: On March 24, 1986, 51 FR 10073-98, the Assistant Secretary and Commissioner of Patents and Trademarks solicited comments on the progress made toward the establishment of systems for the protection of mask works in Japan, Sweden, Australia, The United Kingdom, The Netherlands, Canada, Belgium, Denmark, France, The Federal Republic of Germany, Greece, Ireland, Italy and Luxembourg. Comments were originally requested by April 16, 1986. The Commissioner extended the period for comment to April 30, 1986. Comments were received regarding progress in Sweden, Japan, Canada, Australia, the United Kingdom, and the European Economic Community. The U.S. Semiconductor Industry Association (SIA) submitted comments and requested that a public hearing be held to review the situation regarding mask work protection.

Those comments are available for public inspection in the Office of Legislation and International Affairs in the U.S. Patent and Trademark Office.

All of the comments indicate that progress toward mask work protection is underway, however the variety of the approaches being adopted, as well as the complexity of the subject matter.

make it difficult to conclude how existing interim orders ought to be considered. Consequently, to promote a full public discussion of the issues concerning mask work protection internationally, a public hearing on the existing interim orders will be held on July 9, 1986.

The interim orders issued for Japan, Sweden, Australia, and Canada are presently scheduled to expire in June 1986. In view of the date set for the hearing, it is clear that these orders would expire before the additional information disclosed at the hearing could be evaluated. The submissions from Japan, Sweden, Australia, and Canada indicate that reasonable progress toward developing regimes for mask work protection is underway and that mask works are not subject to misappropriation in any of those countries. Consequently, to promote the development of international comity in the protection of mask works, the interim orders issued for Japan, Sweden, Australia, and Canada are hereby extended to expire on September 12, 1986, the same date as the interim orders issued for the Member Countries of the European Economic Community.

Date and Location of Hearing

July 9, 1986, 9:00 A.M., U.S. Patent and Trademark Office, Commissioner's Conference Room, 2021 Jefferson Davis Highway, Arlington, Virginia.

Requests to Testify

Requests to testify and 25 copies of the statement to be delivered must be received in the Commissioner's Office by close of business, June 27, 1986. Address written materials to: Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231.

FOR FURTHER INFORMATION CONTACT: Michael K. Kirk, Assistant Commissioner for External Affairs, by telephone at (703) 557–3065, or by mail marked to his attention and addressed to Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The "Semiconductor Chip Protection Act (SCPA) of 1984," 17 U.S.C. 900 et seq., established a procedure designed to promote the rapid development of a new international system of intellectual property protection for mask works or the design-layout of semiconductor chips.

To carry out this intent, the Congress gave the Secretary of Commerce the authority, under section 914 of the SCPA, to extend to nationals, domiciliaries, and sovereign authorities of foreign countries the privilege of mask work protection in the United States if certain conditions were fulfilled. The Secretary has delegated to the Assistant Secretary and Commissioner of Patents and Trademarks the responsibility to make findings concerning a foreign nation's good faith efforts and reasonable progress toward: (1) Entering into a treaty to protect mask works, or (2) enacting legislation to protect mask works on either substantially the same basis as under the U.S. law or in the same manner that it provides similar protection to its own nationals, and (3) that mask works are not being misappropriated in that country, and (4) that issuing the order would promote international comity in the protection of mask works.

Acting under this section, the Commissioner has extended interim orders to fourteen States, all of whom have responded to the request for comments published at 51 FR 10073–98. The speed with which other governments have acted to respond to the needs for legal protection in this frontier technology is commendable, and certainly, at least in part due to the interim order procedure. Although the response to the U.S. initiative has been rapid, it has been varied. This response, points out the wisdom of the Congress in providing this flexible interim order process through which technical and legal experts from both the U.S. and foreign countries are presented with a forum in which to develop their ideas.

The U.S. SCPA is based on a carefully crafted balance that promotes the public interest, and brings equilibrium to the interests of both producers and consumers of semiconductor chip products. This is done by granting chip producers appropriately limited exclusive rights, while assuring that the technology will achieve widespread dissemination through carefully crafted reverse engineering principles, and assuring that the consuming public's interest is protected through the innocent infringement provisions. If any of these elements of the law are made either disproportionately strong or weak the balance of the intended legal regime will suffer. For example, if reverse engineering is given too broad scope it can vitiate the protection afforded by the exclusive rights. On the other hand, if reverse engineering rights are too narrowly defined the result could be a real inhibition on international trade, because chips produced by reverse engineering in one country could be denied entry into a second country where the scope of permitted reverse engineering was less. Other equally serious concerns can arise in other areas.

The nature of an appropriate international legal regime for the protection of semiconductor chips is also being actively discussed in the World Intellectual Property Organization (WIPO) where a Group of Experts will meet from June 23 to 27, 1986, to discuss a draft treaty for the protection of integrated circuit chips. That process has made it clear that while there is a broad general agreement that this frontier technology deserves legal protection, there are questions about the specific features of such a new, *sui generis*, system of protection that must be addressed. As the comment letters submitted show, many of the countries to whom interim orders have been issued have been leading, active participants in the WIPO discussions.

One important feature of the 1984 SCPA was the provision that mask works that were first commercially exploited between July 1, 1983, and November 8, 1984, could be protected if registered in the Copyright Office prior to July 1, 1985. Because of that deadline, a number of countries sought interim orders and the requests were handled expeditiously. Those orders, issued at various dates in June, 1985, will expire before this hearing process can be completed unless those orders are extended. A brief review of progress in each of those countries is consequently appropriate.

In Japan, the new Act Concerning the Circuit Layout of a Semiconductor Integrated Circuit, Law No. 43 of 1985, became effective on January 1, 1986 and Japanese authorities are accepting and issuing chip registrations. However, the U.S. Semiconductor Industry Association has voiced some concern over the way in which the registration system has been implemented.

In Sweden, the report of the Swedish Committee for the Revision of the Copyright Law, and the comments received from Government of Sweden clearly indicate progress. Legislation is expected to be passed in the fall of 1986. This effort continues to be strongly supported by Swedish industry.

In Australia, the Government's submission indicates that consultations on the appropriate future policy to be pursued concerning chip protection are

underway, and that the doubts concerning the application of Australian copyright law to semi-conductor chip protection have been largely answered following the High Court's decision in *Edwards Hot Water* v. *Solarhand.*

In Canada, the Government is actively pursuing the enactment of a copyright oriented, *sui generis* system for the protection of semiconductor chips.

We have not been informed of any practices of misappropriation of semiconductor chips in any of these countries. Also, all of these countries are actively working in the WIPO forum to pursue the negotiation of a new treaty for the protection of semiconductor chips.

Consequently, I find that extending the interim orders for Japan, Sweden, Australia, and Canada until September 12, 1986, is appropriate. Since information on the specific features of proposed legislation is not available, and the U.S. Semiconductor Industry Association has raised concerns about the operation, in practice, of the Japanese registration system, I also conclude that holding a public hearing to permit a full airing of views would be appropriate. I am scheduling the hearing for July 9, 1986, at 9:00 A.M. so that a full review of progress can be made before September 12, 1986. This will also permit the Office to consider the progress in WIPO and how such activity may affect decisions on how to proceed with the interim order process.

To promote an orderly conduct of the hearing, each party appearing will be permitted 30 minutes in which to make their presentation and to respond to questions from the hearing panel. Written statements (25 copies) and requests to testify must be submitted to the Commissioner of Patents and Trademarks by close of business, June 27, 1986.

Dated: May 12, 1986.

Donald W. Peterson,

Deputy Assistant Secretary and Deputy Commissioner of Patents and Trademarks.

[FR Doc. 86-11171 Filed 5-16-86; 8:45 am]

BILLING CODE 3510-16-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With Korea To Review Trade in Categories 363 and 650

On April 11, and 24, 1986, the Government of the United States requested consultations with the Government of the Republic of Korea with respect to man-made fiber dressing gowns in Category 650 and cotton terry and other pile towels in Category 363. This request was made on the basis of the agreement of December 1, 1982, as amended, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations with Korea, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 363 and 650, produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986.

Anyone wishing to comment or provide data or information regarding the treatment of these categories is invited to submit such comments or information in 20 copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly.

Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553 (a)(1) relating to matters which constitute "a foreign affairs function of the United States."

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11338 Filed 5-16-86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Navy

Chief of Naval Operations, Executive Panel Advisory Committee, Role of the Naval Reserve in the Maritime Strategy Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Role of the Naval Reserve in the Maritime Strategy Task Force will meet June 3–4, 1986, from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to examine or determine a strategic rationale for the employment of Reserve forces, the value of the Reserve to the total force, and the best way to develop Reserve resources. The entire agenda for the meeting will consist of discussions of key issues regarding changes in the strategic balance, the need for mobilization capability, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the pubic 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, U.S.C.

For further information concerning this meeting, contact Lieutenant Paul G. Butler, Executive Secretary of the CNO Executive Panel Advisory Committee, 4401, Ford Avenue, Room 928, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Dated: May 14, 1986.

William R. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 86-11184 Filed 5-16-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Secretary's Discretionary Program—Field Initiated Grant Program

AGENCY: Department of Education.

ACTION: Application notice for new awards under the Secretary's Discretionary Program for Fiscal Year 1986.

Programmatic and Fiscal Information

The Secretary of Education (the Secretary), announces a grant competition under the Secretary's Discretionary Program for fiscal year (FY) 1986. Pursuant to 34 CFR 760.11, the Secretary has chosen not to establish priorities for this competition. Therefore, the Secretary invites applications for projects on field-initiated topics.

To be eligible for funding under this program, a project must be designed to meet the special educational needs of educationally deprived children or to improve elementary and secondary education for children consistent with the purposes of the Education Consolidation and Improvement Act of 1981 (ECIA). The Secretary is authorized to fund projects that consist of one or more of the following activities:

1. Providing a national source for gathering and disseminating information on the effectiveness of programs designed to meet the special educational needs of educationally deprived children and others served by the ECIA, and for assessing the needs of such individuals;

2. Carrying out research and demonstrations related to the purposes of the ECIA:

3. Improving the training of teachers and other instructional personnel needed to carry out the purposes of the ECIA; or

4. Providing technical assistance to State educational agencies (SEAs) and local educational agencies (SEAs) in the implementation of programs under the ECIA.

SEAs and LEAs, institutions of higher education, and other public and private agencies, organizations, and institutions may apply for a grant. An applicant may apply singly or jointly with another eligible applicant, as provided in 34 CFR 75.127 through 75.129.

The Secretary urges applicants to limit the amount of assistance requested to not more than $100,000 per application since resources available under this announcement are limited. It is estimated that 8 to 10 awards will be made.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specifically by statute or regulations.

The Secretary encourages applicants to propose projects that demonstrate the applicant's thorough knowledge of previous work in the area to be addressed. A proposed project should use existing materials to the fullest extent possible. Also, because of the limited available resources, the Secretary encourages applicants to propose projects that would use the funds awarded for this competition to supplement other sources of funding. Projects supported under this program will be for a period of up to 12 months.

Selection Criteria

In evaluating applications under this program, the Secretary uses the selection criteria contained in § 760.31 of the regulations. The maximum possible number of points for these criteria is 85. In addition, the regulations authorize the Secretary to reserve and to distribute 15 additional points among the selection criteria listed in the regulations to bring the total to a maximum of 100 points. The Secretary will distribute these reserved points to the criterion at 34 CFR 760.31(f) *Improving elementary and secondary education*, for a possible total of 25 points for this criterion.

Closing Date for the Transmittal of Applications

Applications for new awards must be mailed or hand-delivered by July 7, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84. 122B, 400 Maryland Avenue, SW., Washington, DC 20202.

Each late applicant will be notified that its application will not be considered.

Applications that are hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturdays, Sundays, and Federal Holidays.

Applicable Regulations

Regulations applicable to the program include the following:

(a) The regulations governing the Secretary's Discretionary Program in 34 CFR Part 760.

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78.

Application Forms

Application forms and program information packages will be available on May 30, 1986. These may be obtained by writing to: The Secretary's Discretionary Program, U.S. Department of Education, Room 722, Brown Building, 1200 19th Street, NW., Washington, DC 20208.

Further Information

For further information, contact: Thomas E. Enderlein, Secretary's Discretionary Progarm, U.S. Department of Education, Room 722, Brown Building, 1200 19th Street, NW., Washington, DC. 20208 Telephone: (202) 254–8227.

Program Authority

20 U.S.C. 3851.

(Catalog of Federal Domestic Assistance Number 84.122, Secretary' Discretionary Program)

Dated: May 15, 1986.

William J. Bennett,

Seacretary of Education.

[FR Doc. 86–11321 Filed 5–16–86 8:45am]

BILLING CODE 4000-01-M

Fund For the Improvement of Postsecondary Education; Application Notice for Comprehensive Program for FY 1986; Extension of Closing Date

AGENCY: Department of Education.

ACTION: Extension of closing date for transmittal of applications for new awards under the comprehensive program for fiscal year 1986.

The Secretary extends the closing date for transmittal of applications for new awards under the Comprehensive Program of the Fund for the Improvement of Postsecondary Education for fiscal year 1986. The closing date for full applications is extended from June 4, 1986 to June 12, 1986.

On December 234, 1985 the Secretary published the Notice establishing the closing date for transmittal of preapplications and applications for the fiscal year 1986 competition under the Comprehensive Preogram (50 FR 52550–52552). Detailed information concerning this program is included in that notice. The purpose of this notice is to extend the closing date for transmittal of applications.

Further information: For further information contact the Fund for the Improvement of Postsecondary Education regarding the Comprehensive Program. Telephone (202) 245–8091/8100.

Dated: May 13, 1986.

(20 U.S.C. 1135)

(Catalog of Federal Domestic Assistance No. 84.116A. Fund for the Improvement of Postsecondary Education

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 86-11217 Filed 5-16-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Electric Power Surveys

AGENCY: Energy Information Administration Energy.

ACTION: Solicitation of comments concerning electric power survey forms.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) solicits comments concerning proposed extensions and revisions to selected electric power survey forms.

DATE: Written comments must be submitted within 30 days of the publication of this notice.

ADDRESSES: Send written comments to Mr. Al Breuel (EI-541), Energy Information Administration, Department of Energy, Mail Stop: 2G-090, 1000 Independence Avenue, SW., Washington, DC 20583, Telephone (202) 252-6541.

Requests for additional information, or copies of the following forms and instructions should be directed to Mr. Breuel (at the address listed above): Forms EIA-101 EIA-213, EIA-412, EIA-714, EIA-759, EIA-767, EIA-826, EIA-860, EIA-861.

Similar requests for Form IE-411 should be directed to Mr. Norton Savage, Energy Emergency Operations, Department of Energy, Mail Stop 8F-055, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 252-1705.

SUPPLEMENTARY INFORMATION:

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub L. 93-275) and the Department of Energy (DOE) Organization Act (Pub L. 95-91), the Energy Information Administration is obligated to publish, and otherwise make available to the public, high-quality statistical data that reflect current and prospective national and regional electric power supply and demand activity as accurately as possible.

To meet this responsibility, as well as internal DOE requirements that are dependent on accurate data, the EIA conducts statistical surveys that encompass every major electric power supply and demand activity in the United States. In addition to the electric power surveys administered by EIA for DOE and other federal agencies, DOE's Assistant Secretary for International Affairs and Energy Emegerncies (IE) collects electric power system planning and system reliability information from the nine Regional Electric Reliability Councils in the United States.

II. Current Actions

In keeping with its mandated responsibilities, EIA proposes to extend for 3 years the following electric power data collection forms:

Monthly Electric Bill Data (Form EIA-101)
Typical Net Monthly Bills (Form EIA-213)
Annual Report of Publicly-Owned Electric, Utilities (Form EIA-412)
Annual Electric Power System Report (Form EIA-714)
Monthly Power Plant Report (Form EIA-759)
Steam-Elctric Plant Operation and Design Report, (Form EIA-767)
Electric Utility Company Monthly Statement (Form EIA-826)
Annual Electric Generator Report (Form EIA-860)
Annual Electric Utility Report (Form EIA-861)
Coordinated Regional Bulk Power Supply Program Report (Form IE-411)

EIA proposes to revise the Form EIA-412 by eliminating the following parts:

Part V: Electric Sales Data for the Year
Part XII: Accumulated Provisions for Depreciation of Utility Plant, columns, b, c, d, and e
Part XVIII: Generating Plant Statistics (Small Plants)
Part XIX: Steam-Electric Generating Plants
Part XX: Hydroelectric Generating Plants
Part XXI: Internal Combustion engine and Gas-Turbine Generating Plants
Part XXV: Electric Energy Account

EIA proposes to revise the threshold for filing the EIA-412 to those publicly owned utilities who have sales to ultimate customers or sales for resale that are 100,000,000 kilowatthours or greater.

Except for the IE-411, EIA-767, and the EIA-714, all of the above are solely sponsored by EIA. EIA is reviewing all forms to improve the instructions or delete individual data items no longer required.

The Form EIA-767 is sponsored jointly by the Environmental Protection Agency (EPA); the Bureau of Economic Analysis, Department of Commerce; the Federal Energy Regulatory Commission; and the DOE Office of Environment, Safety, and Health (EH). EPA proposes to revise the Form EIA-767 by requiring that each U.S. plant with a total existing or planned organic- or nuclear-fueled steam-electric generator nameplate rating less than 100 megawatts submit page 1, Identification Information, and page 6, Boiler Fuel Consumption and Quality. EH proposes to include pages 13 and 14, Flue Gas Desulfurization Unit Annual Operations and Design Parameters for those plants also under 100 megawatts.

The Form EIA-714 is sponsored by the Federal Energy Regulatory Commission (FERC) and the EIA. The EIA, in coordination with the sponsors, processes the data collected on Forms EIA-767 and EIA-714. EIA and FERC are proposing the following changes for Form EIA-714. The threshold which requires filing of the Form EIA-714 is being modified to: "utilities whose own generation is greater than 100,000,000 kilowatt hours per year." To allow flexibility in the reporting of columns g through j of Schedule 5, "High Voltage Line Data," the following clarification of the instruction is proposed. "Power flow data entered in columns g through j may be obtained from meter recordings or the results of load flow simulations reasonably representing system conditions for the reporting periods. While the preferred reporting is actual metered data, simulations or data therefrom are acceptable as representative proxies for actual metered data. If simulations are used to provide the data, they need only be made under conditions which reasonably would have been expected during the reporting period."

In addition to the EIA-administered electric power surveys listed above, EIA solicits comments on the "Coordinated Regional Bulk Power Supply Program Report," (Form IE-411). Form IE-411 is not administered by EIA, but it is part of DOE's information base on electric utilities. Consideration is being given to reducing the data collection burden associated with the Form EI-411 by eliminating sections 3-C (unavailable capacity), 6-B (conceptual long-range plans) and 7-C (interruptible demand), and by using Form EIA-860 data to replace items 2-A (existing generating units) and 2-B (proposed generating units). The DOE staff is coordinating

this activity with the representatives of the North American Electric Reliability Council (NERC) by providing the EIA–860 data files to NERC for review.

III. Request for Comments

Prospective respondents and other interested parties should comment on the proposed extensions within 30 days of the publication of this notice. The following general guidelines are provided to assist in the preparation of responses. When providing comments, please indicate to which form(s) each comment applies.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, what instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for preparation and administrative review, will you require to complete and submit the required form(s)?

E. What is the estimated cost of completing this form(s), including the direct and indirect costs associated with the data collection? Direct cost should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form(s) be improved?

G. Do you know of other federal, state, or local agencies that collect similar data? If you do, specify the agency, the data elements, and the means of collection.

As a potential user:

A. Can you use data at the levels of detail indicated on the form(s)?

B. For what purposes would you use the data? Be specific.

C. How could the form(s) be improved to better meet your specific needs?

D. Are there alternate sources of data and do you use them? What are their deficiencies and/or strengths?

EIA is also interested in receiving comments from persons regarding their views on the need for the collection of the information contained in the electric power surveys.

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval of these data surveys; they also will become a matter of public record.

Issued in Washington, DC, May 13, 1986.

John Gross,

Acting Director, Statistical Standards, Energy Information Administration.

[FR Doc. 86–11162 Filed 5–16–86; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP85–437–000 etc.]

Mojave Pipeline Co.; et al.; Pipeline Projects to Supply Natural Gas for Enhanced Oil Recovery in California Supplemental Notice of Intent to Prepare a Draft Environmental Impact Statement

May 12, 1986.

In the matter of Mojave Pipeline Co., Kern River Gas Transmission Co., El Dorado Interstate Transmission Co., Transwestern Pipeline Co., El Paso Natural Gas Co., Northwest Pipeline Co. Docket Nos. CP85–437–000, CP85–552–000, CP86–205–000, CP86–212–000, CP86–197–001, CP85–625–000.

Introduction

Applications for approval of the above projects have been filed with the Federal Energy Regulatory Commisson (FERC) pursuant to section 7(c) of the Natural Gas Act. The first three projects, the Mojave Pipeline Project (Mojave), Kern River Project (Kern River), and the El Dorado Pipeline Project (El Dorado), are competing to transport natural gas from various sources outside of California to the Bakersfield, California, area for use in enhanced oil recovery (EOR) and related cogeneration projects. In each case, producers of crude oil in the San Joaquin Valley would use the natural gas as boiler fuel to create steam which would be injected into the oil fields to produce crude oil not recoverable by primary recovery methods. Some of the steam would also be used to generate electricity. The producers currently use crude oil and a limited amount of natural gas for steam generation. These proposed projects would allow substitution of natural gas for the crude oil now used, and may allow entry into the market of producers which presently cannot get authority to burn oil due to air pollution restrictions.

On August 23, 1985, and December 10, 1985, the FERC issued notices of intent to prepare a draft environmental impact statement (DEIS) and request for comments on its scope for the projects proposed in the above dockets (50 FR 34174 and 50941). The remaining applications, by El Paso Natural Gas Company (El Paso), Transwestern Pipeline Company and Northwest Pipeline Company involve facilities to deliver gas to the competitors.

On February 21, 1986, El Paso amended its original application to expand its existing system to transport natural gas to Mojave in western Arizona for delivery to California. This expansion could also be used to transport natural gas to El Dorado.

This supplementary notice of intent is to notify recipients of the original notices tht the El Paso portion of the proposed projects has been formally changed by the applicant.

This notice only modifies the December 10, 1985, notice as it relates to El Paso's facilities. In that notice the staff indicated that the DEIS would include an analysis of El Paso's identified (but not proposed) Case III which involved some 93.8 miles of pipeline looping. The current proposal, Case IV, involves 126.4 miles of looping, of which 40.5 miles are not part of Case III.

Scoping meetings, noticed in the **Federal Register** on January 27, 1986, (51 FR 3402) were held in Albuquerque, New Mexico and Flagstaff, Arizona, and an additional meeting was held at the tribal headquarters of the Navajo nation. The Case IV facilities were identified at each of these meetings. Therefore no additional scoping is necessary as a result of El Paso's amended filing.

Notice of Intent

Notice is hereby given that the staff of the FERC has determined that approval of any of the competing projects would be a major Federal action significantly affecting the quality of the human environment. Therefore, pursuant to § 2.82(b) of the Commission's rules of practice and procedure (18 CFR 2.82(b)), a DEIS will be prepared. The FERC will be the lead Federal agency and, with the California State Lands Commission (SLC), will produce a joint environmental impact statement/environmental impact report (EIS/EIR) satisfying the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively.

El Paso Expansion Project

El Paso's amended filing proposes to transport up to 400 MMcfd in support of the California EOR projects. This scenario is Case IV which is outlined in table 1 along with the original Case III.

Cases III and IV differ in their facility requirements because of the assumptions El Paso has made concerning the volumes of gas to be transported and system operation constraints. Since El Paso would not necessarily be the supplier of the gas it would transport to California, it says that it must make these assumptions for purposes of the application. Table 1

shows the assumed receipt points and gas volumes.

Case IV does not deliver enough gas to fill the design requirement for either Mojave or El Dorado. The Transwestern Expansion's 320 MMcfd must be included with the 400 MMcfd of Case IV to satisfy their requirements. With both expansions in place 720 MMcfd could be delivered to either company. This would be more than enough gas since Mojave only requires 600 MMcfd and El Dorado only 520 MMcfd.

TABLE 1.—EL PASO EXPANSION PROJECT FACILITY REQUIREMENTS [1]

	Case III	Case IV
Looping (miles, diameter).	93.8, 30- and 34-inch.	126.4, 30-and 34-inch
Compression (horsepower).	7,160	7,160
Assumed receipt points and associated volume of gas (MMcfd):		
Ignacio (Colorado).	200	200
Keystone/Waha (Texas).	400	200
Total volume (MMcfd).	600	400

[1] Less gas could be delivered under Case IV. This is because the design basis for Case III turned out to be impractical. Case III is no longer a valid scenario for supplying the interstate projects.

Table 2 contains a description of all facilities needed for Case IV compared to Case III. Map 3 of the December 10, 1985, notice is attached to show locations of the loops.[1]

Case IV would directly affect some 1,500 acres of Federal State, private, and Indian lands during construction; however, only about 920 acres would be additional ROW needed for construction and operation since 580 acres of existing right-of-way would be used.

[1] Not printed in the **Federal Register**. Copies are available from the Commission's Division of Public Information.

TABLE 2.—EL PASO EXPANSION PROJECT FACILITY LOCATIONS

State and county	Miles of pipe		Facility name	Areas of special concern
	Case III	Case IV		
New Mexico:				
San Juan	14.6	14.6	Blanco Loop	
	5.4	6.5	Chaco Loop (1.1 added on east end)	
	9.6	9.5	White Rock Loop (0.1 dropped on east end)	Navajo Indian Reservation.
Total	29.6	30.6		
McKinley	14.9	14.9	Gallup Loop	
Arizona:				
Apache	9.4	16.0	Window Rock Loop (6.6 added on east end)	Navajo Indian Reservation.
Navajo	9.0	18.1	Navajo Loop (9.1 added on east end)	Do.
Coconino	13.3	37.0	Williams Loop (8.6 added on east and 14.9 on west end).	Coconino and Kaibab National Forests.
Yavapai	9.6	1.8	Seligman Loop (7.8 dropped from east end)	
Mohave	8.0	8.0	Hackberry Loop	
Yuma	—		Piping at Wenden Compressor Station	
Colorado: La Plata.			Bondad Compressor Station (7,160hp additional).	

The El Paso Expansion Project would require no more than an additional 60 feet of ROW adjacent to the existing pipelines for both construction and operation. Additional land, on the order of 2 acres per crossing, would be needed to install the pipeline across some watercourses, railroads, and paved highway crossings. Because this project loops existing lines, new staging areas, maintenance bases, and communications facilities should not be needed. Minor surface facilities which would be associated with the looping would consist of valves, cathodic protection power sources, and pig launchers and receivers and would generally be within the permanent ROW.

No major rivers, wilderness areas, wilderness study areas, or RARE II areas would be traversed by the proposed loops.

Case IV would require the addition of 7,160 horsepower of compression at the Bondad Compressor Station, La Plata County, Colorado, the same as Case III. Also, approximately 600 feet of station piping and related modifications would be required at the Wenden Compressor Station in Yuma County, Arizona. Rewheeling of compressors would be needed at the White Rock, Gallup "B", and Seligman "B" compressor stations, and additional meter runs would be required at the Topcock Meter Station. None of these station modifications would require construction outside the existing station boundaries.

Questions concerning this notice should be addressed to: Mr. Robert K. Arvedlund, OPPR/EEB, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 (202) 357-9043.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11201 Filed 5-16-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-302-000, et al.]

Estate of Sam Sklar, et al.; Applications for Abandonment of Service

May 14, 1986.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to abandon service as described herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to Section 2.77 of the Commission's rules as promulgated by Order Nos. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb

Secretary

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Presure base
CI86-302-000, B, Apr 2, 1986 [1]	Estate of Sam Sklar, *et al.* [2] 2315 Mercantile Bank Bldg., Dallas, Texas 75201.	United Gas Pipe Line Company, Willow Springs Field, Gregg County, Texas.	([3])	
CI86-382-000, B, Apr 21, 1986 [4]	Coquina Oil Corporation,[5] P.O. Drawer 2960, Midland, Texas 79702.	El Paso Natural Gas Company, Wagner Federal No. 2 well, Eddy County, New Mexico.	([6])	
CI86-384-000, B, Apr 24, 1986 [7]	Scarth Oil & Gas Co.,[8] 901 South Polk, Amarillo, Texas 79101.	Panhandle Eastern Pipe Line Co., Lee #1 & #2, Logsdon #1, and Hill #1 wells, Hansford County, Texas.	([9])	
CI86-407-000, B, May 5, 1986	United Resources Capital Corporation, *et al.*[10] Robert S. Rose, Esq., 10100 Santa Monica Blvd., Suite 210, Century City North Building, Los Angeles, California 90067.	United Gas Pipe Line Company, Liberty-Simoneaux #1 well, Bayou des Allemands Field, St. Charles Parish, Louisiana.	([11])	

[1] Additional information received April 14 and 30, 1986.

[2] Applicants are Estate of Sam Sklar, August Erickson, Leonard. W. Phillips, Albert Sklar, Idris D. White, Independent Executrix for the Estate of Morris B. White, and Betty Jo Walker Upton, which operate under small producer certificate in Docket No. CS72-187, Louis Dorfman, Sam Y. Dorfman, Jr., and S. L. Florsheim, Jr., which operate under small producer certificate in Docket NO. CS72-406, Clark Sample, Jr., which operates under small producer certificate in Docket No. CS72-768, and Steven A. Fahle.

[3] Applicants request authorization to abandon for a limited term not to exceed two years the sale of gas in excess of United's nominations from six wells. Applicants state that the wells and NGPA classification are as follows:

Well name and Classification
P.D. Harrison No. 2, Section 104
Claude Hayes No. 3, Section 109
McWhorter No. 2, Section 104
Stevens No. 2, Section 104
Joe Toler No. 2 Section 104
G.A. Kelley No. 2, Section 104

Applicants state that delivery capacity for the subject wells in the aggregate in 992 Mcf per day, and United's nominations for the subject wells are less than 10% of delivery capacity. Applicants have advised that the subject contract contains no take-or-pay clause. Applicants state that they are currently seeking alternative marketing arrangements to sell their share of excess gas produced from the subject acreage.

[4] Additional information filed May 5, 1986.

[5] Sale covered under small producer certificate issued in Docket No. CS66-101.

[6] Applicant requests a limited-term abandonment of its sale of gas to El Paso from the Wagner Federal No. 2 well. Applicant states it is its preference that the abandonment be granted for a period of three years. Applicant states that the well qualifies as an NGPA section 108 well, and that the current deliverability of the well is 40 to 60 Mcf per day. Applicant states that El Paso is not paying for gas not taken. Applicant proposes to enter into a spot market contract with El Paso Gas Marketing Company.

[7] Additional information received May 1 and 7, 1986.

[8] Applicant's sales are covered by a small producer certificate issued in Docket No. CS79-324.

[9] Applicant requests authorization to abandon its sale of gas to Panhandle. Applicant states that the wells produce NGPA section 104—post 1974 gas and deliverability of the Logsdon #1 is 250 to 300 Mcf per day and deliverability of the Hill #1 is 650 to 700 Mcf per day. The Lee #1 was plugged and abandoned and was replaced by the Lee #2 well from which no gas has been produced. Panhandle has concurred in the permanent abandonment of these sales by letter dated April 8, 1986. In Docket No. CI86-48-000, Applicant was granted an abandonment on a month-to-month basis, until terminated by 30 days notice by either party; with respect to these sales, however, Applicant states that its ability to market its gas on a firm basis has been inhibited by virtue of the wells' contractual dedication to Panhandle.

[10] Applicants are: United Resources Capital Corporation, an affiliate of United California Capital Corporation, Mongrue Trust #1, John P. Harlan, and Gator Energy Corporation.

[11] Applicants request an abandonment of their sale to United from the Liberty-Simoneaux #1 well for a period of two years in order to seek an intrasiate market for the gas. Applicants state that the well is undergoing substantially reduced takes and United is not paying for gas not taken. United has concurred with the proposed limited-term abandonment by letter date April 21, 1986. United states that excess deliverability released is that gas production which Applicants have available for delivery on any day to United that is surplus to the needs of United on that day. Applicants state that the deliverability is approximately 1,000 Mcf per day. Applicants further state that the price for the gas is $1.746 per MMBtu at 14.73 psia plus severance tax which is a special relief price granted in Docket No. RI78-78-000 by order issued August 3, 1982.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-11202 Filed 5-16-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. G-4579-036, et al.]

Cities Service Oil & Gas Corp., et al.; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates [1]

May 14, 1986.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 29, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure Base
G-4579-036, D, May 2, 1986	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Company, SW/4 Sec. 34-26S-33W, Finney County, Kansas.	([1])	
G-4579-037, D, May 2, 1986	do	Northern Natural Gas Company, W/2 Sec. 22-26S-33W, Finney County, Kansas.	([1])	
G-4579-038, D, May 2, 1986	do	Northern Natural Gas Company, SE/4 Sec. 29-31S-32W, Seward County, Kansas.	([1])	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure Base
CI86-374-000, B, Apr. 22, 1986	Santa Fe Energy Company, 1616 South Voss Road, Suite 1000, Houston, Texas 77057.	Arkla Energy Resources, H&GN Survey, Wheeler County, Texas.	([20])	
G-7193-009, D, Apr. 25, 1986	Union Exploration Partners, Ltd., P.O. Box 7600, Los Angeles, Calif. 90051.	United Gas Pipe Line Company, Eugene Island Area, Offshore Louisiana.	([3])	
G-10143-004, D, Apr. 28, 1986	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, West Delta Block 52, Offshore Louisiana.	([4])	
G-10354-002, D, Apr. 30, 1986	....do	Transcontinental Gas Pipe Line Corp., Live Oak Field, Vermilion Parish, Louisiana.	([5])	
G-11551-001, D, Apr. 28, 1986	....do	El Paso Natural Gas Company, Emma Field, Andrews County, Texas.	([2])	
G-12308-001, D, Apr. 30, 1986	....do	Transcontinental Gas Pipe Line Corp., Gueydan Field, Vermilion Parish, Louisiana.	([6])	
CI67-808-002, D, May 5, 1986	Shell Offshore Inc., P.O. Box 4480, Houston, Texas 77210.	Southern Natural Gas Company, West Delta Block 105, *et al* Fields, Offshore Louisiana.	([7])	
CI68-91-000, D, Apr. 28, 1986	....do	ANR Pipeline Company, South Marsh Island Block 48 Field, Offshore Louisiana.	([8])	
CI68-195-000, D, Apr. 30, 1986	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Arkansas Louisiana Gas Company, Iberia Parish, Louisiana.	([2])	
CI70-79-001, D, May 2, 1986	Shell Offshore Inc	Sea Robin Pipeline Company South Marsh Island Block 27 Field, Offshore Louisiana.	([8])	
CI75-23-001, D, May 6, 1986	Mesa Operating Limited, Partnership, P.O. Box 2009, Amarillo, Texas 79189.	El Paso Natural Gas Company, South Carlsbad Pool, Eddy County, New Mexico.	([9])	
CI75-144-001, D, Apr. 28, 1986	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Trunkline Gas Company, N/2 South Marsh Island Block 261, Offshore Louisiana.	([10])	
CI76-2-000, D, Apr. 28, 1986	....do	....do	([10])	
CI79-557-002, C, Apr. 24, 1986	Odeco Oil & Gas Company, *et al.*, P.O. Box 61780, New Orleans, La. 70161.	ANR Pipeline Company, East Cameron Block 38 Field, Gulf of Mexico, Offshore Louisiana, Federal Domain.	([11])	
CI81-218-002, C, Apr. 24, 1986	Odeco Oil & Gas Company	ARN Pipeline Company, Ship Shoal Block 135 Field, Gulf of Mexico, Offshore Louisiana, Federal Domain.	([11])	
CI86-379-000, (CI60-108), B, Apr. 21, 1986.	Texaco Producing Inc., P.O. Box 52332, Houston, Texas 77052.	West Texas Gathering Company Emperor (Devonian) Field, Winkler County, Texas.	([12])	
CI86-380-000, (CI68-65), B, Apr. 21, 1986.	Chevron U.S.A. Inc., P.O. Box 3725, Houston, Texas 77253.	Texas Eastern Transmission Corporation Various Fields—South Louisiana and Offshore thereof.	([13])	
CI86-381-000, B, Apr. 21, 1986	Southland Royalty Company, 200 Interfirst Tower, Fort Worth, Texas 76102.	Natural Gas Pipeline Company of America, Crittendon Field, Winkler County, Texas.	([14])	
CI86-383-000, B, Apr. 23, 1986	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Northern Liquid Fuels Company, Abell Field, Pecos County, Texas.	([15])	
CI86-385-000, F, Apr. 24, 1986	Cities Service Oil & Gas Corp. (Succ. to Sun Exploration & Production Company), P.O. Box 300, Tulsa, Okla. 74102.	United Gas Pipe Line Company, Redfish Bay and Mustang Island Fields, Nueces County, Texas.	([17])	
CI86-386-000, F, Apr. 25, 1986	Amoco Production Company (Succ. in Interest to Oxtex, Inc. and Texon Energy Corp.), P.O. Box 800, Denver, Colorado 80201.	Northern Natural Gas Company, Hugoton Field, Finney County, Kansas.	([18])	
CI86-387-000, B, Apr. 25, 1986	Scott Oil Company, P.O. Box 112, Salem, W. Va. 26426.	Consolidated Gas Transmission Corp., Warren District, Upshur County, and Elk District, Barbour County, West Virginia.	([19])	
CI86-388-000, (CI80-400), B, Apr. 25, 1986.	Shell Offshore Inc., P.O. Box 4480, Houston, Texas 77210.	Sea Robin Pipelines Company, South Marsh Island Block 16 Field, Offshore Louisiana.	([8])	
CI86-389-000, B, Apr. 21, 1986	Koch Industries, Inc., P.O. Box 2256, Wichita, Kansas 67201.	Northwest Central Pipelines Corporation, Hugoton Field, Seward County, Kansas.	([21])	
CI86-390-000, B, Apr. 24, 1986	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Northern Liquid Fuels Company, Abell Field, Pecos County, Texas.	([22])	
CI86-393-000, (CI79-245), B, Apr. 25, 1986.	FMP Operating Company, A Limited Partnership, 1615 Poydras Street—22nd Floor, New Orleans, La. 70112.	Transcontinental Gas Pipe Line Corp., Block 263, East Cameron Area, Offshore Louisiana, Gulf of Mexico.	([23])	
CI86-394-000, (CI81-251), B, Apr. 28, 1986.	Texaco Producing Inc., P.O. Box 52332, Houston, Texas 77052.	Texas Eastern Transmission Corporation, Northwest Chalkley Field, Calcasieu Parish, Louisiana.	([24])	
CI86-396-000, (CI72-495), B, Apr. 28, 1986.	Shell Offshore Inc	Tennessee Gas Pipeline Company, Vermilion Block 191 Field, Offshore Louisiana.	([8])	
CI86-398-000, B, Apr. 30, 1986	C.A. Wilson Oil & Gas Co., TERM Energy Corporation, Agent.	Consolidated Gas Transmission Corp., Ritchie County, West Virginia.	([26])	
CI86-400-000, B, Apr. 29, 1986	Lumberport-Shinnston Gas Company, P.O. Box 369, Lumberport, West Virginia 26386.	Consolidated Natural Gas Company, Harbert Farm, Harrison County, West Virginia.	([26])	
CI86-401-000, (CI79-599), B, Apr. 30, 1986.	Shell Offshore Inc	Transcontinental Gas Pipe Line Corp., Matagorda Island Blocks 619 and 620 Field, Offshore Texas.	([8])	
CI86-402-000, (CI84-316-000), B, Apr. 28, 1986.	Mesa Operating Limited, Partnership, P.O. Box 2009, Amarillo, Texas 79189.	Arkla Energy Resources, Northeast Hillsdale, Garfield County, Oklahoma.	([29])	
CI86-404-000, (CI73-160), B, Apr. 28, 1986.	Shell Offshore Inc., P.O. Box 4480, Houston, Texas 77210.	Natural Gas Pipeline Company of America, Vermilion Block 255 Field, Offshore Louisiana.	([5])	
CI86-405-000, (G-5044), B, May 2, 1986.	Shell Western E&P Inc., P.O. Box 4684, Houston, Texas 77210.	Mid-Louisiana Gas Company Vixen Field, Caldwell Parish, Louisiana.	([30])	
CI86-406-000, (CI82-338), B, May 2, 1986.	Phillips Petroleum Company, 336 HS&L Bldg., Bartlesville, Okla. 74004.	Florida Gas Transmission Company, Hinde Field, Starr County, Texas.	([31])	
CI86-411-000, (CI77-497), B, May 5, 1986.	Mesa Operating Limited, Partnership, P.O. Box 2009, Amarillo, Texas 79189.	Tennessee Gas Pipeline Company, South Timbalier Area, Offshore Louisiana.	([9])	
CI86-412-000, (CI68-656), B, Feb. 2, 1984.	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Panhandle Eastern Pipe Line Company, Tyrone Field, Texas County, Oklahoma.	([32])	
CI86-416-000, (CI74-701), B, May 7, 1986.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Company, La Reforma Field, Hidalgo County, Texas.	([34])	

[1] To release gas for irrigation fuel.
[2] Lease(s) released.
[3] Onginal dedication covered Union's interest in five offshore blocks. Block 32 was subsequently assigned to Eugene Shoal Oil Company and sales authorized in Docket No. CI83-20-000 and Rate Schedule No. 856. The remaining boocks were non-productive and the leases on three blocks expired on 11-24-56 and the remaining block on 11-17-58. A new OCS lease was issued on Block 42 on 12-1-81 and is not subject to the Commission's Natural Gas Act jurisdiction in accordance with Section 601(a)(1)(B) of the NGPA.
[4] Partial Assignment of Interest in State Lease No. 977 dated 3-27-74 to Despot Exploration, Inc.
[5] ARCO assigned certain interests to James D. Mullins and Robert L. Prichard and no longer holds an interest in acreage to be deleted.
[6] ARCO conveyed its interest in assigned acreage to Petroleum Engineers Inc. and Phillip B. Berry.
[7] By Agreement dated 5-7-84, Shell Offshore Inc. has farmed-out certain acreage to FMP Operating Company.
[8] By Assignment dated 12-31-85, and effective as of 9-1-85, Shell Offshore Inc. has assigned certain of its interest to Taylor Energy Company.
[9] Production ceased and depletion of reserves.

[10] Partial assignment of interest to Huffco Petroleum Corporation, *et al.*
[11] Applicant is filing pursuant to an Amendment dated 3-27-86 to the Gas Purchase Agreement dated 7-16-79.
[12] Committed acreage was rolled over into Texaco Producing Inc. Gas Rate Schedule 341 (formerly Getty 341) by contract dated 9-9-85, filed with the Commission on 3-5-86.
[13] Termination of surplus gas contract. No gas has been available for 17 years.
[14] Interim sale of sour gas in intrastate market while interstate purchaser is in the process of trying to get a permit for a sweetening facility.
[15] Depths from the surface down to 3,935 feet underlying the E. A. Hall Lease were conveyed to Olsen Energy Inc. on 7-13-82. The remaining acreage was non-productive and the gas contract was cancelled 11-11-82.
[16] Not used.
[17] Effective 5-1-85, Cities Service Oil and Gas Corporation acquired from Sun Exploration and Production Company 25% interest in State Tract 15 (from 11,182 feet to 11,260 feet), Corpus Christi Bay, Nueces County, Texas, covered under Gas Purchase Contract dated 4-14-69, between Sun and United Gas Pipe Line Company.
[18] By an instrument dated effective as of 4-1-85, Oxtex and Texon assigned their interest in the subject acreage to Amoco.
[19] Production too low to economically produce.
[20] Applicant acquired acreage formerly dedicated to Arkla, but not having any producing wells. Applicant drilled three wells and wishes to sell gas to other buyers prior to their 102(c) and 103(c) determinations becoming final.
[21] Koch no longer anticipates gas production from this well (Rustman Unit # 1).
[22] A portion of the contract acreage was assigned to Olsen Energy Inc. The remaining acreage is non-productive and the gas contract has passed the primary term.
[23] All production related to the referenced block has ceased, the reserves are depleted and the operator plans to plug and abandon all of the wells.
[24] Texaco Producing Inc. no longer has any interest in the leases committed under the contract. By agreement dated 8-22-85 (effective 11-27-85), between Tee Oil, Inc. and Texas Eastern Transmission Corporation, Tee Oil Inc. ratified and adopted the 4-30-81 contract, as amended.
[25] Not used.
[26] Uneconomical to operate because of increase in meter fee and low pressure and volume.
[27] Not used.
[28] No sales since July, 1981 and contract terminated pursuant to paragraph 15 of contract.
[29] Well never conveyed to Seller—Sold before conveyance.
[30] All acreage has been assigned to Samson Resources Company
[31] Phillips Petroluem Company's 50% working interest in the Bentsen "B" lease of the Gas Purchase Contract dated 7-21-56 has been assigned to the remaining working interest owners in the lease.
[32] Not used.
[33] Property sold to Kaiser-Francis Oil Company.
[34] The Hanson-Guerra Gas Unit No. 1 was plugged on 12-13-83. There is no remaining production subject to Rate Schedule No. 413.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-11203 Filed 5-16-86; 8:45 am]
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[Docket No. CI86-376-000, et al.]

Arkla Exploration Co., et al.; Applications for Blanket Abandonment and Blanket Certificates with Pre-Granted Abandonment

May 14, 1986.

Take notice that on April 23, 1986, as supplemented on April 30, 1986, Arkla Exploration Company (AEC) and Arkla Energy Marketing Company (AEM) (Applicants), P.O. Box 27134, Shreveport, Louisiana 71151, filed applications in Docket Nos. CI86-376-000 and CI86-377-000. In Docket No. CI86-376-000 AEC requests blanket authorization to abandon for an indefinite period sales of excess gas to Arkla Energy Resources, a division of Arkla, Inc., (AER) from wells and properties listed in the attached Exhibit. In Docket No. CI86-377-000 AEC and AEM request blanket certificates with pre-granted abandonment for resale of the released gas. AEC and AEM are wholly-owned subsidiaries of Arkla, Inc.

Applicants state that AEC expects to be restricted due to depressed market conditions from being able to produce for delivery to AER any more than 15% of current total deliverability for at least the next year. Such reduced production it is avered will cause loss of cash-flow and potential permanent loss of certain reserves through drainage and engineering problems such as "trapping" of gas in partial water-drive reservoirs.

Applicants request authorization pursuant to a letter agreement dated April 21, 1986, whereby AER released gas in excess of its system supply requirements, provided such gas is priced in excess of the replacement cost of gas available on AER's system, for a primary period extending through December 31, 1986, and continuing on a month-to-month basis until terminated by either party. The letter agreement provides that AEC in return has agreed to release AER from take-or-pay liabilities, credit released gas sold to a third party against future take-or-pay obligations and insert market-responsive pricing provisions in the contracts to the extent not previously provided. Such provisions include a ceiling of $2.35 MMBtu through December 31, 1986, with periodic renegotiations at six-month intervals.

AEC states that it intends to sell released gas to AEM or other purchasers. AEC further states that AER has reserved the right to recall supplies needed to meet system requirements. Applicants request the authorizations extend to other interest owners in the same wells and reservoirs who make sales under AEC's certificates and rate schedules and pursuant to contracts released in connection with resolution of outstanding take-or-pay and pricing matters.

If the Commission issues certificates to other natural gas companies authorizing blanket interstate transportation of gas abandoned under similar programs, Applicants request blanket certificate authorization with pre-granted abandonment for transportation by interstate pipelines of the subject released gas.

Waiver of Parts 154 and 271 of the Commission's regulations is requested so Applicants will not be required to file and maintain rate schedules for the sales of released gas but prices will not exceed applicable maximum lawful prices.

If the Commission desires, Applicants state they will file quarterly reports detailing the transactions.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to Section 2.77 of the Commission's rules as promulgated by Order Nos. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before 15 days from the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC, 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings herein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provide for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

EXHIBIT

State	Field	Contract No.	Operator name	Lease name	Meter	Rate code [1]	Docket No.	Rate schedule
AR	Bonanza	3576	Arkla Energy Resources	Clarkland #1 Spiro	137300	48	CI68-263	24
			Arkla Exploration Co	T.H. Gilchrist #1	137301	48		
		4091	Arkla Exploration Co	Missouri Improvement #1-28	137400	41	CI77-190	63
				Nichols #1-29	137500	41		
AR	Ewing	4003	Arkla Exploration Co	Riggs #1-5	137302	42	CI76-236	53
				USA #1-7	164304	41		
				USA #1-8	867727	41		
				USA #1-9	164301	46		
				USA #1-6	867718	42		
				Wells Riggs #2	164307	41		
AR	Hollis Lake to Line O	4003	Arkla Exploration Co	USA #1-34	164303	42	CI76-236	53
				USA #1-35-C	164501	46		
				USA #1-35-T	164401	46		
				USA #1-36	164308	46		
				USA #1-1	867714	42		
AR	Mansfield	3694	Amoco Production Co	Harp #1 Up Hartford	153365	48	CI68-206	658 (Amoco Production Co.)
AR	Massard thru Bonanza CK to O	3576	Tenneco Oil Co	T.J. McBride No. 1 Atoka	137370	48	CI68-263	24
AR	Witcherville	3985	Arkla Exploration Co	Bell #1-25-C Turner	161501	41	CI75-647	46
				Bell #1-25-T Borum	161401	41		
				Carter #1-26	161400	42		
				Carter #1-26 Lo Turner	161500	42		
				Holland #1-23C-Purch	867735	41		
				Holland #1-24-Purch	867729	41		
				Holland #2-23T-Purch	867733	41		
				Jenkins #1-27	161301	41		
				Kesner #1-22-Purch	867731	41		
LA	Calhoun to Calhoun Plant (HT-1)	3433	Arkla Energy Resources	B H Suc Hammonds #2	015300	48		
LA	Carlton North (Integrated)	3641	Chevron USA Inc	Barnes #10 CV D	866403	48	CI68-615	70 (Eason Oil Co.)
			TXO Production Corp	Malone #10 Purdy	866404	48		
LA	Caspiana—Others	3871	Arkla Exploration Co	Caddo School Board #1-16	058307	41	CI76-554	58
		4051	May Petroleum Inc	Davis #2	059462	41	CI76-783	61
				Davis 2#-0	059562	41		
				Jackson B. Davis #3	059363	41		
				Jackson B. Davis #6	059367	41		
				Olinkraft #1 CT PT	059001	42		
				Olinkraft #2 C/P	059002	41		
				J. B. Davis #1	059362	41		
			Tenneco Oil Co	Olinkraft #1	059366	41		
LA	Cheniere	3549	Amoco Production Co	Cadeville Sand Unit	860306	48	CI63-1189	18
LA	Drew South	3968	C H C Gerard	J. C. Sanford #1	034374	42	CI76-36	50
			Tensas Delta Land Co	Browder #1-36	034375	41		
LA	Elm Grove to Distrib 12" Loop	3871	Arkla Exploration Co	Cupples #4-12	013304	41	CI76-554	58
				Cupples #3-1	013302	41		
				Cupples #2-11	013303	41		
			O. B. Mobley	Hutchinson #2 (#2 C/P)	876173	41		
			O. B. Mobley, Jr	Hutchinson #3	013362	41		
			O. B. Mobley	Hutchinson #3 (#2 C/P)	876174	41		
			O. B. Mobley, Jr	Hutchinson #1-27	013360	41		
			O. B. Mobley	Hutchinson #1-27 (#2 C/P)	876172	41		
			Arkla Exploration Co	Whittington #1-30	013301	41		
				Whittington #2-30	013300	41		
LA	Elm Grove to Gayles Plt-Dist	3871	Arkla Exploration Co	Hutchinson #3	850548	41	CI76-554	58
			O. B. Mobley, Jr	Snyder #3 Cotton Valley	020391	41		
LA	Elm Grove to Line R	3871	Arkla Exploration Co	Caplis #1-37	058303	41	C176-554	58
				Caspiana Plantation #1	058361	42		
				Caspiana Plantation #2	058304	41		
				Cupples #1 CU Vaughn	058362	42		
				Cupples #5-10	058306	42		
				Frierson #1	058301	41		
				Hutchinson #1	058300	41		
				Hutchinson #2	058302	41		
LA	Elm Grove Direct to Lucus Line	3871	Arkla Exploration Co	Hutchinson #3 Cotton Valley	866502	41		
LA	Ivan	3902	Sun Gas Co	Ivan Fld C-P #2-Coker #1	876150	41	C175-25	41
LA	Monroe	3652	Arkla Exploration Co	Art Nolan No. 2	614322	44	C166-1049	21
				Ben Rogers No. 1	614326	44		
				Ben Rogers No. 3	614328	44		
				Ben Rogers No. 4	614341	44		
				Ben Rogers No. 5	641347	44		
				Columbia Carbon Co. #3	641345	44		
				Columbian Carbon Co. #1	614315	44		
				Columbian Carbon Co. #2	614316	44		
				Emma Rabun #1 et al	614324	44		
				F.O. Rogers #2	614305	44		
				Flora Potts	614323	44		
				Frost Lumber Co. #14	614337	44		
				Frost Lumber Co. #15	614338	44		
				Frost Lumber Co. #16	614339	44		
				Frost Lumber Co. #17	614340	44		
				Frost Lumber Co. #8	614308	44		
				Frost Lumber Co. Unit 1	614301	44		
				Frost Lumber Co. Unit 10	614310	44		
				Frost Lumber Co. unit 11	614311	44		
				Frost Lumber Co. Unit 12	614312	44	C166-1049	21
				Frost Lumber Co. Unit 13	614313	44		
				Frost Lumber Co. Unit 4	614304	44		
				Frost Lumber Co. Unit 7	614307	44		
				Frost Lumber Co. Unit 9	614309	44		
				Monroe Fld C/P	061017	44		
				Rabun Harrell	614318	44		

EXHIBIT—Continued

State	Field	Contract No.	Operator name	Lease name	Meter	Rate code [1]	Docket No.	Rate schedule
				W.E. Wright #1	614336	44		
LA	Rocky Mount	3902	Arkla Exploration Co.	Anderson-Wall #1-35	083301	42	C175-25	41
				Antrim Estate #1-26	083302	41		
				Simpson #1-25	083304	41		
				Hall #2-35 M Cotton Valley	083303	41		
LA	Ruston North to Ruston PLT (E)	4085	Arkla Energy Resuorces	MCFRN SUA D Colvin #1	027453	47		
			Lyons Petroleum Co.	MH SUA Josie Colvin #4D	027361	47		
		4614	Arkla Exploration Co.	avid Love #1	991302	46		
		4165	IMC Exploration Co.	Heard Trust #1	085363	41	C178-150	64
OK	Alva East	3762	Vintage Petroleum Co	Korell #1	73363	42	CI72-81	29
				Oshel #1	734364	42		
OK	Anthon NW to OK Mainline-Div 3	3762	Arkla Exploration Co	Wright #1-4 Morrow	720309	46	CI72-81	29
OK	Anthon NW to Line Ad-Div 4	3762	Arkla Exploration Co	Holiday #2-5 Morrow	316304	41	CI72-81	29
				Klein #1-9 Atoka	316301	42		
				Klein #2-9 Morrow	316302	41		
				Mueller #1-10 Morrow	316303	41		
			Coquina Oil Corp	Hostutler #1 Morrow	316360	41		
OK	Ashland North	3523	Arkla Exploration Co	C. Smith #1	138305	61	CI70-276	27
				Dillard #1 Cromwell	138300	61		
				Investors Royalty 1	138303	61		
				Johnson #1 Cromwell	138302	61		
				Johnson EST #2 Cromwell	138306	61		
				Kemp #1 Cromwell	138307	61		
				Lemons #1-25 Cromwell	138308	61		
				S. Moran #1 Cromwell	138304	61		
				Vaughn EST #1 Cromwell	138301	61		
			Chapman Energy Okla Inc	Wells #1	138363	61		
			Dyco Petroleum Corp	Ward #1 Cromwell	138362	61		
OK	Butler	1230	Arkla Exploration Co	Beauchamp #1-21 Reg for	720303	46	CI75-295	43
OK	Cameron	3527	Cotton Petroleum Corp	Needham A-2 Red Oak	148369	61		
			Exxon Corp	M.L. Hill No. 1 Red Oak	148368	61		
OK	Carleton NE	1147	Arkla Expolration Co	Boeckman #2-24 Morrow	720307	48	CI70-299	26
		C1233	Arkla Exploration Co	Schoonover #1 Morrow	720306	42	CI75-36	40
OK	Carleton SE	1147	Arkla Exploration Co	Boeckman #1	720300	48	CI70-299	26
OK	Cedars thru Bonanza to Line 0	3527	Stephens Production Co	H. Trimble #1 Spiro	137371	61	CI65-2	20
OK	Cedars thru SE Spiro	3527	Donald C. Slawson	K. Conrad #1 Cromwell	145376	61	CI65-2	20
OK	Centrahoma to Ada Dist Div III	3885	Stephens Production Co	Cody #1-C	638568	41	CI78-1101	69
				Cody #1-T	638468	41		
OK	Duncan NE	86-3762	MCOR Oil & Gas Corp	Mayberry #1	867502	44	CI72-81	
				Smith #1-14	867503	44		
OK	Erick	5132	Arkla Exploration Co	George Gilbreath #1	997304	61	CI63-1183	23 (Tenneco Oil Co)
OK	Gage SE	1224	Arkla Exploration Co	Jones #1-2 Morrow	735305	42	CI74-757	42
				Jones #2-11 Morrow	735304	42		
				Wright #1-12 Morrow	735306	42		
			Pengo Petroluem Inc	Jones #1-1 Morris	735361	42		
				State of Ok #1-36 Morrow	375360	42		
			Sabine Corp	Larason #1-6	735362	41		
OK	Geary SW	3762	Conoco, Inc	Young #1-22	720393	42	CI72-81	29
OK	Hinton	4108	HPC, Inc	Carpenter State #1-14	314361	41	CI77-136	62
				Foster #1	314362	41		
				Meriwether #1	314360	41		
OK	Kinta (orig) K-LEQ-Q Line 0	3527	Amoco Production Co	Solan #1-6	141342	61	CI65-2	20
			An Son Corp	Slater #1-A	141390	61		
OK	Kinta (orig) K-LEQ-Q Line O	3527	Exxon Corp	B. McDaniel #1 Cromwell	141381	61	C165-2	20
				Burge #1 UT Spiro	141572	61		
				Burge #1 LT Cromwell	141472	61		
				Claude Roye #1 Spiro	141375	61		
				McKinney #1-32	141568	61		
				McKinney #1 T Cromwell	141468	61		
				Oliver Heirs #1 LT Cromwell	141466	61		
				Oliver Heirs #1 UP Spiro	141566	61		
				Roye UN #1 LT Cromwell	141469	61		
				Roye UN #1 UT Spiro	141569	61		
				WM Oliver #1 LT Cromwell	141467	61		
				WM Oliver #1 UT Spiro	141567	61		
OK	Kinta (Spiro) Comp Sta-Line 0	3527	Amoco Production Co	L.E. Kennedy #1 Spiro	139355	61		
			Arco Oil & Gas Co	Wantland #1 Spiro	139356	61		
			Arkla Ecploration Co	Ballard #1	139301	61		
				C.A. Overstreet #1 Spiro	139300	61		
			Exxon Corp	Carl Nixon #1 Spiro	139384	61		
				Cecil Hensley #1	139367	61		
				Cummings EST #1 Spiro	139388	61		
				D.R. Condo #1 Spiro	139373	61		
				Graham-McBee #1 Spiro	139398	61		
				Hightower #1 Spiro	139394	61		
				H.R. Harris #1	139368	61		
				L. Bridgeman #1 Cromwell	139371	61		
				Lizzabell Rees #1	139385	61		
				McCurtain #1 Spiro	139395	61		
				McBee-Harrison #1 to ALG	139375	61		
				Phillip Hays #1	139376	61		
				Rees #1 Spiro	139382	61		
				Rees-McBee #1 Spiro	139351	61		
				Self #1	139393	61		
				Simpson Evans #1 Spiro	139391	61		
OK	Kinta (Spiro) Comp	3527	Exxon Corp	US Government #1 Spiro	139390	61	C165-2	20
				USA #1 Spiro	139378	61		
				W. Lowrey #1 Cromwell	139370	61		
				Wallen Heirs #1 Spiro	139354	61		

EXHIBIT—Continued

State	Field	Contract No.	Operator name	Lease name	Meter	Rate code [1]	Docket No.	Rate schedule
			French Petroleum Corp	Rees #1	139005	61		
			LRF Corp	Rees #1	866803	61		
			Monsanto Oil Co	Lone Star #1 Spiro	139399	61		
			Stephens Production Co	Evans Unit #1	139372	61		
				Fitzgerald #1 Spiro	139374	61		
				Gross #1 LT	139312	61		
				H. Bledsoe #1 C Hunton	139325	61		
				McBee EST #1 Spiro	139339	61		
				N.C. Holt #1 LT Spiro	139480	61		
				P. Patterson #1 Spiro	139381	61		
				Ritter #1	139358	44		
			Sun Exploration and Production Co.	Federal College #1 Spiro	139383	61		
				Federal King #1 Spiro	139350	61		
				Federal Lankford #1 Spiro	139396	61		
				Federal Porter #1 Spiro	139392	61		
OK	Kiowa SW	4096	Arkla Exploration Co	Caldwell #1-14 Mid-Atoka	131302	41	CI76-782	60
OK	Mayfield SW to Line AD	3762	Helmerich & Payne Inc	Cupp C #1	309364	41	CI72-81	29
		4199	Conoco Inc	Wallace #1-18	309366	41	CI78-644	67
OK	Midway	4183	El Paso Natural Gas Co	Purvis #1	867225	41	CI78-529	65
OK	Minco SW	3762	Union Oil Co. of CA	Waterbury #1-26	303361	41	CI72-81	29
OK	Okeene SW	1217	Arkla Exploration Co	Weber #1	720304	42	C175-556	45
			TXO Production Corp	Boeckman #1-20	720378	42		
		1227	Arkla Exploration Co	Oblander #1-18 Morrow	720305	42	C175-706	49
			H C M	Oblander #1-7	720397	41		
		1233	Arkla Exploration Co	Fast @1-12 Morrow	720308	41	C175-36	40
OK	Pine Hollow S-Anadarko-Div 4	4027	Arkla Exploration Co	Miller #2-12	317300	41	C176-259	55
OK	Reams NW-Anadarko-Div 4	4027	Arkla Exploration Co	McKay #1	317301	41	C176-259	55
OK	Shattuck	1224	Arkla Exploration co	Schollenbarger 1-13	735300	42	C174-757	42
				Walton #1-15 Morrow	735302	42		
			May Petroleum Inc	Harrell #1	735964	41		
				Jacoby #1	735972	41		
OK	Sooner Trend-OK Mainline Dst 3	3762	Universal Resources	Bollenbach CT PT	867352	44	C172-81	29
OK	Walnut	3766	Arkla Exploration Co	Clancy EST #1 Springer	303301	46	C176-37	51
OK	Weatherford	1204	Arkla Exploration Co	Urania Leonard #1	720302	44	C173-395	33
OK	Wilburton	3523	Arco Oil & Gas Co	State C #1	132371	61	C170-276	27
		4068	Oxley Petroleum Co	Stevens #1 Red Oak	131362	41	C176-564	59
				Whiting #1 Red Oak	131160	42		
OK	Woodward South	1206	Coastal Oil & Gas Corp	A.A. Byrant #1 Morrow	734361	46	C174-346	71(Coastal)
				Campbell #1 Morrow	734362	42		
				R.E. Baird #1	734360	46		
TX	Buffalo Wallow	3752	Helmerich & Payne, Inc	George #1	309361	44	CI71-274	28
				Huff #1	309360	44		
TX	Gilmer	3621	William D. McBee	Ind. RR Gas UN 2 Well #1 R	043370			
				Indian Rock Gas UN #3				
		3713	Norlux Corp	Coyle #1 Cotton Valley	043368			
TX	Hemphill	3763	Arkla Exploration Co	Cook #1-19	312300	41	CI72-73	31
				Hall #1-19	312365	42		
			Kerr McGee Corp	Norris #1-29	312394	42		
				Norris #1-44 Gran H	312368	42		
				Norris #2-29 Gran H	312366	41		
				Norris #2-44 Gran H	312367	41		
				Norris #3-29 Gran H	312371	41		
			Mcor Oil & Gas Corp	Little #1-43 Douglas	312570	41		
				Little #1-43 Gran Wash	312470	41		
				Little #2-30 Gran Wash	312370	41		
				Little #4-30	312374	41		
				Little #3-30	312373	41		
				Pyeatt #1-19 Granite	312369	41		
				Pyeatt #2-19 Gran Wash	312372	41		
			Mesa Petroleum Co	Risley #1	867605	44		
TX	Locke	3750	Hamon Oil Co	W.R. Holland #1LT G WASH	312462	44	CI72-149	30
				W.R. Holland #1UT BR DOL	312562	44		
				Locke Cattle Co. #4	312361	44		
			Jake Hamon	Locke Cattle #3C	867911	44		
				Locke Cattle #3T	867912	44		
				Locke Cattle #1	867910	44		
TX	Mathers Ranch (Integrated)	3763	Amarex Inc	Conatser #1-162	311347	42	CI72-73	31
				Conatser #2-162	311349	41		
				Conatser #3-162	311348	41		
				Federal #2-161	311350	41		
				USA Conatser #1-160	311370	44		
TX	Mathers Ranch (Integrated) (continued)	3763	Shell Oil Co	Federal #1-161 Hunton	311380	46	CI72-73	31
		3869	Amarex Inc	USA Conatser #1-160	311370	46	CI75-701	47
TX	Rodessa-Jeff Area	4200	Arkla Exploration Co	B. R. Badgett #1	019019	46	G-14612	10
TX	Stockman	4047	Arkla Exploration Co	Adams #1 Travis Peak	105300	41	CI76-319	56
				Grant #1	105302	41		
				Jones #1	105303	41		

[1] The rate codes entered correspond to the following pricing categories:
Rate Code and Price Category

41—NGPA §104, 18 CFR 271.402(b)(1)
42—NGPA §104, 18 CFR 271.402(b)(2)
44—NGPA §104, 18 CFR 271.402(b)(8)
46—NGPA §104, 18 CFR 271.402(b)(4)
47—NGPA §104, 18 CFR 271.402(b)(4)
48—NGPA §104, 18 CFR 271.402(b)(9)
61—NGPA §106, 18 CFR 271.402(b)(3)

[FR Doc. 86-11205 Filed 5-16-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI86-371-000, et al. and CI86-375-000, et al.]

Southern Natural Gas Co.; Trunkline Gas Co.; Applications for Blanket Limited-Term Abandonment and Blanket Limited-Term Certificates With Pre-Granted Abandonment Filed by Pipeline Companies on Behalf of Their Producer-Suppliers

May 14, 1986.

Take notice that the pipeline companies (Applicants) listed herein have filed applications pursuant to section 7 of the Natural Gas Act for blanket limited-term abandonment and blanket limited-term certificates with pre-granted abandonment as described herein.[1]

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI86-371-000 A, Apr. 25, 1986 [1]	Southern Natural Gas Company,[2] P.O. Box 2563, Birmingham, Alabama 35202.	Southern Natural Gas Company Various locations	[3]	
CI86-392-000, B, Apr. 21, 1986	do	do	[3]	
CI86-375-000, A, Apr. 23, 1986 [4]	Trunkline Gas Company,[2] P.O. Box 1642, Houston, Texas 77251-1462.	Trunkline Gas Company Various locations	[5]	
CI86-408-000, B, Apr. 23, 1986 [4]	do	do	[5]	

[1] Application received April 21, 1986. Filing date is date of receipt of filing fee.

[2] Application is filing on behalf of its producer-suppliers.

[3] Applicant is requesting blanket limited-term abandonment and blanket certificates with pre-granted abandonment on behalf of certain of its producer-suppliers for a term not to extend beyond December 31, 1987, as provided for in each release with its individual producer-suppliers. Applicant requests authorization (1) for gas subject to a maximum lawful price equal to or greater than the NGPA section 109 price that applicant and its producer-suppliers agree to release from the applicable contract and (2) for gas subject to a maximum lawful price less than the NGPA section 109 price that applicant and its producer-suppliers agree to release from the applicable contract in conjunction with release of higher cost gas in a transaction in which the weighted average cost of the released volumes, if purchased by applicant, would have been equal to or greater than the NGPA section 109 price. Applicant also requests that the blanket resale certificates include authorization for any third parties which purchase such gas for resale in transactions constituting sales for resale in interstate commerce. Applicant states its projected system supply sales in 1986 and 1987 are 340 Bcf or less, while its available supply is projected to be 625 Bcf for 1986 and 530 Bcf for 1987, and such oversupply necessitated these applications. Applicant requests waiver of the Commission's regulations under Parts 154 and 157 to allow the requested authorizations to be exercised without further filings by its producer-suppliers and any third party resellers. Applicant proposes to file quartely reports detailing the transactions.

[4] Additional material received May 5, 1986.

[5] Applicant is requesting blanket limited-term abandonment and blanket certificates with pre-granted abandonment on behalf of certain of its producer-suppliers for the period through October 31, 1987, in accordance with release agreements which have been or are to be executed with its producers providing for relief of take-or-pay liability. The gas is to have a maximum lawful price equal to or higher than the NGPA section 109 price or, if it is a mixture of multiple vintages from a single producer, the volume-weighted average of the applicabl maximum lawful prices equal to or higher then the NGPA section 109 price. Applicant estimates take-or-pay exposure for 1985 will exceed $550 million. Applicant projects availability of producer contract quantities totaling 381 Bcf for 1986 with purchase requirements of 201 Bcf and for the period from January through October 1987, total contract quantities of 265 Bcf and requirements of 153 Bcf. Applicant requests waivers of any applicable requirements of the NGA, NGPA and the Commission's regulations to the extent necessary for effectuation of the proposed arrangements.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-11209 Filed 5-16-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-18-000]

State of New Mexico, Section 108 NGPA Determination; Amoco Production Co., Gallegos Canyon Unit No. 206, FERC No. JD86-00725; Petition To Reopen and Vacate Final Well Category Determination and Request for Withdrawal of Application

May 14, 1986.

On January 21, 1986, Amoco Production Company (Amoco) filed with the Federal Energy Regulatory Commission a petition pursuant to § 275.205 of the Commission's regulations [1] to reopen and vacate the captioned final well category determination under section 108 of the Natural Gas Policy Act of 1978 (NGPA)[2] for the Gallegos Canyon Unit No. 206 Well, San Juan County, New Mexico, and to withdraw its application for the determination. The determination permitted the continued qualification of the captioned well as a stripper well, based upon evidence that production from the well in excess of 60 Mcf per production day, during the 90-day period ending April 30, 1985, resulted from a temporary pressure buildup.[3] Amoco states that the reason for its petition is that Amoco personnel have subsequently concluded that the more likely cause of the excess production was repair and maintenance work performed on the well, rather than pressure buildups resulting from temporary shut-ins.

With respect to the question of refunds arising out of Amoco's petition, notice is hereby given that the question of whether refunds, plus interest computed under 18 CFR 154.102(c) (1985), will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rule 214 [4] or 211 [5] of the Commission's Rules of Practice and Procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 15 days following publication of this notice in the **Federal Register**. All protests will be considered by the Commission, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of the petition are on file with the Commission and available for public inspection.

[FR Doc. 11204 Filed 5-16-86; 8:45 am]
BILLING CODE 6717-01-M

[1] 18 CFR 275.205 (1985).
[2] 15 U.S.C. 3318 (1982).
[3] *See* 18 CFR 271.804(e) (1985).
[4] 18 CFR 385.214 (1985).
[5] 18 CFR 385.211 (1985).

[Docket No. SA86-19-000]

Chino Mines Co.; Petition for Exemption and Interim Relief

Issued May 14, 1986.

On April 14, 1986, Chino Mines Company (Chino) filed a petition pursuant to section 206(d) of the Natural Gas Policy Act of 1978 (NGPA)[1] and § 282.206(b) of the Federal Energy Regulatory Commission's regulations,[2] for interim and permanent relief from the Commission's incremental pricing regulations issued under Title II of the NGPA.[3] Chino seeks the relief for its mining, concentrating, smelting, and refining facility located at Hurley, New Mexico, served with gas by El Paso Natural Gas Company. The facility produces copper with molybdenum, gold, silver, and sulphuric acid as by-products.

In support of its petition, Chino states that it has been engaged in a major modernization program since 1981; that under this program it has made large capital investments to modernize its mining operations and has improved the productivity of its work force; and that as a result of the program, it has increased the facility's productivity by 340% and reduced the copper production costs from approximately 87 cents per pound to approximately 63.3 cents per pound since 1981. However, Chino states that despite these improvements, its operating expenses for the period March 1985 through February 1986 exceeded its operating revenues due to depressed world copper prices. It states that the low copper prices are caused by overproduction of foreign mines made possible by subsidization of such mines by their governments and the International Monetary Fund. Chino states that if interim relief were denied, the additional costs of incremental surcharges would be borne by a facility that is experiencing financial hardship and that would not be able to recoup such costs, once paid. It further states that such circumstance could well contribute to closure of the mining facility and would injure not only Chino, but also the 930 employees who depend on the mine for their livelihood, as well as the suppliers and merchants in the community who have come to depend on the continued operation of Chino Mines Company.

The procedures applicable to the conduct of this proceeding are set forth in Subpart K of the Commission's Rules of Practice and Procedure.[4] Any person desiring to participate in this proceeding must file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene in accordance with Subpart K within 15 days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11206 Filed 5-16-86; 8:45 am]
BILLING CODE 6717-01-M

[1] 15 U.S.C. 3346(d) 1982).
[2] 18 CFR 282.206(b) (1985).
[3] 15 U.S.C. 3341-3348 (1982).

[Docket No. RP85-169-006

Consolidated Gas Transmission Corp.

May 12, 1986.

Take notice that on May 5, 1986, Pennzoil Company and Pennzoil Producing Company (Pennzoil) filed with the Commission an interlocutory appeal of the presiding judge's ruling of April 3, 1986, denying them late intervention in this proceeding. Pennzoil filed on April 18, 1986 a motion with the presiding judge for leave to appeal his order of April 3, 1986 to the Commission. On April 28, 1986, the judge issued an order denying Pennzoil's motion.

The presiding judge certified a settlement in this docket to the Commission on April 8, 1986. With the certification of the settlement, the judge transferred to the Commission jurisdiction over the proceeding. Accordingly, the Commission will treat the appeal as a motion to the Commission for reconsideration of the judge's order denying late intervention. Any party wishing to respond to the May 5, 1986 motion will have until May 27, 1986 to do so.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11207 Filed 5-16-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. SA86-17-000]

Natural Gas Pipeline Co. of America; Petition for Adjustment

May 14, 1986.

Take notice that on April 8, 1986, Natural Gas Pipeline Company of

[1] 18 CFR 385.1101-.1117 (1985).

America (Natural) filed a petition for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), requesting adjustment relief from an annual filing requirement of § 281.204(b)(2) of the Commission's regulations. This regulation requires major interstate pipelines to update annually their respective indexes of essential agricultural users' entitlements to show changes in the amounts of gas allocated to such users under the pipelines' respective curtailment plans.

Natural states that its gas supplies are adequate for the immediate future to meet the essential agricultural users' entitlements and therefore compliance with § 281.204(b)(2) is unnecessary. Natural further states that because the annual filing requirement is unnecessary, the substantial time and expense involved in gathering and reviewing data and filing annual entitlement updates would constitute a special harship and an unfair distribution of burdens. Natural states that if obliged to reduce essential agricultural users' entitlements, curtailment will conform to Commission regulations implementing NGPA section 401.

The procedures applicable to the conduct of this proceeding are set forth in Rule 1101–1117 (Subpart K) of the Commission's rules of practice and procedure. Any person desiring to participate in this proceeding must file a motion to intervene in accordance with Rule 1105. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–11208 Filed 5–16–86; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE–FRL–3018–3]

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 the 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 FTS 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Underground Storage Tank Notification Awareness Survey (EPA ICR #1297). (This is a new collection.)

Abstract: This survey is designed to determine the awareness of notification requirements by designated State agencies and compliance by owners of underground storage tanks regulated under Subtitle I of RCRA. Results will indicate the degree of Agency effectiveness in meeting notification requirements and help target additional future outreach and follow-up as needed.

Respondents: Owners of underground storage tanks in South Carolina and Kentucky.

Title: Used Oil Regulatory Impacts (EPA ICR #1298). (This is a new collection.)

Abstract: This information collection will help quantify the potential adverse impacts of EPA's proposed used oil rules on small businesses, small quantity generators, and State recycling programs. The collection consists of informal verbal interviews conducted on a voluntary one-time-only basis with used oil generators, processors, burners, re-refiners, and State personnel.

Respondents: Used oil generators, processors, burners, re-refiners, and State personnel.

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

Nancy Baldwin, 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 14, 1986.

Daniel J. Fiorino,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 86–11175 Filed 5–16–86; 8:45 am]

BILLING CODE 6560–50–M

[FRL–30–17–1]

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 FTS 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticide and Toxic Substances

Title: Call-In of Confidential Statement of Formula and Product Chemistry Data/Pretest (EPA ICR #1280). (This is a new collection.)

Abstract: This activity calls for a pretest of a revised form and involves 150 respondents. EPA will use the information to determine practical means of carrying out a full-scale call-in of all confidential statements of formula for all registered pesticide products.

Respondents: Pesticide manufacturers and producers.

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

Carlos Tellez, 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 13, 1986

Daniel J. Fiorino,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 86–11071 Filed 5–16–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS-41021; FRL-3017-2]

Eighteenth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Eighteenth Report to the Administrator of EPA on May 1, 1986. This report, which revises and updates the Committee's priority list of chemicals, adds one chemical to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act. The new chemical is tributyl phosphate. This chemical is not designated for response within 12 months. Two substances previously recommended with intent to designate, cyclohexane and 2,6-di-tert-butylphenol (50 FR 47603), are now designated for response within 12 months. The Eighteenth Report is included in this notice. The Agency invites interested persons to submit written comments on the Report, and to attend a Focus Meeting to help narrow and focus the issues raised by the ITC's recommendations. Members of the public are also invited to inform EPA if they wish to be notified of subsequent public meetings on these chemicals. ITC also notes the removal of 6 chemicals from the priority list because EPA has responded to the ITC's previous recommendations for testing of the chemicals.

DATES: Written comments should be submitted by June 18, 1986. A Focus Meeting will be held on June 17, 1986.

ADDRESSES: Send written submissions to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, DC 20460.

Submissions should bear the document control number (OPTS-41021).

The public record supporting this action, including comments, is available for public inspection in Rm. E-107 at the address noted above from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays. The Focus Meeting will be held at EPA Headquarters, Rm. 103 NE Mall, 401 M St., SW., Washington, DC. Persons planning to attend the Focus Meeting and/or seeking to be informed of subsequent public meetings on this chemical, should notify the TSCA Assistance Office at the address listed below. To insure seating accommodations at the Focus Meeting, persons interested in attending are asked to notify EPA at least one week ahead of the scheduled date.

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

SUPPLEMENTARY INFORMATION: EPA has received the Report of the TSCA Interagency Testing Committee to the Administrator.

I. Background

TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq.*; 15 U.S.C. 2601 *et seq.*) authorizes the Administrator of EPA to promulgate regulations under section 4(a) requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemical substances and mixtures may present to health and the environment.

Section 4(e) of TSCA established and Interagency Testing Committee to make recommendations to the Administrator of EPA of chemical substances and mixtures to be given priority consideration in proposing test rules under section 4(a). Section 4(e) directs the Committee to revise its list of recommendations at least every 6 months as necessary. The ITC may "designate" up to 50 substances and mixtures at any one time for priority consideration by the Agency. For such designations, the Agency must within 12 months either initiate rulemaking or issue in the **Federal Register** its reasons for not doing so. The ITC's Eighteenth Report was received by the Administrator on May 1, 1986, and follows this Notice. The Report adds one substance to the TSCA section 4(e) priority list.

II. Written and Oral Comments and Public Meetings

EPA invites interested persons to submit detailed comments on the ITC's new recommendations. The Agency is interested in receiving information concerning additional or ongoing health and safety studies on the subject chemicals as well as information relating to the human and environmental exposure to these chemicals. A notice is published elsewhere in today's **Federal Register** adding the substance recommended in the ITC's Eighteenth Report to the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR Part 716). The section 8(d) rule requires the reporting of unpublished health and safety studies on the listed chemicals. This chemical will also be added to the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712) published elsewhere in this issue. The section 8(a) rule requires the reporting of production volume, use, exposure, and release information on the listed chemicals.

A Focus Meeting will be held to discuss relevant issues pertaining to this chemical and to narrow the range of issues/effects which will be the focus of the Agency's subsequent activities in responding to the ITC recommendations. The Focus Meeting will be held on June 17, 1986 at EPA Headquarters, Rm. 103 NE Mall, 401 M St., SW., Washington, DC. This meeting is intended to supplement and expand upon written comments submitted in response to this notice. The meeting will be held at 10 a.m.

Persons wishing to attend this meeting or subsequent meetings on this chemical should call the TSCA Assistance Office at the toll free number listed above at least one week in advance.

All written submissions should bear the identifying docket number (OPTS-41021).

III. Status of List

In addition to adding the one recommendation to the priority list, the ITC's Eighteenth Report notes the removal of six chemicals from the list since the last ITC report because EPA has responded to the Committee's prior recommendations for testing of the chemicals. Subsequent to the ITC's preparation of its Seventeenth Report, EPA responded to the ITC's recommendations for six additional chemicals. The six chemicals removed and the dates of publication in the **Federal Register** of EPA's responses to the ITC for these chemicals are: anthraquinone, November 6, 1985 (50 FR 46090); cumene, November 6, 1985 (50 FR 46104); mercaptobenzothiazole, November 6, 1985 (50 FR 46121); octamethylcyclotetrasiloxane, October 30, 1985 (50 FR 45123); pentabromoethylbenzene, November 13, 1985 (50 FR 46785); sodium N-methyl-N-oleoyltaurine, November 6, 1985 (50 FR 46178). The report also notes that cyclohexane and 2,6-di-tert-butylphenol, which were originally recommended with intent to designate (50 FR 47603, November 19, 1985), have now been designated for response within 12 months by the ITC.

The current list contains seven designated substances, one chemical recommended with intent-to-designate, and two recommended substances.

Authority: 15 U.S.C. 2603.

Dated: May 6, 1986.

J. Merenda,

Director, Existing Chemical Assessment Division.

Eighteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94–469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee (ITC), composed of representatives from eight designated Federal agencies, to recommend chemical substances and mixtures (chemicals) to which the Administrator of the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules.

Section 4(e)(1)(A) of TSCA directs the Committee to recommend to the EPA Administrator chemicals to which the Administrator should give priority consideration for the promulgation of testing rules pursuant to section 4(a). The Committee is required to designate those chemicals, from among its recommendations, to which the Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. At least 6 months, the Committee makes those revisions in the TSCA section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of one chemical, and is noting the removal of six as a result of responses by EPA. The Committee also is designating two chemicals that have been recommended with intent-to-designate in the seventeenth report.

The Priority List is divided into three parts. Part A contains those recommended chemicals and groups designated for priority consideration and response by the EPA Administrator within 12 months. Part B contains those chemicals and groups recommended with intent-to-designate. This category was established by the Committee in its seventeenth report (50 FR 47603; November 19, 1985) to take advantage of rules promulgating automatic reporting requirements for non-designated ITC recommendations under the section 8(a) Preliminary Assessment rule and the TSCA section 8(d) Health and Safety Data Reporting rule. Information received following recommendation with intent-to-designate may influence the Committee to either designate or not designate the chemical or group of chemicals in a subsequent report to the Administrator. Part C contains chemicals and groups of chemicals that have been recommended for priority consideration by EPA without being designated for response within 12 months.

The changes to the Priority List are presented, together with the types of testing recommended, in the following Table 1:

TABLE 1.—ADDITIONS TO THE SECTION 4(E) PRIORITY LIST—MAY 1986

Chemical/group	Recommended studies
A. Designated for response within 12 months:	
Cyclohexane [1] (CAS No. 110-82-7).	Health Effects: Chronic toxicity including oncogenicity and neurotoxicity; teratogenicity; reproductive toxicity.
2,6-Di-*tert*-butylphenol [2] (CAS No. 128-39-2).	Health Effects: Toxicokinetics; chronic toxicity.
	Chemical Fate: Persistence in aerobic and anaerobic sediments.
	Ecological Effects: Acute toxicity to benthic organisms; bioconcentration in benthic organisms.
NOTE: Cyclohexane and 2,6-Di-*tert*-butylphenol were recommended with intent-to-designate by the Committee in the seventeenth report (50 FR 47603).	
B. Recommended with intent-to-designate:	
Tributyl phosphate [3] (CAS No. 126-73-8).	Health Effects: Chronic toxicity including oncogenic, neurotoxic, renal, reproductive and developmental effects.
	Chemical Fate: Persistence in anaerobic soils and sediments.
	Ecological Effects: Chronic effects on aquatic and terrestrial plants; chronic effects on daphnids and/or other aquatic invertebrates; acute and chronic effects on benthic organisms and soil invertebrates, if found persisent under anaerobic conditions.
C. Recommended without being designated for response within 12 months:	
None.	
CA Index Names (9 CI):	
1. Cyclohexane	
2. Phenol, 2,6,-bis(1,1-dimethyl ethyl)-	
3. Phosphoric acid, tributyl ester.	

TSCA Interagency Testing Committee

Statutory Member Agencies and Their Representatives

Council on Evironmental Quality
Harvey Doerksen, Member
Department of Commerce
Patrick D. Cosslett, Member(*1*)
Environmental Protection Agency
John D. Walker, Member and Vice Chairperson
Laurence S. Rosenstein, Alternate
National Cancer Institute
Richard Adamson, Member(*2*)
Elizabeth K. Weisburger, Alternate(*3*)
National Institute of Environmental Health Sciences
James K. Selkirk, Member(*4*)
National Institute For Occupational Safety and Health
Rodger L. Tatken, Member and Chairperson
National Science Foundation
Rodger W. Baier, Member
Jarvis L. Moyers, Alternate
Occupational Safety and Health Administration
Stephen Mallinger, Alternate

Liaison Agencies and Their Representatives

Consumer Product Safety Commission
Lakshmi C. Mishra (*5*)
Department of Agriculture
Richard M. Parry, Jr.
Elise A. B. Brown(*6*)
Department of Defense
Edmund Cummings
Food and Drug Administration
Arnold Borsetti
National Library of Medicine
Vera Hudson
National Toxicology Program
Dorothy Canter

Committee Staff

Robert H. Brink, Executive Secretary
Norma Williams, ITC Coordinator

Support Staff

Alan Carpien—Office of the General Counsel, EPA

Notes

(*1*) Appointed on December 2, 1985.
(*2*) Appointed on October 28, 1985.
(*3*) Appointed on October 28, 1985.
(*4*) Appointed on February 21, 1986.
(*5*) Appointed on December 13, 1985.
(*6*) Appointed on January 6, 1986.

The Committee acknowledges and is grateful for the assistance and support given the ITC by staff of Dynamac Corporation (technical support contractor) and personnel of the EPA Office of Toxic Substances.

Chapter 1—Introduction

1.1 *Background.* The TSCA Interagency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94–469). The specific mandate of the Committee is to recommend to the

Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances and mixtures in commerce that should be given priority consideration for the promulgation of testing rules to determine their potential hazard to human health and/or the environment. TSCA specifies that the Committee's recommendations shall be in the form of a Priority List, which is to be published in the **Federal Register**. The Committee is directed by section 4(e)(1)(A) of TSCA the designate those chemicals on the Priority List to which the EPA Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. There is no statutory time limit for EPA response regarding chemicals that ITC has recommended but not designated for response within 12 months.

At least every 6 months, the Committee makes those revisions in the section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

The Committee is comprised of representatives from eight statutory member agencies and six liaison agencies. The specific representatives and their affiliations are named in the front of this report. The Committee's chemical review procedures and priority recommendations are described in previous reports (Ref. 1 and 2).

1.2 *Committee's previous reports.* Seventeen previous reports to the EPA Administrator have been issued by the Committee and published in the **Federal Register** (Ref. 1 and 2). Ninety-one entries (chemicals and groups of chemicals) were recommended for priority consideration by the EPA Administrator and designated for response within 12 months. In addition, four chemicals and one group of chemicals were recommended without being so designated.

1.3 *Committee's activities during this reporting period.* Between October 1, 1985, and March 31, 1986, the Committee continued to review chemicals fromits fourth and fifth scoring exercises, and from nominations by Member Agencies, Liaison Agencies and State Agencies.

The Committee contacted chemical manufacturers and trade associations to request information that would be of value in its deliberations. Most of those contacted provided unpublished information on current production, exposure, uses, and effects of chemicals under study by the Committee.

During this reporting period, the Committee reviewed available information on 32 chemicals and 3 large classes of chemicals. One chemical was selected for addition to the section 4(e) Priority List, and 12 were deferred indefinitely. The remaining chemicals are still under study.

On February 12, 1986, the ITC published an Intent-to-Designate notice (51 FR 5250) that listed isopropanol and described additional information needed by the ITC to reach a more informed decision on whether or not to designate isopropanol in a subsequent report to the EPA Administrator. A deadline of March 31, 1986 was provided for receipt of relevant information.

The Committee requested information on genotoxicity, carcinogenicity, and reproductive and developmental effects on isopropanol per se, uncontaminated with isopropyl sulfate. Information has been received indicating that some of the requested information is being developed in ongoing studies. The Committee is awaiting details on these studies and expects to make a decision on isopropanol prior to the next report to the EPA Administrator.

In its seventeenth report to the Administrator of EPA (Ref. 2), the ITC announced the establishment of a "recommended with intent-to-designate" category, to take advantage of recent rules promulgating automatic reporting requirements for non-designated ITC recommendations under the section 8(a) Preliminary Assessment rule (50 FR 34805) and the TSCA section 8(d) Health and Safety Data Reporting rule (50 FR 34809). The 8(a) and 8(d) rules require the submission to EPA of information on production, use, exposure and unpublished health and safety studies that may not be publicly available. The ITC noted that information received following "recommendation with intent-to-designate" of a chemical or group of chemicals may influence the Committee to either designate or not designate that chemical or group of chemicals in a subsequent report to the Administrator.

When a chemical or group of chemicals is placed in the "recommended with intent-to-designate" category in a report to the Administrator, the ITC will review information submitted to the EPA and to the ITC following recommendation and will then take one of the following actions:

(a) Designate the chemical or group in the next ITC report, or

(b) Recommend the chemical or group without designation, in the next ITC report, providing a rationale for not designating the chemical or group, or

(c) Remove the chemical or group from the Priority List, in the next ITC report, providing a rationale for that removal, or

(d) Defer a decision, stating the reasons for the deferral and noting that a decision will be announced on or before a given date.

It is anticipated that deferral of a decision will occur infrequently. On occasion, however, the volume and/or complexity of information received may make it necessary to delay a decision. Whenever the deferral option is required, it is anticipated that a final decision (Designation, Recommendation or Removal) will be announced within 6 to 9 months following the report in which the chemical or group of chemicals was placed in the "recommended with intent-to-designate" category.

1.4 *The TSCA section 4(e) Priority List.* Section 4(e)(1)(B) of TSCA directs the Committee to: ". . . make such revisions in the [priority] list as it determines to be necessary and . . . transmit them to the Administrator together with the Committee's reasons for the revisions." Under this authority, the Committee is revising the Priority List by adding one chemical: tributyl phosphate. Tributyl phosphate is being recommended with intent-to-designate in this report. In addition, the Committee is designating for response within 12 months two chemicals that were recommended with intent-to-designate in the seventeenth report. The designated chemicals are cyclohexane and 2,6-di-*tert*butylphenol. The testing recommended for these chemicals and the rationales for the recommendations are presented in Chapter 2 of this report.

Six chemicals are being removed from the Priority List because the EPA Administrator has responded to the Committee's prior recommendations for testing them. They are listed in the following Table 2 with citations to EPA responses:

TABLE 2.—REMOVALS FROM THE TSCA SECTION 4(E) PRIORITY LIST OCTOBER 1, 1985 THROUGH MARCH 31, 1986

Chemical/group	EPA responses	
	FEDERAL REGISTER citation	Publication date
Anthraquinone	50 FR 46090	Nov. 6, 1985.
Cumene	50 FR 46104	Nov. 6, 1985.
Mercaptobenzothiazole	50 FR 46121	Nov. 6, 1985.
Octamethylcyclotetrasiloxane	50 FR 46123	Oct. 30, 1985.
Pentabromoethylbenzene	50 FR 46785	Nov. 13, 1985.
Sodium N-methyl-N-oleoyltaurine	50 FR 46178	Nov. 6, 1985.

Removal of 81 entries was noted in previous reports (Ref. 1 and 2). To date, 87 chemicals and groups of chemicals have been removed from the Priority List.

With the one recommendation and six removals noted in this report, 10 entries now appear on the section 4(e) Priority List. The Priority List is divided in the following Table 3 into three parts; namely, A, Chemicals and Groups of Chemicals Designated for Response Within 12 Months, B, Chemicals and Groups of Chemicals Recommended with Intent-to-Designate, and C, Chemicals and Groups of Chemicals Recommended Without Being Designated for Response Within 12 Months. Table 3 follows:

TABLE 3.—THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1986

Entry	Date of designation
A. Chemical and groups of chemicals recommended as designated for response within 12 months:	
1. Cyclohexane	May 1986.
2. 2,6-Di-*tert*-butylphenol	May 1986.
3. Methyl cyclopentane	May 1985.
4. Tetrabromobisphenol A	may 1985.
5. Triethylene glycol monomethyl ether	May 1985.
6. Triethylene glycol monoethyl ether	May 1985.
7. Triethylene glycol monobutyl ether	May 1985.

B. Chemicals and groups of chemicals recommended with intent-to-designate:

Entry	Date of recommendation
1. Tributyl phosphate	May 1986.
C. Chemicals and groups of chemicals recommended without being designated for response within 12 months:	
1. 3,4-Dichlorobenzotrifluoride	May 1985.
2. Diisodecyl phenyl phosphite	November 1985.

References

(1) Sixteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 21, 1985, 50 FR 20930-20939. Includes references to Reports 1 through 15 and an annotative list of removals.

(2) Seventeenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 19, 1985, 50 FR 47603-47612.

Chapter 2—Recommendations of the Committee

2.1 *Chemicals recommended for priority consideration by the EPA Administrator.* As provided by section 4(e)(1)(B) of TSCA, the Committee is adding the following chemical substance to the section 4(e) Priority List: Tributyl phosphate. The recommendation of tributyl phosphate is being made after considering the factors identified in section 4(e)(1)(A) and other relevant information, as well as the professional judgment of Committee members. In addition, the Committee is designating for response within 12 months two chemical substances that were recommended with intent-to-designate in the seventeenth report. The designated chemicals are cyclohexane and 2,6-di-*tert*-butylphenol.

2.2 *Chemicals designated for response within 12 months.*

2.2.a Cyclohexane.

In the seventeenth report to the Administrator of EPA (50 FR 47603), cyclohexane was recommended with intent-to-designate. The rationale for that recommendation appears in the seventeenth report. Information reviewed by the Committee in response to the seventeenth report included any public comments on the Committee's recommendations; production volume, use, exposure, and release information reported by manufacturers of cyclohexane under the TSCA section 8(a) Preliminary Assessment rule; health and safety studies submitted under the TSCA section 8(d) Health and Safety Data Reporting rule; and any unpublished and published data available to the Committee. The information included acute toxicity studies, skin and eye irritation studies and additional genotoxicity studies (Phillips Petroleum Co., 1986). Summary data from acute toxicity, skin irritation and repeated dose (six months) studies were also received from other submitters (Eastman Kodak Co., 1986; Dow Chemical Co., 1986). Although ecological effects testing was not recommended for cyclohexane, information dealing with environmental persistence also was received (Shell Oil Co., 1986).

After reviewing the information, the Committee concluded that data are still lacking on chronic (two-year) effects, especially oncogenicity and neurotoxicity. Teratogenic and reproductive effects studies also are absent. For these reasons and for the reasons previously presented (50 FR 47603) the Committee is now designating cyclohexane for response within twelve months and recommending that it be tested for the following:

Health Effects:

Chronic effects including oncogenicity and neurotoxicity (with special emphasis on neuropathology).

Teratogenicity and reproductive toxicity.

References

(1) Dow Chemical Co., Midland, MI. Letter from L. Hampton to Document Control Officer, U.S. EPA. January 31, 1986.

(2) Eastman Kodak Co., Rochester, N.Y. Letter from R. L. Raleigh to U.S. EPA. January 15, 1986.

(3) Phillips Petroleum Co., Bartlesville, OK. Letter from J.R. Rust to Document Control Officer/OPTS, U.S. EPA. January 15, 1986.

(4) Shell Oil Co., Washington, DC. Letter from E.L. Hobson to U.S. EPA. February 5, 1986.

2.2.b 2,6-Di-*tert*-butylphenol.

In the seventeenth report to the Administrator of EPA (50 FR 47603), 2,6-di-*tert*-butylphenol was recommended with intent-to-designate. The rationale for that recommendation appears in the seventeenth report. Information reviewed by the Committee in response to the seventeenth report included any public comments on the Committee's recommendations; production volume, use, exposure and release information reported by manufacturers of 2,6-di-*tert*-butylphenol under the TSCA section 8(a) Preliminary Assessment rule; health and safety studies submitted under the TSCA section 8(d) Health and Safety Data Reporting rule; and any unpublished and published data available to the Committee. The information included data on acute oral and percutaneous LD50 studies with rats; skin and eye irritation with rabbits; skin depigmentation, skin sensitization and delayed contact hypersensitivity with guinea pigs; rat hepatocyte primary culture and DNA repair tests; an Ames *Salmonella* microsomal assay; intravenous toxicity to mice and a report on the physiological response of experimental animals to the absorption of alkylated phenols and anilines (Ciba-Geigy, 1986; DuPont, 1986; Ethyl, 1986; Shell, 1986). Also included was a summary on ecological effects (Dow, 1986).

After reviewing the information, the Committee concluded that data are still lacking on toxicokinetics, chronic toxicity, persistence in sediments, acute

toxicity to benthic organisms and bioconcentration in benthic organisms. For these reasons and for the reasons previously presented (50 FR 47603) the Committee is now designating 2,6-di-*tert*-butylphenol for response within twelve months and recommending that it be tested for the following:

Chemical Fate:
Persistence in aerobic and anaerobic sediments
Health Effects:
Toxicokinetics and chronic toxicity
Ecological Effects:
Acute Toxicity to benthic organisms
Bioconcentration in benthic organisms

References

(1) Ciba-Geigy. Ciba-Geigy Corp., Ardsley, N.Y. Letter from A. DiBattista to U.S. EPA. February 12, 1986.

(2) Dow. Dow Chemical Co., Midland, MI. Letter from L. Hampton to U.S. EPA. January 31, 1986.

(3) DuPont. E.I. DuPont de Nemours and Co., Wilmington, DE. Letter from K.D. Dastur to U.S. EPA. January 14, 1986.

(4) Ethyl. Ethyl Corporation, Baton Rouge, LA. Letter from L. L. Weir to Document Control Officer, Office of Pesticides and Toxic Substances, U.S. EPA. February 4, 1986.

(5) Shell. Shell Oil Co., Washington, DC. Letter from E. L. Hobson to U.S. EPA. February 5, 1986.

2.3. *Chemicals recommended with intent-to-designate but not designated for response within 12 months.*

2.3.a Tributyl Phosphate.

Summary of recommended studies. It is recommended that tributyl phosphate (TBP) be tested for the following:

A. Chemical Fate: Persistence in anaerobic soils and sediments.

B. Health Effects: Chronic toxicity including oncogenic, neurotoxic, renal, reproductive and developmental effects.

C. Ecological Effects: Chronic effects on aquatic and terrestrial plants; Chronic effects on daphnids and/or other aquatic invertebrates.

Acute and chronic effects on benthic organisms and soil invertebrates, depending on the results from persistence studies—

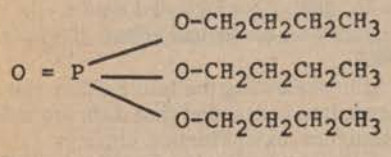
Physical and Chemical Information

CAS Number: 126-73-8.

Synonyms: Phosphoric acid, tributyl ester (9CI); Tributoxyphosphine oxide; Tri-*n*-butyl phosphate.

Acronym: TBP.

Structure:



Empirical Formula: $C_{12}H_{27}O_4P$.

Molecular Weight: 266.32.

Melting Point: $< -80°C$ (Ref. 47, TDB, 1986).

Boiling Point: 289°C at 760 mmHg (Ref. 11, CRC, 1983).

Vapor Pressure: 7.3 mmHg at 150°C (Ref. 23, Laham et al., 1984); 0.07 mmHg at 25°C (estimated; Ref. 48, U.S. EPA, 1985).

Air Vapor Density: 9.2 (Ref. 28, Monsanto, 1985).

Solubility in Water: 420 mg/L at 25°C (Ref. 17, General Electric, 1983); 280 mg/L (Ref. 39, Saeger et al., 1979).

Solubility in Organic Solvents: Soluble in ether, benzene carbon disulfide, ethanol, mineral oil, and gasoline (Ref. 11, CRC, 1983).

Specific Gravity: 0.977–0.978 at 20/20°C (Ref. 28, Monsanto, 1985).

Log Octanol/Water Partition Coefficient (log P): 4.0 (Ref. 39, Saeger et al., 1979); 2.36 (Ref. 20, Hansch and Leo, 1979).

Description of Chemical (ambient conditions): Clear, colorless, odorless liquid (Ref. 47, TDB, 1986).

Rationale for Recommendations

I. Exposure information—A. *Production/use.* There are at least three, and maybe as many as five, manufacturers of TBP in the United States. CEH (1981, Ref. 8) reported that at least 5 million pounds of the compound were produced in 1979. Annual production since then has been reported at 3 million pounds for 1982 and estimated at 3 million pounds for 1983 (Ref. 9, CEH, 1983). Current annual production has been estimated at 3 to 5 million pounds (Ref. 48, U.S. EPA, 1985.)

A major use of TBP is as a nonflammable component of hydraulic fluids in the control systems of commercial aircraft. Industrial fluids and lubricants account for another large share. Liquid phosphate esters are the basestocks for fire-resistant oils used in die-casting, air compressors, gas turbines, and many other applications. TBP may also be used as a solvent/plasticizer for certain polymers, an industrial solvent, an antifoam agent, and a pigment grinding assistant. It has been estimated (Ref. 28, Monsanto, 1985) that about 24 percent goes into hydraulic fluids, 50 percent into uses as a plasticizer, and 26 percent for miscellaneous uses.

B. *Occupational exposure.* The National Occupational Hazard Survey, conducted in 1972, estimated that 323,477 workers were potentially exposed to TBP in the workplace (Ref. 31, NIOSH, 1976). Preliminary data from the National Occupational Exposure Survey indicate that, in 1980, 12,111 workers (including 427 women) were potentially exposed to the compound in the workplace (Ref. 32, NIOSH, 1984).

The following limits have been established for workplace airborne concentrations of TBP:

8-hour TWA–PEL 5 mg/m^3 (Ref. 34, OSHA, 1985).

8-hour TLV–TWA 2.5mg/m^3 (0.2 ppm) (Ref. 2, ACGIH, 1985).

C. *Environmental release.* It is likely that most TBP is released to surface waters from industrial effluents and from the release of hydraulic fluids to storm drains and drainage ditches and to land and water via landfill disposal of oil wastes and plastics.

There is considerable evidence for widespread, low-level environmental exposures to TBP. It has been detected in fish and human lipid tissues, in municipal and industrial effluents, river water, estuarine water, ground water, drinking water, snow, and sediments. LeBel and Williams (1983, Ref. 25) analyzed 16 human adipose tissue samples from cadavers and found TBP at 9.0 ng/g, on an extracted fat basis, in the tissue from one cadaver. Dunlap et al. (1979, Ref. 14) found TBP at 1.7 ug/L in ground water below a landfill. Grob and Grob (1974, Ref. 18) measured TBP in water at or near Zurich, Switzerland, and found concentrations of 10 to 82 ng/L. Zoeteman et al. (1981, Ref. 51) measured TBP in ground waters in the Netherlands at 0.01 to 0.1 ug/L. Meijers and van der Leer (1976, Ref. 26) found TBP at up to 10 ug/L in the Waal River in the Netherlands. Sheldon and Hites (1978, Ref. 42) reported finding TBP in Delaware River water at 60 to 2,000 ng/L. Shackelford et al. (cited in U.S. EPA, 1985, Ref. 48) reported finding TBP in plant effluents form a variety of industries. Mean concentrations were from 15 ug/L to 1,880 ug/L. Williams and LeBel (1981, Ref. 50) examined drinking water form 29 municipalities across Canada and found measurable TBP in samples from each location, as well as in water form the Atlantic and Pacific Oceans, the Great Lakes, Lake Winnipeg, the St. Lawrence River, and the Columbia River. Concentrations ranged from 0.2 to 62 ng/L. Piet et al. (1981, Ref. 36) identified TBP at 100 ng/L in drinking water processed from surface water using sand filtration. The unfiltered water had no detectable TBP. TBP appears to be found nearly everywhere in the environment at low concentrations. No information was found on the natural occurrence of TBP.

II. Chemical fate information—A. *Transport.* TBP has moderate solubility in water and moderate vapor pressure at ambient temperatures. It also has a

moderate log P value (4.0, measured). The physical and chemical characteristics of TBP indicate that it wil partition throughout the environment and appear almost everywhere, including biolipids.

B. *Persistence.* A study of the primary biodegradation of TBP by a river water die-away method (Ref. 39, Saeger et al., 1979) found 50 percent loss of the parent compound in about 3.5 days and complete loss in 7 days. These same investigators, using a carbon dioxide evolution method, also reported CO_2 evolution at 30 percent of theory in 7 days and 81 percent of theory in 28 days. Initial concentrations of TBP in the test units were 1 and 20 mg/L, respectively. These results indicate relatively rapid and complete biodegradation of TBP is aerated surface waters. There was no evidence of nonbiological degradation of TBP in sterile controls. Francis et al. (1980, Ref. 15) observed no anaerobic biodegradation of TBP incubated for 30 days at 28°C with anaerobic bacteria isolated from a waste disposal site. No other information on anaerobic biodegradation was found, and the potential for anaerobic biodegradation must be considered unknown.

Hydrolysis is very slow at most environmental pH's (Ref. 48, U.S. EPA, 1985). Atmospheric oxidation is not expected to be significant.

C. *Rationale for chemical fate recommendations.* Because of its moderate water solubility, log P, and vapor pressure, TBP should partition to natural waters, soils and sediments, biota, and air. TBP appears to be biodegraded rapidly and completely in aerobic surface waters. Its fate in soils and sediments is not clear. It is likely to persist in the atmosphere until returned to earth by virtue of its high vapor density or in precipitation. TBP that partitions to biota may become a part of the food chain. The ubiquitous environmental appearance of TBP at low concentrations may mean that it is not effectively degraded below some threshold concentration or that the continuous release of TBP into the environment leads to some low-level equilibrium concentration reflecting both input and removal processes. The monitoring evidence, showing widespread low concentrations of TBP, justifies the consideration of potential environmental effects resulting from continuous, low-level exposures. Tests should be conducted to evaluate the persistence of TBP in anaerobic sediments and soils.

III. Biological effects of concern to human health—A. *Metabolism and toxicokinetics.* Suzuki et al. (1984, Ref. 46) studied the excretion and biotransformation of TBP in rats. In animals dosed with [^{14}C]-TBP, 66 percent of an oral dose and 81 percent of an intraperitoneal dose were excreted in 24 hours. The two major metabolities present in urine were the hydrolysis products dibutyl and monobutyl phosphates. Other metabolites present were the result of oxidation of the butyl chain.

The effect of TBP on enzyme activity in rats has been studied by Oishi et al. (1980, Ref. 33). In animals fed a diet containing 0.5 or 1 percent TBP for 10 weeks, serum transaminase and alkaline phosphatase activities were significantly decreased. There was no difference in cholinesterase activity in serum, whereas brain cholinesterase activity was significantly increased. Blood coagulation time was significantly prolonged.

B. *Acute and subchronic (short-term) effects.* The acute effects of TBP have been studied by Smyth Carpenter (1944, Ref. 43), Chambers and Casida (1967, Ref. 10), Vanedkar (1957, Ref. 49), Suzuki et al. (1977, Ref. 45), Sabine and Hayes (1952, Ref. 38), Johannsen et al. (1977, Ref. 21), and Mitomo et al. (1980, Ref. 27). Sites and biological effects of acute testing were paralysis due to weak cholinesterase inhibition, anesthetic effect, skin and mucous membrane irritation, lung edema, and degeneration of kidney tubules.

Laham et al. (1983, Ref. 22) studied the effect of TBP in rats fed 0.28 and 0.42 mL/kg TBP by gavage for 14 days. In the high-dose group, a significant ($p<0.05$) reduction of caudal nerve conduction velocity accompanied by morphological changes in the sciatic nerve were observed in males. In both sexes of the high dose groups, electron microscopy showed a retraction of Schwann cell processes of the surrounding sciatic unmyelinated fibers, indicating an early response to a chemical insult.

In another study, Laham et al. (1984, Ref. 23) administered TBP by gavage to rates at concentrations of 0.14 and 0.42 mL/kg for 14 consective days. In the high dose group, a significant decrease in hemoglobin in females, a low incidence of degenerative changes in the testes in males, significant changes in amylase and triglyceride activity in females and an increased amylase activity in males were observed. In addition, a significant increase in potassium levels was observed in females both low- and high-dose groups.

Mitomo et al. 1(1980, Ref. 27) studied the effects of TBP on rats and mice that were fed TBP daily in their diets at concentrations of 0, 0.05, 0.2, and 1.0 percent for 3 months. Results of the studies showed a dose-dependent derpression in body weight gain; an increase in liver, kidney, and testes weights; a decrease in uterus weight; and an increase in blood urea nitrogen values in both mice and rats at high-dose levels. Diarrhea was also observed. Similar effects were seen in 9- and 10-week studies when TBP was fed to rats (Ref. 33, Oishi et al., 1980).

Cascieri et al. (1985, Ref. 7) fed rats diets containing TBP at levels of 0, 8, 40, 200, 1,000 or 5,000 ppm for 90 days. Significant changes were seen in blood parameters and liver weight at the highest dose. Urinary bladder cell hyperplasia was observed in both sexes at the highest dose. At 1,000 ppm it was only noted in the males.

In a recent study, TBP was administered by gavage over an 18-week period to rats. Low-dose animals received 0.20 g/kg/day throughout the experiment and the high dose animals received 0.30 g/kg/day for the first six weeks. For the remaining twelve weeks, the high-dose level was increased to 0.35 g/kg/day. All test rats examined developed diffuse epithelial hyperplasia of the urinary bladder (Ref. 24, Laham et al., 1985).

C. *Genotoxicity.* Hanna and Dyer (1975, Ref. 19) tested tributyl phosphate in *S. typhimurium, E. coli* and *Drosophila.* No mutagenic effects were observed.

D. *Oncogenicity.* No information was found. Trimethyl phosphate, a structural analog, was tested for carcinogenicity in rats and mice (Ref. 30, NCI, 1978). It induced adenocarcinomas of the endometrium in female mice and benign fibromas of the subcutaneous tissue in male rats.

E. *Reproductive and developmental effects.* When tested in chicken eggs, TBP was found to be weakly teratogenic (Ref. 37, Roger et al., 1969). No mammalian reproductive and developmental effects information was found in the literature searched.

F. *Chronic (long-term) effects.* No information was found.

G. *Observations in humans.* Workers exposed to 15 mg/m^3 of TBP complained of nausea and headache (Ref. 1, ACGIH, 1980). The principal routes of exposure are skin contact and inhalation. Signs of exposure include nausea, headache, irritation of the eyes and dermatitis (Ref. 44, Stauffer, 1984).

H. *Rationale for health effects recommendations.* Thousands of workers and consumers are potentially exposed to TBP. There is a potential for human exposure to low levels of TBP due to its uses as a flame retardant in aircract hydraulic fluid, for uranium extraction, as an industrial solvent, and

as a plasticizer. TBP has been detected at low levels in municipal and industrial effluents, sediments, and in river, estuarine, ground, and drinking waters. It has also been detected in human and fish lipid tissues.

Available information on health effects are limited to acute and subchronic effects. In view of the lack of information on the chronic health effects of TBP, the induction of urinary bladder hyperplasia and the carcinogenic effect of trimethyl phosphate, studies on chronic toxicity, including oncogenic, neurotoxic, renal, and reproductive and developmental effects, are recommended.

IV. Ecological effects of concern.—A. *Acute and subchronic (short-term) effects.* TBP produces acute toxicity with a variety of aquatic organisms, at low mg/L concentrations, as shown in Table 4. TBP inhibits the growth of some algae at concentrations of 3 to 10 mg/L (Ref. 48, U.S. EPA, 1985). Bringmann and Kuhn (Refs. 4 and 5, 1978, 1980) found that TBP inhibited the growth of an *Entosiphon* protozoa sp. at 14 mg/L, a *Scenedesmus* algal sp. at 3.2 mg/L, and a *Microcystis* bacteria sp. at 4.1 mg/L.

Gast and Early (1956, Ref. 16) investigated the phytotoxicity of several solvents by dipping plant foliage quickly into solutions of the solvents and observing the effects. Of 86 solvents investigated, TBP was the most toxic. Exposure to a 0.5 percent solution of TBP killed all of the six species tested, including bean, corn, cotton, cucumber, tobacco, and tomato.

TBP applied to vegetation reduced the growth of the roots of rice, radish, and soybean plants at concentrations of 10 to 100 ug/g of soil (Ref. 29, Muir, 1984).

A single-dose oral LD_{50} for the white leghorn adult hen was reported as 1.8 g/kg (Ref. 21, Johannsen et al., 1977).

TABLE 4.—ACUTE TOXICITY TESTS WITH A VARIETY OF AQUATIC ORGANISMS

Organism	24-hr LC_{50} (mg/L)	48-hr LC_{50} (mg/L)	72-hr LC_{50} (mg/L)	96-hr LC_{50} (mg/L)	Reference
Rainbow trout				5 to 9	Dave and Lidman (1978, Ref. 12).
Rainbow trout				11.0	Monsanto (1985, Ref. 28).
Zebrafish	11.4	11.4		11.4	Dave et al. (1981, Ref. 13).
Goldfish				8.8	Sasaki et al. (1981), Ref. 40).
Killifish				9.6	Sasaki et al. (1981), Ref. 40).
Fathead minno				6.4	Monsanto (1985, Ref. 28).
Chlorella		5 to 10			AQUIRE (1986, Ref. 3).
Daphnia	12.8	3.7	2.1		Dave et al. (1981, Ref. 13).

B. *Chronic (long-term) effects.* Penman and Osborne (1976, Ref. 35) reported that TBP, at doses of 0.1 to 0.2 percent, had no reproductive effects on the two-spotted spider mite. A related compound, trimethyl phosphate, produced reproductive effects on guppies, toads, quail, and mites, all at relatively high doses (Ref. 48, U.S. EPA, 1985).

C. *Other ecological effects (biological, behavioral, or ecosystem processes).* Bringmann and Kuhn (1982, Ref. 6) determined effects concentration (EC) values for immobilization of *Daphnia magna.* The EC_0, EC_{50}, and EC_{100} were 5, 30 and 41 mg/L, respectively.

D. *Bioconcentration and food-chain transport.* Given its octanol/water partition coefficient, TBP is likely to partition into lipids of biota. Saeger et al. (1979, Ref. 39) calculated a bioconcentration factor of 190. Sasaki et al. (1981, Ref. 40) studied the absorption and elimination of phosphoric acid esters by killifish and goldfish. They found that the amount of TBP in the fish varied with the species and that bioconcentration in the killifish was about three times greater than in goldfish, using a static water system.

In a followup study, using continuous-flow systems Sasaki et al. (Ref. 41, 1982) found TBP taken up rapidly by killifish and reaching a steady-state concentration within 1 day. It remained at that concentration during 38 days of exposure. The bioconcentration ratio during this time was almost constant, varying from 21 to 35. When exposure to TBP was stopped, elimination was very rapid, with half gone within 1.25 hours and no detectable TBP after 24 hours.

E. *Rationale for ecological effects recommendations.* The available information shows that TBP has acute effects on a variety of aquatic organisms at moderately low concentrations (low parts per million). TBP also has been found acutely toxic to terrestrial plants at 5,000 ppm. Nevertheless, there is low concern for the acute effects of TBP since it does not appear that TBP will persist in aerobic environments at concentrations likely to cause acute effects to biota. However, it does appear that nearly all biota are continuously exposed to low concentrations of TBP and the long-term effects of that exposure are largely unknown. The acute toxicity data with terrestrial plants and algae and the growth inhibition observed with rice, radish, and soybeans lead to the conclusion that long-term studies need to be conducted with both aquatic and terrestrial plants exposed to TBP at low concentrations. The data from the acute daphnid tests by Dave et al. (1981, Ref. 13) showed a high ratio between the 24- and 48-hour LC_{50}'s (12.8/3.6=3.5), suggesting potential chronic effects. Long-term studies, using low TBP concentrations, should be conducted with daphnids and/or other aquatic invertebrates. If anaerobic persistence studies indicate long half-lives for TBP in soils and sediments, bioassays should be conducted with representative benthic organisms and soil invertebrates.

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2.4 *Chemicals and groups of chemicals recommended without being designated for response within 12 months. None.*

[FR Doc. 86–11070 Filed 5–16–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51621; FRL–3012–5]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 86–10015, beginning on page 16587, in the issue of Monday, May 5, 1986, make the following corrections:

1. On page 16588, first column, under "P86–931", fifth line, "1,1000–2,000" should read "1,000–2,000".

2. On page 16589, first column, under "P86–946", sixth line, "5/kg" should read "5 g/kg".

3. On the same page, second column, under "P86–948", sixth line, "g/kg" should read "5 g/kg".

BILLING CODE 1505–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067–0122.

Title: Debt Collection.

Abstract: Information will be collected only from persons who are delinquent in paying debts owed FEMA or who are requesting time or deferred payments.

Type of respondents: Individuals or Households, State or local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Number of respondents: 400.

Burden hours: 800.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: May 12, 1986.

Walter A. Girstantas, Director,

Administrative Support.

[FR Doc. 86–11146 Filed 5–16–86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Automated Tariff Filing and Information System (ATFI); Advisory Committee Meeting

AGENCY: Federal Maritime Commission.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Commission announces the second meeting of the ATFI Advisory Committee to be held on June 19–20, 1986 in Washington, DC. The agenda for this meeting includes the review of the current status of a feasibility study by a GSA contractor and a discussion of the critical issues identified in the feasibility study. The meeting will be open to the public.

DATE: The ATFI Advisory Committee meeting will commence on June 19, 1986 at 10:00 a.m. and, if necessary, will continue through June 20, 1986.

ADDRESS: The ATFI Advisory Committee meeting will be held at 1100 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: *Committee Executive Secretary*, John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission's Automated Tariff Filing and Information System (ATFI) Advisory Committee will meet at 10:00 a.m. on June 19, 1986 in the Main Hearing Room at the Commission Headquarters Building, 1100 L. Street, NW., Washington, DC.

The Advisory Committee was established in November of 1985 (50 FR 47447) to advise the Commission on the study, development, and operation of an automated tariff filing system. The Committee consists of 20 members including one agency official and a balanced representation of the various segments of the shipping industry affected by ATFI.

At the first meeting of the Advisory Committee, held on January 23–24, 1986, the Committee was organized into subcommittees representing each identifiable segment of the shipping industry. A spokesperson for each segment was selected and provided an opportunity to formulate and express the perceived user needs and demands of that segment of the shipping industry. This information has been included in an ongoing feasibility study on the ATFI project undertaken for the Commission by a GSA contractor.

The GSA contractor has now completed its assessment of user needs and demands and the currently available services. Based upon this assessment, it has formulated key issues which, in its opinion, must be addressed in the development of the ATFI system. Accordingly, the agenda for the second ATFI Advisory Committee meeting is:

1. Briefing by U.S. Customs Service on Customs Automation Program Requirements.

2. Discussion of House Report 99–560, "Electronic Collection and Dissemination of Information by Federal Agencies: A Policy Overview," (28th Report by the Committee on Government Operations).

3. Presentation and discussion of Deliverables 1 & 2 of the ATFI Feasibility Study: Assessment of User Needs & Demands and Baseline Analysis of Current Operations and Commercial Services.

4. Presentation and discussion of Feasibility Study Key Issue papers formulated by GSA contractor.

5. Formulation and presentation of position papers on Key Issues as identified by GSA contractor from each shipping industry segment spokesperson.

6. Establishment of future schedules.

The meeting will be open to public observation. A period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before June 16, 1986. Other public statements regarding committee affairs may be submitted at any time before or after the meeting. Approximately 25 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come-first-served basis.

Copies of the summaries of the minutes will be available on written request 30 days after the meeting. Requests should be addressed to the Secretary of the FMC, should be submitted by July 11, 1986, and must be accompanied by a check for $30.00 made payable to the "Federal Maritime Commission".

Inquiries may be addressed to the Committee Executive Secretary, Mr. John Robert Ewers, Secretary, Federal Maritime Commission, Room, 11101, 1100 L Street, NW., Washington, DC 20573.

By the Commission.

John Robert Ewers,

Secretary.

[FR Doc. 86–11200 Filed 5–16–86; 8:45 am]

BILLING CODE 6730-01-M

[Supreme Decree No. 009–86–TC]

Peruvian Cargo Reservation Extension of Time for Comments

May 15, 1986.

By Notice apearing in the Federal Register on April 22, 1986 (50 FR 15069), the Federal Maritime Commission invited persons interested in the impact of Peruvian Supreme Decree 009–86–TC upon shipping in the U.S. trade with Peru to submit views, arguments, or data relating to the matter by May 18, 1986.

Upon request of three carriers in the Peruvian trade i.e., Compania Sud Americana de Vapores ("CSAV"); Naviera Neptuno, S.A.; and Compania Peruana de Vapores ("CPV"), the Commission finds good cause to extend

the date for all comments from May 18, 1986 to June 18, 1986.

By the Commission.

John Robert Ewers,

Secretary.

[FR Doc. 86-11290 Filed 5-15-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

AmeriTrust 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 11, 1986.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *AmeriTrust Corporation*, Cleveland, Ohio; to acquire 100 percent of the voting shares of American State Bank, Ligonier, Indiana, and thereby indirectly acquire American Ligonier Bancorp, Inc., Ligonier, Indiana.

2. *AmeriTrust Corporation*, Cleveland, Ohio; and its wholly-owned subsidiary, First Indiana Bancorp, Elkhart, Indiana, to acquire 100 percent of the voting shares of First National Bank and Trust Company, Sturgis, Michigan.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Liberty BanCorporation*, Longwood, Florida; to acquire 100 percent of the voting shares of Liberty National Bank of Orlando, Orlando, Florida, a *de novo* bank.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Suburban Bancorp Corporation*, Maywood, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First Suburban National Bank, Maywood, Illinois.

2. *First Wisconsin Corporation*, Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of City Bancshares, Portage, Wisconsin, and thereby indirectly acquire City Bank and Trust Company, Portage, Wisconsin.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *The Tyson Corporation*, Minneapolis, Minnesota; to acquire 94.78 percent of the voting shares of Miltona State Bank, Miltona, Minnesota.

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

1. *Fredonia Bancshares, Inc.*, Nacogdoches, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Fredonia State Bank, Nacogdoches, Texas.

Board of Governors of the Federal Reserve System, May 14, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-11237 Filed 5-16-86; 8:45 am]

BILLING CODE 6210-01-M

Fuji Bank LTD.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 6, 1986.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Fuji Bank Limited*, Tokyo, Japan; to engage *de novo* through its subsidiary, Heller Capital Resources, Inc., Chicago, Illinois, in originating, structuring, syndicating and marketing personal property leases as agent, broker or adviser in return for a fee on a per-transaction basis and making loans or other extensions of credit such as would be made by a commercial finance company, including issuing letters of credit pursuant to § 225.25(b) (1) and (5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 14, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-11238 Filed 5-16-86; 8:45 am]

BILLING CODE 6210-01-M

Old Kent Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a) (2) or (f) of the Board's Regulation Y (12 CFR 225.23(a) (2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to

banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 23, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Old Kent Financial Corporation*, Grand Rapids, Michigan; to acquire Great Lakes Computer Center, Inc., Portage, Michigan, and thereby engage in data processing activities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 14, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-11239 Filed 5-16-86; 8:45 am]

BILLING CODE 6210-01-M

Atrium Capital 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 9, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Atrium Capital Corporation*, Boca Raton, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Landmark Bank of Palm Beach County, Boca Raton, Florida.

2. *Midcontinental Holding Corporation*, Atlanta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Richland Banking Company Richland, Georgia.

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

1. *NBC Bancshares, Inc.*, Pampa, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of National Bank of Commerce, Pampa, Texas.

Board of Governors of the Federal Reserve System, May 13, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-11148 Filed 5-16-86; 8:45 am]

BILLING CODE 6210-01-M

Lincoln Financial Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8))and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 6, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lincoln Financial Corporation*, Fort Wayne, Indiana; to engage *de novo* through its subsidiary Midwest Life Insurance Company, Fort Wayne, Indiana, in underwriting credit life, credit accident and health insurance directly related to extensions of credit pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 13, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-11149 Filed 5-16-86; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Application to Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (12 CFR

225.23(a)(3)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 13, 1986.

A. **Board of Governors of the Federal Reserve System**, (William W. Wiles, Secretary) Washington, DC 20551:

1. *Security Pacific Corporation*, Los Angeles, California; to engage through its subsidiaries, Chartered Protective Life Insurance Company, San Diego, California; General Fidelity Life Insurance Company, San Diego, California; and Central Plains Insurance Company, Inc., San Diego, California, in the activities of the underwriting and reinsurance of home mortgage redemption insurance, that is, insurance that assures repayment of loans secured by first mortgages on residential real estate made or purchased by Security Pacific Corporation or its subsidiaries or affiliates in the event of the death or disability of the mortgagors of such loans. This application may be inspected at the Federal Reserve Bank of San Francisco. This activity has been approved by Board Order as permissible for bank holding companies. *Citicorp*, 72 Federal Reserve Bulletin 339 (1986).

Board of Governors of the Federal Reserve System, May 13, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-11150 Filed 5-16-86; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Correction

This notice corrects a previous **Federal Register** document (FR Doc. No. 86-9988), published at page 16592 of the issue for Monday, May 5, 1986.

1. *Security Pacific Corporation*, Los Angeles, California; to acquire 100 percent of the voting shares of Arizona Bancwest Corporation, Phoenix, Arizona, and thereby indirectly acquire The Arizona Bank, Phoenix, Arizona. In connection with this application, SPC Acquisition Inc. has applied to become a bank holding company by acquiring Arizona Bancwest Corporation.

Security Pacific Corporation, Los Angeles, California, and SPC Acquisition Inc., have also applied to acquire:

(1) Bancwest Life Insurance Company, Phoenix, Arizona, and thereby engage in the reinsurance of life and disability insurance issued by others in respect of credit extended by SPC affiliates to the extent authorized by § 225.25(b)(9) of the Board's Regulation Y;

Comments on this application must be received not later than May 23, 1986.

Board of Governors of the Federal Reserve System, May 13, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-11147 Filed 5-16-86; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Property Management; Guidelines for Establishment of Physical Fitness Facilities in Federal Space

AGENCY: General Services Administration (GSA).

ACTION: Notification of GSA's intent to revise and update the requirements for establishment of physical fitness programs and facilities.

SUMMARY: The Government Accounting Office (GAO) issued a decision in September of 1985 concerning a fitness program conducted by the National Park Service. In summary, GAO held that existing executive branch regulations do not authorize the use of appropriated funds for physical exercise as part of a health service program. The restrictions of using appropriated funds are contained in OMB Circular A-72, the OPM Personnel Manual and FPMR 101-5.304.

Therefore, on April 14, 1986, OPM revised the language in the OPM Personnel Manual to include the establishment and operation of physical fitness facilities. Further, on April 21, 1986, OMB rescinded Circular A-72. GSA is currently revising FPMR 101-5.304 and plans to issue it as a proposed rule within 60 days.

EFFECTIVE DATE: May 15, 1986.

FOR FURTHER INFORMATION CONTACT: Betsy Nordland, Realty Specialist, Assignment and Utilization Policy Division, Office of Real Property Development, Public Buildings Service, GSA, Washington, DC 20405 (202-566-0059).

Dated: May 7, 1986.

John T. Myers,

Acting Assistant Commissioner, Office of Real Property Development.

[FR Doc. 86-11177 Filed 5-16-86; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Iron-Dex 100 Injectable Iron; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Veterinary Laboratories, Inc., providing for the use of Iron-Dex 100 Injectable Iron (colloidal ferric oxide in a dextrin solution) for prevention and treatment of iron deficiency anemia in baby pigs. The firm requested the withdrawal of approval.

EFFECTIVE DATE: May 29, 1986.

FOR FURTHER INFORMATION CONTACT: Vitolis Vengris, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Veterinary Laboratories, Inc., 12340 Santa Fe Drive, Lenexa, KS 66215, is sponsor of NADA 46-210 providing for the use of Iron-Dex 100 Injectable Iron (colloidal ferric oxide in a dextrin solution) for prevention and treatment of iron deficiency anemia in baby pigs.

The application was originally approved on November 10, 1972, with the sponsor at that time being Wittney &

Co. The NADA was later transferred when Wittney & Co. was purchased by Vet Products Co., which subsequently changed its name to Veterinary Laboratories, Inc. In a letter dated February 20, 1986, the firm requested withdrawal of approval of the NADA because the drug product is no longer being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 46–210 and all supplements thereto for Iron-Dex 100 Injectable Iron is hereby withdrawn, effective May 29, 1986.

In a final rule published elsewhere in this issue of the **Federal Register**, FDA is removing that portion of the regulations that reflects this NADA approval.

Dated: May 9, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86–11143 Filed 5–16–86; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Academic Research Enhancement Award

In its report accompanying the fiscal year 1985 appropriation for the National Institutes of Health (NIH), Congress called for an initiative to strengthen the research milieu of non-research-intensive, four-year colleges and univerisities which provide undergraduate or graduate training for a significant number of our Nation's research scientists. In fiscal year 1985, the NIH made $5,000,000 available for this purpose and was able to award 75 "Academic Reseach Enhancement Awards" (AREAs). This award in designed to enhance the research environment of educational institutions that have not been traditional recipients of NIH research funds. The award in intended to support new research projects or expand ongoing research activities proposed by faculty members of these institutions in areas related to the health sciences.

Congress has again appropriated funds for the AREA Program for fiscal year 1986. Grant applications for this round are currently undergoing review for scientific merit. Since it is anticipated that additional funds will be available next year, the NIH is inviting grant applications for the fiscal year 1987 competition for AREA grants.

Eligibility requirements of the AREA Program include the following:

1. *Applicant Institution:*

(a) Must be a domestic institution offering bacalaureate or advanced degrees in the sciences related to health.

(b) Have received an NIH Biomedical Research Grant (BRSG) in no more than three of the six fiscal year from fiscal year 1981 through fiscal year 1986.

Health professional schools (e.g., schools of medicine, dentistry, nursing, osteopathy, pharmacy, veterinary medicine, public health, allied health and optometry) are eligible if they meet both criteria above, as are officially discrete campuses of a university.

Multiple applications proposing different research projects may be submitted by an applicant institution.

2. *Applicant Principal Investigators:*

(a) Must not have active research grant support (including an AREA) from either NIH or the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) at the applicant institution at the time of award of an AREA grant.

(b) May not submit a regular NIH or ADAMHA research grant application for essentially the same project as a pending AREA application.

(c) Are expected to conduct the majority of their research at their own institution, although limited access to special facilities or equipment at another institution is permitted.

(d) May not be awarded more than one AREA grant.

Those in doubt about eligibility should consult their institution's office of sponsored research, or the NIH Office of Special Programs and Initiatives (Building 31, Room 1B54, NIH, Bethesda, MD 20892, 301/496–1968).

Funding decisions will be based on the proposed research project's scientific merit and relevance to NIH programs, and the institution's contribution to the undergraduate preparation of doctoral-level health professionals. Among projects of essentially equivalent scientific merit and program relevance, preference will be given to those submitted by institutions that have granted baccalaureate degrees to 25 or more individuals who, during the period 1977–1986, obtained academic or professional doctoral degrees in the health related sciences.

The AREAs are awarded on a competitive basis. Applicants may request support for up to $50,000 in direct costs (plus applicable indirect costs) for a period not to exceed 24 months. Although this award in non-renewable, it will enable qualified individual scientists within the eligible institutions to receive support for feasibility studies, pilot studies and other small-scale research projects preparatory to seeking more substantial funding from the regular NIH research grant programs.

Applications for this award will be accepted under the regular application submission procedures of the Division of Research Grants (DRG) of NIH. Grant applications must be prepared and submitted on PHS 398 grant application forms. An abbreviated format and simplified instructions will be provided for use in preparing these applications. The receipt date is September 22, 1986.

Those individuals and institutions meeting eligibility requirements and wishing to receive further information and/or application materials should write to: AREA Office of Grants Inquiries, Division of Research Grants, National Institutes of Health, Westwood Building, Room 449, Bethesda, Maryland 20892.

Dated: May 7, 1986.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 86–11222 Filed 5–16–86; 8:45 am]

BILLING CODE 4140-01-M

National Institute on Aging; Aging Review Subcommittee B

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Aging Review Subcommittee B, National Institute on Aging, on June 19, 1986, Building 31, Conference Room 5C05, National Institutes of Health, Bethesda, Maryland, 20892.

This meeting will take the form of a conference telephone call. A speaker phone will be provided in the conference room to allow public participation during the open session of the meeting. The meeting will be open to the public from 1:00 p.m. to 1:15 p.m. on June 19 for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 19 from 1:15 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would

constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland, 20892, (301) 496–5898, will provide a summary of the meeting and a roster of Committee members, as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: May 9, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 11227 Filed 5–16–86; 8:45 am]

BILLING CODE 4140-01-M

Meetings of the Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee on June 24–25, 1986, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on June 25, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on June 23, from 3:00 p.m. to 4:00 p.m. in the 5th-Floor Conference Room of the Lister Hill Center Building.

The meeting on June 24 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the regular meeting and the subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications as follows: The regular meeting on June 24 from 11:00 a.m. to 5:00 p.m., and on June 25, from 8:30 a.m to adjournment; and the subcommittee meeting on June 23 from 3:00 p.m. to 4:00 p.m. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Commiftee, and Chief, Biomedical Information Support Branch, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone number: 301–496–4221, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: May 9, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86–11224 Filed 5–16–86; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Research Resources Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), on June 5–6, 1986, at the National Institutes of Health, Conference Room 10, Building 31–C, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on June 5 from 9:00 a.m. until recess, and on June 6 from 9:00 a.m. until approximately 10:45 a.m. for discussions on administrative matters such as previous meeting minutes; the Report of the Director, DRR; future meeting dates; and budget and legislative updates. DRR staff and the Council will discuss animal welfare issues such as the USDA plans to implement Pub. L. 99–198 (amendment to the Animal Welfare Act); the impact of new Federal policy on grantee institutions; and institutional review of research protocols involving the use of animals. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 6 from 11:15 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

In accordance with the provisions set forth in section 552b(c)(9)(B), Title 5, U.S. Code, the Council meeting will be closed to the public on June 6 from approximately 10:45 a.m. to approximately 11:15 a.m. for discussion and preparation of comments Council wishes to submit to the Director, NIH, for inclusion in the biennial report to the Congress.

Mr. James Augustine, Information Officer, DRR, Building 31, Room 5B10, National Institutes of Health, Bethesda, Maryland 20892, 301/496–5545, will provide a summary of the meeting and a roster of the Council members upon request. Dr. James F. O'Donnell, Deputy Director, DRR, Building 31, Room 5B03, National Institutes of Health, Bethesda, Maryland 20892, 301/496–6023, will furnish substantive program information upon request, and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Research Support, National Institutes of Health)

Dated: May 9, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86–11225 Filed 5–16–86; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463), notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) established pursuant to 42 U.S.C. 242k, section 306(k)(2) of the Public Health Service Act, as amended, will convene on Thursday, June 5, and Friday, June 6, 1986 from 9:00 a.m. to 5:00 p.m. both days in Room 529A of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

The Committee will receive the final report of the Subcommittee on Statistical Aspects of Physician Payment Systems and hear reports on the activities of the Subcommittees on Uniform Minimum Health Data Sets, Disease Classification and Automated Coding of Medical Diagnoses, Minority Health Statistics, and Data Gaps in Disease Prevention and Health Promotion.

Further information regarding this meeting of the Committee may be obtained by contacting Gail F. Fisher, Ph.D., Executive Secretary, National Committee on Vital and Health Statistics, Room 2–28, Center Building, 3700 East-West Highway, Hyattsville,

Maryland 20782, telephone (301) 436–7050.

Dated: May 7, 1986.

Manning Feinleib,

Director, National Center for Health Statistics.

[FR Doc. 86–11214 Filed 5–16–86; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Alaska Land Use Council; Meetings; Correction

In FR Doc. 86–9997, appearing on page 16595, in the issue of Monday, May 5, 1986, make the following correction.

Please add Denali National Park and Preserve General Management Plan and Gates of the Arctic National Park General Management Plan to the list of Council consideration.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

May 13, 1986.

[FR Doc. 86–11194 Filed 5–16–86; 8:45 am]

BILLING CODE 4310–10–M

National Park Service

Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965, 16 U.S.C. 20, public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Lake Meredith Marina, Inc., authorizing it to continue to provide marina, fuel dock, and merchandise sales facilities and services for the public at Lake Meredith Recreation Area, Texas, for a period of ten (10) years from January 1, 1987 through December 31, 1996.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which will expire by limitation of time on December 31, 1986, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR, 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Lake Meredith Recreation Area, P.O. Box 1438, Fritch, Texas, 79036, telephone number (806) 857–3151, for information as to the requirements of the proposed contract.

Dated: April 15, 1986.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 86–11210 Filed 5–16–86 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

AGENCY: Interstate Commerce Commission.

ACTION: Denial of petitions to reopen or institution of a new proceeding.

SUMMARY: The Commission is denying: (1) The National Industrial Transportation League's request for an order requiring motor and rail carriers to publish negative surcharges to reflect declining fuel prices; and (2) The National Small Shipments Traffic Conference, Inc., and Drug and Toilet Preparation Traffic Conference, Inc., joint petition for adjustment of the rate structure for similar reasons or alternatively, a negative fuel surcharge. The relief requested is unnecessary in view of actions already taken or contemplated.

DATE: This action is effective on May 16, 1986.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7513.

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.

Authority: 49 U.S.C. 10321, 10327, 5 U.S.C. 553.

Decided: May 7, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Lamboley dissented in part with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 86–11166 Filed 5–16–86; 8:45 am]

BILLING CODE 7035–01–M

Release of Waybill Data For Use by the Association of American Railroads

The Commission has received a request from the Intermodal Policy Division of the Association of American Railroads (AAR) to use the 1984 ICC Waybill Sample in its economic and policy research and analysis work. The waybill data will be used exclusively as input to the AAR Intermodal Competition Model. This model is the chief means by which the AAR and rail industry determine the impact on rail traffic and revenue of changes in rail, truck, or barge costs. It aggregates all rail shipments as if they were part of one large nationwide or State railroad. The waybill data actually required are the six and seven digit SPLC and STCC codes, car types, and route miles.

The computer output of AAR's model runs are always reported in a highly aggregated form so no individual railroad, shipper, or car owner information is revealed. Moreover, these aggregated results are not reported outside of AAR.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are reuested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's currrent policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party (48 FR 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies)

with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: Elaine Kaiser, (202) 275-7003.

James H. Bayne,

Secretary.

[FR Doc. 86-11163 Filed 5-16-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances Application; Aerojet Strategic Propulsion Co.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 7, 1986, Aerojet Strategic Propulsion Company, Contract Administration Mail Stop 25, Highway 50 at Hazel Avenue, P.O. Box 15699C, Sacramento, California 98813, made application to the Drug Enforcement Administration (DEA) for registration as bulk manufacturer of the Schedule I controlled substance Tetrahydrocannabinols (7370).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance to of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than June 18, 1986.

Dated: May 13, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-11187 Filed 5-16-86; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances Application; First State Chemical Co. Inc. (McNeilab Inc.)

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 28, 1986, McNeilab Inc., DBA First State Chemical Company Inc., 803 East Fourth Street, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Oxycodone (9143)	II
Morphine (9300)	II
Thebaine (9333)	II

Any other applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than June 18, 1986.

Dated: May 13, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-11189 Filed 5-6-86; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances Notice of Application; First State Chemical Co., Inc. (McNeilab Inc.)

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substances in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such substance, provide manufacturers holding registration for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21 Code of Federal Regulations (CFR), notice is hereby given that on January 28, 1986, McNeilab Inc., DBA First State Chemical Company Inc., 803 East Fourth Street, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw opium (9600)	II
Concentrate of poppy straw (9670)	II

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefore, and any existing bulk manufacturer registered therefore, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than June 18, 1986.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: May 13,1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-11186 Filed 5-16-86; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances Application; Janssen Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 23, 1985, Janssen Inc., P.O. Box JPH, State Road

933 KM 01, Mamey Ward, Gurabo, Puerto Rico 00658, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Sufentanil.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA **Federal Register** Representative (Room 1112), and must be filed no later than June 18, 1986.

Dated: May 13, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-11188 Filed 5-16-86; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances Notice of Registration; Johnson Matthey, Inc.

By Notice dated March 3, 1986, and published in the **Federal Register** on March 10, 1986; (51 FR 3257), Johnson Matthey, Inc., 1401 King Road, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Sufentanil (9740)	II
Fentanyl (9801)	II

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: May 13, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-11192 Filed 5-16-86; 8:45am]

BILLING CODE 4410-09-M

Importer of Controlled Substances Registration; Mallinckrodt, Inc.

By Notice dated March 5, 1986, and published in the **Federal Register** on March 13, 1986; (51 FR 8721), Mallinckrodt, Inc., Department C.B., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw opium (9600)	II
Opium plant form (9650)	II
Concentrate of poppy straw (9670)	II

No comments or objections have been received. Therefore, pursuant to section 1008 (a) of the Controlled Substances Import and Export Act and in accordance with Title 21 Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: May 13, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-11190 Filed 5-16-86 8:45am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances Registration; Mallinckrodt

By Notice date March 14, 1986, and published in the **Federal Register** on March 21, 1986; (51 FR 9898), Mallinckrodt, Inc., Department C.B., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine hydrochloride (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Methadone (9250)	II
Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane (9254).	II
Bulk dextropropoxyphene (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extracts (9620)	II
Tincture of opium (9630)	II
Powdered opium (9639)	II
Granulated opium (9640)	II
Oxymorphone (9652)	II
Fentanyl (9801)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: May 13, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-11191 Filed 5-16-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council Committees; Meetings in Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on June 3, 4, and 5. The meetings will be held in Room N-3437 A and B, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, DC.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The meetings of the Committee on Productivity, Technology and Economic Growth and the Committee on Foreign Labor Statistics will be combined. The schedule and agenda of the meetings are as follows:

Tuesday, June 3

9:30 a.m.—Committee on Employment Structure and Analysis
1. Impact of FY 1986–87 Budgets on Programs
2. Status of On-going Programs
   a. Plant Closing—Mass Layoff Reporting
   b. Measurement of Trends in Temporary Help Sector
   c. Occupational Employment Statistics
   d. Displaced Worker Data
   e. Employment and Trade Statistics
3. Special Topics:
   a. SIC Revision
   b. Part-time Employment Trends
   c. Universe Maintenance System Design
   d. Federal-State Cooperative Programs Administration
4. Other Business

1:30 p.m.—Committee on Productivity, Technology and Economic Growth and the Committee on Foreign Labor Statistics
1. Impact of GNP Revisions of Productivity Measures
2. Report of Work on Multifactor Productivity Measures for Two-Digit Industries
3. New OMB Government Productivity Program and Relation to BLS Programs
4. Development in International Comparisons Work
5. European Economic Committee's Special Study in Relation to BLS International Unemployment Comparisons
6. Other Business

Wednesday, June 4

9:30 a.m.—Committee on Prices and Living Conditions
1. CPI and CPI Revision
   a. Local Area CPI's: Transition
   b. Revision Status Report
2. Other Program Reports
3. Budget Status
4. Other Business

1:30 p.m.—Committee on Occupational Safety and Health Statistics
1. National Academy of Sciences Study and General Program Developments
2. Recordkeeping Guidelines
3. On-Site Case Study and Post Symposium Developments
4. WIR Update
5. Supplementary Data System Updates
6. Other Business

Thursday, June 5

9:30 a.m.—Committee on Wages and Industrial Relations
1. Review of Work in Progress
2. The FY 1987 Budget
3. Today's Pension Plans: How Much Do They Pay?
4. Review of Wage Program Concepts
5. Other Business.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 523–0001.

Signed at Washington, DC, this 9th day of May 1986.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 86–11160 Filed 5–16–86; 8:45 am]

BILLING CODE 4510–24–M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; A&M Rubber Supply 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 persons 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 29, 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 29, 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 5th day of May 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
A&M Rubber Supply Inc. (workers)	Lewiston, ME	4/28/86	4/18/86	TA-W-17,392	Fiberglass inserts for ski boots, cobras, rubber soles, wooden heels, and liners for seakers.
Dorr-Oliver, Inc. (IAMAW)	Hazleton, PA	4/29/86	4/21/86	TA-W-17,393	Filter & mining equipment—office workers also should be included.
Dresser-Industries, Inc., Galion Operation of Construction Equipment Div. (IAMAW)	Galion, OH	4/29/86	4/23/86	TA-W-17,394	Construction equipment for road construction.
Donham Oil Tools Co. (workers)	Watford City, ND	4/28/86	4/24/86	TA-W-17,395	Oil field service tool supply.
E&W of Monterey, Inc. (company)	Monterey, TN	4/29/86	4/25/86	TA-W-17,396	Ladies blouses, men shirts coaches pants and shirts ball pants and jackets.
Firestone Tire and Rubber Co. (URW)	Bloomington, IL	4/29/86	4/25/86	TA-W-17,397	Off the road tires heavy equipment.
General Electric Co. Capacitor Products Dept. (UE)	Hudson Falls, NY	4/28/86	4/23/86	TA-W-17,398	Capacitors for microwave ovens and air conditioners.
General Electric Co. Capacitor Products Dept (UE)	Fort Edwards, NY	4/28/86	4/23/86	TA-W-17,399	Capacitors for microwave ovens and air conditioners.
Jacksonville Kraft Paper Co. (IAMAW)	Jacksonville, FL	4/29/86	4/24/86	TA-W-17,400	Kraft paper and liner boards.
Keriting Drilling Service, Inc. (wkrs)	Williston, ND	4/29/86	4/24/86	TA-W-17,401	Drill oil and natural gas.
Otis Engineering Corp. (wkrs)	Williston, ND	4/29/86	4/23/86	TA-W-17,402	Sales and services, assemble down hold (wells) tools.
TRW Energy Products Group, Reada Pump Div. (workers)	Thermopolis, WY	5/1/86	4/21/86	TA-W-17,403	Submersible pumps for use in oil wells.
Cabot Corporation, Alloy Manufacturing Operation (USWA)	Kokomo, IN	4/29/86	4/23/86	TA-W-17,404	Specialty steel, high temperature alloys, corrosive alloys.
C.E. Natco (workers)	Williston, ND	4/29/86	4/23/86	TA-W-17,405	Warehouse distribution—selling surface production equipment.

APPENDIX—Continued

Petitioner: Union/workers of former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Delco Systems Operations (wrks)	Culpeper, VA	4/28/86	4/24/86	TA-W-17,406	Gun turret assemble and test light armored vehicles.
Everett Piano Div. Yamaha Int'l Corp. (United Furniture)	So. Haven, MI	4/28/86	4/21/86	TA-W-17,407	Upright pianos.
McKay Drilling, Rig 59, 52, 56 (workers)	Williston, ND	5/1/86	4/23/86	TA-W-17,408	Drilling oil, natural gas.
McQuay Norris Manufacturing Div SKF Industries (workers)	Bradford, TN	4/28/86	4/23/86	TA-W-17,409	Piston rings and sealing rings.
Travenol Laboratories Inc. (workers)	Hays, KS	4/28/86	4/23/86	TA-W-17,410	Plastic administration set for intravenous solutions and blood.
Wire Rope Corp. of America, Inc. (USWA)	Saint Joseph, MO	4/29/86	4/24/86	TA-W-17,411	Steel wire rope.

[FR Doc. 86-11153 Filed 5-16-86; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Active Generation, 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 persons 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 29, 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 29, 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 12th day of May 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
Active Generation, Inc. (workers)	Trenton, TN	5/2/86	4/29/86	TA-W-17,412	Mens' and boys' coats, caps.
Aluminum Company of America (ABGWIU)	Massena, NY	5/1/86	4/28/86	TA-W-17,413	Moltan aluminum metal, castings ingots form.
Bijur Lubrication Corp. (UE)	Bennington, VT	5/2/86	4/29/86	TA-W-17,414	Lubricating pumps.
Burlington Industries, Inc. (workers)	Sherman, TX	5/6/86	4/29/86	TA-W-17,415	Sheeting materials.
Cross Country Clothes (workers)	Northampton, PA	5/6/86	5/3/86	TA-W-17,416	Men's sport jackets and suit jackets.
Dan River, Inc. (workers)	Benton, AL	5/6/86	5/2/86	TA-W-17,417	Sheeting fabrics.
Firestone Steel Products (UAW)	Henderson, KY	5/2/86	4/17/86	TA-W-17,418	Light and heavy truck/trailer wheels and rims.
Grace Drilling Co., Bomac Div., Williston District (workers)	Williston, ND	5/5/86	4/26/86	TA-W-17,419	Oil and gas exploration drilling.
J.H. Wood Shake, Inc. (workers)	Lebam, WA	4/28/86	4/24/86	TA-W-17,420	Cedar shakes and shingles.
Missouri Valley Perforating, Inc. (workers)	Williston, ND	5/6/86	5/3/86	TA-W-17,421	Oilfield logging and perforating.
New Departure-Hyatt (UAW)	Bristol, CT	5/8/86	4/28/86	TA-W-17,422	Commercial ball bearing roller bearings.
Wm. Ornsteen Heel Co., Inc. (ACTWU)	Bradford, MA	5/2/86	4/30/86	TA-W-17,423	Heels—women's and children's shoes.

[FR Doc. 86-11154 Filed 5-16-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,736; 16,740; 16,741; 16,743; 16,745]

AT&T Information Systems; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 29, 1985 in response to a worker petition which was filed by the Communications Workers of America on behalf of workers at Service Centers of AT&T Information Systems (up to July 1, 1985 under the jurisdiction of AT&T Technologies) in Salt Lake City, Utah; East Syracuse, New York; Union, New Jersey; Cincinnati, Ohio and New Orleans, Louisiana. In the course of the investigation, it was ascertained that all of the above service centers, which include refurbishing shops and warehouses, were closed more than one year before the date of the petition, which is September 30, 1985.

The closing dates and locations are listed below:

Location	TA-W-#	Closing date
Salt Lake City, Utah	16,736	Dec. 31, 1983.
East Syracuse, New York	16,740	July 1, 1984.
Union, New Jersey	16,741	Aug. 31, 1984.
Cincinnati, Ohio	16,743	Dec. 31, 1983.
New Orleans, Louisiana	16,745	July 1, 1984.

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 7th day of May 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-11155 Filed 5-16-86; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; BRW Industries 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 May 5, 1986–May 9, 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 appropriate 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 contribute importantly to worker separations at the firm.

TA-W-16,652; BRW Industries, Bangor, PA

TA-W-16,611; Armco, Inc., Ambridge, PA

TA-W-16,656; J.L. Clark Manufacturing Co., Havre De Grace, MD

TA-W-16,555; Kimble Products Division, Owens-Illinois, Inc., Pittston, PA

TA-W-16,463; Gates Learjet Corp., Wichita, KS

TA-W-16,464; Gates Learjet Corp., Tucson, AZ

TA-W-16,655; Handy and Harman, Electronic Materials, Montvale, NJ

TA-W-16,620; Spang and Company, Butler, PA

TA-W-16,576; C.E. Basic, Bettsville, OH

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-16,683; West Company, North Bergen, NJ

Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA-W-16,665; El Paso Machine Steel Works, Inc., El Paso, TX

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations

TA-W-16,486; Anchor Hocking Corp., Plant #12, #30, #40, #58, Lancaster, OH

A certification was issued covering all workers of the firm separated on or after September 12, 1984.

TA-W-16,616; Lebow Clothes, Inc., Baltimore, MD

A certification was issued covering all workers of the firm separated on or after October 24, 1984.

TA-W-16,637; Louisiana-Pacific Corp., Ashland, WI

A certification was issued covering all workers of the firm separated on or after January 1, 1985 and before April 15, 1986.

TA-W-16,606; Shenango Furnace Company, Dover, OH

A certification was issued covering all workers of the firm separated on or after November 1, 1984.

TA-W-16,596; Texas Apparel Co., Carrizo Springs, TX

A certification was issued covering all workers of the firm separated on or after July 1, 1985.

TA-W-16,640; Pennsylvania Optical Co., Reading, PA

A certification was issued covering all workers of the firm separated on or after November 11, 1984.

TA-W-16,657; Olin Corp., Ecusta Paper Film Group, Pisgah Forest, NC

A certification was issued covering all workers of the firm separated on or after November 13, 1984 and before April 30, 1986.

TA-W-16,610; WCI Machine Tool Systems, Fairfield, CT

A certification was issued covering all workers of the firm separated on or after October 22, 1984.

TA-W-17,102; United Merchants & Manufacturers, Inc., Amertex Dept 44, New York, NY

A certification was issued covering all workers of the firm separated on or after January 1, 1985 and before November 1, 1985.

TA-W-16,647; Great Lakes Carbon Corp., Morganton, NC

A certification was issued covering all workers of the firm separated on or after October 28, 1984.

TA-W-16,686; Elkem Metals Co., Marietta, OH

A certification was issued covering all workers of the firm separated on or after June 10, 1985.

TA-W-16,620A; Spang & Company, East Butler, PA

A certification was issued covering all workers producing tool joints separated on or after October 30, 1984.

TA-W-16,697; Sperry Corp., Ephraim, UT

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,697A; Sperry Corp., Salt Lake City, UT

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,600; Bethlehem Steel Corp., Steelton, PA

A certification was issued covering all workers except those workers engaged in employment related to production of steel reinforcing bar, frogs and switches and pipe products separated on or after January 1, 1985.

TA-W-16,576A; C.E. Basic, Maple Grove, OH

A certification was issued covering all workers producing nonclay refractories separated on or after September 24, 1984.

I hereby certify that the aforementioned determinations were issued during the period May 5, 1986–May 9, 1986. Copies of these determinations are available for inspection Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213, during normal business hours or will be mailed to persons who write to the above address.

Dated: May 13, 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-11156 Filed 5-16-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,362]

Termination of Investigation; Pascoe Building Systems

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 on behalf of workers at Pascoe Building Systems, Wathena, Kansas.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-16,669). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 7th day of May 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-11157 Filed 5-16-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,350]

Puna Sugar Co., Ltd., a Further Determination

Pursuant to the U.S. Court of International Trade remand, dated March 13, 1986, in *ILWU, Local 142* v. *Secretary of Labor*, (USCIT No. 83-5-00779) concerning the denial of certification for workers at the Puna Sugar Company, Ltd., Keaau, Hawaii, the Department makes the following further determination.

By order dated December 11, 1985, the Court remanded the case of the Secretary for further proceedings. On March 13, 1986, the USCIT denied the Secretary's request for a rehearing and remanded the case to the Department for further proceedings.

The Court held that the record did not support (1) the contention that the workers' firm produced refined sugar rather than raw sugar; (2) that HFCS was relevent to the workers' petition; (3) that HFCS had a significant impact on the raw sugar market and (4) that HFCS was a more important cause of workers separations than raw sugar imports. Also, the Court faulted the Department for failing to explain why the 1977 Hawaiian certifications did not "provide a precedent" and why the increase of raw sugar imports in 1981 did not contribute importantly to worker separations at Puna.

Findings in the record show Puna, in cooperation with other owners, produced and marketed refined sugar through the California and Hawaii Sugar Company (C&H). C&H did not import raw sugar.

On remand, the Office of Trade Adjustment had available the results of a customer survey involving customers of C&H done in conjunction with another investigation but which is relevant to the instant case. The results of the survey have been incorporated into the record. In addition, updated statistics have been included in the record and have been utilized by the Department on remand. As a result of the Department's investigation on remand, the Department has reached the following conclusions relevant to this petition:

The product of Puna was refined sugar.

There occurred neither an absolute nor a relative increase in imports of refined sugar in the relevant time period. The "increases of imports" requirement of the statute therefore could not be satisfied unless raw sugar can be considered to be a product "directly competitive with" refined sugar under the facts relevant to this petition and it can be determined that imports of raw sugar increased in the relevant time period.

Because of the domestic increase in refined sugar exports in the relevant time period brought about by the availability of "drawback" payments, most of the increases in imports of raw sugar in 1981 over import levels in 1980 was absorbed by the refined sugar exports and consequently did not remain in the domestic refined sugar market so as to affect prices for Puna's product. Thus, imports of raw sugar in the relevant time period did not have an economic effect "comparable to" the effect of imports of refined sugar and consequently imported raw sugar was not, within the meaning of the statute, "directly competitive with" domestic refined sugar in the relevant time period.

Even assuming that the "increases of imports" requirement could be satisfied by the 1980-81 increase in raw sugar imports, the Department has determined that this increase could not have, and did not in fact, contribute importantly to the decline in production or sales and separation of employees at Puna.

The 1977 certifications of workers at Wailuke Sugar Company do not "provide a precedent" for the Puna petition because the facts and the economic and regulatory circumstances relevant to the Wailuke petitions are distinguishable from those relevant to the instant petition.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers at Puna Sugar Company, Keaau, Hawaii.

Signed at Washington, DC, this 12th day of May 1986.

Robert A. Schaerfl,

Director, Office of Program Management, UIS.

[FR Doc. 86-11158 Filed 5-16-86; 8:45 am]

BILLING CODE 4510-30-M

United Merchants and Manufacturers, Inc., Arkwright Finishing Plant, Bath Mill Division; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 28, 1986, applicable to all workers of United Merchants and Manufacturers, Inc., Arkwright Finishing Plant, Fall River, Massachusetts. The Notice of Certification was published in the **Federal Register** on April 8, 1986 (51 FR 11992).

On its own motion the Office of Trade Adjustment Assistance expanded its initial investigation (TA-W-16,537) to include workers at United Merchants and Manufacturers, Inc., Bath Mill Division, Bath, South Carolina.

The Bath Mill Division is part of an integrated production process where woven greige goods of cotton/polyester blends are produced that are finished at other United Merchants' mills or mills under contract to United Merchants. United Merchants and Manufacturers, Incorporated maintains ownership and control of the goods throughout the production process. The finished goods are sold by the sales arm of United Merchants to apparel manufacturers. The Bath Mill Division ceased production permanently in October, 1985.

The intent of the amended certification is to cover under one notice all workers of the Arkwright Finishing Plant in Fall River, Massachusetts and the Bath Mill Division in Bath, South Carolina of United Merchants and Manufacturers, Inc. The notice, therefore, is amended by including the Bath, South Carolina plant with its January 1, 1985 impact date and January 1, 1986 termination date.

The amended notice applicable to TA-W-537 is hereby issued as follows:

All workers of United Merchants and Manufacturers, Incorporated, Arkwright Finishing Plant, Fall River, Massachusetts who became totally or partially separated from employment on or after January 1, 1985 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974 and all workers of United Merchants and Manufacturers, Incorporated, Bath Mill Division, Bath, South Carolina who became totally or partially separated from employment on or after January 1, 1985 and before January 1, 1986 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 7th day of May 1986.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 86-11159 Filed 5-16-86; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Summary of Decisions Granting in Whole or in Part Petitions for Modification

Correction

In FR Doc. 86-9868 beginning on page 16407 in the issue of Friday, May 2, 1986, make the following corrections:

On page 16408, in the table, in the FR Notice column, the first ten entries should read: "41 FR 13959, 48 FR 56868, 49 FR 13761, 49 FR 22577, 49 FR 40499, 49 FR 40501, 49 FR 26160, 49 FR 40508, 49 FR 35050, 49 FR 40497".

BILLING CODE 1505-01-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR Parts 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25 as amended);

Flushing Shirt Mfg., Inc., Grantsville, MD; 1-18-86 to 1-17-87; 10 percent of the total number of factory production workers for normal labor turnover (Men's shirts).

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended);

Somerset Mfg. Co., Somerset, PA; 3-12-86 to 3-11-87; 5 percent of the total number of factory production workes for normal labor turnover purposes (Ladies' slips and sleepwear).

Each certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or consideration thereof on or before June 3, 1986.

Signed at Washington, DC, this 9th day of May 1986.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 86-11164 Filed 6-16-86; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes a notice at least monthly of all agency requests for records disposition authority (records schedules) which include records being proposed for disposal or which reduce the records retention period for records already authorized for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

DATE: Comments must be received in writing on or before July 18, 1986.

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The control number appears in parenthesis immediately after the title of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

This public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

Effective with this notice, records schedules which include only requests to lengthen the retention period and where authority for disposal already exists are not being included.

Schedules Pending Approval

1. Department of Commerce, Bureau of Foreign Commerce, Office of Economic Affairs (N1-151-86-3). Records relating to treaties, tariffs, cartels, and commercial laws.

2. Department of Commerce, Office of Assistant Administrator for Industrial Analysis and Business Programs (N1-151-86-4). Records relating to industrial studies in Alaska.

3. Environmental Protection Agency, Office of Emergency and Remedial Response (NC1-412-85-10). General correspondence and records relating to administrative support.

4. Department of Health and Human Services, Public Health Service, Health Resources and Services Administration (N1-90-86-5). Records relating to the National Health Service Corps scholarships, including correspondence, memoranda, applications, agreements, and other related records.

5. National Archives and Records Administration, National Archives Center, Kansas City, MO: records accessioned from the General Services Administration, Public Buildings Service (N2-121-86-1). Routine administrative

correspondence and housekeeping records relating to the disposal of real property.

6. United States Coast Guard, Office of Merchant Marine Safety (NC1–26–84–10). Records relating to merchant marine officers licenses and original articles containing seaman agreements with masters and/or companies.

7. Department of the Treasury, Comptroller of the Currency, Office of Bank Supervision (N1–101–86–1). Reports of conditions of the United States banking system, 1917–1928.

8. Department of the Treasury, International Revenue Service, Returns Processing and Accounting Division (NC–58–82–10). Miscellaneous statistical tables, correspondence, progress reports, demonstration materials.

Dated: May 12, 1986.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 86–11142 Filed 5–16–86; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities, NFAH.

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 on or before June 16, 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 Services 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 filled 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: Revisions

Title: Applications and Instruction Forms for the Publication Subvention Category
Form Number: Not applicable
Frequency of Collection: Twice a year
Respondents: Publishers of works in the humanities
Use: Application for funding
Estimated Number of Respondents: 132 per year
Estimated Hours for Respondents to Provide Information: 24 per respondent.

Susan Metts,

Director of Administration.

[FR Doc. 86–11172 Filed 5–16–86; 8:45 am]

BILLING CODE 7536–01–M

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:

1. Date: May 30, 1986.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Summer Seminars for Secondary School Teachers in Philosophy and Religion, submitted to the Division of Fellowships and Seminars, for projects beginning after September 1, 1986.

2. Date: June 1986.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Summer Seminars for Secondary School Teachers in Comparative Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after September 1, 1986.

3. Date: June 3, 1986.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Summer Seminars for Secondary School Teachers in English and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after September 1, 1986.

4. Date: June 4, 1986.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Summer Seminars for Secondary School Teachers in Politics and Society, submitted to the Division of Fellowships and Seminars, for projects beginning after September 1, 1986.

5. Date: June 5, 1986.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Summer Semniars for Secondary School Teachers in History of Art and Architecture, submitted to the Division of Fellowships and Seminars, for projects beginning after September 1, 1986.

6. Date: June 5–6, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: M–09.
Program: This meeting will review applications in the fields of the humanities submitted to the Conferences category of Regrants Program, Division of Research Programs, for projects beginning after October 1, 1986.

7. Date: June 5–6, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review state humanities council applications, submitted to the Division of State Programs, for activity beginning after November 1, 1986.

8. Date: June 8, 1986.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Summer Seminars for Secondary School Teachers in Classical, Medieval, and Renaissance Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after September 1, 1986.

9. Date: June 12–13, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review state humanities council applications, submitted to the Division of State Programs, for activity beginning after November 1, 1986.

10. Date: June 19–20, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.

Program: This meeting will review state humanities council applications, submitted to the Division of State Programs, for activity beginning after November 1, 1986.

11. Date: June 9–10, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for Exemplary Projects in Undergraduate and Graduate Education program, submitted to the Division of Education, for projects beginning after January 1, 1987.

12. Date: June 6, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications in the fields of the humanities submitted to the Publication Subvention category of the Texts Programs, Division of Research Programs, for projects beginning after October 1, 1986.

13. Date: June 9, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications in the fields of the humanities submitted to the Publication Subvention category of the Texts Program, Division of Research Programs, for projects beginning after October 1, 1986.

14. Date: June 12, 1986.
Time: 9:00 a.m. to 5:00 p.m.
Room: 430.
Program: This meeting will review Challenge Grants applications from Public Libraries, submitted to the Challenge Grants Programs, for projects beginning after December 1, 1986.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation of 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. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me be the Chairman's Delegation of Authority to Close Advisory Committee Meetings, date January 15, 1978, I have determined that these meetings 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 about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 786–0322.

Stephen. J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 86–11213 Filed 5–16–86; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published April 22, 1986 (51 FR 15080). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 A.M. and Subcommittee meetings usually begin at 8:30 A.M. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the June 1986 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 202/634–3265, ATTN: Barbara Jo White) between 8:15 A.M. and 5:00 P.M., Eastern Time.

ACRS Subcommittee Meetings

Thermal Hydraulic Phenomena, May 21, 1986, Washington, DC. The Subcommittee will review NRC research programs in the thermal hydraulic phenomena area for the ACRS report to the Commission for FY 1988.

Ad Hoc Subcommittee on TVA, May 22, 1986, Washington, DC—Cancelled.

Reliability Assurance, May 22, 1986, Washington, DC (Note: This meeting will begin at 8:00 A.M.). The Subcommittee will discuss research associated with reliability research (reliability maintenance), mechanical and electrical equipment qualification, and plant aging. Related topics will also be discussed, including seismic fragility of plant components (e.g., relay chatter) and the ability of containment isolation valves to close under accident flow rates.

Regulatory Policies and Practices, May 27, 1986, Washington, DC. The Subcommittee will discuss the regulatory process as it relates to the June 9, 1985 event at Davis-Besse.

South Texas Units 1 and 2, May 29 and 30, 1986, Bay City, TX. The Subcommittee will review Houston Lighting and Power Company's application for an operating license.

Reactor Operations, June 3, 1986, Washington, DC. The Subcommittee will review recent events at operating plants.

Severe (Class 9) Accidents, June 3, 1986, Washington, DC. The Subcommittee will review a final draft of NUREG–0956, "Reassessment of the Technical Bases for Estimating Source Terms."

Safety Research Program, June 4, 1986, Washington, DC. The Subcommittee will continue its discussion on the proposed NRC Safety Research Program and Budget for FY 1988 and 1989. It will discuss also a Draft ACRS report to the Commission on this matter.

Containment Requirements, June 4, 1986, Washington, DC. The Subcommittee will review the status of the NRC Staff's programs for the development of Safety Goal Policy containment performance objectives.

Decay Heat Removal Systems, June 24, 1986 (tentative), Washington, DC. The Subcommittee will review NRR's Action Plan to address concerns with the reliability of certain plants' AFW systems.

Babcock and Wilcox (B&W) Reactor Plants, June 25, 1986, Washington, DC. The Subcommittee will consider the B&W Owners Group plans to reassess the long-term safety of B&W reactors, including the implications of operating experience on the adequacy of B&W plant designs. The Subcommittee will also be briefed on the NRC Staff's Incident Investigation Team's (IIT) findings related to the 12/26/85 loss of integrated control system power and overcooling transient at the Rancho Seco nuclear power plant.

Metal Components, June 25, 1986, Pittsburgh, PA. The Subcommittee will

review the status of NDE of cast stainless steel, and changes in steel-making practice.

Auxiliary Systems, June 26, 1986, Washington, DC. The Subcommittee will discuss: (1) The status of the Appendix R compliance, (2) differing technical views among the Staff, (3) proposed research and associated budget for FY 1988 and 1989 in the fire protection area, and (4) updates on the progress being made in the Sandia experimental program on fire protection.

Gas Cooled Reactor Plants, June 26, 1986, Washington, DC. The Subcommittee will review the applicability on NRC requirements for equipment qualification and cable testing to Fort St. Vrain, an HTGR.

Davis-Besse, June 27, 1986, Washington, DC. The Subcommittee will review start-up activities for Davis-Besse.

Joint Occupational and Environmental Protection Systems and Auxiliary Systems, June 27, 1986, Washington, DC. The Subcommittees will: (1) Review a draft AEOD report on the effects of ambient temperature on I&C Systems, (2) be briefed on the status of various control room HVAC Systems problems and the Staff's control room habitability improvement effort, (3) discuss with the Staff the 1 mrem/yr "cutoff" dose rate for the calculation of collective propulation doses, and (4) be briefed on the Staff's evaluation of the Shearon Harris Chilled Water Systems.

Reliability Assurance, July 8, 1986, Washington, DC. The Subcommittee will review the final resolution of USI A-46, "Seismic Qualification of Equipment in Operating Plants."

Waste Management, July 22 and 23, 1986, Washington, DC. The Subcommittee will review: (1) NUREG-0518, Final Environmental Statement pertaining to the salvaging of contaminated smelted alloys, (2) the broader generic question concerning the disposition of a wide range of related materials, including metals and equipment resulting from the decontamination and decommissioning of nuclear power plants, and (3) High-Level and Low-Level Radioactive Waste topics to be identified and discussed with NMSS at an agenda planning session on May 27, 1986.

Westinghouse Reactor Plants, July 24, 1986, Washington, DC. The Subcommittee will continue discussion and comment on NRC Staff actions taken with respect to the SONGS-1 water hammer/loss of AC power event. This will be a follow-up Subcommittee meeting to the February 12, 1986 meeting on the same subject.

Scram Systems Reliability, July 31, 1986, Washington, DC. The Subcommittee will review the status of the ATWS Rule implementation effort.

Extreme External Phenomena, August 6, 1986, Washington, DC. The Subcommittee will conduct a workshop to review the importance of seismic risk to nuclear power plants. Seismic hazard will be the principal topic to be discussed.

Decay Heat Removal Systems, August 13, 1986, Washington, DC. The Subcommittee will continue its review of NRR's proposed resolution position for USI A-45, "Shutdown Decay Heat Removal Systems."

Spent Fuel Storage, Date to be determined (June/July), Washington, DC. The Subcommittee will continue its review of 10 CFR Part 72 and Monitored Retrievable Storage (MRS).

Metal Components, Date to be determinerd (July), Richland, WA. The Subcommittee will visit and review steam generator, degraded piping, and NDE facilities and programs.

Instrumentation and Control Systems, Date to be determined (July), Washington, DC. The Subcommittee will review the Westinghouse RIVLIS level instrumentation.

Nuclear Plant Chemistry, Date to be determined (July/August), Washington, DC. The Subcommittee will discuss fission product source terms, aerosol behavior, emergency planning, etc.

AC/DC Power Systems Reliability, Date to be determined (August), Washington, DC. The Subcommittee will review the proposed Station Blackout rule (SECY-85-163).

Seabrook Units 1 and 2, Date to be determined (late summer/early fall), Washington, DC. The Subcommittee will review the application for a full power operating license for Seabrook 1 and 2.

Structural Engineering, Date to be determined (late 1986), Albuquerque, NM. The Subcommittee will visit and review containment integrity and Category I structures, facilities, and programs.

Probabilistic Risk Assessment, Date and location to be determined. The Subcommittee will review the probabilistic risk assessment for Millstone 3.

ACRS Full Committee Meeting

June 5-7, 1986: Items are *tentatively* scheduled.

*A. *Meeting with NRC Commissioners*—discuss ACRS report dated January 14, 1986 regarding the General Electric Standard Safety Analysis Report (GESSAR-II).

*B. *Recent Events at Operating Nuclear Power Stations*—reports and discussion regarding recent events and incidents at nuclear power stations.

*C. *South Texas Nuclear Power Plant*—request for an operating license for this facility.

*D. *Davis-Besse Nuclear Plant*—discuss regulatory processes associated with the evaluation of the design, operation and accident investigation regarding this nuclear power plant.

E. *Reactor Safety Research Program*—Preparation of ACRS report to the U.S. Congress regarding the proposed NRC safety research program for FY 1988 and 1989.

F. *Source Term for Nuclear Power Plant Accidents*—review proposed NRC NUREG regarding revised nuclear power plant source term to be used in accident evaluation.

G. *NRC Regulatory Guides*—consider proposed revisions to NRC Regulatory Guides.

*H. *ACRS Subcommittee Activities*—reports of designated ACRS subcommittees regarding safety-related regulatory matters including consideration of Technical Integration Centers, thermal-hydraulic research and management of ACRS activities.

I. *Future ACRS Activities*—discuss anticipated ACRS subcomittee activities and items proposed for consideration by the full Committee.

*J. *Appointment of ACRS Members*—discuss qualifications of candidates nominated for appointment to the ACRS and reappointment of a committee member when his term is complete.

K. *Systems Interactions*—Discuss proposed ACRS comments regarding examples of systems interactions.

*L. *Activities of ACRS Members*—discuss non-ACRS activities of Committee members and the impact of these activities on their participation as ACRS members.

July 10-12, 1986—Agenda to be announced.

August 7-9, 1986—Agenda to be announced.

Dated: May 14, 1986.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 86-11226 Filed 5-16-86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Thermal Hydraulic Phenomena; Revised

The **Federal Register** published May 8, 1986 (51 FR 17120) contained notice of a meeting of the ACRS Subcommittee to he held on Wednesday, May 21, 1986, 8:30 a.m., Room 1046, 1717 H Street, NW., Washington, DC. To the extent

practical, most of the meeting will be open to public attendance. However, a portion of the meeting will be closed to protect information, the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action. All other items regarding this meeting remain the same as previously announced.

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, Mr. Paul Boehnert (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 14, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86–11228 Filed 5–16–86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability Assurance; Date Change

The ACRS Subcommittee on Reliability Assurance previously published in the **Federal Register** May 13, 1986 (51 FR 17560) scheduled for May 23, 1986 has been *rescheduled for Thursday, May 22, 1986, 8:00 A.M., Room 1046, 1717 H Street, NW., Washington, DC.* All other items regarding this meeting remain the same as previously announced.

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, Mr. Richard Major (telephone: 202/634–1414) 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 14, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86–11229 Filed 5–16–86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Ad Hoc Subcommittee on TVA; Cancellation

The ACRS Ad Hoc Subcommittee on TVA scheduled for May 22, 1986, Room 1046, 1717 H Street NW., Washington, DC has been cancelled. This notice was previously published on May 9, 1986 (51 FR 17266).

Dated: May 14, 1986.

Morton W. Libarkin,

Assistant Executive for Project Review.

[FR Doc. 86–11230 Filed 5–16–86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–456–OL; 50–457–OL and ASLBP No. 79–410–03–OL]

Commonwealth Edison Co.; (Braidwood Station, Unit Nos. 1 and 2); Hearing

May 13, 1986.

Before Administrative Judges: Herbert Grossman, Chairman, Richard F. Cole, A. Dixon Callihan.

Please take notice that at 2:00 p.m. on Tuesday, May 27, 1986, the evidentiary hearing in the matter of the Braidwood Station operating license will reconvene in the Meeting Room, Lower Level, Circuit Court of Cook County, Municipal District 6, 16501 South Kedzie Parkway, Markham, Illinois 60426. The hearing will continue until concluded.

The public is invited to attend all hearing sessions.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman Administrative Judge.

[FR Doc. 86–11231 Filed 5–16–86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–445–CPA]

Texas Utilities Electric Co., et al., (Comanche Peak Steam Electric Station, Unit 1); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit amendment proceeding: Alan S. Rosenthal, Chairman, Dr. W. Reed Johnson, Thomas S. Moore.

Dated: May 13, 1986.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 86–11232 Filed 5–16–86; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with the directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on ever employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1986 shall be at the rate of 22.5 cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1986, 27.6 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 72.4 percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: May 12, 1986.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 86–11178 Filed 5–16–86; 8:45 am]

BILLING CODE 7905-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Committee on International Science, Engineering, and Technology; Notice of Establishment and Correction

AGENCY: Executive Office of the President, Office of Science and Technology Policy.

ACTION: Correction.

SUMMARY: This document corrects the document published on Page 15561 in the issue of Thursday, April 24, 1986. On Page 15561, first column, following Action entry, correct word Engenering to read Engineering. In the third column, page 15561, following entry The Department of Defense, correct first entry thereafter to read as follows:

—Deputy Undersecretary for Trade Security Policy On Page 15562, in the third column, under the heading Members and Chairman, Beginning with the entry The Department of Defense, the entries are corrected to read as follows:

• The Department of Defense
—Deputy Undersecretary for Trade Security Policy
—Deputy Undersecretary for Research and Advanced Technology
• The Department of the Treasury
—Deputy Assistant Secretary for Trade and Investment Policy
• Executive Office of the President
—Director for international Economic Affairs, National Security Council
—Deputy Associate Director, Special Studies Division, Office of Management and Budget
—Director, Chemical and Advanced Technology Trade Policy, Office of the United States Trade Representative
—Associate Director, Office of Science and Technology Policy.

Jerry D. Jennings

Executive Director, Office of Science and Technology Policy.

[FR Doc. 86-11179 Filed 5-16-86; 8:45 am]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-15096; 812-6367]

CBA Money Fund, et al.; Application for Order

May 13, 1986.

Notice is hereby given that CBA Money Fund; CMA Money Fund; CMA Government Securities Fund; Financial Institutions Series Trust (on behalf of the Overland Express Money Market Fund and Summit Cash Reserves Fund); Merrill Lynch Retirement Series Trust; Merrill Lynch U.S.A. Government Reserves; Merrill Lynch Series Fund, Inc. (on behalf of its Money Reserve Portfolio); and Merrill Lynch Variable Series Funds, Inc. (on behalf of Merrill Lynch Reserve Assets Fund and Merill Lynch U.S. Government Money Fund), Box 9011, Princeton, N.J. 08543-9011, and Merrill Lynch Government Fund Inc., 125 High Street, Boston, MA 02110, registered under the Investment Company Act of 1940 ("Act") as open-end, deversified, management investiment companies; and Merrill Lynch Asset Management (MLAM), and Fund Asset Management, Inc. (FAMI), registered as investment advisers under the Investment Advisers Act of 1940, and each acting as investment manager for one or more of the above-named registered investment companies (which, together with MLAM and FAMI are referred to herein after as "Applicants"); filed an application on April 29, 1986, pursuant to section 6(c) of the Act requesting an order of the commission exemption the above-named registered investment companies, as well as any additional "money market funds" which may be organized by MLAM or FAMI in the future (Funds), from the provisons of section 19(b) of the Act, and Rule 19b-1 thereunder, to permit the Funds to make distributions of long-term capital gains more frequently than once a year. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, and to the Act for the text of the relevant statutory provisions.

Each Fund is a money market fund organized to invest principally in a portfolio of money market securities, primarily short-term United States Government agency securities, bank money instruments, commercial paper, and repurchase agreements. The Funds' investment objectives are to seek current income and stability of principal.

Section 19(b) and Rule 19b-1, as here pertinent, prohibit distributions of long-term capital gains dividends more frequently than once a year. Applicants submit that although certain of the Funds may invest in securities maturing in less than two years and the remaining Funds may invest in securities maturing in less than one year, the average life of any Fund's portfolio generally does not exceed 65 days. In no case will such instruments be acquired with a view to the realization of long-term capital gains. If unaticipated circumstances result in the accrual of such gains, however, the Funds wish to be in the postion to distribute them at approximately the time they accure together with their other distributions of income. If such gains could not be distributed currently, the Funds' net asset value on each daily valuation day would be increased by the amount of such undistributed gain with no current benefit accuring to shareholders unless they elected to redeem their shares.

Applicants assert that the principal purposes of section 19(b) and Rule 19b-1 are (1) to pervent shareholders from confusing dividends of interest income with distributions of capital gains; (2) to relieve investment company advisers from pressure to realize such gains; (3) to mitigate improper sales practices related to the distributions of such gains; and (4) to eliminate the administrative expenses associated with frequent capital gains distributions. Applicants submit that such dangers are irrelevant to the Funds because (1) full disclosure is made to each shareholder of the investment objectives of each Fund, and capital gains distributions are clearly identified; (2) the Funds explicitly disclaim any intention of seeking such gain; (3) each Fund declares daily dividends of any realized gain and purposes to distribute such dividends as they are realized, and consequently a Fund would not be compelled to sell a security merely in order to be able to distribute a gain on sale; and (4) the Funds would not incur any substantial increases in administrative expenses, because the Funds already make distributions of short-term capital gains on a daily basis.

Applicants conclude that an order granting each of the Funds an exemption from section 19(b) and Rule 19b-1 thereunder to enable the Funds to make distributions of long-term capital gains as they are realized would be appropriate, in the public interest, and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any intetested person wishing to request a hearing on the application may, not later than June 9, 1986, at 5:30 p.m., do so by submitting a writting request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon an Applicant at the appropriate address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearings upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-11218 Filed 5-16-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15094; File 811-3874]

Integra Fund, Inc.; Application for an Order Declaring That Applicant has Ceased To Be an Investment Company

May 14, 1986.

Notice is hereby given that Integra Fund, Inc. ("Applicant"), 600 New Hampshire Ave., NW., Suite 720, Washington, DC 20037, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on February 24, 1986, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the applicable provisions thereof.

Applicant states that it registered under the Act by filing Form N-8A on October 12, 1983, and that it did not file a registration statement under section 8(b) of the Act. Applicant's corporate status was revoked on September 9, 1985. Applicant further states that it never commenced operations and never had any assets or liabilities. Applicant does not propose to make a public offering or engage in business of any kind.

Notice is further given that any interested party wishing to request a hearing on the application may, not later than June 3, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon the Applicant at the address stated above. Proof of service (by affidavit, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-11219 Filed 5-16-86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-15132]

Application and Opportunity for Hearing; Plitt Theatres, Inc.

May 13, 1986.

Notice is hereby given that Plitt Theatres, Inc., a Delaware Corporation ("PTI" or the "Company"), has filed an application (the "Application") pursuant to section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (the "Act) for a finding by the Securities and Exchange Commission that, notwithstanding the merger of Plitt Theatre Holdings, Inc. ("PTH") with and into PTI, the trusteeships of Bankers Trust Company ("Bankers") under indentures dated as of June 15, 1985 between PTI and Bankers (the "PTI Indenture") which was heretofore qualified under the Act, and August 1, 1984, between PTH and Bankers (the "PTH Indenture") which was heretofore qualified under the Act, are 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 Bankers from continuing to act as trustee under both the PTI and PTH Indentures.

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 (as defined in the section), it shall, within ninety days of ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

PTI alleges that:

(1) The obligations of PTI under both Indentures, and particularly with respect to the debentures issued thereunder, are wholly unsecured and all such obligations will rank equally without seniority or subordination of one to the other.

(2) No default has at any time existed under either of the Indentures.

(3) The provisions of the PTI and PTH Indentures, while substantially similar, contain different terms with respect to subordination thereby creating a potential conflict between the two groups of debenture holders.

(4) Cineplex-Odeon Corporation, the ultimate parent company of PTI, intends to consummate a transaction with MCA, Inc., whereby MCA, Inc., would invest $106.65 million (Canadian) in Cineplex-Odeon Corporation.

(5) PTI believes that the MCA, Inc., transaction will be consummated in May, 1986, and that a portion of the proceeds will flow down to PTI.

(6) PTI presently intends to use such proceeds to redeem debentures issued pursuant to the PTH Indenture (the "PTH Debentures").

(7) If PTI does not accomplish the redemption of the PTH Debentures within 180 days of May 31, 1986, PTI will eliminate the potential conflict of interest by engaging a separate trustee for the PTH Debentures.

PTI has waived notice of hearing, hearing and any and all rights to specify procedures under 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 which is on file in the Commission's Public Reference Section, File Number 22-15132, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested persons may, not later than May 27, 1986, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-11220 Filed 5-16-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Action Subject to Intergovernmental Review

AGENCY: Small Business Administration.

ACTION: Notice of Action Subject to Intergovernmental Review Under Executive Order 12372.

SUMMARY: This notice provides for public awareness of SBA's intention to refund six presently existent Small Business Development Centers (SBDC's) for fiscal year 1987. Currently, there are 45 SBDC's operating in the SBDC program. It should be noted that fiscal year 1987 funding is contingent upon legislative appropriation of the SBDC program. The following SBDC's are intended to be refunded: Connecticut; New York (Downstate); North Dakota; Ohio; Puerto Rico; and the Virgin Islands. This notice also provides a description of the SBDC program by setting forth a condensed version of the program announcement which has been furnished to each of the SBDC's to be refunded. This publication is being made to provide the State single points of contact, designated pursuant to Executive Order 12372, and other interested State and local entities, the opportunity to comment on the proposed refunding in accord with the Executive Order and SBA's regulations found at 13 CFR Part 135.

DATE: Comments will be accepted through August 18, 1986.

ADDRESS: Comments should be addressed to Mrs. Johnnie L. Albertson, Deputy Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Same as above.

Notice of Action Subject to Intergovernmental Review

SBA is bound by the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." SBA has promugated regulations spelling out its obligations under that Executive Order. See 13 CFR Part 135, effective September 30, 1983.

In accord with these regulations, specifically § 135.4, SBA is publishing this notice to provide public awareness of the pending application of six presently existent Small Business Development Centers (SBDC's) for refunding. Also, published herewith is an annotated program announcement describing the SBDC program in detail.

This notice is being published four months in advance of the expected date of refunding of these SBDC's. Relevant information identifying these SBDC's and providing their mailing address is provided below. In addition to this publication, a copy of this notice is being simultaneously funished to each affected State single point of contact which has been established under the Executive Order.

The State single points of contact and other interested State and local entities are expected to advise the relevant SBDC of their comments regarding the proposed refunding in writing as soon as possible. Copies of such written comments should also be furnished to Mrs. Johnnie L. Albertson, Deputy Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20416. Comments will will be accepted by the relevant SBDC and SBA for a period of 90 days from the date of publication of this notice. The relevant SBDC will make every effort to accommodate these comments during the 90–day period. If the comments cannot be accommodated by the relevant SBDC, SBA will, prior to refunding the SBDC, either attain accommodation of any comments or furnish an explanation of why accommodation cannot be attained to the commentor prior to refunding the SBDC.

Description of the SBDC Program

The Small Business Development Center Program is a major management assistance delivery program of the U.S. Small Business Administration. SBDC's are authorized under 21 of the Small Business Act (15 U.S.C. 648). SBDC's operate pursuant to the provisions of 21, a Notice of Award (Cooperative Agreement) issued by SBA, and a Program Announcement. The Program represents a partnership between SBA and the State-endorsed organization receiving Federal assistance for its operation. SBDC's operate on the basis of a State plan which provides small business assistance throughout the State. As a condition to any financial award made to an applicant, an additional amount equal to the amount of assistance provided by SBA must be provided to the SBDC from sources other than the Federal Government.

Purpose and Scope

The SBDC Program has been designed to meet the specialized and complex management and technical assistance needs of the small business community. SBDC's focus on providing indepth quality assistance to small businesses in all areas which promote growth, expansion, innovation, increased productivity and management improvement. SBDC's act in an advocacy role to promote local small business interests. SBDC's concentrate on developing the unique resources of the university system, the private sector, and State and local governments to provide services to the small business community which are not available elsewhere. SBDC's coordinate with other SBA programs of management assistance and utilize the expertise of these affiliated resources to expand services and avoid duplication of effort.

Program Objectives

The overall objective of the SBDC Program is to leverage Federal dollars and resources with those of the State academic community and private sector to:

(a) Strengthen the small business community;

(b) Contribute to the economic growth of the communities served;

(c) Make assistance available to more small businesses than is now possible with present Federal resources; and

(d) Create a broader based delivery system to the small business community.

SBDC Program Organization

SBDC's are organized to provide maximum services to the local small business community. The lead SBDC receives financial assistance from the SBA to operate a statewide SBDC Program. In states where more than one organization receives SBA financial assistance to operate an SBDC, each lead SBDC is responsible for Program operations throughout a specific regional area to be served by the SBDC. The lead SBDC is responsible for establishing a network of SBDC subcenters to offer service coverage to the small business community. The SBDC network is managed and directed by a single full-time Director. SBDC's must ensure that at least 80 percent of Federal funds provided are used to provide services to small businesses. To the extent possible, SBDC's provide services by enlisting volunteer and other low cost resources on a statewide basis.

SBDC Services

The specific types of services to be offered are developed in coordination with the SBA district office which has jurisdiction over a given SBDC. SBDC's emphasize the provision of indepth, high-quality assistance to small business owners or prospective small business owners in complex areas that require specialized expertise. These areas may include, but are not limited to: Management, marketing, financing, accounting, strategic planning, regulation and taxation, capital formation, procurement assistance, human resource management, production, operations, economic and business data analysis, engineering, technology transfer, innovation and research, new product development, product analysis, plant layout and

design, agri-business, computer application, business law information, and referral (any legal services beyond basic legal information and referral require the endorsement of the State Bar Association,) exporting, office automation, site selection, or any other areas of assistance required to promote small business growth, expansion, and productivity within the State.

The degree to which SBDC resources are directed towards specific areas of assistance is determined by local community needs, SBA priorities and SBDC Program objectives and agreed upon by the SBA district office and the SBDC.

The SBDC must offer quality training to improve the skills and knowledge of existing and prospective small business owners. As a general guideline, SBDC's should emphasize the provision of training in specialized areas other than basic small business management subjects. SBDC's should also emphasize training designed to reach particular audiences such as members of SBA priority and special emphasis groups.

SBDC Program Requirements

The SBDC is responsible to the SBA for ensuring that all programmatic and financial requirements imposed upon them by statute or agreement are met. The SBDC must assure that quality assistance and training in management and technical areas are provided to the State small business community through the State SBDC network. As a condition of this agreement, the SBDC must perform but not be limited to the following activities.

(a) The SBDC ensures that services are provided as close as possible to small business population centers. This is accomplished through the establishment of SBDC subcenters.

(b) The SBDC ensures that lists of local and regional private consultants are maintained at the lead SBDC and each SBDC subcenter. The SBDC utilizes and provides compensation to qualified small business vendors such as private management consultants, private consulting engineers, and private testing laboratories.

(c) The SBDC is responsible for the development and expansion of resources within the State, particularly the development of new resources to assist small business that are not presently associated with the SBA district office.

(d) The SBDC ensures that working relationships and open communications exist within the financial and investment communities, and with legal associations, private consultants, as well as small business groups and associations to help address the needs of the small business community.

(e) The SBDC ensures that assistance is provided to SBA special emphasis groups throughout the SBDC network. This assistance shall be provided to veterans, women, exporters, the handicapped, and minorities as well as any other groups designated a priority by SBA. Services provided to special emphasis groups shall be performed as part of the Cooperative Agreement.

Advance Understandings

(a) Lead SBDC's shall operate on a 40-hour week basis, or during normal State business hours, with National holidays or State holidays as applicable excluded.

(b) SBDC subcenters shall be operated on a full-time basis. The lead SBDC shall ensure that staffing is adequate to meet the needs of the small business community.

(c) All counseling assistance offered through the Small Business Development Center network shall be provided at no cost to the client.

Dated: May 13, 1986.

Charles L. Heatherly,

Acting Administrator.

Addresses of Relevant SBDC Directors

Mr. John P. O'Connor, Connecticut SBDC State Director, University of Connecticut, Box U–41, Room 422, 368 Fairfield Road, Storrs, CT 06268, (203) 486–4135

Mr. James L. King, New York (Downstate) SBDC Director, State University of New York, State University Plaza, Albany, NY 12246, (518) 473–5398

Mr. Tom Rausch, North Dakota SBDC State Director, University of North Dakota, College of Business & Public Administration, Grand Forks, ND 58202, (701) 780–3403

Ms. Holly I. Schick, Ohio SBDC State Director, Ohio Department of Development 30 East Broad Street, P.O. Box 1001, Columbus, OH 43266–1001, (614) 466–4945

Mr. Jose M. Romaguera, Puerto Rico SBDC Director, University of Puerto Rico, College Station, Building B, Mayaguez, Puerto Rico 00708, (809) 834–3590 or 834–3790

Dr. Solomon S. Kabuka, Jr., Virgin Islands SBDC Director, College of the Virgin Islands, Box 1087, Charlotte Amalie, St. Thomas 00801, (809) 776–3206.

[FR Doc. 86–11144 Filed 5–16–86; 8:45 am]

BILLING CODE 8025–01–M

[Disaster Loan Area #2236]

Declaration of Disaster Loan Area; South Dakota

Hamlin County and the adjacent Counties of Brookings, Codington and Kingsbury in the State of South Dakota constitute a disaster area because of flooding which occurred on or about March 22, 1986. Applications for loans for physical damage may be filed until the close of business on July 7, 1986, and for economic injury until the close of business on September 2, 1986, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825, or other locally announced locations.

The interest rates are:

	Percent
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses Without Credit Available Elsewhere	4.000
Businesses (EIDL) Without Credit Available Elsewhere	4.000
Other (Non-Profit Organizations Including Charitable and Religious Organizations)	10.500

The number assigned to this disaster is 223606 for physical damage and for economic injury the number is 640700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: May 8, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86–11145 Filed 5–16–86; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 964]

Delegation of Authority No. 159

By virtue of the authority vested in me as Secretary of State, including the authority of section 4 of the Act of May 26, 1949 (22 U.S.C. 2658) the following functions are hereby delegated to the Legal Adviser, acting in consultation with the Assistant Secretary of the Bureau of International Organization Affairs and the Assistant Secretary of the geographical Bureau concerned:

1. General Delegation.

The functions vested in the Secretary of State under Executive Order 12555 of March 10, 1986, entitled Protection of Cultural Property.

2. Technical Provisions.

(a) Any officer to whom functions are delegated by this delegation of authority may, to the extent consistent with law, redelegate such functions and authorize their successive redelegation.

(b) Notwithstanding any provision of this delegation of authority, the Secretary of State or the Deputy Secretary may at any time exercise any function herein delegated.

(c) As used in this delegation of authority the term "functions" includes any power, authority, responsibility, right, privilege, duty, obligation, discretion, determination or activity.

(d) This delegation shall be deemed to be effective on signature.

Dated: May 2, 1986.

John C. Whitehead,

Acting Secretary of State.

[FR Doc. 86-11140 Filed 5-16-86; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

[Docket 43825]

Texas Air-Eastern Acquisition Case; Second Prehearing Conference

Served: May 14, 1986.

The Judge was notified in a telephone conference call at 3:45 p.m., May 13, 1986, from Counsel for Texas Air Corporation and Counsel for Pan American that agreement had just been reached between the two companies for the sale of certain New York Air slots and gates in the Northeast Corrider to Pan American. In view of the possible effect of that development upon this proceeding, a second prehearing conferences will be held on Monday, May 19, 1986, at 10:00 a.m. (local time) in Room 5332, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC., before the undersigned administrative law judge to consider whether any change in the present procedures are warranted.

The conference will address particularly the treatment which should be accorded the TAC–Pan American agreement in this proceeding in light of the language in the second full paragraph on page 11 of Department Order 86–4–24 regarding its intended procedure for considering proposed remedies for any anti-competitive effects of the TAC–Eastern acquisition.

Written coments including any proposals for changes in the present procedural schedule shall be served by 5:00 p.m., Friday, May 16, 1986.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 86-11288 Filed 5-16-86; 9:40 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

[Docket No. IP86-05; Notice 1]

General Motors Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

General Motors Corporation, of Warren, Michigan has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.209, Motor Vehicle Safety Standard (FMVSS) No. 209 *Seat Belt Assemblies*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3(a) of FMVSS No. 209 requires that:

"(1) Attachment hardware of a seat belt assembly after being subjected to the conditions specified in S5.2(a) shall be free of ferrous corrosion on significant surfaces except for permissible ferrous corrosion at peripheral edges or edges of holes on underfloor reinforcing plates and washers."

Section (c)(1) of paragraph S4.3 also requires that:

"Eye bolts, shoulder bolts, or other bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall withstand a force of 9,000 pounds or 4,060 kilograms when tested by the procedure specified in S5.2(c)(1)."

The petitioner, General Motors, produced approximately 7,802 vehicles between May 7 and May 10, 1985, which included the Pontiac 6000, Oldsmobile Ciera, Chevrolet Caprice, and Oldsmobile Delta 88. General Motors installed seat belt assemblies in these vehicles, and estimated that approximately 50 percent of the attachment bolts did nt meet the corrosion requirements of FMVSS No. 209.

General Motors indicated that the bolts which may have been improperly plated are the front inner and outer seat belt floor anchorage bolts.

General Motors also performed tensile strength load tests which showed that the bolts exceeded the strength requirement of S4.3(c)(1) of FMVSS No. 209. Test results showed a minimum load of 12,050.35 pounds, and a maximum of 14,208.63 pounds, with an average of 12,899.85 pounds.

General Motors also stated that:

"An examination of the bolts was also conducted at the University of Pennsylvania by Professor Charles J. McMahon, Jr. Concerning this examination , Professor McMahon states: For our examination we sectioned the bolts through rusted areas and examined microscopically the surface profile in these regions. As was expected from the prior visual examination of the surface, in which no significant pits were observed, the rusting was superficial and did not involve any subsurface damage, such as cracking, pitting, etc. Thus, the mechanical performance of the bolts would not be affected by this surface rust." Therefore, since the strength performance of these bolts exceeds the specific requirements in FMVSS No. 209, it is believed that no safety concern exists."

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 18.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 14, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-11170 Filed 5-16-86; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 18-86]

Treasury Bonds, of 2016

Washington, May 9, 1986.

The Secretary announced on May 8, 1986, that the interest rate on the bonds designated Bonds of 2016, described in Department Circular—Public Debt Series—No. 18-86 dated May 1, 1986, will be 7¼ percent. Interest on the bonds will be payable at the rate of 7¼ percent per annum.

John Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-11132 Filed 5-16-86; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 16-86]

Treasury Notes, Series R-1989

Washington, May 7, 1986.

The Secretary announced on May 6, 1986, that the interest rate on the notes designated Series R-1989, described in Department Circular—Public Debt Series—No. 16-86 dated May 1, 1986, will be 6⅞ percent. Interest on the notes will be payable at the rate of 6⅞ percent per annum.

John Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-11130 Filed 5-16-86; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 17-86]

Treasury Notes, Series C-1996

Washington, May 8, 1986.

The Secretary announced on May 7, 1986, that the interest rate on the notes designated Series C-1996, described in Department Circular—Public Debt Series—No. 17-86 dated May 1, 1986, will be 7⅜ percent. Interest on the notes will be payable at the rate of 7⅜ percent per annum.

John Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-11131 Filed 5-16-86; 8:45 am]

BILLING CODE 4810-40-M

Internal Revenue Service

[Delegation Order No. 165 (Rev. 6)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The specific authority to respond to appeals filed pursuant to the Freedom of Information Act, 5 U.S.C. 552, (FOIA). The text of the delegation order appears below.

EFFECTIVE DATE: May 8, 1986.

FOR FURTHER INFORMATION CONTACT: Peter V. Filpi, CC, 1111 Constitution Avenue NW., Room 3706, Washington, DC 20224, (202) 566-4109 (not a toll-free telephone number).

James J. Keightley,

Associate Chief Counsel (Litigation).

Order No. 165 (Rev. 6)

Effective date: 5-8-86.

Responses to Appeals Filed Pursuant to the Freedom of Information Act, 5 U.S.C. 552 (FOIA)

The authority vested in the Commissioner of Internal Revenue by 31 CFR 1.5(h) and Appendix B(4) to respond to administrative appeals filed pursuant to the Freedom of Information Act, 5 U.S.C. 552 (FOIA), is hereby delegated, through the Chief Counsel and Associate Chief Counsel (Litigation), to the Director, Disclosure Litigation Division. In the absence of or at the request of the Director, the Assistant Director, may exercise this authority in his/her name for the Director. This authority may not be redelegated.

In addition, the authority vested in the Commissioner by 31 CFR 1.5(h)-(i) to acknowledge receipt of FOIA appeals and assert mandatory extensions of FOIA appeal time limits is hereby delegated to the Director, Disclosure Litigation Division. This authority may be redelegated not lower than attorneys in the Disclosure Litigation Division directly involved in such matters.

Delegation Order 165 (Rev. 5), issued July 26, 1982, is superseded.

Dated: May 8, 1986.

James I. Owens,

Deputy Commissioner.

[FR Doc. 86-11235 Filed 5-16-86; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 96
Monday, May 19, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 51 FR 16607.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., May 20, 1986.

CHANGES IN THE MEETING: The meeting has been postponed to 2:00 p.m. on May 20, 1986.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86-11301 Filed 5-15-86; 2:58 pm]

BILLING CODE 6351-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, May 21, 1986.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, DC

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

1. Mid-Year Review

The Commission and staff will review and discuss the status of CPSC's Fiscal Year 1986 Operating Plan.

Closed to the Public

2. Enforcement Matter OS#3789

The Commission will consider Enforcement Matter OS#3789.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

May 14, 1986.

[FR Doc. 86-11278 Filed 5-15-86; 1:01 pm]

BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, May 22, 1986.

LOCATION: Third Floor Hearing Room, 1111-18th Street, NW., Washington, DC

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

1. Asbestos in Consumer Products: Options

The Commission will consider options to reduce consumer exposure to asbestos in selected products.

Closed to the Public

2. Enforcement Matter OS#2132

The staff will brief the Commission on issues related to OS#2132.

3. Enforcement Matter OS#5456

The staff will brief the Commission on issues related to OS#5456.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

May 14, 1986.

[FR Doc. 86-11279 Filed 5-15-86; 1:01 pm]

BILLING CODE 6355-01-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 17565, dated May 13, 1986.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (eastern time), Monday, May 19, 1986.

CHANGE IN THE MEETING: The following matter has been postponed from the open portion of the meeting and will be rescheduled at a later date.

Proposed Policy Statement on Accent

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer Executive Secretariat, at (202) 634-6748.

Dated: May 15, 1986.

Johnnie L. Johnson,

Attorney-Advisor Executive Secretariat.

[FR Doc. 86-11291 Filed 5-15-86; 1:03 pm]

BILLING CODE 6750-06-M

5

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 9, 1986, 51 FR 17271.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: May 14, 1986, 10:00 a.m.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

4. The Use of High-Cube Containers in Japan.

John Robert Ewers,

Secretary.

[FR Doc. 86-11242 Filed 5-15-86; 8:45 am]

BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Thursday, May 22, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 14, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-11240 Filed 5-15-86; 9:00 am]

BILLING CODE 6210-01-M

7

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 3:30 p.m., Wednesday, May 21, 1986.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Open to public observation.

MATTERS TO BE CONSIDERED: Discussion of Foreign Language Ballots in NLRB Elections.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, DC 20570, Telephone: (202) 254-9430.

Dated, Washington, DC 14 May 1986.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 86-11254 Filed 5-15-86; 8:45 am]

BILLING CODE 7545-01-M

8

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:00 am., Wednesday, May 28, 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. *Railroad Accident Report:* Rear-End Collision of Metro-Dade Transportation Administration Train Nos. 172-171 and 141-142, Miami, Florida, June 26, 1985.

2. *Recommendations:* to the American Public Transit Association (APTA) and the Urban Mass Transportation Administration (UMTA) on Alcohol and Drug Use on Rail Rapid Transit Systems.

3. *Marine Accident Report and Recommendations:* Capsizing and Sinking of the Drilling Barge TONKAWA in Bayou Chene near Morgan City, Louisiana, May 20, 1985.

4. *Opinion and Order:* Administrator v. Vance, Docket SE-6548; disposition of respondent's appeal.

FOR MORE INFORMATION, CONTACT: H. Ray Smith (202) 382-6525.

Catherine T. Kaputa,

Federal Register Liaison Office.

May 14, 1986.

[FR Doc. 86-11241 Filed 5-15-86; 9:02 am]

BILLING CODE 7533-01-M

Federal Register

Monday,
May 19, 1986

Part II

Department of Education

Office of Elementary and Secondary Education

34 CFR Parts 200 and 204

Education Consolidation and Improvement Act of 1981; Financial Assistance to Local Educational Agencies To Meet Special Educational Needs of Disadvantaged Children, and General Definitions and Administrative, Project, Fiscal, and Due Process Requirements for Chapter 1 Programs; Final Rule

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Parts 200 and 204

Chapter 1, Education Consolidation and Improvement Act of 1981; Financial Assistance to Local Educational Agencies to Meet Special Educational Needs of Disadvantaged Children, and General Definitions and Administrative, Project, Fiscal, and Due Process Requirements for Chapter 1 Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations under Chapter 1 of the Education Consolidation and Improvement Act of 1981 to amend the regulations in 34 CFR Part 200 governing the program of assistance to local educational agencies to meet the special educational needs of educationally deprived children in school attendance areas with high concentrations of children from low-income families and the regulations in 34 CFR Part 204 containing general definitions and administrative, project, fiscal, and due process requirements for all Chapter 1 programs. These regulations implement changes made to Chapter 1 by the Education Consolidation and Improvement Act of 1981 Technical Amendments (Pub. L. 98–211). The regulations also implement several other statutory provisions.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments with the exception of §§ 200.53 and 200.54. Sections 200.53 and 200.54 will become effective after the information collection requirements contained in those sections have been submitted by the Department of Education and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. James Spillane, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 5616, ROB–3), Washington, DC. 20202. Telephone (202) 245–9846.

SUPPLEMENTARY INFORMATION:

A. Overview of Chapter 1

Chapter 1 of the Education Consolidation and Improvement Act of 1981 (ECIA) was enacted as part of Subtitle D of Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Chapter 1 supersedes Title I of The Elementary and Secondary Education Act of 1965, as amended. The purpose of Chapter 1 is to provide financial assistance to State and local educational agencies (SEAs and LEAs) and certain State agencies to meet special educational needs. In particular, Chapter 1 provides financial assistance to LEAs to meet the special educational needs of educationally deprived children, to SEAs to meet the special educational needs of children of migratory agricultural workers and migratory fishers, to State agencies to meet the special educational needs of neglected or delinquent children, and to State agencies to meet the special educational needs of handicapped children.

On November 19, 1982, the Department published final regulations in 47 FR 52340 as 34 CFR Part 200 implementing that part of Chapter 1 that provides financial assistance to LEAs to meet the special educational needs of educationally deprived children. On December 3, 1982, the Department published a notice of proposed rulemaking (NPRM) in 47 FR 54718 governing the Chapter 1 programs designed to meet the special educational needs of migratory children, handicapped children, and neglected or delinquent children. Included in this notice was a new Part 204 containing general definitions and administrative, project, fiscal, and due process requirements for all Chapter 1 programs. Accordingly, the notice proposed to transfer many of the provisions contained in the final regulations for Part 200 to the new Part 204 because those provisions apply to all Chapter 1 programs, not just to the LEA program.

On December 8, 1983, Congress enacted the ECIA Technical Amendments (Pub. L. 98–211) to improve the implementation of the ECIA. Those technical amendments necessitated certain changes to the final Chapter 1 regulations published as Part 200 on November 19, 1982 and to the Chapter 1 regulations proposed as Part 204 on December 3, 1982. As a result, the Department published an NPRM on August 9, 1984 in 49 FR 31914 implementing changes to those provisions of the Chapter 1 regulations in Part 200 affected by the technical amendments. Also on August 9, the Department published an NPRM in 49 FR 31918 for Part 204, in which the Department reproposed those sections in proposed Part 204 (published December 3, 1982) affected by the technical amendments and also proposed certain changes in the due process procedures applicable to Chapter 1.

On April 30, 1985, the Department issued final regulations in 50 FR 18415 for Part 204 that responded to comments received on the December 3, 1982 NPRM. The final regulations for Part 204, however, included only those sections that were not affected by the technical amendments or the other changes included in the August 9, 1984 NPRM. Moreover, the final regulations for Part 204 removed only those duplicate sections of Part 200 not affected by the technical amendments.

B. Overview of These Regulations

These final regulations accomplish a number of purposes. First, the regulations remove the remaining sections from Part 200 that are included in Part 204 because they apply to all Chapter 1 programs. Those sections are: § 200.54 Evaluation; § 200.55 Allowable costs; § 200.59 SEA rulemaking and other responsibilities; § 200.60 Maintenance of effort; § 200.61 Waiver of the maintenance of effort requirement; § 200.62 Supplement, not supplant; § 200.93 Eligibility for review; § 200.100 Practice and procedure; and § 200.103 The Secretary's decision. Second, the regulations implement changes to sections in Parts 200 and 204 affected by the technical amendments. Third, the regulations make final the changes proposed in the August 9, 1984 NPRM for Part 204 regarding certain due process procedures. Finally, the regulations make other changes to implement statutory provisions applicable to Chapter 1.

Several of the changes made by these regulations reflect the importance of parental involvement in educating Chapter 1 children. Educational research has clearly established the importance of parents in educating children. As recently reported in *What works*, the Department's compendium of research about teaching and learning, "(p)arents are their children's first and most influential teachers" and involvement by parents "helps children learn more effectively." Accordingly, schools must capitalize on this relationship and afford parents the opportunity to become involved in critical choices regarding their children's education. Through such involvement, parents can greatly enhance their children's learning.

Parental involvement is particularly important in Chapter 1. Research has demonstrated that parental involvement increases the effectiveness of Chapter 1 programs and makes a substantial contribution to the success of those programs. By working with teachers, and by reinforcing and promoting learning objectives in the home, parents of Chapter 1 children can dramatically improve their childen's educational achievement.

To ensure meaningful parental involvement in Chapter 1 programs, Congress enacted two provisions. Originally, Congress enacted section 556(b)(3), which requires an assurance that Chapter 1 programs and projects are designed and implemented in consultation with parents. Subsequently, because "[b]oth research and intuition confirm that parental consultation and involvement are ordinarily key ingredients in successful educational programs," Congress added section 556(e). S. Rept. 166, 98th Cong., 1st Sess. 10 (1983). That section requires an agency that receives Chapter 1 funds to convene annually at least one public meeting, to which all parents of eligible children must be invited, to explain the Chapter 1 program. The section also authorizes the agency to provide, upon request, reasonable support for additional parent involvement activities.

To be beneficial, parental involvement in Chapter 1 must be meaningful and substantive; as such, it can take a variety of forms, best determined by the agencies that receive Chapter 1 funds. For example, under the Chapter 1 LEA program for educationally deprived children, parent advisory councils can be constructive, but so can less formal mechanisms such as reports to parents on their children's progress, conferences between individual parents and teachers, consultation with parents on better ways in which a school can work with parents to achieve the program's objectives, and other mechanisms suggested in §200.53. Whatever the methods of encouraging parental involvement selected, the underlying objective must be to ensure that individual parents are effectively informed of their children's progress and encouraged and assisted in efforts to sustain or enhance that progress. It is this underlying goal rather than any particular formalistic approaches that the Secretary endorses in these regulations.

These final regulations make changes to the following sections in Parts 200 and 204:

Section 200.50 Selection of school attendance areas.

This section implements a number of changes made by Pub. L. 98–211. First, paragraph (a) implements section 2(a) of Pub. L. 98–211, which deleted section 556(b)(1)(C) of Chapter 1 containing the option to design projects "to utilize part of the available funds for services which promise to provide significant help for all such children served by such agency." Second, paragraph (a)(2) implements section 556(b)(1) of Chapter 1 by requiring that an LEA order its school attendance areas based on concentrations of children from low-income families and select areas for participation based on that ordering. Third, paragraph (b) implements section 3 of Pub. L. 98–211, which allows an LEA certain flexibility in selecting school attendance areas and schools. Finally, paragraph (c) implements section 2 (b) of Pub. L. 98–211, which exempts an LEA with a total enrollment of less than 1,000 children from the requirements concerning selection of school attendance areas.

Section 200.51 Student identification and selection.

Paragraph (a)(2) implements section 2(c) of Pub. L. 98–211, which requires, among the educationally deprived children, selected, inclusion of those children who have the greatest need for special assistance. Paragraph (b) implements section 3 of Pub. L. 98–211, 89–211, which allows an LEA certain flexibility in selecting and serving children under Chapter 1.

Section 200.53 Consultation with parents and teachers.

Paragraph (b) has been revised to require an LEA to develop written policies to ensure that parents of the children being served have an adequate opportunity to participate in the design and implementation of the LEA's Chapter 1 project. This provision was not contained in the NPRM but has been added, in response to several comments, to ensure that an LEA provides for meaningful consultation with parents as required by section 556(b)(3) of Chapter 1. Although paragraph (b) requires the LEA to develop written policies, the provision gives the LEA complete discretion about the content of those policies so long as the policies ensure systematic consultation with parents in both the design and implementation of the LEA's Chapter 1 project. To assist the LEA in developing its policies, paragraph (b)(2) lists a number of possible activities for each LEA's consideration. The LEA may need to include several activities in its policies to meet the requirement in paragraph (b)(1).

Section 200.54 Schoolwide projects.

This section implements section 556(d)(9) of Chapter 1, added by section 3 of Pub. L. 98–211, concerning schoolwide projects.

Section 200.60 Comparability of services.

Paragraph (d) implements section 7 of Pub. L. 98–211, which permits LEA's to exclude, for the purpose of determining compliance with the comparability requirement, State and local funds spent for carrying out certain special programs to meet the educational needs of educationally deprived children, bilingual education for children of limited English proficiency, special education for handicapped children or children with specific learning disabilities, and certain State phase-in programs. Thus, § 200.60 permits LEA's to exclude from the comparability requirement more programs than those agencies may exclude from the supplement, not supplant requirement in 34 CFR 204.32. *See* H. Rept. 51, 98th Cong., 1st Sess. 6 (1983); S. Rept. 166, 98th Cong., 1st Sess. 11 (1983).

Section 200.80 Bypass—General.

Paragraph (c) incorporates the statutory provision in section 557(b)(3)(B) of Chapter 1 concerning the withholding of funds pending final resolution of an investigation or a complaint that could result in a bypass.

Section 200.86 Judicial review of bypass actions.

Section 200.86 concerning judicial review of bypass actions implements the statutory provision in section 557(b)(4)(B) of Chapter 1.

Section 200.87 Continuation of the bypass.

Section 200.87 implements the statutory provision in section 557(b)(3)(C) of Chapter 1, which indicates that a bypass action continues until the Secretary determines that there will no longer be any failure or inability on the part of the LEA that is being bypassed to meet the requirements in §§ 200.70–200.75.

Section 204.11 Access to records and audits.

Paragraphs (a)(1)(ii) and (2) incorporate minor editorial changes to make the language consistent with the corresponding regulation that applies to Chapter 2 of the ECIA. Paragraph (b)(1)

indicates that the audit requirements in the Single Audit Act of 1984 and the regulations implementing those requirements in 34 CFR 74.62 (50 FR 37356 (September 13, 1985)) apply to State and local governments that receive Chapter 1 funds. The Single Audit Act applies to those governments with respect to any of their fiscal years that begin after December 31, 1984.

Section 204.12 Audit claims.

Paragraph (b)(1) lists the factors contained in 4 CFR Part 103 (Standards for the Compromise of Claims) and section 452(f) of the General Education Provisions Act (GEPA) that the Secretary takes into account when considering whether to compromise an audit claim. This list does not include the factor contained in 4 CFR 103.2 regarding the debtor's inability to pay the claim in full because it is not applicable to collection actions against States. Paragraph (b)(2) indicates that it is the policy of the Secretary to consider the probability of the claim being upheld to be the most important factor in deciding whether to compromise an audit claim.

Section 204.13 State rulemaking and other SEA responsibilities.

Paragraph (b) incorporates the provision on State rulemaking contained in section 15 of Pub. L. 98–211. This provision replaces the prior authority for SEA rulemaking contained in § 200.59(b).

Section 204.21 Annual meeting of parents.

Paragraph (a) implements the provision in section 4 of Pub. L. 98–211 that requires an agency that receives Chapter 1 funds to convene annually at least one public meeting to which all parents of eligible children must be invited. The purposes of this meeting are to discuss with parents the programs and activities carried out with Chapter 1 funds, inform parents of their right to consult in the design and implementation of Chapter 1 projects, solicit parents' input, and provide parents an opportunity to establish mechanisms for maintaining ongoing communication among parents, teachers, and agency officials. *See* H. Rept. 51, 98th Cong., 1st Sess. 5 (1983); S. Rept. 166, 98th Cong., 1st Sess. 10–11 (1983). The annual meeting should be the first step in an ongoing process of consulting with parents. It is not intended in itself to satisfy the requirement in section 556(b)(3) of Chapter 1 that projects be designed and implemented in consultation with parents, or otherwise to supersede specific requirements for parental participation contained in 34 CFR Parts 200–203.

Paragraph (b) implements the provision in section 4 of Pub. L. 98–211 that permits an agency that receives Chapter 1 funds to provide, upon request, reasonable support for additional parent involvement activities. As indicated in that paragraph, this support may include, but is not limited to, reasonable access to meeting space and materials, provision of information concerning the Chapter 1 law, regulations, and instructional programs, training programs for parents, and other resources, as appropriate. H. Rept. 51, 98th Cong., 1st Sess. 5 (1983); S. Rept. 166, 98th Cong., 1st Sess. 10–11 (1983).

Section 204.22 Allowable costs.

Paragraph (d) implements section 556(d)(10) of Chapter 1, added by section 3 of Pub. L. 98–211, which allows an agency that receives Chapter 1 funds to assign, under certain conditions, personnel paid entirely with Chapter 1 funds to supervisory duties that provide some benefit to children not participating in the Chapter 1 project.

Section 204.23 Evaluation.

Paragraph (a) implements section 1(b) of Pub. L. 98–211 concerning evaluation and data collection by SEAs. Paragraph (b)(2) implements section 2(d) of Pub. L. 98–211, which requires agencies that receive Chapter 1 funds to consider evaluation results in the improvement of the agencies' Chapter 1 projects.

Section 204.30 Maintenance of effort; 204.31 Waiver of the maintenance of effort requirement.

These sections indicate that, in accordance with section 19 of Pub. L. 98–211, the maintenance of effort and waiver of the maintenance of effort requirements in Chapter 1 apply to all agencies that receive Chapter 1 funds.

Section 204.32 Supplement, not supplant.

Paragraph (a) implements section 6 of Pub. L. 98–211, which clarifies that the supplement, not supplant requirement applies to all agencies that receive Chapter 1 funds. Paragraph (b) implements section 7 of Pub. L. 98–211, which permits agencies to exclude, for the purpose of determining compliance with the supplement, not supplant requirement, State and local funds spent in carrying out certain special programs to meet the educational needs of educationally deprived children. This exclusion is more limited than the exclusions from the comparability requirement permitted by section 7 of Pub. L. 98–211. *See* H. Rept. 51, 98th Cong., 1st Sess. 6 (1983); S. Rept. 166, 98th Cong., 1st Sess. 11 (1983).

Section 204.43 Eligibility for review.

Paragraph (a)(4) incorporates the provision in section 451(a)(4) of GEPA authorizing the Secretary to designate other Chapter 1 proceedings to be reviewed by the Education Appeal Board (EAB). Paragraph (b) indicates that a recipient who is dissatisfied with a Department action that may be reviewed by the EAB must seek this administrative review before seeking judicial review. Paragraph (c) indicates that a Panel of the EAB may dismiss an appeal if there are no issues in the appeal within the EAB's jurisdiction.

Section 204.50 Practice and procedure.

Section 16 of Pub. L. 98–211 deletes the reference to a hearing "on the record" in section 592(a) of the ECIA. In so doing, Congress made clear that it did not intend the lengthy and time-consuming hearing procedures required by the Administrative Procedure Act (APA) to apply to withholding hearings under the ECIA. Therefore, as paragraph (a) indicates, practice and procedure before the EAB for withholding hearings under the ECIA will be governed by the same rules that govern other Chapter 1 proceedings. These rules include the preparation of a transcript for each hearing. *See* 34 CFR 78.48. Paragraph (b) implements the provision in section 452(b) of GEPA, which requires an appellant to prove before the EAB the allowability of the expenditures disallowed in a final audit determination.

Section 204.53 The Secretary's decision.

Section 452(d) of GEPA authorizes the Secretary, for good cause shown, to modify or set aside an EAB Panel's decision in the review of a final audit determination. Under the authority in section 451 (a) and (e) of GEPA to designate cases to be heard by the EAB and to establish appropriate procedures to guide the EAB's review, § 204.53 codifies the existing practice of the Secretary and the EAB and expressly permits the Secretary to remand a Panel's decision to the EAB for further review and consideration. If the Secretary does remand a Panel's decision, no final agency action will have occurred.

C. Changes Resulting From Rulemaking

The final regulations, in response to comments and staff review, differ from the proposed regulations in the following areas:

• In § 200.50 concerning selection of school attendance areas, paragraph (a)(2) has been added to clarify that an LEA must order its school attendance areas based on concentrations of children from low-income families and must select areas for participation based on that ordering. This requirement was implicit in the proposed regulations, because those regulations contained exceptions from the ordering requirement. However, in response to public comment asking for clarification of this provision, the Secretary has made the requirement explicit. This requirement is fully consistent with the legislative history accompanying Pub. L. 98–211, which states: "While the ECIA requirement to serve areas of 'highest concentrations of low-income children' necessarily implies an assessment of those concentrations and an ordering of schools or areas based on them, it is quite clear that the detailed, prescriptive 'ranking' procedure set forth in Title I is to have to application to Chapter 1 programs under the ECIA." S. Rept. 166, 98th Cong., 1st Sess. 9 (1983).

• The introductory language in § 200.50(b) has been revised to reflect the language in section 556(d) of Chapter 1 that an LEA, at its discretion, may implement the special rules in § 200.50(b)(1)–(5) to meet the requirement in § 200.50(a) for selecting school attendance areas.

• Section 200.50(b)(1) has been revised by deleting the words "and serve" to conform this provision to the language in section 556(d)(1) of Chapter 1.

• A phrase has been added to § 200.50(b)(4)(ii) concerning the continuation of eligibility of certain school attendance areas or schools to clarify that an ineligible school attendance area or school may receive a single additional year of eligibility for each of the two preceding fiscal years only if the school or area was selected to participate under § 200.50(a) in the year conferring the eligibility.

• In § 200.51 concerning identification and selection of children, paragraph (b)(1) has been revised to indicate that the flexibility that paragraph provides applies to LEAs that choose to serve only those educationally deprived children in greatest need for special assistance under § 200.51(a)(2). Section 200.51(b)(1) is superfluous for those LEAs that, in accordance with § 200.51(a)(2), serve children in greatest need and other educationally deprived children as well. According to the Conference Report accompanying Pub. L. 98–211, section 556(d)(6) of Chapter 1, implemented by § 200.51(b)(1), was not intended to conflict with the language in section 556(b)(2) of Chapter 1, which permits *any* educationally deprived children to be selected for participation in a Chapter 1 program—whether the children were previously in greatest need—as long as those children currently with the greatest need for special assistance receive services. H. Rept. 574, 98th Cong., 1st Sess. 12 (1983) (Conference Report). Thus, if an LEA serves educationally deprived children who are not in greatest need, § 200.51(b)(1) does not restrict services to those children for only one additional year or to only children who were previously in greatest need. For those LEAs serving only educationally deprived children in greatest need for special assistance, however, § 200.51(b)(1) has been revised to clarify that an LEA may serve children for one additional year who are no longer in greatest need of assistance. *See* H. Rept. 51, 98th Cong., 1st Sess. 4 (1983).

• In § 200.51, paragraph (b)(3)(ii) has been added to reflect the intent of Congress that the children served with Chapter 1 funds must include all children who are in greatest need for special assistance who are not receiving services of the same nature and scope from non-Federal sources. *See* H. Rept. 574, 98th Cong., 1st Sess. 12 (1983) (Conference Report).

• In § 200.53 concerning consultation with parents and teachers, paragraph (b) has been revised to require an LEA to develop written policies to ensure that parents of the children being served have an adequate opportunity to particpate in the design and implementation of the LEA's Chapter 1 project. Paragraph (b) also contains a list of activities for the LEA to consider in developing its policies on parental involvement.

• In § 204.13(b)(2) concerning State rulemaking, the phrase "issues, pursuant to procedures established by State law, any" has been added to implement statutory language in section 591(d).

• In § 204.21 concerning the annual meeting of parents, paragraph (a)(1) has been clarified to indicate the multiple purposes of the anual meeting. Paragraph (a)(2) has been added to clarify that an agency that receives Chapter 1 funds may hold more than one meeting of parents if that practice is more convenient for the agency or otherwise useful.

• In § 204.21, paragraph (b) has been revised to clarify that an agency that receives Chapter 1 funds may use those funds to provide support for further parent involvement activities under Chapter 1 for the parents of eligible children. Paragraph (b) has also been revised to indicate examples of the support that agencies may provide to facilitate the parent consultant requirement.

• In § 204.53 concerning the Secretary's decision following administrative proceedings before the EAB, paragraph (c)(1) has been added to clarify that, unless the Secretary remands the Panel's decision to the EAB for further consideration, the final decision of the Secretary is the final decision of the Department. Paragraph (d) has been added to clarify the responsibility of the EAB Chairperson with regard to the Secretary's decision.

D. Application of Other Statutes and Regulations

Pub. L. 98–211 makes several changes in the applicability of other statutes that affect Chapter 1. Section 18(a) of Pub. L. 98–211 amends section 596 of the ECIA to clarify the applicability of GEPA to Chapter 1. As amended, section 596(a) provides that, unless a section of GEPA is specifically excluded by section 596(b), the provisions in GEPA apply to Chapter 1.

Section 18(b) of Pub. L. 98–211 repeals a portion of the "State Uses of Federal Funds" report required by section 406A(a) of GEPA. The repealed sections required States to collect and furnish information on the amount of Federal funds received by each LEA, the purposes for which those funds were spent, and the individuals served by those activities, all tabulated with respect to the second preceding year.

According to section 596(c) of the ECIA, sections 434, 435, and 436 of GEPA are not applicable to Chapter 1 "except to the extent that such sections relate to fiscal control and fund accounting procedures. . . ." The Secretary has indicated that the provision in section 434 that applies to Chapter 1 is subsection (a)(2) pertaining to the Secretary's discretionary authority to request a plan on audits. *See* 47 FR 52342 (November 19, 1982); 50 FR 18408 (April 30, 1985). Upon further consideration in conjunction with the review of GEPA applicability in Pub. L. 98–211, the Secretary has determined that section 434(b) (2) and (3) relating to SEA suspension and withholding of payments to LEAs that have failed to comply with Federal program requirements also deals with fiscal control and fund accounting procedures and is therefore applicable to Chapter 1.

Public Participation

Proposed regulations for Parts 200 and 204 were published on August 9, 1984 with a comment period of 45 days. In response to public request, the comment

period was extended to 90 days. During the comment period, approximately 370 comments and recommendations were received. Comments were also received at briefing sessions conducted by the Department for State and local officials. The Secretary carefully considered all comments received and made changes warranted by those comments. The changes are discussed in Part C above.

A summary of the comments and the Secretary's responses to those comments are contained in the appendix to these regulations. The appendix will not be codified in the Code of Federal Regulations.

In addition to the changes resulting from rulemaking, the Secretary has made other changes to certain provisions in Parts 200 and 204. For the reasons stated below, the Secretary is waiving proposed rulemaking for these changes.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to publish proposed regulations for comment in accordance with section 431(b)(2)(A) of GEPA (20 U.S.C. 1232(b)(2)(A)) and the APA (5 U.S.C. 553). However, under certain circumstances, the Secretary may waive proposed rulemaking under 5 U.S.C. 553(b). Specifically, section 553(b) permits waiver for interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice, or when an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

The final regulations include several changes to Parts 200 and 204 that were not published as proposed rules. The Secretary has decided to waive proposed rulemaking on the provisions containing these changes. In particular, the Secretary has determined that it is unnecessary to take public comment under the good cause exception in section 553(b)(B) because, with one exception, the revised provisions merely restate the law and establish no new substantive policy. The changes in Part 200, for example, concern the procedures for a bypass of the requirements for providing Chapter 1 services to children in private schools. Sections 200.80(c), 200.86, and 200.87 have been added to implement statutory provisions in section 557(b) (3)–(4) of Chapter 1 concerning withholding of funds pending final resolution of an investigation or a complaint that could result in a bypass, judicial review of bypass actions, and continuation of the bypass until there is no longer any failure or inability to comply, respectively.

Similarly, in Part 204, all but one of the changes implement statutory and regulatory provisions. The change in § 204.11(b)(1) concerning State and local audit responsibilities, for example, implements the audit requirements in the Single Audit Act of 1984. The change in § 204.12(b)(1) concerning the compromise of audit claims indicates the factors considered in compromising claims contained in 4 CFR Part 103 and section 452(f) of GEPA. Thus, these changes merely restate the law and establish no new substantive policy.

The one change that does not restate the law is § 204.12(b)(2), which indicates that it is the general policy of the Secretary to consider the probability of the claim being upheld to be the most important factor in deciding whether to compromise an audit claim. Because this is a general, nonbinding statement of policy that indicates the Secretary's intent to give the probability of the claim being upheld the greatest weight, the Secretary is waiving proposed rulemaking. An NPRM is not required for general statements of policy under 5 U.S.C. 553(b)(A).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. To the extent that these regulations affect States and State agencies, the regulations will not have an impact on small entities because States and State agencies are not considered to be small entities under the Regulatory Flexibility Act.

These regulations will affect all small LEAs receiving Federal financial assistance under Chapter 1. However, the regulations will not have a significant economic impact on the small LEAs affected because the regulations implement technical amendments or other statutory provisions and do not impose excessive regulatory burden or require unnecessary Federal supervision.

Paperwork Reduction Act of 1980

Information collection requirements contained in these regulations in §§ 200.53 and 200.54 will be sent to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

All other information collection requirements contained in these regulations have been approved by the Office of Management and Budget.

If any persons wish to comment on these information collection requirements, the comments should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th Street and Pennsylvania Avenue, NW., Washington, DC 20503. Attention: Joseph F. Lackey.

Intergovernmental Review

The program for financial assistance to SEAs to meet the special educational needs of migratory children (34 CFR Part 201) covered by the regulations in Part 204 is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

List of Subjects

34 CFR Part 200

Education, Education of disadvantaged, Elementary and secondary education, Grant programs—education, Juvenile delinquency, Neglected, Private schools, Reporting and recordkeeping requirements.

34 CFR Part 204

Education, Education of disadvantaged, Education of handicapped, Elementary and secondary education, Grant programs—education, Juvenile delinquency, Migrant labor, Neglected, Private schools, Reporting and recordkeeping requirements.

Citation of Legal Authority:

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

Dated: May 13, 1986.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.010, Educationally Deprived Children—Local Educational Agenices; 84.011, Migrant

Education—Basic State Formula Grant Program: 84.012, Educationally Deprived Children—State Administration; 84.009, Program for Education of Handicapped Children in State Operated or Supported Schools; 84.013, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children)

The Secretary amends Parts 200 and 204 of Title 34 of the Code of Federal Regulations as follows:

1. In Part 200 the following sections are removed and all except § 200.54 are reserved:

Sec.
200.54 Evaluation.
200.55 Allowable costs.
200.59 SEA rulemaking and other responsibilities.
200.60 Maintenance of effort.
200.61 Waiver of the maintenance of effort requirement.
200.62 Supplement, not supplant.
200.93 Eligibility for review.
200.100 Practice and procedure.
200.103 The Secretary's decision.

2. The table of contents for Part 200 is revised to read as follows:

PART 200—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN

Subpart A—Applying for Chapter 1 Funds for Grants to Local Educational Agencies

General

Sec.
200.1 Purpose.
200.2 Applicability of regulations in this part.
200.3 Definitions.
200.4 Amount of funds available for Chapter 1 grants.
200.5–200.9 [Reserved]

Application Procedure

200.10 State assurances.
200.11 Payments for State administration.
200.12 LEAs that may receive Chapter 1 funds.
200.13 Submission of LEA project applications to the SEA.
200.14 SEA approval of applications.
200.15–200.19 [Reserved].

Subpart B—Allocation of Chapter 1 Funds for Grants to Local Educational Agencies

Basic Grants

200.20 Eligibility of LEAs for basic grants.
200.21 Determination by the Secretary of basic grants.
200.22 Allocation of county aggregate amounts by SEAs.
200.23 Exceptions to county aggregate amounts.
200.24–200.29 [Reserved]

Special Incentive Grants

200.30 Eligibility for special incentive grants.
200.31 Amount of special incentive grants.
200.32 Method of making special incentive grants.
200.33 Use of special incentive grant funds.
200.34–200.39 [Reserved]

Concentration Grants

200.40 States to receive concentration grant funds.
200.41 Determinations of State and county concentration grants.
200.42 Determinations of LEA allocations.
200.43 Method of awarding concentration grant funds.
200.44 Use of concentration grant funds.

Reallocation

200.45 Reallocation of Chapter 1 funds by SEAs.
200.46 Reallocation of Chapter 1 funds by the Secretary.
200.47–200.49 [Reserved]

Subpart C—Project Requirements

200.50 Selection of school attendance areas.
200.51 Student identification and selection.
200.52 Prohibition against using Chapter 1 funds to provide general aid.
200.53 Consultation with parents and teachers.
200.54 Schoolwide projects.
200.55–200.59 [Reserved]

Subpart D—Fiscal Requirements

200.60 Comparability of services.
200.61–200.69 [Reserved]

Subpart E—Participation in Chapter 1 Programs of Educationally Deprived Children in Private Schools

General

200.70 Responsibility of LEAs.
200.71 Factors used in determining equitable participation.
200.72 Funds not to benefit a private school.
200.73 Use of public school employees.
200.74 Equipment and supplies.
200.75 Construction.
200.76–200.79 [Reserved]

Procedures for Bypass

200.80 Bypass—General.
200.81 Notice by the Secretary.
200.82 Bypass procedures.
200.83 Appointment and functions of a hearing officer.
200.84 Hearing procedures.
200.85 Post hearing procedures.
200.86 Judicial review of bypass actions.
200.87 Continuation of the bypass.
200.88–200.89 [Reserved]

Authority: Secs. 552–559, 591–596 of the Education Consolidation and Improvement Act of 1981, 20 U.S.C. 3801–3808, 3871–3876, unless otherwise noted.

§ 200.4 [Redesignated from § 200.5]

3. Section 200.5 is redesignated as § 200.4.

4. Sections 200.49 and 200.50 are redesignated as §§ 200.50 and 200.51, respectively, and are revised to read as follows:

§ 200.50 Selection of school attendance areas.

(a) *General rule.* (1) Except as provided in paragraphs (b) and (c) of this section, an LEA that receives Chapter 1 funds shall operate Chapter 1 projects that are—

(i) Conducted in school attendance areas of the LEA having the highest concentrations of low-income children; or

(ii) Located in all school attendance areas of the LEA if the LEA has a uniformly high concentration of low-income children.

(2) To meet the requirement in paragraph (a)(1)(i) of this section, an LEA shall order its school attendance areas based on concentrations of children from low-income families and shall select areas for participation based on that ordering.

(b) *Special rules.* An LEA may implement the following provisions to meet the requirement in paragraph (a) of this section:

(1) Designate as eligible any school attendance area in which at least 25 percent of the children are from low-income families.

(2) Provide Chapter 1 services to educationally deprived children who are in a school which is not located in an eligible school attendance area if the proportion of children from low-income families in average daily attendance in that school is substantially equal to the proportion of those children in an eligible school attendance area of the LEA.

(3)(i) With the approval of the SEA, designate as eligible and serve school attendance areas or schools with substantially higher numbers or percentages of educationally deprived children before school attendance areas or schools with higher concentrations of children from low-income families, except that the LEA may not serve more school attendance areas or schools than could otherwise be served.

(ii) An SEA shall approve the selection of school attendance areas or schools under paragraph (b)(3)(i) of this section only if the SEA finds that the selection will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the LEA.

(4)(i) Continue to provide Chapter 1 services in a school attendance area or school that does not qualify under paragraph (a) of this section if that area or school was selected under the standards in paragraph (a) of this section in either of the two preceding fiscal years.

(ii) A school attendance area or school may receive a single additional year of eligibility for each of the two preceding fiscal years for which it was selected under paragraph (a) of this section. Thus, the eligibility conferred by paragraph (b)(4)(i) of this section can be valid for a total of two years.

(5) With the approval of the SEA, skip eligible school attendance areas or schools which have higher proportions of children from low-income families if the children in those areas or schools are receiving from non-Federal funds, services of the same nature and scope as would otherwise be provided under Chapter 1, except that the LEA shall—

(i) Determine the number of children in private schools to receive Chapter 1 services without regard to non-Federal compensatory education funds used to serve eligible children in public elementary and secondary schools; and

(ii) Identify children in private schools to receive Chapter 1 services in accordance with the provisions in paragraphs (a) and (b) (1) through (4) of this section.

(c) *Exemption.* An LEA with a total enrollment of fewer than 1,000 children does not have to comply with the requirements in this section but shall comply with the requirements in § 200.51.

(See 556(b)(1), (c), (d)(1)–(5), 20 U.S.C. 3805(b)(1), (c), (d)(1)–(5); H. Rept., 98th Cong., 1st Sess. 2, 4 (1983); S. Rept. 166, 98th Cong., 1st Sess. 2, 9 (1983))

§ 200.51 Student identification and selection.

(a) *Annual assessment of educational needs.* An LEA that receives Chapter 1 funds shall base its Chapter 1 project on an annual assessment of educational needs that—

(1) Identifies educationlly deprived children in all eligible school attendance areas or schools, including educationally deprived children in private schools;

(2) Requires, among the educationally deprived children selected, inclusion of those children who have the greatest need for special assistance; and

(3) Determines the educational needs of the children selected to participate with sufficient specificity to ensure concentration on those needs.

(b) *Special rules.* (1) If, in complying with paragraph (a)(2) of this section, an LEA chooses to serve only children in greatest need for special assistance, the LEA may use Chapter 1 funds to serve, for one additional school year, children who, in any previous year, were identified as being in greatest need for special assistance, and who continue to be educationally deprived, but who are no longer identified as being in greatest need for special assistance.

(2) An LEA may use Chapter 1 funds during the current school year to continue to serve educationally deprived children who begin participation in a Chapter 1 project but who, in the same school year, are transferred to a school attendance area or a school not receiving Chapter 1 funds.

(3)(i) Except as provided in paragraph (b)(3)(ii) of this section, an LEA is not required to use Chapter 1 funds to serve educationally deprived children in greatest need for special assistance if those children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under Chapter 1.

(ii) The LEA shall serve children who are in greatest need for special assistance who are not receiving services of the same nature and scope from non-Federal sources.

(Sec. 556(b)(2), (c), (d)(6)–(8), 20 U.S.C. 3805 (b)(2), (c), (d)(6)–(8); H. Rept. 51, 98th Cong., 1st Sess. 2, 4–5 (1983); S. Rept. 166, 98th Cong., 1st Sess. 2, 8–9 (1983); H. Rept. 574, 98th Cong., 1st Sess. 12(1983))

5. Paragraph (b) of § 200.53 is revised to read as follows:

§ 200.53 Consultation with parents and teachers.

* * * * *

(b)(1) To meet the consultation requirement in paragraph (a) of this section, an LEA shall develop written policies to ensure that parents of the children being served have an adequate opportunity to participate in the design and implementation of the LEA's Chapter 1 project.

(2) Activities an LEA may consider in developing the policies required in paragraph (b)(1) of this section include, but are not limited to, the following:

(i) Notifying each child's parents in a timely manner that the child has been selected to participate in Chapter 1 and why the child has been selected.

(ii) Informing each child's parents of the specific instructional objectives for the child.

(iii) Reporting to each child's parents on the child's progress.

(iv) Establishing conferences between individual parents and teachers.

(v) Providing materials and suggestions to parents to help them promote the education of their children at home.

(vi) Training parents to promote the education of their children at home.

(vii) Providing timely information concerning the Chapter 1 program including, for example, program plans and evaluations.

(viii) Soliciting parents' suggestions in the planning, development, and operation of the program.

(ix) Consulting with parents about how the school can work with parents to achieve the program's objectives.

(x) Providing timely responses to parents' recommendations.

(xi) Facilitating volunteer or paid participation by parents in school activities.

(xii) Designating LEA parent coordinators.

(xiii) Establishing parent advisory councils.

6. A new § 200.54 is added to read as follows:

§ 200.54 Schoolwide projects.

(a) *Eligibility of a school for a schoolwide project.* An LEA may conduct a Chapter 1 project to upgrade the entire educational program in a school if—

(1) The school serves an eligible school attendance area;

(2) At least 75 percent of the children at the school are from low-income families;

(3) The LEA develops for the school a plan that meets the requirements in paragraph (b) of this section and has been approved by the SEA; and

(4) The LEA meets the financial requirements in paragraph (c) of this section.

(b) *Required plan for each school selected for a schoolwide project.* The plan referred to in paragraph (a)(3) of this section must—

(1) Provide for a comprehensive assessment of the educational needs of all students in the school, particularly the special needs of educationally deprived children;

(2) Provide for an instructional program designed to meet the special needs of all students in the school;

(3) Be developed with the involvement of those individuals who will be engaged in carrying out the plan, including parents, teachers, teacher aides, administrators, and secondary students if the plan relates to a secondary school;

(4) Provide for consultation among the individuals referred to in paragraph (b)(3) of this section concerning the educational progress of all students in the school;

(5) Provide for appropriate training for teachers and teacher aides to enable them to carry out the plan effectively;

(6) Include procedures that the LEA will use to evaluate the effectiveness of the schoolwide project and that will involve in the evaluation the

participation of the individuals referred to in paragraph (d)(3) of this section; and

(7) Include opportunities for periodic improvements in the plan based on the results of the evaluations referred to in paragraph (b)(6) of this section.

(c) *Financial requirements for a schoolwide project.* An LEA that uses Chapter 1 funds to conduct a schoolwide project shall meet the following financial requirements:

(1) In each school selected for a schoolwide project, the LEA shall provide, per educationally deprived child served in that school, an amount of Chapter 1 funds that is at least equal to the amount of Chapter 1 funds that the LEA provides per educationally deprived child served in other schools, if any, that serve project areas.

(2) In each school selected for a schoolwide project, the LEA shall provide, per child served by the schoolwide project who is not educationally deprived, an amount of special supplementary State and local funds that is at least equal to the amount of Chapter 1 funds that the LEA provides per educationally deprived child served in that school.

(3) During the fiscal year in which the plan required by paragraph (a)(3) of this section is carried out, the LEA shall, in each school selected for a schoolwide project, spend per child an amount of State and local funds—excluding amounts spent under a State compensatory education program—that is at least equal to the amount of State and local funds that the LEA spent per child in that school during the preceding fiscal year.

(4) In order to meet the requirements in section 558(b) of Chapter 1, each school that is selected for a schoolwide project must receive all non-Federal funds that it would have received had it not been selected for a schoolwide project.

(d) *Effect of selection of a school for a schoolwide project.* For each school that has been selected for a schoolwide project, the LEA is not required to—

(1) Comply with any requirements under Chapter 1 concerning the commingling of Chapter 1 funds with funds available for regular programs;

(2) Comply with the requirements in § 200.51 concerning identification and selection of children to participate in Chapter 1 projects; or

(3) Demonstrate that the services provided with Chapter 1 funds are supplementary to the services regularly provided in the school. (However, see paragraph (c)(4) of this section, which requires that Chapter 1 funds supplement the amount of non-Federal funds that are provided to the school.)

(Sec. 556(d)(9), 20 U.S.C. 3805(d)(9); Rept. 51, 98th Cong., 1st Sess. 2, 4–5 (1983); S. Rept. 166, 98th Cong., 1st Sess. 2, 9–10 (1983))

§§ 200.55–200.59 [Reserved]

7. Section 200.63 is redesignated as § 200.60 and paragraph (d) is revised to read as follows:

§ 200.60 Comparability of services.

* * * * *

(d) An LEA may exclude, for the purpose of determining compliance with the comparability requirements in paragraphs (a) and (b) of this section, State and local funds spent in carrying out the following types of programs:

(1) Special programs to meet the educational needs of educationally deprived children, including compensatory education programs for educationally deprived children, that meet the following requirements:

(i) All children participating in the program are educationally deprived.

(ii) The program is based on performance objectives related to educational achievement and is evaluated in a manner consistent with those performance objectives.

(iii) The program provides supplementary services designed to meet the special educational needs of the children who are participating.

(iv) The LEA keeps records, and affords access to those records, as are necessary to ensure the correctness and verification of the requirements in paragraph (d)(1) (i)–(iii) of this section.

(v) The SEA monitors performance under the program to ensure that the requirements of paragraph (d)(1) (i)–(iv) of this section are met.

(2) Bilingual education programs for children of limited English proficiency.

(3) Special education programs for handicapped children or children with specific learning disabilities.

(4) State phase-in programs that meet the following requirements:

(i) The program is authorized and governed specifically by the provisions of State law.

(ii) The purpose of the program is to provide for the comprehensive and systematic restructuring of the total educational environment at the level of the individual school.

(iii) The program is based on objectives including, but not limited to, performance objectives related to educational achievement, and is evaluated in a manner consistent with those objectives.

(iv) Parents and school staff are involved in comprehensive planning, implementation, and evaluation of the program.

(v) The program will benefit all children in a particular school or gradespan within a school.

(vi) Schools participating in the program describe, in a school level plan, program strategies for meeting the special educational needs of educationally deprived children.

(vii) The phase-in period of the program is not more than six school years.

(viii) At all times during the phase-in period at least 50 percent of the schools participating in the program are the schools serving project areas which have the greatest number or concentrations of educationally deprived children or children from low-income families.

(ix) State funds made available for the phase-in program will supplement, and not supplant, State and local funds which would, in the absence of the phase-in program, have been provided for schools participating in the program.

(x) The LEA is separately accountable, for purposes of compliance with paragraph (d)(4)(i) through (vi), (viii), and (ix) of this section, the SEA for any funds expended for the program.

(xi) The LEAs carrying out the program are complying with paragraph (d)(4)(i) through (vi), (viii), and (ix) and the SEA is complying with paragraph (d)(4)(x) of this section.

(Sec. 558(c)-(d), 20 U.S.C. 3807(c)-(d)) U.S.C. 3807(d)

§§ 200.61–200.69 [Reserved]

8. Under "Subpart E—Participation in Chapter 1 Programs of Educationally Deprived Children in Private Schools," the heading "General" is added before § 200.70.

9. The headings entitled "Subpart F—Due Process Procedures" and "Other Due Process Procedures" are removed.

10. Section 200.80 is amended by adding a new paragraph (c) to read as follows:

§ 200.80 Bypass—General.

* * * * *

(c) Pending the final resolution of an investigation or a complaint that could result in a bypass action, the Secretary may withhold from the allocation of the affected LEA or SEA the amount the Secretary estimates is necessary to pay the cost of the services referred to in paragraph (b) of this section.

11. A new § 200.86 is added to read as follows:

§ 200.86 Judicial review of bypass actions.

If an SEA or LEA is dissatisfied with the Secretary's final action after a proceeding under §§ 200.82–200.85, it

may, within 60 days after receiving notice of that action, file a petition for review with the United States Court of Appeals for the circuit in which the State is located.

(Sec. 557(b)(4)(B), 20 U.S.C. 3806(b)(4)(B))

12. A new § 200.87 is added to read as follows:

§ 200.87 Continuation of the bypass.

Any bypass action by the Secretary continues in effect until the Secretary determines that there will no longer be any failure or inability on the part of the LEA that is being bypassed to meet the requirements in §§ 200.70–200.75.

(Sec. 557(b)(3)(C), 20 U.S.C. 3806(b)(3)(C))

§§ 200.88–200.89 [Reserved]

PART 204—GENERAL DEFINITIONS AND ADMINISTRATIVE, PROJECT, FISCAL, AND DUE PROCESS REQUIREMENTS FOR CHAPTER 1 PROGRAMS

13. The authority citation for Part 204 is revised to read as follows:

Authority: Secs. 552–556, 558–559, 591–596 of the Education Consolidation and Improvement Act of 1981, 20 U.S.C. 3801–3805, 3807–3808, 3871–3876, unless otherwise noted.

14. Section 204.11 is amended by revising paragraphs (a)(1)(ii), (a)(2), and (b)(1) and the citation of authority to read as follows:

§ 204.11 Access to records and audits.

(a) * * *

(1) * * *

(ii) Any agency that receives Chapter 1 funds shall cooperate with the Inspector General of the Department in the conduct of audits authorized by the Inspector General Act of 1978, including providing access to information and access to agency personnel for the purpose of obtaining explanations of the information.

(2) An SEA shall repay to the Department the amount of Chapter 1 funds that the Department determines after an audit was not spent in accordance with applicable law.

(b) *State and local responsibilities.* (1) Any State or local government that receives Chapter 1 funds shall comply with the audit requirements in the Single Audit Act of 1984 and the regulations in 34 CFR 74.62 with respect to any of the government's fiscal years that begin after December 31, 1984.

* * * * *

(Sec. 555(d), 20 U.S.C. 3804(d); Sec. 556(b), 20 U.S.C. 3805(b); Sec. 437(b) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232f(b); Sec. 452 of GEPA, 20 U.S.C. 1234a; Sec. 1744 of the Omnibus Budget Reconciliation Act of 1981, 31 U.S.C. 7304; Secs. 3, 4, and 6 of the Inspector General Act of 1978, as amended, 5 U.S.C. App.; Sec. 202 of the Intergovernmental Cooperation Act of 1968, 42 U.S.C. 4212; Single Audit Act of 1984, 31 U.S.C. 7501 *et seq.*)

15. Section 204.12 is amended by revising paragraph (b) and the authority citation to read as follows:

§ 204.12 Audit claims.

* * * * *

(b) *Compromise.* (1) In deciding whether to compromise an audit claim, or in recommending possible compromise to the United States Department of Justice, the Secretary considers the following factors in accordance with 4 CFR Part 103 and with section 452(f) of GEPA:

(i) The probability of the claim being upheld.

(ii) The cost of collecting the claim.

(iii) Whether the Department's enforcement policy in terms of deterrence and securing compliance would be adequately served.

(iv) Whether the practices of the agency that resulted in the claim have been corrected and will not recur.

(v) Whether collection would be in the public interest or practical.

(2) It is the policy of the Secretary to consider the probability of the claim being upheld to be the most important of the factors in paragraph (b)(1) of this section.

(Sec. 555(d), 20 U.S.C. 3804(d); Sec. 556(b), 20 U.S.C. 3805(b); Sec. 452 of GEPA, 20 U.S.C. 1234a; Federal Claims Collection Act, 31 U.S.C. 3701 *et seq.*; 4 CFR Part 103)

16. A new § 204.13 is added to read as follows:

§ 204.13 State rulemaking and other SEA responsibilities.

(a) *General responsibilities of an SEA.* An SEA is responsible for ensuring that the agencies that receive Chapter 1 funds in the State comply with all statutory and regulatory provisions applicable to Chapter 1.

(b) *State rulemaking.* (1) Chapter 1 does not—

(i) Authorize States to issue rules, regulations, or policies that apply to agencies operating Chapter 1 projects, except as related to State audits and financial responsibilities; or

(ii) Encourage, preempt, or prohibit rules, regulations, or policies issued under State law.

(2) If a State issues, pursuant to procedures established by State law, any rules, regulations, or policies relating to the administration and operation of programs funded under Chapter 1 (including those based on State interpretation of any Federal statute, regulation, or guideline), the State shall—

(i) Ensure that the rules, regulations, or policies do not conflict with the provisions of—

(A) Chapter 1;

(B) The regulations in this part and 34 CFR Parts 200 through 203; or

(C) Other applicable Federal statutes and regulations; and

(ii) Identify the State rules, regulations, or policies as State-imposed requirements.

(Sec. 556, 20 U.S.C. 3805; Sec. 591(d), 20 U.S.C. 3871(d))

17. A new § 204.21 is added to read as follows:

§ 204.21 Annual meeting of parents.

(a)(1) An agency that receives Chapter 1 funds shall convene annually a public meeting, to which all parents of eligible children must be invited, to discuss with those parents the programs and activities provided with Chapter 1 funds. The discussion must include—

(i) Informing parents of their right to consult in the design and implementation of the agency's Chapter 1 project;

(ii) Soliciting parents' input; and

(iii) Providing parents an opportunity to establish mechanisms for maintaining ongoing communication among parents, teachers, and agency officials.

(2) An agency may hold one or more meetings at sites convenient to the agency to meet the requirement in paragraph (a)(1) of this section.

(b) If parents of eligible children desire further activities, the agency may, upon request, provide reasonable support for these activities. This support may include, but is not limited to—

(1) Reasonable access to meeting space and materials;

(2) Provision of information concerning the Chapter 1 law, regulations, and instructional programs;

(3) Training programs for parents; and

(4) Other resources, as appropriate.

(Sec. 556(e), 20 U.S.C. 3805(e); H. Rept. 51, 98th Cong., 1st Sess. 5 (1983); S. Rept. 166, 98th Cong., 1st Sess. 10–11 (1983))

18. A new § 204.22 is added to read as follows:

§ 204.22 Allowable costs.

(a) An agency that receives Chapter 1 funds may use those funds only to meet the cost of project activities that—

(1) Are designed to meet the special educational needs of the children eligible to be served under the applicable Chapter 1 program;

(2) Are included in an approved application; and

(3) Comply with all requirements applicable to Chapter 1 programs.

(b) The project activities referred to in paragraph (a) of this section may include the applicable activities in Section 555(c) of Chapter 1.

(c) Administrative direction and control Chapter 1 funds and title to property acquired with these funds must be in a public agency.

(d) An agency that receives Chapter 1 funds may assign personnel paid entirely with Chapter 1 funds to supervisory duties that provide some benefit to children not participating in the Chapter 1 project, if—

(1) These duties are limited, rotating, and supervisory;

(2) Personnel with functions similar to those of the Chapter 1 personnel, but who are not paid with Chapter 1 funds, are assigned to these duties at the same school site;

(3) These duties do not include substitute teaching of a non-Chapter 1 class or regular supervision of a homeroom;

(4) The Chapter 1 personnel do not perform any duties for pay that non-Chapter 1 personnel perform without pay; and

(5) The proportion of total work time that Chapter 1 personnel at the same school site spend performing these duties does not exceed the lesser of either—

(i) The proportion of total work time that non-Chapter 1 personnel spend performing these duties; or

(ii) Ten percent of the Chapter 1 person's total work time.

Examples: Examples of the types of duties that might meet the conditions in paragraph (d) of this section include hall duty, lunchroom supervision, playground supervision, and other tasks commonly shared among the staff in a school.

(Sec. 554(a), 20 U.S.C. 3803(a) –3, (d)(1), Sec. 555(c), 20 U.S.C. 3804(c); Sec. 556(b)(2) –3, (d)(10), 20 U.S.C. 3805( )(b)(2)–3, (d)(10))

19. A new § 204.23 is added to read as follows:

§ 204.23 Evaluation.

(a) *SEA evaluation.* (1) Each SEA shall—

(i) Conduct an evaluation of the Chapter 1 programs in the State at least once every two years and make public the results of that evaluation; and

(ii) Collect data annually on—

(A) The race, age, and gender of children served by the Chapter 1 programs in the State; and

(B) The number of children served by grade level under the Chapter 1 programs in the State.

(2) To meet the requirement in paragraph (a)(1)(i) of this section, the SEA may, for each Chapter 1 program, aggregate evaluation data collected under paragraph (b)(1)(i) of this section to obtain statewide totals.

(b) *Applicant agency evaluation.* (1) An agency that receives Chapter 1 funds shall, at least once every three years, evaluate its Chapter 1 project in terms of the project's effectiveness in achieving the goals set for the project. This evaluation must include—

(i) Objective measurements of educational achievement in basis skills; and

(ii) A determination of whether improved performance is sustained over a period of more than one year.

(2) The agency shall consider the results of the evaluation required in paragraph (b)(1) of this section in the improvement of the agency's Chapter 1 project.

(Sec. 555(e), 20 U.S.C. 3804(e); Sec. 556(b)(4), 20 U.S.C. 3805(b)(4)) (Approved by the Office of Management and Budget under control number 1810–0504).

20. A new § 204.30 is added to read as follows:

§ 204.30 Maintenance of effort.

(a) *Basic standard.* Except as provided in § 204.31, an SEA shall pay a State agency or LEA its allocation of funds under Chapter 1 programs if the SEA finds that either the combined fiscal effort per student or the aggregate expenditures of State and local funds with respect to the provision of free public education in the affected State agency or LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort per student or the aggregate expenditures of State and local funds for the second preceding fiscal year. For purposes of determining maintenance of effort, "preceding fiscal year" means the fiscal year prior to the beginning of the Federal fiscal year in which funds are available.

Example: For funds made available only July 1, 1982, if a State is using the Federal fiscal year, the "preceding fiscal year" is fiscal year 1981 (which began on October 1, 1980). If a State is using a fiscal year that begins on July 1, 1982, the "preceding fiscal year" is the 12-month fiscal period ending on June 30, 1981.

(b) *Failure to maintain effort.* (1) If a State agency or LEA fails to maintain effort and a waiver under § 204.31 is not granted, the SEA shall reduce the affected State agency's or LEA's allocation of funds under Chapter 1 in the exact proportion to which the State agency or LEA fails to meet 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the State agency or LEA) for the second preceding fiscal year.

(2) In determining maintenance of effort for the fiscal year immediately following the fiscal year in which the State agency or LEA failed to maintain effort, the SEA may consider the State agency's or LEA's fiscal effort for the second preceding fiscal year to be no less than 90 percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the LEA or State agency) for the third preceding fiscal year.

Example: In fiscal year 1983, a State agency or LEA fails to maintain effort because its fiscal effort in the preceding fiscal year (1981) is less than 90 percent of its fiscal effort in the second preceding fiscal year (1980). In the following fiscal year (1984), the State agency's or LEA's fiscal effort in the second preceding fiscal year (1981) could be considered to be no less than 90 percent of its fiscal effort in the third preceding fiscal year (1980).

(Sec. 558(a), 20 U.S.C. 3807(a)).

21. A new § 204.31 is added to read as follows:

§ 204.31 Waiver of the maintenance of effort requirement.

(a)(1) An SEA may waive, for one fiscal year only, the maintenance of effort requirement applying to an affected State agency or LEA in § 204.30 if the SEA determines that a waiver would be equitable due to exceptional or uncontrollable circumstances. These circumstances include—

(i) A natural disaster;

(ii) A precipitous and unforeseen decline in the financial resources of the LEA or State agency; or

(iii) Other exceptional or uncontrollable circumstances.

(2) An SEA may not consider tax initiatives or referenda to be exceptional or uncontrollable circumstances.

(b)(1) If the SEA grants a waiver under paragraph (a) of this section, the SEA shall not reduce the amount of Chapter 1 funds the affected State agency or LEA is otherwise entitled to receive.

(2) In determining maintenance of effort for the fiscal year immediately following the fiscal year for which the waiver was granted, the SEA may consider the State agency's or LEA's fiscal effort for the second preceding fiscal year to be no less than 90 percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the LEA or State agency) for the third preceding fiscal year.

Example: In fiscal year 1983, a State agency or LEA secures a waiver because its fiscal effort in the preceding fiscal year (1981) is less than 90 percent of its fiscal effort in the second preceding fiscal year (1980) due to exceptional or uncontrollable circumstances. In the following fiscal year (1984) the State agency's or LEA's fiscal effort in the second preceding fiscal year (1981) could be considered to be no less than 90 percent of its fiscal effort for the third preceding fiscal year (1980).

(Sec. 558(a)(3), 20 U.S.C. 3807(a)(3); 127 Cong. Rec. H5645 (daily ed. July 29, 1981))

22. A new § 204.32 is added to read as follows:

§ 204.32 Supplement, not supplant.

(a) Except as provided in paragraph (b) of this section, an agency that receives Chapter 1 funds may use those funds only to supplement and, to the extent practical, increase the level of non-Federal funds that would, in the absence of Chapter 1 funds, be made available for the education of pupils participating in Chapter 1 projects, and in no case may Chapter 1 funds be used to supplant those non-Federal funds.

(b) An agency may exclude, for the purposes of determining compliance with the supplement, not supplant requirement in paragraph (a) of this section, State and local funds spent in carrying out special programs to meet the educational needs of educationally deprived children, including compensatory education programs for educationally deprived children, that meet the following requirements:

(1) All children participating in the program are educationally deprived.

(2) The program is based on performance objectives related to educational achievement and is evaluated in a manner consistent with those performance objectives.

(3) The program provides supplementary services designed to meet the special educational needs of the children who are participating.

(4) The agency keeps records and affords access to those records as necessary to ensure the correctness and verification of the requirements in paragraph (b)(1)–(3) of this section.

(5) The SEA monitors performance under the program to ensure that the requirements of paragraph (b)(1)–(4) of this section are met.

(c) The supplement, not supplant requirement in paragraph (a) of this section does not require that an agency provide Chapter 1 services outside the regular classroom or school program.

(Sec. 558(b) (d), 20 U.S.C. 3807(b), (d))

23. A new § 204.3 is added to read as follows:

§ 204.43 Eligibility for review.

(a) Review under these regulations is available to a recipient of Chapter 1 funds that receives a written notice from an authorized Department official of—

(1) A final audit determination;

(2) An intent to withhold funds;

(3) A cease and desist complaint; or

(4) A proceeding designated by the Secretary.

(b) If a recipient receives written notice and brings a lawsuit to challenge that notice, the recipient has failed to exhaust administrative remedies and the Secretary may move for dismissal of the lawsuit on that basis.

(c) If the Panel assigned to hear an appeal finds that there are no issues in the appeal within the Board's jurisdiction, the Panel may, at the request of a party or Panel member, issue a decision or order to that effect.

(Sec. 592, 20 U.S.C. 3872; Sec. 451(a) of GEPA, 20 U.S.C. 1234(a); Sec. 452 of GEPA, 20 U.S.C. 1234a; Sec. 454 of GEPA, 20 U.S.C. 1234c; Sec. 455 of GEPA, 20 U.S.C. 1234d)

24. A new § 204.50 is added to read as follows:

§ 204.50 Practice and procedure.

(a) *General.* Practice and procedure before the Board in proceedings conducted under the regulations in this part are governed by the rules in Subpart E of 34 CFR Part 78, (Education Appeal Board).

(b) *Burden of proof.* The appellant shall present its case first and shall have the burden of proving the allowability of the expenditures disallowed in a final audit determination.

(Sec. 592(a), 20 U.S.C. 3872(a), Sec. 451(e) of GEPA, 20 U.S.C. 1234(e); Sec. 452(b) of GEPA, 20 U.S.C. 1234a(b))

25. A new § 204.53 is added to read as follows:

§ 204.53 The Secretary's decision.

(a) The Panel's decision in § 204.51 becomes the final decision of the Secretary 60 calendar days after the date the appellant receives the Panel's decision unless the Secretary, for good cause shown—

(1) Modifies or sets aside the Panel's decision; or

(2) Remands the Panel's decision to the Board for further review or consideration.

(b) If the Secretary modifies or sets aside the Panel's decision within the 60 days, the Secretary issues a decision that—

(1) Includes a statement of the reasons for this action; and

(2) Becomes the Secretary's final decision 60 calendar days after it is issued.

(c) (1) Except as provided in paragraph (c)(2) of this section, the final decision of the Secretary is the final decision of the Department.

(2) If the Secretary remands the Panel's decision of the Board, neither the Panel's decision nor the Secretary's remand becomes the final decision of the Department.

(d) The Board Chairperson sends the the Panel and to each party a copy of the Secretary's final decision and statement of reasons, a notice that the Panel's decision has become the Secretary's final decision, or a copy of the Secretary's decision to remand.

(Sec. 592(a), 20 U.S.C. 3872(a); Sec. 451(a), (e) of GEPA, 20 U.S.C. 1234(a), (e); Sec. 452(d) of GEPA, 20 U.S.C. 1234a(d); Sec. 455 of GEPA, 20 U.S.C. 1234d)

Note.—This appendix will not appear in the Code of Federal Regulations.

Appendix—Summary of Comments and Responses

The following is a summary of the comments received on the notices of proposed rulemaking for Financial Assistance to Local Educational Agencies to Meet Special Educational Needs of Disadvantaged Children, and for General Definitions and Administrative, Project, Fiscal, and Due Process Requirements for Chapter 1 Programs published on August 9, 1984. Each comment is followed by a response that indicates a change has been made or why no change is considered necessary. Specific comments are arranged in order of the sections of these final regulations to which they pertain.

General Comments and Responses

Comment. One commenter noted that final regulations would not be published until well into the 1984–85 school year and suggested that the final regulations be effective for the 1985–86 school year.

Response. No change has been made. As the commenter suggested, these regulations will become effective during the 1985–86 school year. However, the provisions in Pub. L. 98–211, on which these regulations are based, were made effective July 1, 1983. As a result, agencies that receive Chapter 1 funds have been required to comply with the provisions in Pub. L. 98–211 since July 1, 1983.

Comment. One commenter noted that the Education Amendments of 1978 clearly made preschool programs for educationally deprived children eligible for Title I support, but that no reference is made to preschool programs in the current legislation or regulations. Because many States have Chapter 1-funded preschool programs, the

commenter suggested that the regulations should state clearly whether preschool programs are legal.

Response. No change has been made. Section 200.3(b) of the Chapter 1 regulations currently in effect defines "children" as persons up to age 21 who are entitled to a free public education not above grade 12, or *who are of preschool age.* That section also contains a definition of "preschool children." Thus, the Chapter 1 regulations already clearly authorize Chapter 1 projects for preschool children.

Comment. Two commenters suggested that all Chapter 1 regulations applicable to SEAs and LEAs be published in one document. The commenter noted that having four or five source documents is confusing at the State level and is bewildering to administrative personnel at the district level.

Response. No change has been made. General definitions and administrative, project, fiscal, and due process requirements applicable to all agencies that receive Chapter 1 funds are contained in a new Part 204 (published in 50 FR 18415–19 (April 30, 1985)). This part is similar to the former Part 200 under Title I. As in Title I, there are also Chapter 1 provisions that pertain only to specific Chapter 1 programs, such as the program for migratory children or the program for neglected or delinquent children. To avoid confusion among program officials as to which provisions apply to a specific program, the Secretary believes it is beneficial to separate the requirements in different documents. All the Chapter 1 regulations, however, will be published together in the Code of Federal Regulations, 34 CFR Parts 1–299.

Comment. One commenter, apparently reacting to the discussion in the preamble regarding the Regulatory Flexibility Act, stated that there should be no exemptions.

Response. No change has been made. In accordance with the Regulatory Flexibility Act, the Secretary certified in the preamble to the proposed regulations that the regulations would not have a significant economic impact on a substantial number of small entities because the regulations clarify authorized options and activities and increase flexibility with regard to program participation. As an example of such flexibility, the Secretary pointed out that school districts with less than 1,000 children are exempt from the requirement to select eligible schools or attendance areas. The commenter is apparently objecting to that exemption. The Secretary does not have the option of eliminating the exemption, however, because it was added to section 556 of the Chapter 1 statute by Pub. L. 98–211.

Section 200.50 Selection of school attendance areas.

Comment. Several commenters requested clarification of § 200.50 regarding the eligibility of attendance areas or schools with high concentrations of children from low-income families to receive Chapter 1 services.

Response. A change has been made. Section 200.50(a) has been revised by adding a new paragraph (a)(2) to clarify that an LEA must order its school attendance areas based on concentrations of children from low-income families and must select areas for participation based on that ordering. This provision makes explicit the requirement in section 556(b)(1)(A) of Chapter 1 that the Chapter 1 program must be provided in the school attendance areas having the highest concentrations of children from low-income families. Section 556(b)(1)(A) thus presumes an ordering or schools to determine those with the highest concentrations of low-income students. Moreover, section 556(d)(5), added by Pub. L. 98–211, also presumes an ordering because it provides specific rules for skipping attendance areas or schools under certain conditions, therefore providing exceptions from the ordering requirement. This change in § 200.50(a) is fully consistent with the legislative history accompanying Pub. L. 98–211, which states: "While the ECIA requirement to serve areas of 'highest concentrations of low-income children' necessarily implies an assessment of those concentrations and an ordering of schools or areas based on them, it is quite clear that the detailed, prescriptive, 'ranking' procedure set forth in Title I is to have no application to Chapter 1 programs under the ECIA." S. Rept. 166, 98th Cong., 1st Sess. 9 (1983). Thus, the revised regulations require an ordering, but leave to the State and local officials the determination of how the ordering will be done.

Comment. One commenter recommended that § 200.50(a)(1)(i) be clarified by stating that Chapter 1 projects do not necessarily have to be conducted in eligible attendance areas but may, at the direction of the LEA, be conducted at project sites located outside eligible attendance areas as long as only Chapter 1 eligible students, selected in accordance with the requirements of § 200.51, participate in the project.

Response. No change has been made. Section 200.50(a)(1)(i) accurately reflects the statutory requirement in section 556(b)(1)(A) of Chapter 1 that programs and projects must be conducted in attendance areas having the highest concentrations of low-income children. This requirement, however, does not preclude an LEA from physically locating a project outside the boundaries of an eligible attendance area as long as only eligible educationally deprived children from that attendance area participate in the project.

Comment. One commenter suggested that § 200.50(a)(1)(ii) be reworded to allow deviation from the requirement that Chapter 1 projects be located in *all* attendance areas of an LEA that has a uniformly high concentration of children from low-income families when compliance would adversely affect the quality of the projects or would conflict with section 556(c) of Chapter 1.

Response. No change has been made. Section 200.50(a)(1)(ii) accurately reflects the statutory requirement in section 556(b)(1)(B) of Chapter 1, which requires that Chapter 1 projects be located in *all* attendance areas of an LEA that has a uniformly high concentration of children from low-income families. If compliance with this requirement makes it difficult for an LEA to also comply with the size, scope, and quality requirement, the LEA may wish to select school attendance areas in accordance with § 200.50(a)(1)(i). Moreover, the Secretary does not believe § 200.50(a)(1)(ii) conflicts with section 556(c) of Chapter 1, which permits LEAs with a total enrollment of less than 1,000 children to select school attendance areas without regard to the requirements in either § 200.50 (a)(1)(i) or (a)(1)(ii).

Comment. One commenter stated that the phrase "substantially equal" in § 200.50(b)(2) is neither clearly defined nor consistent with regulations currently in effect. According to the commenter, the phrase appears to promote inconsistency in equal access to Chapter 1 assistance between districts and States. The commenter suggested using the phrase "at least as high" instead of "substantially equal."

Response. No change has been made. Section 300.50(b)(2) accurately reflects the statutory requirement in section 556(d)(3) of Chapter 1, added by Pub. L. 98–211. No similar provision is contained in the Chapter 1 regulations currently in effect. *See* 34 CFR 200.49 (1984). To the extent that the Chapter 1 nonregulatory guidance uses the phrase "at least as high," it was based on practices under Title I that the Department determined could be continued under the broad language in Chapter 1 as originally enacted. However, since Congress specifically amended Chapter 1 under Pub. L. 98–211 to include the phrase "substantially equal," it would be inconsistent with the statutory language for the regulations to

contain the phrase "at least as high."

Comment. One commenter stated that § 200.50(b)(4) negates the interpretation by the Department that "an LEA's identification of eligible attendance areas may be for the entire period covered by the LEA's application." (Reference: Chapter 1 Nonregulatory Guidance, USED, Section 7(9)).

Response. No change has been made. As reflected in § 200.50(b)(4), section 556(d)(4) of Chapter 1, added by Pub. L. 98–211, provides authority to continue services in ineligible schools under certain conditions. This provision of the legislation now requires an annual determination of eligible attendance areas or schools. The nonregulatory guidance will be revised to reflect the technical amendment and will advise that eligible attendance areas must be identified annually.

Comment. One commenter objected to the language in § 200.50(b)(4) (i) and (ii) because it allowed the LEA to make arbitrary decisions, some of which may be based on factors other than the educational needs of children. The commenter requested that § 200.50(b)(4)(i) be revised to read "must continue to provide" and that (b)(4)(ii) be revised to read "must receive."

Response. No change has been made. Section 556(d) of Chapter 1, added by Pub. L. 98–211, clearly states that a "local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of [Chapter 1] . . . ." Accordingly, an LEA has the discretion to invoke the provisions in section 556(d)(4) of Chapter 1, implemented in § 200.50(b)(4). To include the word "must" in § 200.50(b)(4) would negate the LEA's discretionary authority.

Comment. Two commenters suggested that § 200.50(b)(4) goes beyond the statutory language and beyond Congress' intent. They claim that Congress intended to allow only one year of continued eligibility for services.

Response. No change has been made. The Secretary believes that § 200.50(b)(4), which permits a total of two additional years of eligibility for certain ineligible school attendance areas or schools, is both consistent with the legislative history accompanying Pub. L. 98–211 and the literal language in section 556(d)(4). According to the Senate Report, the provisions in section 556(d) are "a series of additions aimed at making explicit certain flexibilities which were present in the former Title I law." S. Rept. 166, 98th Cong., 1st Sess. 2 (1983). Similarly, the House Report states that "[t]hese provisions of Title I, substantially carried over to Chapter 1 by these amendments, give school districts flexibility in targeting school buildings and selecting children to participate in Title I programs." H. Rept. 51, 98th Cong., 1st Sess. 2 (1983). Both reports indicate that the provisions of section 556(d) are "based on the former provisions of Title I." *Id.* at 4; S. Rept. 166, 98th Cong., 1st Sess. 9 (1983). As stated in 34 CFR 201.64(b) of the Title I regulations, continuation of eligibility for certain school attendance areas or schools was valid for two fiscal years. To allow only one additional year of eligibility under Chapter 1, therefore, would be inconsistent with the practice permitted under Title I. Moreover, it would make part of the provision in section 556(d)(4) meaningless. Because the provision is intended to permit services to children to continue, there would be no reason for the statute to continue to confer eligibility to a school attendance area or school that was eligible in either of the *two* preceding fiscal years, if only *one* additional year of eligibility could be obtained. Thus, the Secretary believes that the provisions in § 200.50(b)(4) allow for a minimum of abruptness in changing project areas, simulate the option available under Title I, and incorporate and intent of section 556(d)(4) of Chapter 1 and the accompanying legislative history.

Comment. One commenter suggested the addition of the phrase "for which it was selected under paragraph (a) of this section" at the end of the first sentence of § 200.50(b)(4)(ii) to avoid confusion regarding the number of years of eligibility for an area.

Response. A change has been made. Section 200.50(b)(4)(ii) contains the suggested phrase, which clarifies that an ineligible school attendance area or school may receive a single additional year of eligibility for each of the two preceding fiscal years only if the school or area was selected to participate in the year conferring the eligibility.

Comment. Two commenters questioned whether the exemption from the requirement regarding selection of eligible attendance areas for districts with fewer than 1,000 children would permit an LEA to designate certain schools as project schools and not serve all schools.

Response. No change has been made. According to both the House and Senate Reports, section 556(c) of Chapter 1 was enacted to "provide flexibility in terms of targeting school buildings." H. Rept. 51, 98th Cong., 1st Sess. 4 (1983); S. Rept. 166, 98th Cong., 1st Sess. 8 (1983). Therefore, districts with fewer than 1,000 children do not have to comply with either section 556(b)(1) (A) or (B) of Chapter 1. Rather, those districts may select school attendance areas and schools in accordance with the district's needs. As § 200.50(c) indicates, however, those districts must comply with the requirements for student identification and selection in § 200.51 within the schools selected to receive Chapter 1 services.

Comment. One commenter requested that the exemption of LEAs with enrollments of fewer than 1,000 children from the targeting requirement be changed to LEAs with enrollments of fewer than 2,000 children.

Response. No change has been made. Section 200.50(c) accurately reflects the statutory language in section 556(c) of Chapter 1, added by Pub. L. 98–211, which specifically limits the exemption to districts enrolling fewer than 1,000 children.

Comment. One commenter stated that § 200.50(c) is not following the purpose of the legislation because it penalizes urban areas that have greater concentrations of children from low-income families by treating them differently from rural areas.

Response. No change has been made. Section 200.50(c) accurately reflects the statutory provision in section 556(c) of Chapter 1, added by Pub. L. 98–211. Moreover, according to the House and Senate Reports accompanying Pub. L. 98–211, section 556(c) was specifically enacted to benefit small, rural LEAs. *See* H. Rept. 51, 98th Cong., 1st Sess. 4 (1983); S. Rept. 166, 98th Cong., 1st Sess. 8 (1983).

Section 200.51 Student identification and selection.

Comment. One commenter suggested that the phrase "to be served" be added after "attendance areas or schools" in § 200.51(a)(1). The commenter noted that most LEAs know what their respective allocations will permit them to do and suggested that conducting a needs assessment in all eligible areas is an unnecessary waste of time.

Response. No change has been made. The requirement in § 200.51(a)(1) to conduct an annual assessment of educational needs which identifies educationally deprived children in all eligible attendance areas is required by section 556(b)(2) of Chapter 1. Thus, the Secretary cannot change the requirement to apply only to those school attendance areas to be served by Chapter 1. It is through the needs assessment that an LEA decides which educationally deprived children will receive Chapter 1 services and determines what those services will be.

Comment. One commenter asked if § 200.51(a)(1) restricted the student selection process to those private school children residing in eligible attendance areas or if all students who attend a private school are potential candidates for participation in the Chapter 1

program if they are determined to be educationally deprived.

Response. No change has been made. As indicated in section 557(a) of Chapter 1, as amended by Pub. L. 98–211, and § 200.70, only educationally deprived children attending private schools who reside in project areas of an LEA may receive Chapter 1 services. Thus, the residence of private school children is also critical in the selection of children to be served by the Chapter 1 program.

Comment. One commenter suggested that § 200.51(a)(1), in particular, and the final regulations, in general, stress residence requirements. The commenter stated that children, by parental choice, may attend a school other than the one serving their residential area. As a result, children could reside in an ineligible attendance area, but attend an eligible school by choice and, therefore, be eligible for selection for the Chapter 1 program.

Response. No change has been made. In general, eligibility for Chapter 1 services depends on the fact that a child is educationally deprived and resides in a school attendance area selected as a project area. Thus, in the situation described by the commenter, the children who reside in ineligible attendance areas would not be eligible for Chapter 1 services even though services are provided in the school they attend.

Comment. One commenter suggested adding a provision to clarify the relationship between § 200.51(a)(2) and section 556(b)(3) of Chapter 1 concerning the size, scope, and quality of projects. Specifically, the commenter suggested that the size, scope, and quality requirement must be met with respect to those children in greatest need of special assistance before an LEA could include educationally deprived children under § 200.51(a)(2) who are not in greatest need.

Response. No change has been made. Section 556(b)(3) of Chapter 1 and § 204.20 require that Chapter 1 projects be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of *the children being served.* Those sections, however, do not segregate the requirement as the commenter suggested. Consistent with the intent of Chapter 1, the Secretary believes that an LEA should have maximum flexibility in designing its Chapter 1 projects. Thus, although the size, scope, and quality requirement must certainly be met, the Secretary does not believe it is appropriate at the Federal level to specify how an LEA must meet that requirement.

Comment. Several commenters suggested adding a provision to clarify that services provided to children identified in § 200.51(b) (1) and (2) must be in addition to, and not in place of, services to children in greatest need selected under § 200.51(a)(2).

Response. A change has been made. In response to the commenters' suggestion, the Secretary considered the relationship between § 200.51(a)(2) and § 200.51(b) (1) and (2). The Secretary did not make the change suggested by the commenters because the Secretary believes § 200.51(b) (1) and (2) is intended to provide flexibility even when an LEA is serving only educationally deprived children in the greatest need for special assistance. The Secretary has revised § 200.51(b)(1), however, to indicate that the flexibility that paragraph provides applies to LEAs that choose to serve only those educationally deprived children in greatest need for special assistance under § 200.51(a)(2). Section 200.51(b)(1) is superfluous for those LEAs that, in accordance with § 200.51(a)(2), are serving children in greatest need and other educationally deprived children as well. According to the Conference Report accompanying Pub. L. 98–211, the flexibility allowed by section 556(d)(6) of Chapter 1, implemented by § 200.51(b)(1), was not intended to conflict with the language in section 556(b)(2) of Chapter 1, which permits *any* educationally deprived children to be selected for participation in a Chapter 1 program—whether the children were previously in greatest need—as long as those children currently in the greatest need for special assistance receive services. *See* H. Rept. 574, 98th Cong., 1st Sess. 12 (1983) (Conference Report). Thus, if an LEA serves educationally deprived children who are not in greatest need, § 200.51(b)(1) does not restrict services to those children for only one additional year or to only children who were previously in greatest need.

Comment. One commenter requested that the phrase "services of the same nature and scope" in § 200.51(b)(3) be defined to mean non-federally funded services that (1) meet the requirements of size, scope, and quality; (2) are provided under a special program that meets the requirements in Section 131(c) of Title I; and (3) are provided at a level that is at least equal to the level of services that would otherwise be provided with Chapter 1 funds.

Response. No change has been made. Congress did not specify in any way what services would qualify as having the "same nature and scope" as Chapter 1 services. Clearly, if Congress had wanted to restrict those services to ones provided under a program meeting the requirements in section 131(c) of Title I, for example, Congress could have done so. *See, e.g.,* section 558(d) of Chapter 1, as amended by Pub. L. 98–211. Because Congress did not specify or define "services of the same nature and scope," the Secretary believes it is inappropriate at the Federal level for the Chapter 1 regulations to restrict the types of services that could qualify.

Comment. One commenter requested adding a special rule to § 200.51(b) to permit the selection of educationally deprived children for participation in a Chapter 1 project who reside in the project area but who, as a result of their parents' choice of schools, attend a school in a non-Chapter 1 eligible attendance area.

Response. No change has been made. Nothing in the regulations prohibits LEAs from implementing the commenter's suggestion. In general, children are eligible to be served by Chapter 1 if they reside in a school attendance area selected as a project area and if they meet the education criteria established by the LEA for student selection purposes. Eligible children who attend a public school in a nonproject area as a result of their parents' choice of schools may participate in the Chapter 1 project if the design of the project makes this service available. For instance, if the project area is served by an after-school tutorial program, eligible children attending other, nonproject schools could be served. Similarly, if there is a sufficient number of children who meet the eligibility requirements and who attend a public school outside the project area as a result of their parents' choice of schools, the LEA may provide Chapter 1 services to these children at the school they attend. The placement of these services in the ineligible school, however, does not make that school eligible for Chapter 1 services and other children at that school who meet only the educational criteria for student selection are not eligible to receive Chapter 1 services.

Comment. One commenter suggested placing a time limit in § 200.51(b)(1) against serving students beyond one year. The commenter believes that retention of the same students year after year has the effect of denying much needed remedial services to other students who qualify according to the LEA's selection criteria.

Response. A change has been made. According to the House Report accompanying Pub. L. 98–211, the purpose of the statutory amendment

was to permit LEAs to serve educationally deprived children who previously were in greatest need for special assistance "for one additional year" even though those children may no longer be "in greatest need." H. Rept. 51, 98th Cong., 1st Sess. 4 (1983). Consistent with this legislative history, § 200.51(b)(1) has been revised to limit services to such children to one additional year. As § 200.51(b)(1) indicates, however, the provisions in that paragraph apply to LEAs that choose to serve only children in greatest need under § 200.51(a)(2). If an LEA serves other educationally deprived children in addition to those in greatest need, § 200.51(b)(1) does not limit those services to one additional year or to children who were previously in greatest need.

Comment. Several commenters requested clarification of § 200.51(b)(3) as it relates to § 200.51(a)(2). Specifically, the commenters suggested that § 200.51(b)(3) indicate, in keeping with Congress' intent, that when an LEA chooses not to use Chapter 1 funds to serve educationally deprived children in greatest need for special assistance because those children are already receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided by Chapter 1, the remaining children who are served with Chapter 1 must include all children who are in greatest need who are not served by programs from non-Federal sources. *See* H. Rept. 574, 98th Cong., 1st Sess. 12 (1983) (Conference Report).

Response. A change has been made. Section 200.51(b)(3) has been revised to reflect the intent of Congress.

Section 200.54 *Schoolwide projects.*

Comment. One commenter stated that to require in § 200.54(c)(2) an LEA to provide, per child served by the schoolwide project who is not educationally deprived, an amount of special supplementary State and local funds equal to the amount of Chapter 1 funds that the LEA provides per educationally deprived child served in that school negates the exclusion from the supplement, not supplant provision in § 204.32(b) for States that have an approved compensatory program similar to Chapter 1 in which funds are targeted for students in greatest educational need.

Response. No change has been made. Section 200.54(c)(2) accurately reflects the statutory requirement in section 133(b)(7)(B) of Title I, incorporated into section 556(d)(9) of Chapter 1 by Pub. L. 98–211. Moreover, the Secretary does not believe this section negates the exclusion from the supplement, not supplant requirement in § 204.32(b). Section 204.32(b) permits an agency that receives Chapter 1 funds to exclude, for the purpose of determining compliance with the supplement, not supplant requirement, State and local funds spent in carrying out certain special programs to meet the educational needs of educationally deprived children. Thus, § 204.32(b) relates to State and local funds used for programs for educationally deprived children. Section 200.54(c)(2), on the other hand, relates to the provision of State and local funds in schoolwide projects for children who are not educationally deprived. As a result, the provision in § 200.54(c)(2) does not negate the exclusion in § 204.32(b).

Comment. One commenter suggested that the reference to "all non-Federal funds" in § 200.54(c)(4) be clarified because the language may conflict with the requirements for "special supplementary State and local funds" described in § 200.54(c)(2). The commenter observed that, if the fiscal requirements of § 200.54(c), (1), (2), and (3) are satisfied, the requirement contained in paragraph (c)(4) appears to be redundant.

Response. No change has been made. The Secretary does not believe that § 200.54(c)(4) either conflicts with or is redundant to the other provisions in § 200.54(c). Section 200.54(c)(1) relates to the equitable distribution of Chapter 1 funds for educationally deprived children in schoolwide projects. Section 200.54(c)(2) deals with special supplementary State and local funds above and beyond the State and local funds the school would receive if it were not operating a schoolwide project. Section 200.54(c)(3) requires each school operating a schoolwide project to maintain effort. Only § 200.54(c)(4), however, ensures that a school operating a schoolwide project receives for any given year the amount of non-Federal funds the school would otherwise have received in that year if it were not operating a schoolwide project.

Comment. One commenter suggested adding the word "other" before the phrase "schools, if any, that serve project areas" in § 200.54(c)(1).

Response. A change has been made. The insertion of the word "other" adds clarity to the provision.

Comment. One commenter suggested that § 200.54(d)(2) be rewritten more precisely to indicate that schools operating schoolwide projects are exempt from compliance with that portion of § 200.51 relating to the selection of students (§ 200.51(a)(2)) but are not exempt from those requirements relating to the identification of students (§ 200.51(a)(1)) or the determination of students' needs (§ 200.51(a)(3)).

Response. No change has been made. The Secretary believes that § 200.54(d)(2) accurately reflects section 133(c)(2)(B) of Title I, incorporated into section 556(d)(9) of Chapter 1 by Pub. L. 98–211. As the legislative history accompanying section 133 of Title I indicates, "[o]nce the percentage of poverty children in a Title I school reaches a very high level, it makes little sense and is cumbersome to enforce requirements that Title I serve only Title I children. . . ." Rather, it is a "sounder educational practice to plan a curriculum focusing on the entire educational program and thus avoid the considerable administrative demands resulting from separate recordkeeping and scheduling of special programs." H. Rept. 1137, 95th Cong., 2nd Sess. 35–36 (1978). As in Title I, Chapter 1 now permits schoolwide projects in which all children in attendance are considered program participants, including those children who are not educationally deprived. Thus, the provisions concerning identification and selection of children in § 200.51 are not strictly applicable. However, as required in § 200.54(b)(1), an LEA operating a schoolwide project must prepare a plan that includes a comprehensive assessment of the educational needs of all students in the school, particularly the special needs of educationally deprived children. Thus, the concerns of the commenter are dealt with in § 200.54.

Comment. One commenter suggested that § 200.54(d)(3) be either eliminated because it serves no purpose or be revised if there is a purpose for the provision.

Response. No change has been made. Section 200.54(d)(3) accurately reflects the statutory requirement in section 133(c)(2)(C) of Title I that *services* provided with Chapter 1 funds in a schoolwide project do not have to be supplementary to the services regularly provided in the school. This provision enables an LEA to design a comprehensive Chapter 1 program to benefit an entire school without regard to the services the LEA would have provided for that school in the absence of Chapter 1. The parenthetical statement at the conclusion of § 200.54(d)(3), however, reminds the LEA that each school operating a schoolwide project must receive the same amount of non-Federal funds that it would have received had it not been selected for a schoolwide project.

Section 200.60(d) Comparability.

Comment. One commenter questioned the meaning of § 200.60(d)(4)(ix) and suggested that the provision be clarified in the Chapter 1 nonregulatory guidance.

Response. No change has been made. Section 200.60(d)(4)(ix) accurately reflects the statutory requirement in section 131(d)(9) of Title I, incorporated into section 558(d) Chapter 1 by Pub. L. 98–211. The Department will consider providing further clarification in the Chapter 1 nonregulatory guidance.

Comment. One commenter stated that § 200.60 lacks specificity and raised several questions about comparability. Are LEAs required to complete annual calculations to determine compliance with the comparability requirement? When should the calculations take place? Are the LEAs, upon completing the calculations, required to make adjustments to staff or instructional supplies to overcome any discrepancies in comparability between project and nonproject schools?

Response. No change has been made. The comparability requirements in § 200.60 accurately reflect the statutory requirements in section 558(c) and (d) of Chapter 1. Consistent with the intent of Chapter 1 to free schools of "unnecessary Federal supervision, direction, and control," the Secretary has not added to or defined the comparability requirements in the Chapter 1 regulations. Rather, SEAs have the flexibility to determine how comparability will be tested, as long as that determination is consistent with the statutory requirement in section 558.

34 CFR Part 204

General Comments and Responses

Comment. Several commenters stated that the term "agency" used in several sections of Part 204 is confusing since it may refer to an SEA, another State agency, or an LEA. Also, it is unclear whether the agency that receives Chapter 1 funds is the SEA or the LEA.

Response. No change has been made. Generally, when the term "agency" is used, it applies to any agency that receives Chapter 1 funds. When the regulations refer to particular type of agency, the term SEA, LEA, or State agency is used. If an agency receives Chapter 1 funds, it is a recipient agency.

Section 204.13 State rulemaking and other SEA responsibilities.

Comment. One commenter recommended revising this section to clarify the ambiguity of the language used. The commenter felt that the section poses potentially serious compliance issues between LEAs and SEAs. Another commenter stated that this section would restrict the ability of SEAs to administer the program because it limits State rulemaking to State audits and financial responsibilities.

Response. No change has been made. The provisions in § 204.13(b) accurately reflect the statutory provisions in section 591(d) of the ECIA that were added by Pub. L. 98–211. Section 591(d)(1) and § 204.13(b)(1)(i) only specifically authorize a State to issue rules and regulations related to State audits and financial responsibilities. However, as indicated in section 591(d)(2) and § 204.13(b)(1)(ii), a State is not preempted or prohibited by Chapter 1 from issuing other rules when those rules are issued pursuant to State law and are not in conflict with the provisions of Chapter 1 or other applicable Federal statutes and regulations. According to the House and Senate reports accompanying the technical amendments, Congress intended Chapter 1 to be neutral on the issue of State rulemaking. *See* H. Rept. 51, 98th Cong., 1st Sess. 8 (1983); S. Rept. 166, 98th Cong., 1st Sess. 13 (1983). Thus, if State law permits, an SEA may issue regulations that relate to topics other than the State's audit and financial responsibilities. As a result, the SEA's responsibility for ensuring that agencies that receive Chapter 1 funds in the State comply with applicable Chapter 1 requirements should not be impeded by § 204.13(b).

Comment. One commenter noted that § 204.13(b)(2) requires States to identify State regulations which relate to the administration and operation of Chapter 1 programs as State-imposed requirements. At the same time, § 204.13(b)(1)(i) only specifically authorizes States to issue regulations related to State audits and financial responsibilities. The commenter felt that the regulations were unclear as to what regulations are related only to State audit and financial responsibilities and what regulations are administrative.

Response. No change has been made. The language in § 204.13(b)(2) accurately reflects the language in section 591(d) of the ECIA. According to Congress, section 591(d) requires States to identify *any* State rules, regulations, or policies relating to Chapter 1 as State-imposed requirements. *See* H. Rept. 51, 98th Cong., 1st Sess. 8 (1983); S. Rept. 116, 98th Cong., 1st Sess. 13 (1983). Thus, the phrase "rules, regulations, or policies relating to the administration and operation of programs funded under Chapter 1" in § 204.13(b)(2) includes all rules that a State promulgates to implement Chapter 1—even those relating to a State's audit and financial responsibilities.

Section 204.21 Annual meeting of parents.

Comment. A number of commenters recommended general changes in § 204.21. Several commenters questioned the propriety of requiring an annual public meeting and recommended that the section be deleted. One of those commenters felt the number of parents who attend such meetings may not justify the man-hours and postage costs of notifying parents of the meeting. Another commenter felt that the requirement could lead to funds being spent on mass meetings instead of services for Chapter 1 children. Other commenters felt the effort devoted to public meetings would not result in a significant impact on student achievement.

On the other hand, several commenters recommended strengthening the requirement for parental involvement in § 204.21. Believing that systematic consultation with parent is essential to ensure that program decisions are fully responsive to local needs, these commenters recommended that § 204.21 state the nature and purposes of the annual parent meeting and require LEAs to develop policies to ensure adequate parent consultation in all aspects of the design and implementation of Chapter 1 projects. One commenter recommended requiring LEAs to organize parent advisory councils.

Response. A change has been made. Section 204.21 has not been deleted because section 556(e) of Chapter 1, added by Pub. L. 98–211, requires an agency that receives Chapter 1 funds to convene annually at least one meeting to which all parents of eligible children must be invited. Congress added this provision to ensure parents of eligible children at least one opportunity annually to meet with each other and with appropriate agency officials for a discussion of the programs and activities affecting their children. In addition, Congress intended that the meeting inform parents of their right to consult in the design and implementation of Chapter 1 projects, solicit parents' input, and provide parents an opportunity to establish mechanism for maintaining ongoing communication among parents, teachers, and agency officials. *See* H. Rept. 51, 98th Cong., 1st Sess. 5 (1983); S. Rept. 166, 98th Cong., 1st Sess. 10–11 (1983). Section 204.21(a) has been revised to indicate these multiple purposes. Agencies that receive Chapter

1 funds have discretion over how, when, and where these meetings take place. The annual meeting should be the first step in an ongoing process of consulting with parents. It is not in itself intended to satisfy the requirement in section 556(b)(3) of Chapter 1 that projects be designed and implemented in consultation with parents, or otherwise to supersede specific requirements for parental participation contained in 34 CFR Parts 200–203.

In addition to revising § 204.21, the Secretary has revised § 200.53, concerning consultation with parents and teachers, that governs the Chapter 1 LEA program for educationally deprived children. As many commenters pointed out, research has demonstrated that parental involvement improves the effectiveness of Chapter 1 programs and makes an essential contribution to the success of those programs. Because the Secretary believes that parental involvement is crucial to children's success in school, he has revised § 200.53(b) to require an LEA to develop written policies to ensure that parents of the children being served have an adequate opportunity to participate in the design and implementation of the LEA's Chapter 1 project. Although this provision has been added to implement the parent consultation required by section 556(b)(3) of Chapter 1, it gives the LEA complete discretion concerning what its policies require, so long as the policies ensure systematic consultation with parents. To assist the LEA in developing its policies, paragraph (b)(2) lists possible activities for the LEA's consideration.

Comment. One commenter questioned whether "a public meeting" may be interpreted as "public meetings" in situations where it is necessary to schedule meetings in several locations in order to encourage greater participation of parents.

Response. A change has been made. As the House Report accompanying Pub. L. 98–211 explains, "[s]chool districts may elect to hold one or more such meetings and may do so at any site most convenient to the district." H. Rept. 51, 98th Cong., 1st Sess. 5 (1983). Section 204.21(a)(2) has been added to reflect this flexibility.

Comment. One commenter questioned whether the phrase "if parents desire" may be interpreted as including any parent. The commenter recommended that the term be clarified by specifying "parents of eligible or participating children."

Response. A change has been made. To make clear that the "parents" referred to in paragraph (d) of § 204.21 are the same parents referred to in paragraph (a), the phrase "of eligible children" has been added to § 204.21(b).

Comment. One commenter, interpreting the annual meeting of parents requirement as being specifically designed for districts outside of major urban areas, recommended that large urban districts be excluded from this requirements.

Response. No change has been made. Nothing in section 556(e) of Chapter 1 or the legislative history suggests that urban districts are to be excluded from the requirement to hold an annual meeting of parents.

Comment. One commenter recommended revising the regulatory language in § 204.21(b) to read: "If parents desire further activities, the agency shall, upon request, provide reasonable support and monies for these activities."

Response. No change has been made. Section 204.21(b) accurately reflects the language in section 556(e) of Chapter 1, which additional support discretionary, rather than mandatory as the commenter suggested. Both the House and Senate Reports make clear that it is the agency that receives Chapter 1 funds that determines what technical support is to be provided and the form and amount of resources that are to be made available. *See* H. Rept. 51, 98th Cong., 1st Sess. 5 (1983); S. Rept. 166, 98th Cong., 1st Sess. 10–11 (1983).

Comment. A number of commenters recommended adding the language of the House and Senate Reports to § 204.21 to clarify the requirements for parental involvement under Chapter 1.

Response. A change has been made. Section 204.21(b) has been revised to indicate that the support an agency receiving Chapter 1 funds may provide to parents includes, but is not limited to, reasonable access to meeting space and materials, provision of information concerning the Chapter 1 law, regulations, and instructional programs, training programs for parents, and other resources, as appropriate. *See* H. Rept. 51, 98th Cong., 1st Sess. 5 (1983); S. Rept. 166, 98th Cong., 1st Sess. 10–11 (1983).

Comment. One commenter questioned whether "eligible children" should be interpreted as "educationally deprived children."

Response. No change has been made. Eligibility for Chapter 1 services includes educationally deprived children residing in low-income areas, migratory children, children in State institutions for neglected or delinquent children, and handicapped children in State institutions.

Comment. One commenter suggested substituting the term "local educational agency" in place of the phrase "an agency that receives Chapter 1 funds" in § 204.21(a). Another commenter recommended incorporating § 204.21 into § 200.53 regarding consultation with parents and teachers by LEAs. The commenter felt that by removing § 204.21 from Part 204, the State agency programs would be exempt from the requirement.

Response. No change has been made. Section 19 of Pub. L. 98–211 amended sections 142, 147, and 152 of Title I to clarify that, with two exceptions, all of the requirements in sections 556 and 558 of Chapter 1 are applicable to the State agency programs. Section 556(e), which contains the annual meeting of parents requirement, is not one of the excluded sections.

Comment. One commenter questioned why § 204.21 of the proposed regulations did not provide for parent advisory councils for migrant programs.

Response. No change has been made. The requirement for parent advisory councils for migrant programs is contained in § 201.35 of the Chapter 1 regulations for migrant education programs. Parent advisory councils are not required for all Chapter 1 programs. Therefore, the requirement for parent councils was placed in the migrant program regulations and not in § 204.21, which applies to all Chapter 1 programs.

Comment. One commenter questioned whether § 204.21 required a statewide meeting for migrant education programs or whether the requirement could be met by means of meetings at the local level.

Response. No change has been made. The statute requires the operating agency to convene at least one meeting annually to which all parents of eligible children are invited. Where the operating agency is an SEA or other State agency, one or more meetings may be held in conjunction with local level meetings to encourage greater participation of parents. However, in most cases SEAs operate their States' migrant education programs through LEAs or other local operating agencies, and those agencies must convene the annual meeting. Section 201.35 of the regulations for migrant education programs requires the SEA to have a statewide advisory council. In addition, LEAs acting as operating agencies for migrant education programs in the State must establish parent advisory councils.

Comment. Several commenters, responding to how State agencies, especially agencies serving neglected or delinquent children, can meet this requirement, indicated that the annual meeting would be difficult to stage and the response would likely be limited. The commenters believed, therefore,

that the benefits of such a meeting would be at best negligible. In addition, the commenters noted that often single institutions house students from an entire State, making a meeting for parents of eligible students totally unrealistic because of travel time and expense. One commenter noted that children adjudicated to the State Department of Corrections become wards of the State and that the State, not their parents, has full responsibility for their welfare and best interest. Moreover, in the case of many institutionalized children, there is not a caring family to participate in an annual meeting.

Response. No change has been made. Section 556(e) of Chapter 1 applies to State agencies directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions. The Secretary recognizes that for many State-operated programs, especially those serving neglected children, meetings with biological parents may not be possible. In those instances, while not excluding biological parents retaining parental rights, agencies should notify persons serving as parent surrogates for the children involved of the meeting. Where there is no identifiable adult in a supervisory or custodial relationship with the child, the agencies may send a notice of the meeting to the last known address of the last identified adult who had custody of or supervised and cared for the child.

Comment. A large number of commenters recommended that Chapter 1 programs of assistance of State agencies for projects designed to meet the special educational needs of children who are or who have been served in institutions for handicapped children be exempt from § 204.21. The commenters felt that § 204.21 was inappropriate for their programs for at least three major reasons: (1) Programs for handicapped students are covered under the due process provisions of Pub. L. 94–142, which require individual parent participation; (2) various sources of Federal and State funds, including funds under the Chapter 1 handicapped program, already are being used to support parent education and counseling; and (3) § 204.21 could be interpreted to mean that no project could be approved without public hearings.

Response. No change has been made. Section 556(e) of Chapter 1 applies to all State agencies directly responsible for providing free public education for handicapped children. The Secretary cannot waive this statutory requirement. The extent to which the requirement may need to be implemented differently for the Chapter 1 handicapped program will be discussed in the regulations specifically applicable to that program.

Section 204.22 Allowable costs.

Comment. Several commenters expressed concern that § 204.22(a) would prohibit some children in State institutions for handicapped children from participating in Chapter 1 programs on a space-available basis because they may not have been counted for allocation purposes. Several commenters suggested adding a new paragraph to make clear that children eligible for services under the Chapter 1 handicapped program, but not counted for allocations, may be served if all children counted are receiving services.

Response. No change has been made. Section 147 of Title I, incorporated into Chapter 1 by section 554(a)(2)(B), states that "each such child in average daily attendance counted under subsection (b) of section 146 will be provided with such a program, commensurate with his special needs. . . ." The regulation does not intend to preclude services to children who, had they been enrolled on October 1, would have been eligible to be included in the count. Therefore, where all children counted are receiving a program commensurate with their needs, other children in eligible State institutions would be eligible to participate in the program on a space available basis.

Comment. One commenter objected to the requirement in § 204.22(c) that administrative direction and control of Chapter 1 funds, and title to property acquired with those funds, be in a public agency. The commenter is concerned that the restriction will prohibit private agencies and schools serving handicapped children from participating in Chapter 1 projects. Another commenter suggested that administrative direction and control of Chapter 1 funds for handicapped children must be the responsibility of the SEA.

Response. No change has been made. Section 146(a) of Title I, incorporated into Chapter 1 by section 554(a)(2)(B), limits program eligibility to a "State agency which is directly responsible for providing free public education for handicapped children. . . ." States may, by contract or other arrangement, provide for private agencies to provide services to handicapped children, but must comply with the provisions of § 204.22(c).

Comment. One commenter recommended that § 204.22(c) specify what agency may hold title to property purchased with Chapter 1 funds.

Response. No change has been made. Title to property should be with the agency responsible for operating the Chapter 1 program: For 34 CFR Part 200, the LEA; for Part 201, the SEA; and for Parts 203 and 302, whichever public agency is actually operating the Chapter 1 program.

Comment. One commenter noted that the duties contained in § 204.22(d) do not apply to nonschool settings.

Response. No change has been made. Section 204.22(d) permits Chapter 1 teachers, in general educational settings, to perform certain non-Chapter 1 duties without violating statutory provisions related to the use of Chapter 1 funds only to meet the special educational needs of children eligible to be served.

Comment. One commenter urged that § 204.22(d)(3) be deleted, since the commenter found no statutory basis to prohibit Chapter 1 teachers from homeroom duty.

Response. No change has been made. Section 556(d)(10) of Chapter 1 states that Chapter 1 personnel "may be assigned limited, rotating, supervisory duties. . . ." This language is similar to that of section 134 of Title I, which referred to "certain limited, rotating, supervisory duties. . . ." Homeroom duty, while supervisory, is normally not a rotating assignment. Hence, under both Title I and Chapter 1, the Department has interpreted homeroom duty to be outside the realm of allowable duties for Chapter 1 personnel.

Comment. One commenter recommended deleting § 204.22(d)(5) which restricts the amount of time Chapter 1-paid personnel may spend performing non-Chapter 1 duties.

Response. No change has been made. These restrictions are included in section 556(d)(10) of Chapter 1.

Comment. One commenter recommended that § 204.22(d) specify that Chapter 1 personnel cannot perform any non-Chapter 1 duties during the time Chapter 1 instruction is taking place.

Response. No change has been made. It would be difficult to implement the commenter's recommendation because, in any school, certain Chapter 1 activities may be going on at all times, but not all Chapter 1 personnel may be engaged in carrying out those activities. The flexibility afforded by § 204.22(d), however, is not intended to permit non-Chapter 1 duties to interfere with the ability of Chapter 1 personnel to carry out the Chapter 1 program.

Comment. One commenter suggested that § 204.22(d) limit the amount of time Chapter 1 personnel may engage in non-Chapter 1 activities, even when the salary of the person is prorated among the various activities.

Response. No change has been made. The Secretary cannot prohibit personnel paid, in part, with Chapter 1 funds from also being assigned non-Chapter 1 activities. The amount of time spent on Chapter 1 activities by these personnel, however, must be adequately documented.

Comment. One commenter suggested that § 204.22 be expanded to include information on topics such as excessive or unallowable costs, travel and inservice costs, and similar items.

Response. No change has been made. For information on these topics, agencies are referred to 34 CFR Part 74, which, while not required for Chapter 1 programs, provides extensive guidance on allowable costs.

Section 204.23 Evaluation.

Comment. Several commenters expressed concern over the burden imposed by the data collection and evaluation requirements included in § 204.23. The commenters stated that the purpose for the data collection was unclear, and suggested that the Department show in two years how the data benefited Federal education policy.

Response. No change has been made. The evaluation and data collection requirements were added as section 555(e) of Chapter 1 by Pub. L. 98–211. According to the Senate Report accompanying Pub. L. 98–211, the purpose of the requirement is "to underscore the value of evaluation [by] requiring that State eductional agencies conduct an evaluation at least every two years and stipulating the kind of information which must be collected by the SEA for Chapter 1 activities." S. Rept. 166, 98th Cong., 1st Sess. 8 (1983). The provisions in § 204.23 accurately reflect the statutory requirements in section 555(e) of Chapter 1.

Comment. One commenter requested that LEAs be provided forms to facilitate the data collection and evaluation requirements contained in § 204.23.

Response. No change has been made. The Department intends to issue forms for SEAs to use in reporting State totals. Collection of information from agencies that receive Chapter 1 funds, however, is an SEA responsibility, and SEAs may devise their own methods for fulfilling that requirement.

Comment. Several commenters recommended that the program for handicapped children in State institutions be exempt from the data collection and evaluation requirements contained in § 204.23.

Response. No change has been made. The requirements for evaluation and data collection are included in section 555(e) of Chapter 1, which applies to all Chapter 1 programs.

Comment. One commenter noted that Chapter 1 programs are currently evaluated annually, rather than every two years.

Response. No change has been made. Section 204.23(a)(1)(i) implements section 555(e), which requires that Chapter 1 programs be evaluated "at least every two years." Annual evaluations fulfill this requirement.

Comment. One commenter noted that the two-year interval for SEA evaluations in § 204.23(a)(1)(i) and the three-year interval for evaluations by agencies that receive Chapter 1 funds in § 204.23(b)(1) are confusing.

Response. No change has been made. The two-year interval for SEA evaluations reflects the statutory requirement in section 555(e)(1) of Chapter 1. The three-year interval for evaluations by agencies that receive Chapter 1 funds coincides with the maximum application period contained in section 556(a) of Chapter 1. An SEA may require more frequent evaluations by agencies that receive Chapter 1 funds if the SEA needs those evaluations to meet the SEA's evaluation requirement.

Comment. One commenter stated that § 204.23(a)(1)(ii) should clarify on which Chapter 1 programs SEAs are required to collect data.

Response. No change has been made. Section 204.23(a)(1)(ii) accurately reflects section 555(e)(2) of Chapter 1, which requires SEAs to collect data on all Chapter 1 programs in the State.

Comment. One commenter noted that section 555(e)(2) of Chapter 1 does not include that word "annually" when referring to data collection. The commenter suggested that the word be deleted from § 204.23(a)(1)(ii) and that data collection, like evaluation, only be required every two years.

Response. No change has been made. Section 555(e)(2) of Chapter 1 requires SEAs to collect data on "children served by the programs assisted under [Chapter 1] . . . ." To allow biennial data collection would eliminate counts of children served in the alternate years. Moreover, Congress specifically provided for the two-year SEA evaluation requirement in section 555(e)(1) of Chapter 1. Presumably, if Congress had intended data collection to be conducted once every two years, Congress would have included that time frame in section 555(e)(2) also.

Comment. Several commenters objected to the inclusion of race and gender information in the data collection requirement in § 204.23(a)(1)(ii)(A). The commenters feared misuse of that information and suggested that § 204.23 contain a requirement to protect the confidentiality of the data. Another commenter noted that inclusion of information on race and gender may duplicate information collected by the Office for Civil Rights.

Response. No change has been made. Section 204.23(a)(1)(ii)(A) accurately reflects the requirement in section 555(e)(2) of Chapter 1, which requires SEAs to collect data on the "race, age, and gender of children served by the programs assisted under [Chapter 1] . . . ." These data, however, may be an aggregate number and need not identify each child served. Data collected under this provision are governed by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), which restricts their use. The information collected by the Office for Civil Rights includes all children in schools. There is no way to determine from those figures which children, if any, are being served by Chapter 1.

Comment. One commenter objected to the collection of information on the age of children participating in Chapter 1 programs under § 204.23(a)(1)(ii)(A). The commenter noted that cut-off dates for initial school enrollment vary throughout the country; hence schools would have to report at least two different age groups for each grade.

Response. No change has been made. The requirement for collecting data on the age of children participating in Chapter 1 programs is included in section 555(e)(2) of Chapter 1.

Comment. Several commenters objected to the requirement in § 204.23(a)(1)(ii)(B) that data be collected based on the grade level of participating students. The commenters noted that in nongraded situations, for preschool children, and for certain children in State institutions for handicapped children or for neglected or delinquent children, grade designations are inappropriate.

Response. No change has been made. Section 555(e)(2) of Chapter 1 requires that SEAs collect data on "the number of children served by grade-level . . . ." Where no grade level exists, it is appropriate to report data in another form that can yield similar information, such as "preschool children."

Comment. One commenter recommended that the data collection requirement in § 204.23(a)(1)(ii) provide

separate information on private school children served by Chapter 1.

Response. No change has been made. The data collection instrument used by the Department to collect aggregate information requires SEAs to provide separate totals for private school children being served. SEAs may design their own instruments to collect, at a minimum, the information required in § 204.23(a)(1)(ii).

Comment. Several commenters objected to the provision in § 204.23(a)(2) that would allow SEAs to meet the requirement for biennial evaluations by aggregating data collected under § 204.23(b) by agencies that receive Chapter 1 funds. The commenters stated that aggregation of data does not constitute conducting an evaluation and, therefore, does not meet the statutory requirement.

Response. No change has been made. The Secretary does not interpret the statutory requirement that SEAs "conduct an evaluation" to mean that SEAs must gather all original data. Rather, if they wish, SEAs may design systems that would allow them to aggregate local information, analyze it, and from this data, provide a statewide evaluation of the Chapter 1 program. This approach would not only meet the statutory requirement but would provide highly useful data on a statewide basis of the success of the program, would allow for comparisons between State averages and local achievements, would provide information for comparisons among States, and may allow further aggregation of information from States choosing this option to give national results.

Comment. Several commenters objected to § 204.23(b), stating that the use of achievement data and sustained gains is inappropriate for handicapped children, who may be severely disabled, and for children in institutions for neglected or delinquent youth. In addition, the commenters noted that appropriate evaluation measures, such as performance skills, are omitted.

Response. No change has been made. Section 556(b)(4) of Chapter 1, specifically made applicable to Chapter 1 programs for handicapped children by an amendment to section 147 of Title I, requires that evaluations "include objective measurements of educational achievement in basic skills and a determination of whether improved performance is sustained over a period of more than one year. . . ." Other evaluation evidence, however, such as that suggested by the commenters, should be collected when that evidence provides more realistic information regarding the success of the program. When appropriate, agencies may consider a child's individualized education program (IEP) to be the set of basic skills appropriate for that child, and may evaluate the program according to progress in basic skills set by the IEP.

Comment. One commenter questioned the requirement for sustained gains in § 204.23(b)(1)(ii), stating that paperwork would be increased.

Response. No change has been made. The requirement for sustained gains in § 204.23(b)(1)(ii) is contained in section 556(b)(4) of Chapter 1.

Comment. One commenter noted that gathering data on sustained gains in the migrant education program is impractical due to the mobility of the population and that data would be difficult to validate.

Response. No change has been made. The requirement for gathering data on sustained gains in § 204.23(b)(1)(ii) is contained in section 556(b)(4) of Chapter 1. Section 556(b)(4) was specifically made applicable to the migrant education program by section 19 of Pub. L. 98–211, which amended section 142(a)(3) of Title I accordingly. Maximum interstate and intrastate coordination of migrant education programs and projects, coupled with full use of the migrant student record transfer system, will help facilitate this data collection responsibility.

Comment. One commenter expressed concern that funds used for evaluation not be wasted. The commenter noted that evaluation results should be used, rather than just gathered.

Response. No change has been made. Section 556(b)(4) of Chapter 1 specifically requires that evaluation results be used "in the improvement of the programs and projects assisted under [Chapter 1] . . . ." This requirement is reiterated in § 204.23(b)(2).

Section 204.23 Supplement, not supplant.

Comment. One commenter, while expressing agreement with the provisions of § 204.32 (a) and (b), was concerned about services to children in institutions for handicapped children when no State-funded programs are available. The commenter interpreted § 204.32(b) as allowing Chapter 1 to serve these children.

Response. No change has been made. Section 204.32(b) deals with the exclusion of State and local funds spent in carrying out certain special programs from the general supplement, not supplant requirement. Section 204.32(b) does not override 34 CFR 302.50(c) of the Chapter 1 handicapped program requirements.

Comment. Several commenters recommended that programs for handicapped children in State institutions be exempt from § 204.32.

Response. No change has been made. The Secretary has no authority to exempt Chapter 1 programs for handicapped children in State institutions from the supplement, not supplant requirement in § 204.32. Section 6 of Pub. L. 98–211 specifically amended the supplement, not supplant requirement in Section 558 of Chapter 1 to make clear that it applies to programs for handicapped children in State institutions. At the same time, section 19(a) of Pub. L. 98–211 amended section 147 of Title I to make clear that section 558 (other than the comparability requirement) applies to the Chapter 1 programs for handicapped children. The extent to which the requirement may need to be implemented specifically for the Chapter 1 handicapped program will be discussed in the regulations for that program.

Comment. One commenter recommended that § 204.32 be modified to allow funds for programs for handicapped children in State institutions to supplement those necessary to carry out a handicapped child's IEP.

Response. No change has been made. Section 204.32 currently allows Chapter 1 activities that supplement a handicapped child's IEP.

Comment. One commenter suggested that § 204.32 clarify the circumstances regarding the supplement, not supplant provision when related to programs for handicapped children in State institutions. The commenter stressed the relationship between services to be provided under Chapter 1 and those included in a child's IEP.

Response. No change has been made. Part 204 regulations contain only those provisions which apply to all Chapter 1 programs. Standards which apply only to individual Chapter 1 programs will appear in the proper program regulations. The extent to which the requirement may need to be implemented specifically for Chapter 1 handicapped programs will be discussed in the regulations for that program.

Comment. One commenter stated that § 204.32(b) needs clarification. The commenter questioned whether all five of the conditions in § 204.32(b)(1)–(5) must be met in order for a program to be excluded from the supplement, not supplant requirement.

Response. No change has been made. Section 204.32(b) accurately reflects the

language in section 558(d) of Chapter 1. Section 204.32(b) states that, in order to exclude State and local funds spent in carrying out special programs, those programs must "meet the following requirements." Thus, the requirements that are listed in § 204.32(b)(1)–(5) must all be met.

Section 204.43 Eligibility for review.

Comment. One commenter stated that this section is unclear, and suggested that it be revised to state that if a recipient brings a lawsuit to challenge a notice prior to exhausting administrative remedies, the Secretary could move for dismissal of the suit on that basis.

Response. No change has been made. The Secretary believes that the language in § 204.43(b) is essentially the same as that the commenter suggested. Moreover, the language in § 204.43(b) parallels the language in the comparable provision in 34 CFR Part 78 governing other programs before the Education Appeal Board.

Comment. One commenter noted that the functions, procedures, and duties of the panel and board referred to in this section are unspecified.

Response. No change has been made. This information is included in Subpart E of 34 CFR Part 78 (Education Appeal Board), made applicable to Chapter 1 due process proceedings by § 204.50(a).

Section 204.50 Practice and procedure.

Comment. One commenter questioned why the provision in 34 CFR Part 78, that only requires a lead time of ten days from notice before funds are cut off, applies to Chapter 1 when the Chapter 1 statute provides for sixty days.

Response. No change has been made. Section 204.50(a) only makes the regulations governing practice and procedure before the Education Appeal Board in Subpart E of 34 CFR Part 78 applicable to Chapter 1 due process proceedings. None of the provisions in Subpart E deals with the length of time from notice until funds are cut off. Rather, the provision to which the commenter apparently was referring is 34 CFR 78.25(b)(2) concerning written notice of an intent to suspend funds. This provision, which implements section 453(c) of the General Education Provisions Act (GEPA), is not applicable to Chapter 1 both because it is not contained in Subpart E and because section 453 of GEPA has been superseded by section 592 of the Education Consolidation and Improvement Act (ECIA). *See* Section 596(b)(6) of the ECIA as amended by the technical amendments. Accordingly, under Chapter 1, the Secretary would not withhold funds until sixty days after the date the Secretary provided notice of intent to do so.

Comment. Two commenters objected to the provision in § 204.50(b) that places the burden of proof on the appellant. One commenter supported the section as written.

Response. No change has been made. Section 204.50(b) accurately reflects section 452(b) of GEPA which states that "the burden shall be upon the State or local educational agency to demonstrate the allowability of expenditures disallowed in the final audit determination." As section 596 of the ECIA indicates, section 452 of GEPA applies to Chapter 1 programs.

Comment. One commenter questioned why § 204.50(b) omits the condition in section 452(b) of GEPA that the appellant has the burden of proof "[u]nless the Board determines that a final audit determination lacks sufficient detail. . . ."

Response. No change has been made. The condition in section 452(b) to which the commenter refers is the subject of § 204.46 of the Chapter 1 regulations concerning review of the written notice. As a result, the Secretary does not believe it is necessary to include the condition in § 204.50(b).

Comment. One commenter questioned why § 204.50(b) requires the appellant to present its case first when this requirement is not included in section 452(b) of GEPA.

Response. No change has been made. Section 204.50(b) requires the appellant to present its case first because the appellant has the burden of proof under section 452(b) of GEPA.

Section 204.53 The Secretary's decision.

Comment. Two commenters asked whether the Secretary's decision is final or whether an appeal to the court of appeals is allowed.

Response. A change has been made. As indicated in § 204.53(c)(1), the Secretary's decision is the final decision of the Department. In accordance with section 455 of GEPA, appellants may appeal the Department's final decision to the appropriate court of appeals.

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Federal Register

Monday
May 19, 1986

Part III

Department of Commerce

International Trade Administration

Export Trade Certificate of Review; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of an export trade certificate of review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to American Pecan Company (APC). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register.** Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

Products

Pecans and pecan products, including fancy mammoth pecans, junior mammoth halves, other fancy halves, fancy pieces, fancy midget pieces, fancy granules, fancy meal, and non-fancy pecan products.

Export Trade Facilitation Services (as They Relate to the Export of Products)

Consulting; internatonal market research, advertising; marketing; insurance; product research; legal assistance; transportation, including trade documentation and freight forwarding; communication and processing of foreign orders; warehousing; foreign exchange; financing; and taking title to goods.

Export Markets

The Export Markets include all parts of the world except (a) the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) and (b) that part of the continent of North America not included in (a) above.

Members

Nut Tree Pecan Company, Albany, GA; Stahmann Farms, Inc., Las Cruces, NM; Farmers Investment Company, doing business as Santa Cruz Valley Pecan Company, Sahuarita, AZ; and Leonard Nut Company, Fort Worth, TX.

Export Trade Activities and Methods of Operation

APC may:

1. Enter into agreements with its Member suppliers to act as an Export Intermediary, which may include any of the followng provisions:

a. APC agrees to purchase Products from its Member suppliers, and its member suppliers agree to sell Products to APC, at prices set in the supply agreements between APC and its Member suppliers. All Products purchased by APC from its Member suppliers will be for resale by APC in the Export Markets; APC will market and sell the Products, either directly or through Export Intermediaries other than APC, to such purchasers, at such prices, and on such terms as APC shall determine;

b. For each year of the supply agreement, APC may purchase Products from its Member suppliers on a pro rata basis, up to a fixed aggregate quantity per year. Once that quantity has been purchased, APC may offer its Member suppliers the right to sell additional Products to APC on a pro rata basis. If none of the Member suppliers elects to sell such additional Products to APC, APC may purchase Products for resale in the Export Markets from non-Member suppliers, provided that APC deals separately and individually with each non-Member supplier. APC may not enter into supply agreements that obligate non-Member suppliers to sell Products to APC or that obligate APC to buy Products from non-Member suppliers, or otherwise purchase Products from non-Member suppliers, except as is necessary to fill existing or reasonably anticipated orders from specifically identified customers of APC in the Export Markets. APC may purchase Products exclusively from its Member suppliers and may refuse to deal with non-Member suppliers; and

c. No Member supplier will be restricted from exporting products independently of APC. However, should any Member supplier cease to be a Member of APC, that Member supplier may be prohibited, during the remainder of the five-year term of the initial supply agreement between the Member supplier and APC, from selling Products to purchasers that were customers of APC prior to the date of the Member's termination, other than customers to which the Member supplier previously sold Products.

2. Determine the price of Products sold to APC by Member and Non-Member suppliers as follows:

a. For the fixed aggregate quantity (described in paragaph 1(b) above):

(i) During the first year of the initial five year term of the supply agreements between APC and its Member suppliers, APC may set the prices of Products at (a) fixed dollars amounts, as established in those supply agreements, or (b) a fixed percentage of the price at which APC resells the Products supplied in the Export Markets; and

(ii) During the second and subsequent years of the initial and any subsequent terms of the supply agreements between APC and its Members, APC may set the purchase price for all Products at a fixed percentage of the average price at which APC resold the class of Products in the Export Markets during the preceding year, which percentage may be modified annually by APC and its Member suppliers based upon an analysis of APC's operating and other costs and other information permitted to be discussed under paragraphs 4 and 5;

b. For quantities greater than the fixed aggregate quantity (described in paragraph 1(b) above) that APC purchases from its Member suppliers during any given year, APC may set the price of Products at a percentage of the price at which APC resells the Products supplied in the Export Markets, which percentage may be modified annually by APC and its Member suppliers based upon an analysis of APC's operating and other costs and other information permitted to be discussed under paragraphs 4 and 5; and/or

c. For quantities of Products APC purchases from non-Member suppliers, APC may set prices and terms and conditions of purchase individually for each transaction.

3. Enter into exclusive or nonexclusive agreements with other Export Intermediaries for the sale of Products in the Export Markets wherein:

a. APC agrees to deal in Products in particular Export Markets only through that intermediary; and/or

b. That intermediary agrees not to represent or otherwise deal with anyone except APC in those Export Markets.

4. Exchange information with Member suppliers regarding:

a. The prices that APC has charged or will charge in the Export Markets for each Member supplier's Products.

b. The quality and quantity of Products available from Member suppliers for export, but such exchange will be limited to the following:

(i) APC may contact a member supplier to determine if that Member supplier can fill a specific purchase order, and the Member supplier may inform APC whether it will be able to fill the order, and if it cannot fill the order, the reasons therefor that are specifically related to that Member's individual operations,

(ii) In order to allocate purchase orders among its Member suppliers so as to comply with its contractual obligation to buy from its Members on a pro rata basis up to a fixed amount annually, APC may contact its Member suppliers during the final quarter of any contract year to determine the quantity of Products that the Member suppliers will be able to sell to APC through the end of that year and the times at which such quantity may be available for purchase by APC, and the Member supplier may so inform APC, and

(iii) All requests for information must be made to Member suppliers individually, and the Member suppliers' responses must be made only to APC, which may not disclose the information to any other Member, except as may be necessary for the legitimate conduct of APC's export business,

c. Delivery dates, terms of sale, and other information necessary to arrange and complete export sales of the Products,

d. General economic or business conditions in the Export Markets, including supply and demand conditions, prices and terms of sale in the Export Markets; and transportation and other costs incurred in exporting to the Export Markets,

e. APC's sales results in the Export Markets, orders shipped, costs of doing business and other information relating to APC's business in the Export Markets,

f. Amounts and prices of Products purchased from each Member supplier for export, and the terms and conditions under which such purchases were made,

g. Matters concerning APC's organization, governance, financial condition and membership; and/or

h. Market strategies for the Export Markets, and other issues relating to sales and Export Trade Facilitation Services in the Export Markets and APC's export business.

5. Participate in meetings with one or more Member suppliers to deliver and discuss the information described in paragraph (4) above.

6. Enter into agreements with customers located in the Export Markets wherein APC may agree in each case to sell Products in the Export Markets only to such customers, and/or such customer may agree not to purchase the Product from any competitor of APC.

7. Prescribe conditions of membership to, and termination from, APC.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: May 14,1986.

James V. Lacy,

Director, Office of Export Trading Company Affairs.

[FR Doc. 86–11322 Filed 5–16–86; 11:50 am]

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LIST OF PUBLIC LAWS

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 4022/Pub. L. 99-300

To release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes (May 14, 1986; 100 Stat. 435; 1 page) Price: $1.00

S.J. Res. 281/Pub. L. 99-301

To designate the week of May 11 through May 17, 1986, as "Senior Center Week". (May 14, 1986; 100 Stat. 436; 1 page) Price: $1.00

S.J. Res. 284/Pub. L. 99-302

To designate the month of May 1986 as "Better Hearing and Speech Month". (May 14, 1986; 100 Stat. 437; 1 page) Price: $1.00

CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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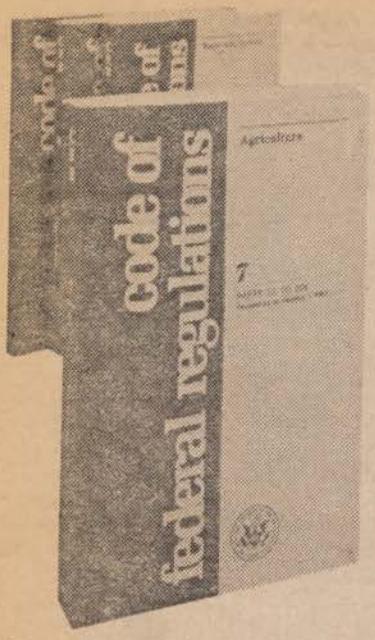

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