5-20-86
Vol. 51 No. 97
Pages 18429-18558

Federal Register

Tuesday
May 20, 1986

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Environmental Protection Agency

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Animal and Plant Health Inspection Service

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Federal Aviation Administration

Chemicals
Environmental Protection Agency

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

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How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

Selected Subjects

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Reader Aids
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CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Executive Order 12557 of May 16, 1986

Establishing an Emergency Board To Investigate Disputes Between the Maine Central Railroad Company/Portland Terminal Company and Certain of Their Employees Represented by the Brotherhood of Maintenance of Way Employees

Disputes exist between the Maine Central Railroad Company/Portland Terminal Company and certain of their employees represented by the Brotherhood of Maintenance of Way Employees.

These disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended (the "Act").

These disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation services.

NOW, THEREFORE, by the authority vested in me by Section 10 of the Act (45 U.S.C. § 160), it is hereby ordered as follows:

Section 1. *Establishment of Board.* There is hereby established, effective May 16, 1986, a board of three members to be appointed by the President to investigate these disputes. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The board shall report its findings to the President with respect to these disputes within 30 days from the date of its creation.

Sec. 3. *Maintaining Conditions.* As provided by Section 10 of the Act, from the date of the creation of the board and for 30 days after the board has made its report to the President, no change, except by agreement of the parties, shall be made by the carriers or the employees in the conditions out of which these disputes arose.

Sec. 4. *Expiration.* The board shall terminate upon the submission of the report provided for in Section 2 of this Order.

Ronald Reagan

THE WHITE HOUSE,
May 16, 1986.

[FR Doc. 86-11466
Filed 5-16-86; 4:49 pm]
Billing code 3195-01-M

Editorial note: For the White House announcement of May 16 on the establishment of the emergency board, see the *Weekly Compilation of Presidential Documents* (vol. 22, no. 20).

Presidential Documents

Executive Order 12558 of May 16, 1986

Establishing an Emergency Board To Investigate a Dispute Between the Long Island Rail Road and Certain Labor Organizations Representing Its Employees

A dispute exists between The Long Island Rail Road and certain of its employees represented by the labor organizations named on the list attached hereto and made a part hereof.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended (the "Act").

A party empowered by the Act has requested that the President establish an emergency board pursuant to Section 9A of the Act (45 U.S.C. § 159a).

Section 9A(c) of the Act provides that the President, upon such a request, shall appoint an emergency board to investigate and report on the dispute.

NOW, THEREFORE, by the authority vested in me by Section 9A of the Act, it is hereby ordered as follows:

Section 1. *Establishment of Board.* There is established, effective May 16, 1986, a board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The board shall report its findings to the President with respect to the dispute within 30 days after the date of its creation.

Sec. 3. *Maintaining Conditions.* As provided by Section 9A(c) of the Act, from the date of the creation of the board and for 120 days thereafter, no change, except by agreement of the parties, shall be made by the carrier or the employees in the conditions out of which the dispute arose.

Sec. 4. *Expiration.* The board shall terminate upon the submission of the report provided for in Section 2 of this Order.

Ronald Reagan

THE WHITE HOUSE,
May 16, 1986.

LABOR ORGANIZATIONS

ARASA Division, Brotherhood of Railway, Airline and Steamship Clerks

Brotherhood of Locomotive Engineers

Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes

Brotherhood of Railway Carmen of the United States and Canada

Brotherhood of Railroad Signalmen

International Association of Machinists and Aerospace Workers, AFL-CIO

International Brotherhood of Boilermakers and Blacksmiths

International Brotherhood of Electrical Workers

International Brotherhood of Firemen and Oilers

Police Benevolent Association

Sheet Metal Workers' International Association

United Transportation Union

United Transportation Union—Railroad Yardmasters of America Division

[FR Doc. 86-11467
Filed 5-16-86; 4:50 pm]
Billing code 3195-01-M

Editorial note: For the White House announcement of May 16 on the establishment of the emergency board, see the *Weekly Compilation of Presidential Documents* (vol. 22, no. 20).

Presidential Documents

Proclamation 5431 of May 17, 1986

National Digestive Diseases Awareness Week, 1986

By the President of the United States of America

A Proclamation

Digestive diseases rank third in the total economic burden of illness in the United States. More important, in terms of human discomfort, pain, and mortality, they constitute one of our most serious national health problems.

Digestive diseases are a major cause of hospitalization and surgery in this country. Each day some 200,000 people miss work because of them. Twenty million Americans are treated for some type of chronic digestive disorder each year, and almost half of our population suffers an occasional digestive disorder, creating a yearly expenditure of approximately $17 billion in direct health care costs, and a total estimated economic burden of $50 billion.

Research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems continues with the support of public and private institutions at all levels. This year marks the third anniversary of the initiation of a national digestive diseases education program. Its goals are to involve all those concerned with the problem—including the Digestive Diseases National Coalition, the National Digestive Diseases Advisory Board, the National Digestive Diseases Education and Information Clearinghouse, and the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases—in educating the public as well as medical practitioners, dieticians, and nutrition experts on the seriousness of these diseases and the most advanced methods available to prevent, treat, and control them.

In recognition of the importance of efforts to combat digestive diseases, the Congress, by Senate Joint Resolution 324, has designated the week beginning May 18, 1986, as "National Digestive Diseases Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 18, 1986, as National Digestive Diseases Awareness Week. I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations and professionals to participate in appropriate activities to encourage further research into the causes and cures of all types of digestive disorders.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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. 86-11487
Filed 5-19-86; 10:27 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Tuesday, May 20, 1986

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1955

Sale of Unsuitable Single Family Housing (SFH) Inventory Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding the sale of unsuitable SFH inventory property. This action is being taken since the number of properties FmHA has in inventory has increased substantially. The intended effect of this action is to hold a 90-day sale on unsuitable homes by reducing downpayment requirements and sales prices.

EFFECTIVE DATE: June 20, 1986.

FOR FURTHER INFORMATION CONTACT: David J. Villano, Senior Realty Specialist or Frances B. Calhoun, Chief, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, South Agriculture Building, Room 5309, Washington, DC 20250, telephone: (202) 381–1452.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be exempt from those requirements as it involves only internal Agency management.

The SFH program is listed in the Catalog of Federal Domestic Assistance under:

10.410 Low Income Housing Loans
10.417 Very Low-Income Housing Repair Loans and Grants

Catalog numbers 10.410 and 10.417 are excluded from Executive Order 12372 which requires intergovernmental consultation with State and local officials.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–90, an Environmental Impact Statement is not required.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rule making since they involve only internal Agency management, and publication for comments is unnecessary.

At the current time, FmHA has approximately 16,000 single family properties in inventory nationwide. This high volume is primarily due to the poor agricultural economy facing the many rural areas in which FmHA finances and the resultant deflated housing market. In many cases, these homes have remained in inventory for extended periods of time costing the Government considerable amounts of money to retain. Especially evident of this are houses which the Agency has determined to be unsuitable for retention in the program. Generally, these homes are functionally obsolete and cannot be used to effectively fulfill the purpose for which the Section 502 RH program was intended.

The prime summer housing sales months and favorable mortgage interest rates are upon us. FmHA recognizes an urgency to take advantage of this opportunity and recover the Government's investment in these properties and relieve us of the high costs of retaining these houses. In an effort to sell these homes, FmHA will hold a 90-day "sale" on unsuitable inventory property. During this 90-day period, FmHA will launch an aggressive sales campaign and offer more favorable terms on which the public can purchase these properties.

Many lenders have offered special sales incentives and attractive financing terms in an effort to sell inventory property. Other Government lenders have offered inventory properties for sale with no downpayment requirements, granted discounts for cash offers, and paid a portion of the purchasers' closing costs. These efforts have proven successful in selling inventory property.

Current FmHA regulations [7 CFR Part 1955, § 1955.118] require a downpayment of 10 percent from purchasers obtaining FmHA credit on ineligible terms. During the sale period, FmHA reduces the required downpayment to 5 percent for investors and zero for purchasers who do not currently own a home and intend to occupy the dwelling (owner/occupant).

Additionally, current FmHA regulations [7 CFR Part 1955, § 1955.112(c)] authorize State Directors to sell unsuitable properties by sealed bid or auction. These sales have traditionally netted the Agency approximately 70 percent of the market value. Rather than incur the costs of an auctioneer or proceed with lengthy and time consuming sealed bid sales, FmHA will authorize unsuitable SFH inventory property to be listed/offered for sale at a percentage of market value.

FmHA amends Subpart C of Part 1955 by providing exceptions which authorize the aforementioned reduced downpayment requirements and reduced sales prices for a 90-day period beginning June 1, 1986 and terminating August 29, 1986.

In addition, FmHA published an Interim Rule on April 21, 1986 [51 FR 13437], with request for comments regarding the implementation of additional provisions of the Food Security Act of 1985. In this Interim Rule, FmHA amended the definition of the term, "Regular FmHA Sale" [§ 1955.103(n)], by adding language on the pricing of farm property. Identical language on the pricing of farm property can be found in § 1955.106(c) of the same Interim Rule. Defining how FmHA determines the price of property is not appropriate to the definition of the term, "Regular FmHA Sale," and as previously mentioned is appropriately located in other paragraphs of this subpart. Therefore, as part of this Interim Rule, FmHA is removing the unrelated language from this definition.

However, any comments regarding the pricing of farm property are still invited and requested pursuant to our April 21, 1986, Interim Rule.

List of Subjects in 7 CFR Part 1955

Government acquired property, Sale of government acquired property, Surplus government property.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1955—PROPERTY MANAGEMENT

1. The authority citation for Part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989, 41 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart C—Disposal of Inventory Property

2. Section 1955.103(n) is revised to read as follows:

§ 1955.103 Definitions.

* * * * *

(n) *Regular FmHA sale.* Sale made by other than sealed bid, auction, or negotiation by FmHA employees or real estate brokers.

* * * * *

3. In § 1955.113, the introductory text is revised to read as follows:

§ 1955.113 Price (housing).

Real property will be offered or listed for its market value, as adjusted by any administrative price reductions provided in this section, except during the period of June 1, 1986, through August 29, 1986, unsuitable SFH inventory property will be offered or listed for 70 percent of market value with the State Director having the authority to deviate from the percentage based upon documentable conditions within the State. Market value will be based upon the condition of the property at the time it is made available for sale. However, when a section 515 RRH credit sale is being made to a nonprofit organization or public body for very-low income residents, the price will be the lesser of the Government's investment or market value, less administrative price reductions, if any.

* * * * *

§ 1955.118 [Amended]

4. § 1955.118(b) is amended by changing the period at the end of the paragraph to a comma and adding the following to the end of the sentence: "except during the period of June 1, 1986, through August 29, 1986, the downpayment requirement for unsuitable SFH property is waived for purchasers who fall into the category specified in § 1955.118(d)(i)(A) of this subpart and is reduced to 5 percent for purchasers who fall into the category specified in § 1955.118(d)(i)(B) of this subpart. This exception applies to all acceptable sales contracts received from June 1, 1986, through close of business August 29, 1986."

Dated: May 9, 1986.

Vance L. Clark,

Administrator.

[FR Doc. 86-11331 Filed 5-19-86; 8:45 am]

BILLING CODE 3410-07-M

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 120 and 122

[Rev. 7, Amdt. 1 for Part 120; Rev. 4, Amdt. 2 for Part 122]

Business Loans

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: On April 7, 1986, the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272) was enacted (100 Stat. 82) which amended the Small Business Act (15 U.S.C. 631 et seq.) (Act) to increase the percentage amount of the guaranty fee and to adjust the percentage of a loan which the Small Business Administration (SBA) may guarantee. This final rule implements these technical changes.

EFFECTIVE DATE: April 8, 1986.

FOR FURTHER INFORMATION CONTACT: Harry D. Kempler, Office of General Counsel, 202-653-6757.

SUPPLEMENTARY INFORMATION: On April 7, 1986, Pub. L. 99-272 was enacted. Title XVIII thereof amended section 7(a) of the Act (15 U.S.C. 636(a)) with respect to guaranty fees and the percentage amount of a loan which SBA is authorized to guarantee. Thus, the guaranty fee is increased from one percent to two percent of the guaranteed portion of any loan other than one repayable in one year or less or a development company loan under section 7(a)(13) of the Act (15 U.S.C. 636(a)(13)). Section 120.104-1 of SBA regulations (13 CFR 120.104-1) is amended herein to reflect this statutory change.

Section 120.403-1 of SBA regulations (13 CFR 120.403-1) is amended herein to reflect the amendment in Pub. L. 99-272 which effectively allows SBA under its preferred lenders program to guarantee a loan of any amount, so long as the guaranteed portion does not exceed the statutory ceiling of $500,000. Prior to this statutory change, a preferred lender could only make a guaranteed loan over $100,000. Section 122.7-3 (13 CFR 122.7-3) is amended herein to reflect the statutory changes which (1) increased from $100,000 to $155,000 the amount of a loan entitled to receive a 90 percent guarantee and (2) reduced from 90 percent to 85 percent the maximum guaranty for loans over $155,000.

These regulatory changes will have a significant economic impact on a substantial number of small entities, as they will affect every guaranteed loan made by SBA after April 7, 1986. However, they are mandated by Pub. L. 99-272. As such there are no alternatives. There are no reporting, recordkeeping or compliance burdens inherent in these regulations and they do not duplicate or overlap other regulations.

These changes are being promulgated in final form pursuant to 5 U.S.C. 553(b)(B) in order to implement as soon as possible the nondiscretionary aspects of the statutory changes affecting the guaranteed loan program of SBA. Because immediate implementation of these rules is mandated by a law which became effective on April 7, 1986, notice and public comment on them is impractical and unnecessary.

These final rules, taken as a whole, are not a major rule for purposes of E.O. 12291. Their combined annual economic effect will be less than $100 million. The amendments are mandated by law which leaves SBA with no discretion as to the percentage of a given loan which is guaranteed and they will have no impact on the overall amount of budget authority which the Agency is authorized to utilize.

List of Subjects in 13 CFR Parts 120 and 122

Loan programs, Business.

Pursuant to the authority contained in sections 5(b)(6), 7(a) and 7(h) of the Small Business Act (15 U.S.C. 634(b)(6) and 636(a) and (h)), SBA hereby amends Parts 120 and 122, Chapter I, Title 13, Code of Federal Regulations, as follows:

PART 120—BUSINESS LOAN POLICY

1. The authority citation for Part 120 is revised to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636(a) and (h).

2. Section 120.104-1 is amended by revising paragraph (a) to read as follows:

§ 120.104-1 Guaranty fees.

* * * * *

(a) *Amount.* SBA shall charge a guaranty fee on loans with maturities in excess of twelve months, equal to two

percent (2%) of the guaranteed portion of the loan. For loans with a maturity of twelve (12) months or less, the guaranty fee shall be one-quarter (¼) of one percent of the guaranteed portion of the loan. (See § 122.6–1 of this Chapter with respect to loan maturities.)

* * * * *

3. Section 120.403–1 is revised to read as follows:

§ 120.403–1 Amount of PLP loan and of maximum guaranteed portion.

The amount of a loan under this program may be any amount so long as the amount of the guaranteed portion shall not exceed the statutory ceiling of $500,000.

PART 122—BUSINESS LOANS

1. The authority citation for Part 122 is revised to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636(a).

2. Section 122.7–3 is amended by revising paragraph (a) and (b) to read as follows:

§ 122.7–3 Guaranty loans.

* * * * *

(a) *Guaranty of loans not to exceed $155,000.* SBA shall guarantee at least 90 percent of a loan so long as the total amount outstanding (including the loan under consideration) does not exceed $155,000, except as permitted under paragraph (c) below.

(b) *Guaranty of loans in excess of $155,000.* SBA shall guarantee no more than 85 percent and not less than 70 percent of loans in excess of $155,000 so long as the total amount approved and outstanding does not increase SBA's exposure beyond $500,000, subject to paragraph (c) below. Decisions to guarantee such loans in amounts between 70 percent and 85 percent shall be made on a case-by-case basis. The percentage guaranteed shall not influence loan approvals. A Lender's request for less than a 70 percent participation by SBA shall not be approved unless a lesser percentage is necessary due to the statutory $500,000 ceiling on SBA exposure.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: April 25, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86–11272 Filed 5–19–86; 8:45 pm]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86–ASW–3]

Designation of Transition Area; Carnegie, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a 700-foot transition area at Carnegie, OK. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing new standard instrument approach procedure (SIAP) to the Carnegie Municipal Airport utilizing the Carnegie NDB (RCG) as a navigational aid. This amendment is necessary since there is a new NDB Rwy 17 SIAP to the Carnegie Municipal Airport using the Carnegie NDB. Coincident with this action, the airport status will change from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

FOR FURTHER INFORMATION CONTACT: David J. Souder, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877–2622.

SUPPLEMENTARY INFORMATION:

History

On January 23, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Carnegie, OK, transition area (51 FR 4611).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates a 700-foot transition area to ensure segregation of aircraft using the new SIAP under IFR and other aircraft operating under VFR while arriving to or departing from the Carnegie Municipal Airport.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas, etc.

Adoption of the Amendment

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

PART 71—[AMENDED]

Carnegie, OK [New]

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

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

§ 71.181 [Amended]

2. § 71.181 is amended as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Carnegie Municipal Airport (latitude 35°07'14" N., longitude 98°34'49" W.) and within 3 miles each side of the 005-degree bearing from the airport extending from the 5-mile radius area to 8.5 miles north of the airport.

Issued in Fort Worth, TX, on May 2, 1986.

Donald R. Guempel,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 86–11248 Filed 5–19–86; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-3018-2; EPA Docket No: AM045PA]

Commonwealth of Pennsylvania; Approval of Revision to the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today withdrawing its former approval of State and local odor emission control regulations as part of the Pennsylvania State Implementation Plan (SIP). EPA believes that these regulations should not be included in the Pennsylvania SIP because they bear no significant relation to attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

EFFECTIVE DATE: June 19, 1986.

ADDRESSES: Copies of the revision and accompanying documents are available during normal business hours at the following office: U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, 8th Floor, Philadelphia, PA 19107, Attn: Donna Abrams.

FOR FURTHER INFORMATION CONTACT: Donna Abrams (3AM11) at the EPA, Region III address above or call (215) 597-9134.

SUPPLEMENTARY INFORMATION: Under section 110(a)(1) of the Clean Air Act, each State must submit to EPA a SIP that provides for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). On January 27, 1972, the Pennsylvania Department of Environmental Resources (DER), on behalf of the Commonwealth of Pennsylvania, submitted its SIP to EPA for review and approval. DER's SIP submittal included the Commonwealth's odor emission regulation and the City of Philadelphia's odor emission regulation (hereinafter collectively referred to as the "State odor emission regulations.")

EPA initially approved portions of the Pennsylvania SIP, via a national notice, on May 31, 1972 (*See* 37 FR 19889.) In this notice, EPA approved all portions of the State plans unless they were specifically disapproved. These exceptions did not include the State odor emission regulations. Therefore, they were approved by EPA as part of the Pennsylvania SIP.

EPA reaffirmed its approval of the Pennsylvania SIP, including the State odor emission regulations, on November 23, 1983. (*See* 38 FR 32893). In this notice, EPA approved Pennsylvania's plan for attainment and maintenance of the national standards except for specific portions which were listed in the notice. These specific exceptions did not include the State odor emission regulations.

On September 20, 1978, DER submitted to EPA a revision to the Pennsylvania SIP that, among other things, modified the State odor emission regulations by exempting agricultural sources from the control requirements. *See* 40 CFR 52.2020(c)(21)(1984). EPA later approved this SIP revision. *See* 45 FR 56060 (August 22, 1980).

EPA recognizes the problem raised by its approval of the State odor emission regulations. In reviewing SIPs, EPA is governed by the criteria in section 110(a)(2) of the Clean Air Act, which require measures for the attainment and maintenance of the primary and secondary NAAQS. In order for EPA to properly approve a State rule as part of the SIP, the rule must have a significant relationship to attainment and maintenance of a NAAQS.

EPA believes that the State odor emission regulations bear no significant relationship to the attainment and maintenance of any NAAQS. In general, EPA believes that there is no direct or indirect relationship between the State odor emission regulations cited below and any criteria pollutant.

EPA is listing in this final action additional state and city statutory and regulatory citations which were not included in EPA's proposed deletions, published on August 12, 1985 (50 FR 32451). These additional citations regulate or control odor emissions. EPA does not believe that the statutory citations were approved as part of the Pennsylvania SIP. However, to eliminate any doubt in the matter, and to the extent that they relate to the control of odors, EPA is listing these statutory provisions in its withdrawal of approval.

The additional regulations added in this final action were inadvertently omitted from EPA's proposed action. EPA believes that its proposed action provided sufficient notice that all state and local regulations relating to the control of odors were being proposed to be deleted from the Pennsylvania SIP. In addition, section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that notice of rulemaking is not required when an agency for good cause finds that notice thereon is impracticable or unnecessary. EPA finds that additional notice is unnecessary here because the Agency's notice (50 FR 32451) generally proposed deletion of all regulations which are related to the control of odors, even though the actual list of regulations had inadvertent omissions. EPA provided an extended comment period on the issue of whether any significant relationship could be established between the State odor emission regulations and the attainment or maintenance of any NAAQS. The public had the opportunity to comment on this general issue, with the obvious understanding that all odor emission controls would be deleted if such a relationship was not established. As discussed below, no relationship was established. Therefore, EPA is withdrawing its approval of all State odor emission regulations which relate to the control of odors. In light of the above, a new comment period concerning the additional statutory and regulatory citations contained in this final action would be wholly superfluous.

The statutes and regulations, pertaining to odor emission control, which will be affected are:

(1) 35 P.S. § 4003(4) (deletion of "odor" from definition);

(2) 35 P.S. § 4003(5) (deletion of reference to odors from definition);

(3) Philadelphia Air Management Code § 3-102(3) (deletion of "odors" from definition);

(4) Philadelphia Air Management Code § 3-102(25) (deletion of definition);

(5) 25 Pa. Code § 121.1 (deletion of reference to odors from definitions);

(6) 25 Pa. Code § 129.14(b)(2) (open burning operations);

(7) Regulation V (Phil. AMC) Section X—Odors.

(8) 25 PA Code § 123.31—Odor Emissions;

(9) Regulation I (Phila. AMC), Section I (A)(3)—Air Contaminant (deletion of reference to odors in definition);

(10) Regulation I (Phila. AMC), Section I (A)(4)—Air Pollution (deletion of reference to odors in definition);

(11) Regulation I (Phila. AMC), Section I (A)(5)—Air Pollution Nuisance (deletion of reference to odors in definition);

(12) Regulation I (Phila. AMC), section I(A)(25)—Odor (deletion of definition);

(13) Regulation I (Phila. AMC), section X—Compliance with regulations of Pennsylvania Air Quality Board (deletion of references to odors);

(14) Regulation XI (Phila. AMC), section III(C)—Odor Emissions.

Because the State odor emission regulations are presently part of the federally approved Pennsylvania SIP, EPA proposed deletion of these regulations on August 12, 1985 (50 FR 32451). EPA provided an extended sixty-day comment period to solicit public

comments as to whether any significant relationship could be established between the State odor emission regulations and attainment or maintenance of any NAAQS. Absent this showing, EPA proposed to delete these regulations from the Pennsylvania SIP. As a result of the Notice of Proposed Rulemaking, EPA received approximately forty-five (45) responses with comments. Six (6) of these responses with comments were in support of EPA's proposed action and are detailed in the Technical Support Document for this Rulemaking action. The remainder of the responses with comments were in opposition to EPA's proposed action. These comments are discussed below.

Public Comments

1. Comment

The federal odor regulations are the only means that we have for controlling polluting emissions such as sulfur dioxide, nitrogen oxides, volatile organic compounds (VOC's) which are precursors to ozone formation, and other hazardous air pollutants such as benzene and hydrogen sulfide.

Response: The federal odor regulations are not the only means for controlling polluting emissions such as those mentioned above. There are various regulations which are used to control polluting emissions, such as those mentioned above, other than odor regulations. With regard to Pennsylvania's regulations which are part of the SIP, sulfur compound emissions are regulated under section 129 of the Pennsylvania Air Resource Regulations. Where odor-producing hazardous air pollutants are identified, they have been and may be regulated through specific numerical standards issued under section 111 (New Source Performance Standards) or 112 (National Emission Standards for Hazardous Air Pollutants) of the Clean Air Act or through State and local laws and ordinances.

The City's Air Management Regulation VI is the foremost example in this region of exactly this type of local regulation of toxic air contaminants. Ninety-nine (99) substances have been individually listed, and the City's Department of Health has adopted numerical, health-based guidelines for these substances in the ambient air. Regulation VI authorizes the City to withhold permits from facilities emitting toxic contaminants at levels that pose a health hazard based on these guidelines.

Additionally, the City's Air Management Regulation III covers the control of emissions of oxides of sulfur compounds. Regulation VII controls the emission of nitrogen oxides from stationary sources, and Regulation V regulates the emissions of VOC's. These hydrocarbon regulations together with the DER regulations do provide an enforceable remedy to protect the public health.

2. Comment

Odor is an indication of human carcinogens.

Response: Odor is not necessarily an indication of human carcinogens. Many harmless substances cause odors. Additionally, a substance may be carcinogenic but odorless.

3. Comment

If the EPA deletes the odor regulations, there will be no meaningful right of citizens to enforce the odor regulations because the Pennsylvania Air Pollution Control Act does not provide for attorney fees in citizen lawsuit cases.

Response: While EPA is sensitive to this issue, we cannot use this as a basis for retaining the odor regulations in the Pennsylvania SIP.

4. Comment

EPA's proposed action is arbitrary and capricious. EPA has the burden of justifying its intent to withdraw.

Response: EPA is merely taking corrective action here to remedy an oversight in inadvertently approving the odor regulations. The Agency has never found any significant relationship between the control of odors and any NAAQS, but it has permitted the public the right to provide comments on this issue during an extended comment period.

5. Comment

EPA's proposed action is an abuse of discretion. Pennsylvania may include control measures in its SIP that are stricter than those required by EPA.

Response: EPA's proposed action is not an abuse of discretion. Although Pennsylvania may include control measures in its SIP that are stricter than those required by EPA, it has not been demonstrated that odor control constitutes a stricter control measure or that the control of odor relates to the attainment of an NAAQS.

6. Comment

The connection between odors and the criteria pollutants is easily made. There are odors directly associated with sulfur dioxide, nitrogen dioxide, and with hydrocarbons which are an ozone precursor.

Response: There are odors associated with sulfur dioxide and nitrogen dioxide. The odor threshold for sulfur dioxide is approximately 1 ppm. This threshold value is over seven times greater than the 24-hour standard for SO_2 (0.14 ppm) and, thirty-three times greater than the annual standard (0.03 ppm). The odor threshold for nitrogen dioxide is approximately 5 ppm. This level is one hundred times greater than the national standard for NO_2 (0.05 ppm). Therefore, if EPA were to allow levels of SO_2 and NO_2 necessary to reach the threshold at which an odor could be detected for each of these pollutants, the levels would be well in excess of the national standards. If odor regulations were used as a backup to determined excessive concentrations of these two pollutants, it would be a much less stringent standard than those already in place. Additionally, these regulations would have to be less general, and more specific to levels of SO_2 and NO_2 and quantifiable reductions in the levels of these pollutants.

With regard to odors as they pertain to hydrocarbons which are ozone precursors, EPA has not been able to establish any relationship, nor have any of the commentors provided any information which shows any technical correlation between controlling odor levels of hydrocarbons and reduction in ozone levels.

7. Comment

The odor regulations assist Philadelphia and Pennsylvania in monitoring VOC emissions from major sources and in controlling VOC emissions from minor sources.

Response: Odor regulations may be used to trace a source of an odor complaint. But, once the source of the odor has been established, the odor regulation itself would not be used to reduce levels of VOCs. The Pennsylvania VOC regulations, which are based on health and welfare effects levels of the compounds in question, would be applied.

The deletion of the odor regulations from the Pennsylvania SIP would not preclude Philadephia and Pennsylvania from continuing to utilize these regulations as a tool to monitor and control VOC levels.

8. Comment

If EPA deletes 25 Pa. Code 123.31(a), and the Philadelphia Air Management Regulation XI, section 111(c), which are aimed at preventing odor emissions from incinerators, citizens will have no meaningful means for preventing malodorous, unhealthful incinerator

operations. These regulations require incinerator operators to operate their facilities at a minimum of 1200 °F. It is now known that temperatures above 1700 °F are desirable in preventing the formation of dioxins and furans.

Response: The deletion from the SIP of the odor emission control regulations would not preclude the City and DER from enforcing their regulations. However, with specific respect to dioxins and furans, these compounds are being considered to be listed as hazardous air pollutants. If and when these contaminants are listed, regulations would be developed in order to control the formation of these pollutants. The formation of dioxins and furans is a very complex mechanism with many variables other than temperature involved in their formation. The odor regulations should not be perceived as a means for controlling dioxin and furan formation.

9. Comment

The control of Total Reduced Sulfur (TRS) emissions is related solely to reduction of odors.

Response: The regulations governing TRS emissions are based on the health and welfare effects of certain levels of hydrogen sulfide, not on the odor threshold level (which is much lower) for hydrogen sulfide.

Conclusion

EPA's decision to adopt this revision is based on a determination, after a thorough review of the public comments, that there is no significant relationship between odor emission control regulations and attainment or maintenance of any NAAQS. These regulations were inadvertently approved as part of Pennsylvania's SIP and, therefore, EPA is today deleting these regulations from the Pennsylvania SIP. Additionally, EPA's withdrawl is consistent with prior administrative rulemaking. EPA declined to approve a SIP provision governing odor on May 12, 1981, that had been submitted by Guam (46 FR 26303). In another instance, EPA took similar action with respect to the Nevada SIP on August 27, 1981 (46 FR 43141). In a third instance, EPA refused to approve odor provisions in the Iowa SIP (47 FR 22532, 22532, May 25, 1982).

EPA's decision to delete the State Odor Regulations from the Pennsylvania SIP does not preclude the State from submitting to EPA quantifiable, specific, odor regulations which, when implemented, demonstrate reductions in emissions which would significantly contribute to attainment or maintenance of a NAAQS.

Furthermore, EPA's deletion of the State Odor Regulations, as stated previously, does not preclude the State and local agencies from enforcing their odor regulations.

Under section 307(b)(1) of the Act, petitions for Judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 21, 1986. This action may not be challenged later in proceedings to enforce its requirements (*See* 307(b)(2)).

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

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 2, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Subpart NN—Pennsylvania

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2023 is amended by adding paragraph (h) as follows:

§52.2023 Approval Status.

* * * * *

(h) The Administrator withdraws its prior approval (see Subpart NN 52.2020 (b)) of the following odor emission control regulations:

(1) 35 P.S. § 4003(4) (deletion of "odor" from definition);

(2) 35 P.S. § 4003(5) (deletion of reference to odors from definition);

(3) Philadelphia Air Management Code § 3–102(3) (deletion of "odors" from definition);

(4) Philadelphia Air Management Code § 3–102(25) (deletion of definition);

(5) 25 Pa. Code § 121.1 (deletion of reference to odors from definitions);

(6) 25 Pa. Code § 129.14(b)(2) (open burning operations);

(7) Regulation V (Phil. AMC) Section X—Odors.

(8) 25 PA Code § 123.31—Odor Emissions;

(9) Regulation I (Phila. Air Management Code), Section I (A)(3)—Air Contaminant (deletion of reference to odors in definition);

(10) Regulation I (Phila. AMC), Section I (A)(4)—Air Pollution (deletion of reference to odors in definition);

(11) Regulation I (Phila. AMC), Section I (A)(5)—Air Pollution Nuisance (deletion of reference to odors in definition);

(12) Regulation I (Phila. AMC), Section I (A)(25)—Odor (deletion of definition);

(13) Regulation I (Phila. AMC), Section X—Compliance with regulations of Pennslyvania Air Quality Board (deletion of references to odors);

(14) Regulation XI (Phila. AMC), Section III (C)—Odor Emissions.

[FR Doc. 86–11174 Filed 5–19–86; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[A–6–FRL–3018–4]

Approval and Promulgation of State Implementation Plan; Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule and response to petition for reconsideration.

SUMMARY: By this Notice EPA is promulgating a federal compliance date for the Texas lead State Implementation Plan (SIP) for El Paso County for compliance with certain lead pollution control measures at the ASARCO Incorporated (ASARCO) smelter in El Paso, Texas. This action is pursuant to the requirements of section 110(c) of the Clean Air Act (hereinafter referred to as the Act. EPA previously approved most of the Texas lead SIP for El Paso, but disapproved the compliance date for installation of secondary hoods on copper converters on August 13, 1984 (49 FR 32184). On January 4, 1985 (50 FR 493) EPA proposed a new compliance date for the Texas Lead SIP for El Paso. This notice completes the federal promulgation of a replacement date for the disapproved compliance date. In addition, this notice announces EPA's decision to deny ASARCO's petition to reconsider the disapproval of Texas' compliance date for installation of secondary hoods on ASARCO's copper converters announced on August 13, 1984 (49 FR 32184).

EFFECTIVE DATE: June 19, 1986.

ADDRESSES: The rulemaking file, including the Technical Support Document and public comments submitted in response to EPA's proposed action, may be inspected at the following locations between 8:00 am and 4:30 pm on weekdays, and a reasonable fee may be charged for copying: Docket No. 6A–84–01.

U.S. Environmental Protection Agency, Central Docket Section, West Tower, Lobby, Gallery No. 1, 401 M Street SW., Washington, DC 20460.

U.S. Environmental Protection Agency, Region 6, Library, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Ross Fanning, SIP/NSR Section, Air Programs Branch, EPA Region 6, Dallas, Texas 75270. Telephone (214) 767–1518, (FTS) 729–1518.

SUPPLEMENTARY INFORMATION:

I. Introduction

Today's action is in response to a court ordered schedule resulting from a Settlement Agreement reached on July 26, 1983, between EPA and the Natural Resources Defense Council, Inc. (NRDC v. Ruckelshaus, Civil Action No. 82–2137F) in the U.S. District Court for the District of Columbia. The State of Texas submitted a final lead SIP for El Paso on June 29, 1984, which EPA approved on August 13, 1984 (49 FR 32184), except for a disapproval of one compliance date which the State had included in the SIP. For SIPs or portions of SIPs which EPA has disapproved, EPA is required by the Settlement Agreement to promulgate a federal SIP. This notice promulgates a federal compliance date for the installation of certain control measures required by the Texas lead SIP for El Paso and for which the state compliance date was disapproved by EPA on August 13, 1984. In addition, this notice denies ASARCO's petition to reconsider the disapproval of Texas' compliance date for installation of secondary hoods on ASARCO's copper converters.

II. Background

On October 5, 1978, EPA promulgated a National Ambient Air Quality Standard (NAAQS) for lead of 1.5 $\mu g/m^3$, averaged over a calendar quarter. Pursuant to the requirements of section 110(a) of the Act, states were then to submit a SIP to implement the standard. If a State's SIP does not conform to the requirements of section 110(a), EPA is required to prepare and publish a SIP which does meet those requirements. When the states and EPA did not complete these actions, the Natural Resources Defense Council (NRDC) and others sued EPA in July, 1982. In settling the suit, EPA and the other parties negotiated schedules for prompt completion of action on the SIPs.

In July 1983, the EPA signed an agreement with NRDC and other plantiffs which called for certain lead SIPs (including the Texas SIP for El Paso) to be submitted to EPA in time to allow EPA to propose approval of the SIP by January 3, 1984. The Texas Air Control Board (TACB) developed a draft lead SIP for El Paso which required the implementation of reasonably available control technology (RACT) measures at the ASARCO-El Paso smelter. After review of the draft lead control plan and regulations for El Paso which TACB submitted to EPA on September 8, 1983, EPA proposed approval of the draft SIP and regulations on December 29, 1983, (48 FR 57336). The State submitted a final lead control plan for the El Paso area in a letter dated June 20, 1984, which differed in some respects from the draft. The final lead control plan is described below, along with EPA's action. The plan also included TACB regulations for El Paso County applicable to smelters, including the ASARCO facility. The ASARCO lead control plan, the El Paso County smelter regulations, and the public comments concerning EPA's December 1983 **Federal Register** proposal, are discussed in EPA's "Evaluation Report for the Texas Lead SIP for the El Paso Area," dated June 1984, which is available for review at the addresses listed in the **ADDRESSES** section of this notice. EPA's final approval/disapproval of the El Paso lead SIP was published in the **Federal Register** on August 13, 1984 (49 FR 32184). The final rulemaking on the El Paso lead SIP approved most of the SIP, including the State's commitments to do further studies to determine what additional control measures (beyond RACT) the State will adopt and implement to fully demonstrate attainment in all areas in El Paso. The currently approved Texas lead SIP provides for attainment of the lead NAAQS in all areas of El Paso by August 13, 1987, except for a limited area directly around the ASARCO-El Paso smelter (please see the August 13, 1984, FR notice). On August 16, 1985, (50 FR 33069) EPA proposed to approve a request by Texas to extend the attainment date for two years for the limited area around the ASARCO smelter. The only part of the El Paso lead SIP which was disapproved was the final compliance date for the requirements of TACB Rule 113.53, dealing with the installation of secondary hoods on the copper converters, ducting, a particulate matter control device and emission limitations at the ASARCO-El Paso smelter. On October 11, 1984, ASARCO filed a petition for reconsideration with the Administrator requesting that EPA reconsider its determination that secondary hoods represent RACT for control of lead emissions from copper converters. ASARCO also requested that EPA reopen the lead SIP rulemaking and suspend the effect of all lead SIP rule requirements affected by the August 13, 1984 rulemaking as it affected copper converters. Finally, ASARCO requested that EPA stay the effectiveness of its August 13, 1984, rulemaking pending judicial review of such rulemaking. On January 4, 1985 (50 FR 493) EPA proposed to promulgate a federal compliance date for the requirements of Rule 113.53 at the ASARCO El Paso smelter.

III. Disapproval of Compliance Date

On August 13, 1984, EPA disapproved a final compliance date listed in the TACB approved regulations for El Paso County for the requirements of Texas Rule 113.53, contained in Rule 113.122. In the September 1983 draft Texas regulations which EPA proposed to approve in December 1983, the final compliance date was December 31, 1984, which EPA considered to be expeditious. At that time, EPA explained that both the State and EPA believed that secondary hoods were necessary for the control of lead emissions at the smelter, were considered necessary for the attainment of the lead standard in El Paso and were currently available for installation.

EPA had previously proposed, on July 20, 1983, (48 FR 33112) to require secondary hoods to be installed at certain smelters with arsenic emissions, which included the ASARCO-El Paso smelter. The deadline for installation of the hooding to meet the arsenic regulations is 2 years after promulgation or sooner if feasible, as requried by section 112 of the Act. EPA has not yet taken final action on its July 30, 1983, proposal.

On February 17, 1984, the Texas Air Control Board approved revised regulations which required the installation of secondary hoods on the copper converters, ducting, a particulate matter control device and emission limitations by February 28, 1989 *or* by two years from EPA promulgation of the arsenic National Emission Standards for Hazardous Air Pollutants (NESHAP) for low-arsenic throughout copper smelters, whichever date is sooner. Section 110 of the Act requires attainment of the NAAQS by three years from EPA's final approval of the lead SIP which will be August 13, 1987 for the Texas-El Paso lead SIP. Thus, the compliance date in the Texas plan was disapproved in EPA's final action on August 13, 1984, since it potentially allowed for a compliance date beyond August 13, 1987.

On October 11, 1984, ASARCO petitioned the Administrator of EPA to reconsider his August 13, 1984, final action disapproving Texas' compliance date for the installation of secondary hoods on copper converters at

ASARCO's El Paso smelter. In addition, ASARCO asked the Administrator to stay the effective date of his August 13, 1984 final action. Since the Clean Air Act does not include provisions for a petition for reconsideration of an approval or disapproval of a SIP submitted under Section 110(a)(1) of the Act, EPA is treating ASARCO's petition for revision of an existing rule under Section 4(e) of the Administrative Procedure Act, 5 U.S.C. 553(e). Section 4(e) establishes a general right to petition for "issuance, amendment or repeal" of an agency rule. See also, *Oljato Chapter of the Navajo Tribe* v. *Train*, 515 F.2d 654 (D.C. Cir 1975).

On January 4, 1985, EPA proposed a new date for compliance with the requirements of Rule 113.53 of August 13, 1987, or two years after EPA promulgation of the arsenic NESHAP for low-arsenic-throughput smelters, whichever date is sooner. The deadline dates for installation of all other RACT lead control measures at the ASARCO-El Paso lead smelter, as specified in the approved Texas lead SIP was approved by EPA. The Technical Support Document concerning this matter, plus previous Evaluation Reports developed by Region 6 concerning the past EPA actions on the Texas-El Paso lead SIP, can be reviewed at the addresses listed in the **ADDRESSES** section of this notice.

IV. Comments on EPA's Proposal

EPA solicited comments on the proposed federal compliance date through its January 4, 1985, **Federal Register** notice. In addition, the comment period was reopened for thirty days on April 17, 1985, (50 FR 15190) at the request of ASARCO, Incorporated.

In response to the January 4, 1985, notice ASARCO requested a public hearing be held on EPA's proposed action. However, ASARCO, in a letter dated March 7, 1985, withdrew its request for a public hearing conditioned on EPA reopening the comment period. EPA agreed to reopen the comment period with its April 17, 1985, notice and thus, the request of ASARCO for a public hearing was considered withdrawn.

Comments on EPA's proposed action were received from two parties, ASARCO, Inc. and the New Mexico Environmental Improvement Division (NMEID). In general, ASARCO was opposed to EPA's proposed action, while NMEID was in favor of it. Public comments received by EPA are available for review in the rulemaking file available at the addresses in the **ADDRESSES** section of this notice. Specific comments and EPA's response are as follows.

(1) ASARCO, Inc. comments on EPA's proposed action: ASARCO comments that the proposed EPA federal compliance date for secondary hoods should be rejected and the TACB adopted SIP deadline should be approved because:

(A) The secondary hoods expected to be installed at the El Paso smelter exceed reasonably available control technology (RACT) for the control of secondary lead emissions from copper converters;

(B) The lack of a final NESHAP for inorganic arsenic imposes a hardship on the company since the installation of hoods before the publication of a final NESHAP, which may also require such hoods, could necessitate extensive re-engineering, construction, and expenditures by the company in order to meet the NESHAP;

(C) Secondary hoods are unnecessary and overstated in value in the Texas lead attainment plan;

(D) Installation of secondary hoods on the copper converters could result in ASARCO being unable to comply with existing opacity and sulfur dioxide limitations because of increased collection efficiency in capturing fugitive SO_2 from the copper converters; and

(E) There is ample legal precedent for granting a compliance date extension under the circumstances regarding the El Paso smelter.

(2) EPA response to ASARCO's comments are as follows:

(A) *RACT Issue.* ASARCO's belief that the hooding requirement in the Texas lead SIP exceeds RACT is associated with their direct link of this requirement with the proposed hooding requirement in the NESHAP for inorganic arsenic. Arguing that the proposed NESHAP hooding requirement has been identified by EPA as Best Available Control Technology (BACT) and the fact that final NESHAP design requirements have not been issued, the hooding requirements of the Texas SIP, which ASARCO equates as the same, must be assumed to be BACT, at least, and not RACT. EPA does not disagree with ASARCO that the proposed NESHAP standard represents BACT. However, EPA also believes that the hooding requirement in the Texas lead SIP represents RACT. This is not a contradiction. In many cases a particular technology may represent both BACT and RACT. BACT usually requires greater emission reduction than does RACT for a given pollutant. In many cases a particular technology may represent both BACT for one pollutant and RACT for another, different pollutant. While hooding may be BACT with regard to control of arsenic emissions, it may be RACT with regard to control of lead emissions from the same source. The fact that one source emits both types of pollutants simply results in the circumstances that RACT is being applied to control lead emissions while BACT is being applied to control arsenic emissions. Thus, it remains EPA's position that secondary hooding as required by the Texas lead SIP represents RACT.

(B) *Lack of a Final NESHAP for Arsenic.* The connection between the requirements of the Texas lead SIP and the requirements of the proposed inorganic arsenic standard is one made by ASARCO regarding the installation of hoods on the copper converters. Both the Texas lead SIP and any finally promulgated inorganic arsenic NESHAP are independent regulatory requirements that must be complied with regardless of any other regulation. Implementation of the lead SIP for El Paso is long overdue, as the NRDC suit clearly indicated, and further delay due to suspected or potential problems in complying with another regulation has no basis in law. ASARCO's stated fear that an incompatible arsenic NESHAP might be promulgated by EPA is not an adequate justification for delaying implementation of a standard for the control of lead emissions.

(C) *Benefits of Secondary Hoods.* The benefit of secondary hooding is not relevant to the final compliance date issue. The hooding requirement is a part of a group of controls, identified by the TACB as RACT, that will provide for a significant reduction in lead emissions at the ASARCO facility. This action does not address whether or not the hoods should be installed, only the final date for compliance.

(D) *Effect of secondary hoods on ASARCO's ability to meet other regulations.* This comment is not germane to the issue of the appropriate compliance date for installation of the secondary hoods on the copper converters. Even if the date suggested by ASARCO were accepted (i.e., Feb. 1989) the potential would exist for conflict with later promulgated requirements.

(E) *Legal precedent for granting a compliance date extension.* This position is ultimately based on ASARCO's belief that the secondary hoods are beyond RACT, and thus the conditions of Section 110(e) are met and an extension is allowable under the Clean Air Act. Since it continues to be EPA's position that the secondary hooding is RACT, ASARCO's position regarding the availability of a

compliance date extension cannot be accepted.

(3) NMEID comments on EPA's proposed action:

The NMEID submitted comments in favor of EPA's proposed action. The NMEID concluded that EPA's proposal was consistent with section 110(a)(2)(A) and any extension of the compliance date for secondary hooding would violate the Act. In addition, NMEID points out that Texas Governor Mark White did not specifically request an extension for the secondary hooding, but rather the extension was for the attainment date of an area in Texas within a two mile radius from the smelter. The justification submitted with the extension request clearly indicates that Texas considers hooding to be "reasonably available." The extension was requested because that area of El Paso would not meet the primary standard even after the implementation of all reasonable and feasible controls, including secondary hoods on the cooper converters. EPA understands the comments submitted by NMEID to support this action.

V. Petition for Reconsideration

ASARCO's October 11, 1984 petition for reconsideration raised essentially the same substantive arguments as those made by ASARCO in its comments in response to EPA's January 4, 1985, proposal. EPA, therefore, is denying ASARCO's petition for the same reasons set forth in today's final action notice. ASARCO, however, also argued in its petition that it had not had an adequate opportunity to comment on EPA's position opposing a two year extension of time for implementation of the secondary hoods on its copper converters. EPA, while not agreeing with ASARCO's assertion as to the Agency's final rulemaking action on the El Paso lead SIP, believes that in light of its January 4, 1985 proposal and opportunity for comment ASARCO has had an adequate opportunity to comment on EPA's position and that this issue is moot as to the petition for reconsideration. At the time ASARCO submitted its petition to EPA the August 13, 1984, final action had already been effective for one month. (The actual effective date of EPA's action was September 13, 1984, see 49 FR 32184, col. 3.) At no time did EPA stay the effect of its final action, and, in EPA's view, all the SIP requirements have been in effect since September 13, 1984.

ASARCO requested that EPA re-evaluate its interpretation of Section 110(e) of the Clean Air Act with respect to the availability of a compliance date extension for installation of secondary hoods. EPA has reconsidered its interpretation of that section and continues to believe that the extension of the compliance date is not available in this instance.

ASARCO also requested that if EPA denied its petition for reconsideration that EPA suspend and stay the effectiveness of its final action pending appellate review of these issues. EPA hereby denies ASARCO's request for suspension and stay of its final action and notes that based on today's final action the secondary hoods over ASARCO's copper converters are to be implemented as part of the lead implementation plan by August 13, 1987. EPA's denial is based on the fact that the necessary technology for this control measure is well known and currently available, it will take some time for ASARCO to install the hooding, the lead implementation plans demonstrates that this measure is necessary to bring the smelter into compliance with the lead NAAQS, and because the necessary controls to reduce excesssive emissions of lead from ASARCO's smelter are already long overdue. For these reasons EPA believes that further delay is both unwarranted and unwise.

VI. EPA Final Action

By this notice, EPA is promulgating a federal compliance date for the requirements of Texas Rule 113.53, as contained in Rule 113.122. The compliance date as proposed on January 4, 1985, was indicated as August 13, 1987, or by two years from EPA promulgation of the arsenic NESHAP for low-arsenic-throughput smelter, whichever is sooner. Since this final action will be published after August 13, 1985, there is no reason to continue to include the two years after NESHAP promulgation language, since August 13, 1987, is within two years of today. Therefore the final compliance date for the requirements of Texas Rule 113.53 is August 13, 1987. The deadline dates for installation of all RACT lead control measures at the ASARCO-El Paso smelter are as specified in the approved Texas lead SIP. EPA is also denying ASARCO's October 11, 1984, petition for reconsideration of its disapproval of the date in Texas' El Paso lead SIP.

Under 5 U.S.C. 605(b), I have reviewed this action and determined that it does not have a significant economic impact on a substantial number of small entities because it affects only one large source.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 21, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: May 6, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

40 CFR Part 52 is amended as follows:

SUBPART SS—Texas

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2305 is added as set forth below:

§ 52.2305 Lead Control Plan: Federal Compliance Date for Requirements of Texas Air Control Board (TACB) Rule 113.53

(a) The requirements of section 110 of the Clean Air Act are not met regarding the final compliance date, as found in TACB Rule 113.122, for the requirements of rule TACB 113.53.

(b) TACB Rule 113.53 was adopted by the Board on February 17, 1984, and approved by the Administrator as a requirement of the State Implementation Plan on August 13, 1984. The owner or operator of any copper or zinc smelter located in El Paso County, Texas, shall comply with the requirements of TACB Rule 113.53 no later than August 13, 1987.

[FR Doc. 86–11292 Filed 5–19–86; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Part 799

[OPTS–42050C; FRL–3018–9]

Test Requirements for Certain Chlorinated Benzenes; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Correction.

SUMMARY: This document corrects a final rule document on the Toxic Substances Control Act (TSCA) test requirements for certain chlorinated benzenes, published in the **Federal Register** of April 7, 1986. This action is necessary to correctly identify (1) "1,2,3-

trichlorobenzene" as the substance in which mysid shrimp (*Mysidopsis bahia*) is to be tested to develop data on chronic toxicity and (2) the reference to "Table 6".

FOR FURTHER INFORMATION CONTACT:

By mail: Joanne Kla, Existing Chemical Assessment Division (TS-778), Office of Toxic Substances, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 100, Northeast Mall, 401 M St., SW., (202-475-8129).

SUPPLEMENTARY INFORMATION: EPA issued a final rule, FR Doc. 86-7475, published in the **Federal Register** of April 7, 1986 (51 FR 11728), to require manufacturers and processors of certain chlorinated benzenes to conduct environmental effects and chemical fate testing. The regulation was issued in 40 CFR Part 799.

The following errors inadvertently appeared in the final document and are hereby corrected:

1. In unit IV.B. of the preamble, the reference to "Table 9", third line, is corrected to read "Table 6".

2. In § 799.1053 *Trichlorbenzenes*, the reference in paragraph (d)(5)(i), second sentence, to the chemical substance in which mysid shrimp (*Mysidopsis bahia*) is to be tested to develop data on chronic toxicity as "1,2,4-trichlorobenzene" is corrected to read "1,2,3-trichlorobenzene".

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous substances, Chemicals, Recordkeeping and reporting requirements.

Dated: May 14, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86-11294 Filed 5-19-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[Gen. Dockets 84-689; RM-4426 and 84-690; FCC 86-209]

Radiodetermination Satellite Service; Policies and Procedures for the Licensing of Space and Earth Stations in the Radiodetermination Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has established rules and policies to govern the radiodetermination satellite service. This action follows a Notice of Proposed Rulemaking, (49 FR 36512, September 12, 1984), proposing to allocate frequencies for this service and to establish associated licensing policies, and a Report and Order allocating these frequencies, (50 FR 39101 September 27, 1985). This action will permit the FCC to act on the pending applications for radiodetermination satellite systems and to process future applications.

EFFECTIVE DATE: May 8, 1986.

FOR FURTHER INFORMATION CONTACT: Fern Jarmulnek, Satellite Radio Branch, Common Carrier Bureau, (202) 634-1682.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order, Gen. Dockets 84-689 and 84-690, adopted April 22, 1986 and released May 8, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Second Report and Order

In 1984, the Commission issued a *Notice of Proposed Rulemaking (Notice)*, 49 FR 36512 (September 18, 1984), proposing to allocate frequencies for a radiodetermination satellite service (RDSS) and to establish associated licensing policies and procedures. This *Notice* was adopted in response to a petition for rulemaking and an RDSS system application filed with the Commission by Geostar Corporation (Geostar). The *Notice* was released with an accompanying public notice accepting Geostar's application for filing and inviting other applications to be submitted for concurrent consideration. The Commission proposed multiple entry as a general licensing policy. In addition to the extensive comments filed, Omninet Corporation (Omninet), MCCA American Radiodetermination Corporation (MARC), and McCaw Space Technologies, Inc. (McCaw) filed system proposals, and Geostar submitted an updated proposal. On July 25, 1985, the Commission allocated frequencies for the provisions of RDSS.

By this *Second Report and Order*, the FCC adopted governing rules and policies for the radiodetermination satellite service. The FCC stated that the four applications filed involved two distinct and incompatible proposals. The Goestar, McCaw and MARC system proposals were compatible and provided RDSS and ancillary non-voice message service. Omninet's system was incompatible with the other three. It provided a wide range of two-way voice communications services, and provided RDSS by accessing the government's global positioning system (GPS). Omninet had filed virtually the same application in the mobile satellite service (MSS) proceeding.

The FCC concluded that it would not authorize Omninet's system to use the entire bandwidth allocated to RDSS, especially since similar system proposals were under consideration in the MSS proceeding and might be authorized there. Omninet did not convince the FCC that its essentially MSS system would best serve RDSS users. A wide range of potential RDSS customers had urged that Geostar's proposed system be approved, and several had questioned whether Omninet's system would meet their needs. Further, the FCC stated that Omninet's design would not permit multiple systems to share the same frequencies, nor did Omninet demonstrate that its system was in any way superior to the one proposed by the other applicants. The FCC concluded that the benefits of competition would be best provided by independently licensed spread spectrum RDSS systems. The FCC also rejected Omninet's "compromise" to divide the allocated bandwidth into two equal segments, with each segment assigned to a different technology. The FCC found that dividing the spectrum in half would reduce the capacity of spread spectrum systems by at least that much and would substantially affect their accuracy. The FCC therefore authorized a spread spectrum multiple access technique for RDSS systems, and provided all applicant proposing incompatible systems 60 days to amend their proposals to bring them into compliance with this standard.

In addition to adopting rules governing system design, the FCC required that RDSS systems provide radiodetermination services on a primary basis and any associated non-voice data services on an ancillary basis only to comport with the RDSS allocation and to allow a competitive RDSS industry to develop. The FCC also affirmed its tentative conclusion in the *Notice* that RDSS should not be regulated on a common carrier basis. Further, financial standards similar to those applied in the private international satellite industry were adopted. The FCC found that the private

international satellite service was analogous to RDSS because it was also a new, unproven service where all pending applicants could be accommodated. The FCC therefore required RDSS applicants to demonstrate their financial preparedness to assume the costs and liabilities of constructing and launching their systems and operating them for one year by submitting a balance sheet reflecting assets sufficient to meet these costs, or by submitting an exhibit indicating sufficient anticipated income or revenues from system operation. In addition, to ensure that RDSS systems are implemented in a timely manner, the FCC required licensees to proceed with construction and launch in compliance with specified milestones. The FCC also adopted a blanket licensing procedure for transceiver units. It found that licensing individual transceivers would be costly and burdensome, and would not provide any meaningful way for other primary users in the 2483–2500 MHz band to coordinate their transmissions. The FCC required the service vendor to apply for blanket licenses for a specified number of transceiver units and to maintain responsibility for their operation. Finally, the FCC rejected several objections that had been raised with respect to the rulemaking and application processing procedures, finding that it properly exercised its wide discretion to fashion procedures.

Ordering Clauses

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. § 605(b), it is certified that the final rules do not have a significant economic impact on a substantial number of small entities. The Commission has not received, nor does it anticipate receiving, a substantial number of RDSS system applications from small entities because of the large financial resources needed to construct, launch and operate these systems.

Accordingly, pursuant to sections 4(i) and 303(r) of the Communications Act, 47 U.S.C. 154(i) and 303(r), It is ordered, that applications for radiodetermination satellite systems shall be submitted in accordance with the standards, restrictions and requirements specified in this decision.

It is further ordered that the policies and procedures set forth in this *Report and Order* are effective May 8, 1986, and that Part 25 of Chapter I of Title 47 of the Code of Federal Regulations is amended effective May 8, 1986, as shown at the end of this document. Pursuant to 5 U.S.C. 553(d), we find that good cause exists for implementing these rules immediately. The *Notice of Proposed Rulemaking* gave notice that we contemplated licensing systems concurrently with adopting governing rules and policies. Moreover, all applicants are granted 60 days in which to file amendments to bring their applications into conformance with new requirements. [1] Accordingly, the effective date of § 25.392 will be May 8, 1986.

It is further ordered, that the proceedings in Gen. Docket Nos. 84–689 and 84–690 are terminated.

List of Subjects in 47 CFR Part 25

Satellite Radio Communication, Satellites.

William J. Tricarico,

Secretary.

PART 25—SATELLITE COMMUNICATIONS

Part 25 of the Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 25 Subpart C continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. § 154.

2. The following definition is added to § 25.201 in the appropriate alphabetical position:

§ 25.201 Definitions.

Radiodetermination Satellite Service: A radiocommunication service for the purpose of radiodetermination involving the use of one or more space stations.

* * * * * *

3. Section 25.202 is amended by redesignating paragraph (a) as (a)(1) and a new paragraph (a)(2) is added as follows:

§ 25.202 Frequencies, frequency tolerance and emission limitations.

(a) *Frequency Bands.* * * * * *

(2) The following frequencies are available for use by the Radiodetermination Satellite Service:

1610–1626.5 MHz: User-to-Satellite Link
2484.5–2500 MHz: Satellite-to-User Link

Fixed-Satellite service frequencies may be used for links between radiodetermination satellites and control centers, including the following specially allocated bands, subject to the Rules in this subpart:

5117–5183.0 MHz: Satellite-to-Control Center Link
6525–6541.5 MHz: Control Center-to-Satellite Link

[1] *See* Citizens to Save Spencer County V. Epa, 600 F. 2d 844, 879–91 (D.C. Cir 1979); *see also* Kessler v. FCC, 325 F. 2d 673, 682 (D.C. Cir. 1963) (effectiveness prior to publication in the **Federal Register**.

4. The authority citation for Part 25 Subpart E continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154.

5. A new § 25.392 is added as follows:

§ 25.392 Licensing Provisions for the Radiodetermination Satellite Service

(a) *Space Station Application Requirements.* Each application for a space station license in the radiodetermination satellite service shall describe in detail the proposed radiodetermination satellite system, setting forth all pertinent technical and operational aspects of the system, including its capability for providing and controlling radiodetermination service on a geographic basis, and the technical, legal and financial qualifications of the applicant. In particular, each application shall include the information specified in Appendix B of *Space Station Application Filing Procedures*, 93 FCC 2d 1260, 1265 (1983), except that in lieu of demonstrating compliance with item II.F (two degree spacing), applicants are required to demonstrate compatibility with licensed radiodetermination satellite systems. Applicants must also file information demonstrating compliance with all requirements of this section, specifically including information demonstrating how the applicant has complied or plans to comply with the requirements of paragraph (f).

(b) *Space Station Application Procedures.* Each application for a space station in the radiodetermination satellite service shall be placed on public notice for 60 days, during which time interested parties may file comments and petitions related to the application. A 60 day cut-off period shall also be established for the filing of applications to be considered in conjunction with an original application.

(c) *User Transceivers.* Individual user transceivers will not be licensed. Service vendors may file blanket applications for transceiver units using FCC Form 403 and specifying the number of units to be covered by the blanket license. FCC Form 430 should be submitted if not already on file in conjunction with other facilities licensed under this subpart. Each application must demonstrate that transceiver operations will not cause interference to other users of the spectrum.

(d) *Permissible Communications.* Stations in this service are authorized to render radiodetermination service, and may not render other services except as ancillary to the radiodetermination service.

(e) *Frequency Allocation Policies.* Each radiodetermination satellite service licensee will be assigned the entire allocated frequency bands on a non-exclusive basis. Coding techniques and power limits as set forth in paragraph (f) below and orbital spacing shall be employed to avoid harmful interference with other radiodetermination satellite service systems.

(f) *Radiodetermination Satellite Service.* Licenses shall coordinate with other licensees to avoid harmful interference to other radiodetermination satellite systems through (1) power flux density limits; (2) use of pseudorandom-noise codes (for both the satellite-to-user link and for the user-to-satellite link); and (3) restricting user emissions to random access TDM mode.

(g) *License Conditions.* All authorizations in the radiodetermination satellite service shall be subject to the policies set forth in the *Report and Order*, including compliance with Appendix D, and the *Second Report and Order* in General Docket Nos. 84–689 and 84–690 and to any policies and rules the Commission may adopt at the later date.

[FR Doc. 86–10957 Filed 5–19–86; 8:45 am]
BILLING CODE 6712–01

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47 CFR Part 63

[CC Docket No. 83–1230; FCC 86–220]

Common Carrier Services; Policies Governing Designation of Recognized Private Operating Agencies, Grants of Indefeasible Rights of User in International Facilities and Assignment of Data Network Identification Codes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order adopts policies covering grants of recognized private operating agency (RPOA) status; transfers of indefeasible rights of user (IRUs) in submarine telephone cables to non-carrier users; and assignments of data network identification codes (DNIC)s.

RPOA Status. This Report and Order concludes that the United States should extend RPOA status to unlicensed, enhanced-service providers who offer public-correspondence enhanced services. The Report and Order also adopts a formal procedure for granting RPOA status. The purpose of extending RPOA status to enhanced-service providers is to give such providers governmental recognition and formally to impose upon them the obligation to obey the International Telecommunication Convention and the regulations promulgated thereunder.

Non-carrier IRUs. This Report and Order finds enhanced-service providers and other users eligible under the Communications Act to acquire IRUs (a form of ownership) in circuits in common-carrier submarine telephone cables but declines to require carriers to transfer IRUs.

DNIC Assignment. This Report and Order concludes that the number of U.S. public data networks with a need for access to a DNIC is likely to exceed the 200 the United States has available for assignment. The Report and Order also concludes that public data networks which do not have interexchange or overseas lines can share a DNIC. The Report and Order adopts a plan for DNIC sharing, but declines to adopt a final domestic-numbering plan for use with the shared DNICs. The Report and Order refers that question to the industry for study and adopts an interim numbering plan for networks that cannot wait until a final plan is adopted.

EFFECTIVE DATE: The amendments to Part 63 will become effective on June 19, 1986.

FOR FURTHER INFORMATION CONTACT: John F. Copes, Policy and Planning Division, Common Carrier Bureau, (202) 632–0745.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, CC Docket No. 83–1230, adopted May 1, 1986, and released May 12, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's Copy Contractors, International Transcription Service, (202) 857–3800, 2100 M St., NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. On August 19, 1985, the FCC released a notice of proposed rulemaking in CC Docket No. 83–1230 (50 FR 34867; August 28, 1985) proposing policies governing grants of recognized private operating agency (RPOA) status, transfers of indefeasible rights of user (IRUs) in circuits in submarine telephone cables and assignment of data network identification codes (DNICs).

2. *RPOA Status.* The Commission concludes that U.S. enhanced-service providers whose services constitute "public correspondence," as that term is used in the ITU Convention, are eligible for designation as RPOAs. The Commission also concludes that RPOA status should be voluntary and freely available to those who need it. The Commission observed that extending RPOA status to enhanced-service providers could reassure overseas communications administrations that such providers will obey international communications regulations and may thereby assist U.S. providers in obtaining operating agreements from the administrations. Finally, the Commission adopted a formal, but relatively simple, process for RPOA certification based upon the filing of an application with the Commission.

3. The Commission concludes that designation as an RPOA does not require the entity to be a licensed common carrier, but that ITU member nations are free to "recognize" any kind of private entity to provide their communications and information services. The Commission also concludes that the term "public correspondence," used in defining an RPOA should be read as synonymous with "telecommunications" and that it describes "third-party" traffic in which the essence of the service is transport, with no change in the content of the customer's information. The term thus distinguishes transport services from "data processing" which is defined under CCITT Recommendation D.1 as a permissible use of international leased-channel service. U.S. enhanced-service providers who offer solely data-processing service, thus, do not offer a "public correspondence," since they do not offer a transport service, and are not eligible to be RPOAs. Other U.S. enhanced-service providers, which combine a computer processing with transport service to act upon the form but not the content of the sender's information (*e.g.*, those who offer code and protocol conversion), do engage in public correspondence and are eligible for RPOA status.

4. The Commission adopts amendments to Part 63 of its rules and regulations specifying the content and form of an application for RPOA status. The application requires sufficient information clearly to identify the applicant and to indicate that its service is an international public correspondence. The applicant must also clearly state its intent to obey the ITU Convention and regulations. The Commission will give public notice of the filing of an application and will accept informal comments by letter. The Commission will review the application, prepare a recommendation and forward

the matter to the U.S. Department of State for final action. The Commission makes clear that it has authority to require enhanced-service providers to obey the convention and regulations and that it will enforce compliance through cease and desist orders. The Commission also notes that the Department of State may revoke a violator's RPOA status.

5. *Non-Carrier IRUs.* The Commission concludes that users are eligible under the Communications Act to hold IRUs in circuits in common-carrier cables and that the public interest would be served by allowing users and carriers to negotiate IRU tranfers. The Commission, however, also concludes that it should not require involuntary IRU transfers from carriers to users.

6. The Commission concluded that allowing users to hold IRUs could benefit users by giving them additional choices in meeting their communications needs and by reducing their costs for such services. The Commission also concluded that allowing non-carriers IRUs could benefit users of carrier leased-channel service by exercising a downward pressure on the rates therefor.

7. The Commission, however, recognized that the transfer of an IRU involves a long-term (up to 25 years) relationship between the IRU holder and other cable owners, necessitating periodic payments of operating and maintenance expenses. The Commission concluded that forcing unwilling partners into such a relationship is not desirable, unless there is clear evidence that such a course is the only way to protect the public interest. The Commission recognized that in the next several years new, large, fiber-optic cables will be introduced into the Atlantic and Pacific Ocean basins and that the supply of common-carrier cable circuits will increase sharply. Further, the Commission observed that introduction of one or more of the recently authorized non-common-carrier cables, which is planned for roughly the same period, will give users additional facilities choices. As a result, the Commission decided that market forces might make IRUs available to users without the need for coercive Commission action.

8. *DNIC Assignment.* The Commission concluded that a wide variety of public and private data networks operated by common carriers, enhanced-service providers and local exchange telephone companies will need access to a DNIC. The Commission also noted that the routing functions performed to the DNIC will be needed whether the network provides domestic or international data services. The Commission thus concluded that the number of U.S. applicants for DNICs is likely to exceed the 200 available to the United States. Consequently, the Commission concluded that it should now adopt a formal policy for DNIC assignment and require some data networks to share DNICs.

9. The Commission found that only networks with their own interexchange and overseas lines need their own DNICs. Other networks, principally those operated local exchange telephone companies (including the BOCs), can share one or more DNICs, relying for discrete identification upon the the six digits which follow the DNIC in a subscriber's network terminal number (NTN).

10. To conserve DNICs, the Commission reserved seven regional DNICs, one for each of the regional holding companies which operate the former Bell operating companies (RBOCs), and one DNIC for the United States Telephone Association (USTA) to be shared on a nationwide basis by networks which do not wish to share the RBOC DNIC. The Commission, however, declined to adopt a final domestic numbering system to be used in connection with the shared DNICs, responding to arguments of several parties that adoption of such a plan is premature. Rather, the Commission referred the question of a numbering plan to the T1–Telecommunications Committee of the Exchange Carriers Standards Association for further industry study and preparation of a recommendation for final action by the Commission. The Commission provided that entities wishing to implement the shared DNIC, and who cannot await a final numbering plan, can use an interim numbering plan derived from the North American Numbering Plan used in telephone service.

11. Under this interim plan, each RBOC would administer the regional shared DNIC assigned to it and USTA would administer the nationwide shared DNIC assigned to it. The administrator will assign to each sharing network six-digit PNICs consisting of a three-digit data numbering plan area (DNPA) code plus a three-digit data central office (DCO) code. The DNPA is identical to the numbering plan area (NPA) or area code used in telephony, both in terms of geographical area described by the code and the three-digit numbers used to identify the particular area. The DCO would be equivalent to the central-office (CO) code in telephony, the three-digit number which identifies a particular local switch to which a subscriber is attached. Thus, a network sharing a DNIC would receive a DNPA for every area code in which that network has subscribers. The networks would also receive its own DCO in each DNPA.

Ordering Clauses

12. Accordingly, it is ordered, pursuant to sections 4(i), 4(j), 201–205, 214 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(j), 201–25, 214 and 403 (1976), that (1) the proposal in our notice of proposed rulemaking in the above-captioned proceeding to extend recognized private operating agency status to U.S. enhanced-service providers who offer an international "public-correspondence" service, and (2) the proposal to rely for RPOA certification upon a simple, voluntary application process are hereby adopted;

13. It is further ordered that the proposal to grant U.S. enhanced-service providers and other non-carrier users the right to acquire indefeasible rights of user in U.S. half-circuits in common-carrier submarine telephone cables on a voluntary basis is adopted and the American Telephone and Telegraph Company and other U.S. common carriers are authorized, as provided for herein, to transfer such IRUs at a price agreed upon between the carrier and the user, subject to the agreement of the entity which holds the other undivided one-half interest of the circuit;

14. It is further ordered that the proposal to adopt a formal DNIC-assignment plan is hereby adopted, but that adoption of a final domestic data-numbering plan for the United States is deferred pending further study and preparation of a recommendation to this Commission thereon by the Exchange Carriers Standards Association;

15. It is further ordered that the issue of a domestic data-numbering plan for the United States is hereby referred to the "T1" Committee operating under the aegis of the Exchange Carriers Standards Association, or such other subcommittee as that body shall deem appropriate, for further study and preparation of a recommendation for further Commission action;

16. It is further ordered that this proceeding shall remain OPEN for further Commission action on the issue of a final domestic data-numbering plan for the United States, pending receipt of the results of the further industry study or submission of a formal proposal for Commission action, and such further Commission deliberations as the public interest shall require.

List of Subjects in 47 CFR Part 63

Communications common carriers, Enhanced-service providers, Enhanced services, Radio, Recognized private operating agency status.

Part 63 of Title 47 of the Code of Federal Regulations is amended as folows:

1. The authority citation for Part 63 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended 47 U.S.C. 154. Interpret or apply sec. 214, 48 Stat. 1075, as amended; 47 U.S.C. 214, unless otherwise noted.

2. The Title of Part 63 is revised to read as follows:

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

3. An undesignated center heading and §§ 63.701 and 63.702 are added:

Request for Designation as a Recognized Private Operating Agency

§ 63.702 Contents of application.

Except as otherwise provided in this part, any party requesting designation as a Recognized Private Operating Agency within the meaning of the International Telecommunication Convention shall request such designation by filing an original and two copies of an application stating the nature of the services to be provided and a statement in the applicant's own words but which makes clear that the applicant is aware that it is obligated under Article 44 of the Convention to obey the mandatory provisions thereof, and all regulations promulgated thereunder, and a pledge that it will engage in no conduct or operations which otherwise obey the Convention and regulations in all respects. The applicant should also include a statement that it is aware that failure to comply will result in an order from the Federal Communications Commission to cease and desist from future violations of an ITU regulation and may result in revocation of its recognized private operating agency status by the United States Department of State. Such statement must include the following information where applicable:

(a) The name and address of each applicant;

(b) The Government, State, or Territory under the laws of which each corporate applicant is organized;

(c) The name, title and post office address of the officer of a corporate applicant, or representative of a non-corporate applicant, to whom correspondence concerning the application is to be addressed;

(d) A statement of the ownership of a non-corporate applicant, or the ownership of the stock of a corporate applicant, including an indication whether the applicant or its stock is owned directly or indirectly by an alien;

(e) A copy of each corporate applicant's articant's articles of incorporation (or its equivalent) and of its corporate bylaws;

(f) A statement whether the applicant is a carrier subject to section 214 of the Communications Act, an operator of broadcast or other radio facilities, licensed under Title III of the Act, capable of causing harmful interference with the radio transmissions of other countries, or a non-carrier provider of services classed as "enhanced" under § 64.702(a);

(g) A statement that the services for which designated as a recognized private operating agency is sought will be extended to a point outside the United States or are capable of causing harmful interference of other radio transmission and a statement of the nature of the services to be provided;

(h) A statement setting forth the points between which the services are to be provided; and

(i) A statement as to whether covered services are provided by facilities owned by the applicant, by facilities leased from another entity, or other arrangement and a description of the arrangement.

§ 63.702 Form.

Application under § 63.701 shall be submitted in the form specified in § 63.53 for applications under section 214 of the Communications Act.

Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 86-11280 Filed 5-19-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 73, 74, and 76

Oversight of Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast and Cable TV regulations in Parts 73, 74 and 76 of the rules of the FCC. Amendments are made to delete regulations that are no longer necessary, correct inaccurate rule texts, contemporize certain requirements and to execute editorial revisions as needed for purposes of clarity and ease of understanding.

EFFECTIVE DATE: May 20, 1986.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Policy and Rules Division, Mass Media Bureau (202) 632-5414.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted May 5, 1986, and released May 12, 1986. The full texts of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service (202) 857-3800, 2100 M Street, NW., Suite 1440, Washington, DC 20037.

Summary of Order

1. In this *Order*, the Commission focuses its attention on the oversight of its radio and TV broadcast and cable television rules. Modifications are herein to update, delete, clarify or correct broadcast regulations as described below:

(a) Section 73.182, Engineering standards of allocation, opens with the text "Sections 73.21 to 73.34, inclusive, govern allocation of facilities in the AM broadcast band . . . ."

Section 73.34, Normal license period, was removed from 47 CFR when the rule's subject was recreated as a Subpart H, Part 73 rule—§ 73.1020—applicable to all services. (The rule sections in the FM and TV subparts dealing with this matter were concurrently removed). The § 73.34 reference is therefore removed in this Order.

An obvious omission is redressed here also by adding § 73.37, Applications for broadcast facilities, showing required, to this opening sentence of § 73.182. Certainly § 73.37 is a valid and important addition to the group of rules which "govern allocation of facilities in the AM broadcast band." So, henceforth, the opening § 73.182(a) will state "Sections 73.21 to 73.37, inclusive, govern allocation of facilities . . . . in the AM broadcast band . . . ." (See appendix item 2).

(b) The numerical designations of TV channels in § 73.603 indicates the frequency bands to which channels 2 through 69 are assigned. Paragraph (c) of the rule states that "Channel 37, 608-614 MHz, is reserved exclusively for the Radio Astronomy Service until the first Administrative Radio Conference after January 1, 1974, which is competent to review this provision."

WARC–79 (World Administrative Radio Conference—1979) *did* reallocate TV Channel 37 to the Radio Astronomy Service. The decision was implemented domestically via the *Second Report and Order* in General Docket No. 80–739.[1] Paragraph (c) of § 73.603 is amended accordingly. (See appendix item 3).

(c) Section 73.1590 has been amended three times in the past 15 months:

December 1984 in the *Report and Order* in Gen. Docket 83–114, FCC 84–521. 49 FR 48305, December 12, 1984;

August 1985 in the *Order* at 50 FR 32414, August 12, 1985; and

January 1986 in the *Report and Order* in Mass Media Docket 85–125, FCC 85–659. 51 FR 2704, January 21, 1986.

Inadvertent aberrancies were implanted in paragraph (b) of the rule, revised in each of the above actions, resulting in a major disarray in its final form:

Subdivision (b)(1)(v) unintentionally survived the December amendment;

Subparagraph (b)(1) was revised in the August modification, moving new text into (b)(1) from another part of the rule, but failing to remove the text from its original location; and

With the last paragraph (b) amendment, in January 1986, the adopted removal of subdivisions (i) through (viii) of subparagraph (b)(2) was left undone and so remained, incorrectly, as part of paragraph (b).

In this Order, corrections are effected which restate paragraph (b) of the rule accurately.

Another corrective measure is accomplished in § 73.1590 via this Order in subparagraph (a)(6) which requires FM stations to make equipment performance measurements on an annual basis and AM stations also to make such measurements on an annual basis and during the 4 month period prior to license renewal filings.

The FM requirement was eliminated in Gen. Docket 83–114, *supra*, and the pre-renewal measurement requirements for AM stations were mooted with the adoption of the Simplified Renewal Application (FCC Form 303–S). The previous AM renewal application form (303–R) required licensees to submit engineering exhibits which could be completed only as a result of these measurements. The Form 303–S does not require such exhibits.

Subparagraph (a)(6) is therefore amended to require AM stations to make such measurements only once each calendar year and the reference to FM stations is eliminated.

To accommodate the addition of a missing reference to the requirement to make measurements upon installing TV stereo or subcarrier transmission equipment pursuant to §§ 73.699 and 73.1690, a new subparagraph will be added herein and numbered (a)(5). Present paragraph (a)(5) is renumbered (a)(7) as a result of the new paragraph designations described above.

The final revisionary effort with this rule is directed to correcting an apparent CFR misstep wherein the redesignations of subparagraphs (c)(2), (3), (4) and (5) to (c)(1), (2), (3) and (4) in the Order adopted in August 1985 was mistakenly interpreted, and old (c)(6), which had been removed, was retained as new (c)(4) instead of old (c)(5) being converted to (c)(4).

Amendments, correcting the above inadvertencies, and remedial text revisions are accompanied herein to effect § 73.1590's improvement. (See appendix item 4).

(d) Questions have recently been received by staff members regarding type acceptance or notification for International broadcast stations (47 CFR Part 73, Subpart F). The questioners have assumed that references to equipment authorization procedures, stated in Subpart H of Part 73, may apply to International as well as AM, FM and TV broadcast stations.

These references do apply to International; there are no equipment authorization procedures for International broadcast stations. We will revise our reference to equipment authorization in §§ 73.1660 and 73.1665 to clearly state this. (See appendix items 5 and 6).

(e) When the Commission adopted the Simplified Renewal Application form and procedure for all broadcast stations in 1981, requirements to file future programming proposals with renewal applications were removed from the rules and from the new renewal form, 303–S, Application for Renewal of License for Commercial and Noncommercial Educational AM, FM and TV Broadcast Stations.[2] Also adopted in this proceeding were a procedure, and appropriate form, for the purpose of conducting a detailed audit of a small percentage of commercial TV and noncommercial AM, FM and TV stations which required inclusion of programming exhibits with application.

Subsequently, the TV "long form audit" (as it came to the designated colloquially) was discontinued pursuant to the Report and Order in the so called TV Deregulation proceeding[3] and the Form 303–C, Renewal Application Audit Form for Commercial TV Broadcast Stations was removed from the rules. On the same date (June 27, 1984) the Commission adopted the noncommercial educational radio and TV deregulation Report and Order,[4] and the "long form audit" for NCE AM, FM and TV stations was likewise eliminated. Form 303–N was removed from the rules.

Impact was made on several different parts of the rules, due to the above described Commission actions, which inadvertently went unmodified. Appropriate corrective amendments in §§ 73.3500 and 73.3578 are made herein, as follows:

Revision of Section 73.3578,[5] paragraph (a), will be made by removing that portion of the paragraph pertaining to renewal application amendments ". . . relating to future programs of a stations . . .."; and

Removal of FCC Form 303–N from the listing of Forms in § 73.3500 which, though ordered eliminated in the Report and Order in MM Docket 81–496, was unintentionally retained in the October 1, 1985 Title 47 Code of Federal Regulations. (See appendix items 7 and 8).

(f) Paragraph (a) of § 73.3536, Application for license to cover construction permit, states "The application for station license shall be filed by the permittee prior to program tests." This statement was negated as a result of the changes in the program test rule, § 73.1620, in January 1980.[6] In that amendment the Commission reduced the administrative work load of both the FCC and broadcasters, by removing certain procedural requirements pertaining to program test authority (PTA). Holders of construction permits, for nondirectional antennas, were allowed to commence program service, upon completion of construction, after notifying the FCC of their start of program service and by filing the application for license within 10 days thereafter.

This revised procedure was not reflected in paragraph (a) of § 73.3536; it is corrected herein. (See appendix item 9).

(g) The introductory text of subparagraph (d)(3) of § 73.3555, Multiple ownership, is, at some future

[1] *Second Report and Order*, General Docket 80–739, adopted November 8, 1983. 49 FR 2357, January 19, 1984

[2] BC Docket 80–253. 46 FR 26237, May 11, 1981.

[3] MM Docket 83–670. 49 FR 33589, August 23, 1984.

[4] MM Docket 81–496. 49 FR 33658, August 24, 1984.

[5] Section 73.3578 Amendment to applications for renewal, assignment or transfer of control.

[6] *Order*, 76 FCC 2d 40.

date, likely to become erroneous. It refers to the subject paragraph (d) by stating "For purposes of paragraph (d) of this section:", instead of referring to *itself*, i.e., "For purposes of this paragraph:". A change in paragraph numbering, a movement to another part of the section or other amendments could make it likely that the present text would unintentionally not refer to itself. It is revised accordingly. (See appendix item 10).

(h) The text in subparagraph (d)(1) of § 74.750 was revised in the Report and Order in Gen. Docket 83-114,[7] adopted in November, 1984.

The change did not appear in the Code of Federal Regulations (October 1, 1985 edition). This oversight is corrected herein. (See appendix item 11).

(i) Section 76.5 contains definitions of subjects pertaining to the cable television service. Paragraph (ee) is headed "*Cable system operator or operator.* The twice-stated singular of "operator," an obvious aberration, is corrected herein. (See appendix item 12).

(j) The reference points for major and smaller television markets are listed in § 376.53 of the cable rules. The longitude given for Anniston, Alabama is incorrectly stated as 87 degrees 49'47". It is revised to read correctly 85 degrees 49'47". (See appendix item 13).

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

3. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rule making, effective date provisions and public procedure thereon are inapplicable pursuant to the Administrative Procedure Act. 5 U.S.C. 553(b)(3)(B).

4. Since a general notice of proposed rule making is not required, the Regulatory Flexibility Act does not apply.

5. Accordingly, it is ordered, That pursuant to section 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission Rules, Parts 73, 74 and 76 of the FCC Rules and Regulations are amended as set forth in the attached appendix, effective on the date of publication in the **Federal Register.**

List of Subjects

47 CFR Part 73

Radio broadcasting.

47 CFR Part 74

Television.

47 CFR Part 76

Cable television.

Parts 73, 74 and 76 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 73—[AMENDED]

1. The authority citation for Parts 73, 74 and 76 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 73.182 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 73.182 Engineering standards of allocation.

(a) Sections 73.21 to 73.37 inclusive, govern allocation of facilities in the AM broadcast band of 535 to 1605 kc/s. Section 73.21 establishes three classes of channels in this band, namely, clear channels for the use of high-powered stations, regional channels for the use of medium powered stations, and local channels for the use of low-powered stations. The classes and power of AM broadcast stations which will be assigned to the various channels are set forth in § 73.21. The classification of the AM broadcast stations are as follows:

* * * * *

3. 47 CFR 73.603 is amended by revising paragraph (c) to read as follows:

§ 73.603 Numerical designation of TV channels.

* * * * *

(c) Channel 37, 608-614 MHz is reserved exclusively for the radio astronomy service.

* * * * *

4. 47 CFR 73.1590 is amended by revising paragraphs (a), (b) and (c) to read as follows:

§ 73.1590 Equipment performance measurements.

(a) The licensee of each AM, FM and TV station, except licensees of Class D non-commercial educational FM stations authorized to operate with 10 watts or less output power, must make equipment performance measurements for each main transmitter as follows:

(1) Upon initial installation of a new or replacement main transmitter.

(2) Upon modification of an existing transmitter made under the provisions of § 73.1690, Modification of transmission systems, and specified therein.

(3) Installation of AM stereophonic transmission equipment pursuant to § 73.128.

(4) Installation of FM subcarrier or stereophonic transmission equipment pursuant to § 73.295, § 73.297, § 73.593 or § 73.597.

(5) Installation of TV stereophonic or subcarrier transmission equipment pursuant to §§ 73.669 and 73.1690.

(6) Annually, for AM stations, with not more than 14 months between measurements.

(7) When required by other provisions of the rules or the station license.

(b) Measurements for spurious and harmonic emissions must be made to show compliance with the transmission system requirements of § 73.44 for AM stations; § 73.317 for FM stations and § 73.687 for TV stations. Measurements must be made under all conditions of modulation expected to be encountered by the station whether transmitting monophonic or stereophonic programs and providing subsidiary communications services.

(c) TV visual equipment performance measurements must be made with the equipment adjusted for normal program operation at the transmitter antenna sampling port to yield the following information:

(1) Field strength or voltage of the lower side-band for a modulating frequency of 1.25 MHz or greater, (including 3.58 MHz for color), and of the upper side-band for a modulating frequency of 4.75 MHz or greater.

(2) Data showing that the waveform of the transmitted signal conforms to that specified by the standards for TV transmissions.

(3) Photographs of a test pattern taken from a receiver or monitor connected to the transmitter output.

(4) Data showing envelope delay characteristics of the radiated signal.

(5) Data showing the attenuation of spurious and harmonic radiation, if, after type acceptance, any changes have been made in the transmitter or associated equipment (filters, multiplexer, etc.) which could cause changes in its radiation products.

* * * * *

5. 47 CFR 73.1660 is amended by revising paragraph (a) to read as follows:

[7] Gen Docket No. 83-114, A Re-Examination of Technical Regulations. 49 FR 48305, December 12, 1984.

§ 73.1660 Acceptability of broadcast transmitters.

(a) An AM, FM or TV transmitter may be type accepted or notified upon the request of any manufacturer of transmitters following the procedures described in Part 2 of the FCC Rules. If acceptable, the transmitter will be included in the FCC's "Radio Equipment List, Equipment Acceptable for Licensing." Since March 5, 1984, these transmitters have been authorized under notification.

* * * * *

6. 47 CFR 73.1665 is amended by revising paragraph (a) to read as follows:

§ 73.1665 Main transmitters.

(a) Each AM, FM and TV broadcast station must have at least one main transmitter which complies with the provisions of the transmitter technical requirements for the type and class of station. A main transmitter is one which is used for regular program service having power ratings appropriate for the authorized operating power(s).

* * * * *

7. 47 CFR 73.3500 Application and report forms, is amended by removing Form 303–N and its title, Renewal Application Audit Form for Noncommercial Educational AM, FM and TV Broadcast Stations.

8. 47 CFR 73.3578 is amended by revising paragraph (a) to read as follows:

§ 73.3578 Amendments to applications for renewal, assignment or transfer of control.

(a) Any amendments to an application for renewal of any instrument of authorization shall be considered to be a minor amendment. However, the FCC may, within 15 days after tender for filing of any amendment, advise the applicant that the amendment is considered to be a major amendment and therefore is subject to the provisions of § 73.3580.

* * * * *

9. 47 CFR 73.3536 is amended by revising paragraph (a) to read as follows:

§ 73.3536 Application for license to cover construction permit.

(a) The application for station license shall be filed by the permittee pursuant to the requirements of § 73.1620 Program tests.

* * * * *

10. 47 CFR 73.3555 is amended by revising the introductory text of paragraph (d)(3) to read as follows:

§ 73.3555 Multiple Ownership.

* * * * *

(d) * * *

(3) For purposes of this paragraph:

PART 74—[AMENDED]

11. 47 CFR 74.750 is amended by revising paragraph (d)(1) to read as follows:

§ 74.750 Transmission system facilities.

* * * * *

(d) * * *

(1) The equipment shall meet the requirements of paragraphs (a)(1) and (b)(3) of § 73.687.

* * * * *

PART 76—[AMENDED]

12. 47 CFR 76.5 is amended by revising the title of paragraph (ee) to read as follows:

§ 76.5 Definitions.

* * * * *

(ee) *Cable system operator.* * * *

* * * * *

§ 76.53 [Amended]

13. 47 CFR 76.53, Reference points, is amended by correcting the Longitude reading for Anniston, Alabama to read 85 degrees 49'47".

William H. Johnson,

Acting Chief, Mass Media Bureau.

[FR Doc. 86–11281 Filed 5–19–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To Determine the Sonora Chub To Be a Threatened Species and To Determine Its Critical Habitat

Correction

In FR Doc. 86–9669 beginning on page 16042 in the issue of Wednesday, April 30, 1986, make the following correction on page 16047 in § 17.95(e):

In the second column, paragraph 3, at the end of the last line, add "R.11E."

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 60489–6089]

Fishery Conservation and Management; Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

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

ACTION: Emergency rule.

SUMMARY: The Secretary of Commerce (Secretary) issues emergency regulations to deviate from the schedule in the framework amendment to the Fishery Management Plan for the Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California (FMP) to allocate coho salmon to troll and recreational fisheries north of Cape Falcon, Oregon, in 1986 and to modify framework provisions for inseason ocean salmon management off Washington, Oregon, and California in 1986. The regulations are necessary to protect depressed runs of chinook and coho salmon and to provide flexibility to maximize the opportunity for ocean harvest of salmon which are surplus to inside fishery and spawning needs. The regulations are intended to optimize the salmon harvest and to lessen depressed economic conditions in coastal communities associated with the fishing industry and related businesses.

EFFECTIVE DATE: This emergency rule is effective at 0001 hours local time, May 15, 1986 until 2400 hours local time, August 13, 1986.

ADDRESS: Comments on this emergency rule may be submitted to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206–526–6150, or E. Charles Fullerton, 213–548–2575.

SUPPLEMENTARY INFORMATION: The regulations implementing the framework amendment to the FMP were published on October 31, 1984 (49 FR 43679) and are codified at 50 CFR Part 661. The framework amendment provides the mechanism for making preseason and inseason adjustments to the regulations without annual amendments to the FMP. This emergency rule allocates coho salmon to ocean fisheries north of Cape Falcon and alters the mechanism for

making inseason adjustments to the regulations in 1986.

1986 Allocation of Coho Salmon North of Cape Falcon, Oregon

Since 1984, coho salmon have been allocated to commercial and recreational fisheries north of Cape Falcon, Oregon, according to a sliding scale in the framework amendment. The sliding scale would have allocated 144,300 coho to trollers and 203,800 coho to recreational fishermen in 1986 based on a total non-Indian allowable ocean harvest of 348,100 coho north of Cape Falcon.

The Council has requested that there be a slight deviation from the framework allocation scale in 1986. This emergency rule would allocate 140,600 coho to trollers and 207,500 coho to recreational fishermen north of Cape Falcon.

The 1986 allocation was agreed to by troll and recreational fishery representatives and is intended to minimize impacts on critical coho and chinook stocks and maximize ocean harvest by each user group north of Cape Falcon.

1986 Inseason Management Provision

Under the framework amendment, the Pacific Fishery Management Council (Council) may authorize, during the preason process of setting regulations, the use of one or more of the following optional inseason management provisions:

1. Modification to coho quotas and seasons based on inseason reassessment of private hatchery contributions;

2. Modification to commercial coho quotas and seasons based on inseason assessment of coho hooking mortality during all-species seasons;

3. Modification to quotas and seasons based on inseason revisions to abundance estimates;

4. Reduction in quotas and seasons due to unanticipated salmon catches in the territorial sea;

5. Redistribution of quotas by area to achieve an overall quota;

6. Modification of area boundaries to promote attainment of quotas; and

7. Modification of recreational daily bag limits.

In 1985, the Council determined that all seven optional inseason management provisions should be available for use if conditions warranted. In addition, the Council requested, and the Secretary approved, an emergency regulation (50 FR 31847, August 7, 1985) to make an eighth inseason management action available for use in 1985:

Modification of the number of allowable days of recreational fishing per week.

This temporary inseason management provision was used twice before it expired automatically on October 31, 1985.

Although the eight optional provisions appear to provide considerable flexibility for inseason management, during the 1985 season it became apparent that these provisions are limited in scope and intent and thus do not provide all of the flexibility necessary for effective inseason management. In addition, some of these provisions are unclear as to what modifications can and cannot be made under them.

Several recommendations of the Council, its Salmon Plan Development Team, and the States could not be implemented through changes in Federal regulations in 1985. About half of the recommended management actions required an inseason interpretation by NMFS and NOAA's Regional Counsel as to whether they could be implemented under existing authority. Some of these recommendations were adopted through State landing laws in lieu of changes in the Federal regulations, and the differing State and Federal regulations caused confusion and enforcement problems.

The Council reviewed the 1985 inseason management problems during its March 1986 meeting in Portland, Oregon, and concluded that—

1. The scope and extent of inseason management authority should be clarified.

2. The scope and extent of inseason management authority should be broadened, to accommodate variations in the fishery.

3. Inseason management authority should not require data and analyses beyond that which are available within the timeframe and capability of the existing data system.

4. Inseason management actions should not overburden the capabilities of fishery managers to expeditiously process and implement the actions and advise affected persons, as well as to effectively ensure compliance with the changing regulations; and

5. Inseason management authority should not be used to circumvent the fishery management plan amendment process when the latter is more appropriate or required.

An FMP amendment scheduled for implementation in 1987 will consider modification of the optional inseason management provisions to address the management problems experienced in 1985. In the meantime, the Council requested by majority vote that the Secretary promulgate an emergency rule to clarify, broaden in scope and intent, and add optional provisions to the regulation so that the following regulatory adjustments would be authorized during the 1986 fishing season:

1. Modification of quotas and seasons, so long as the criteria specified below were met. (This would include redistribution of quotas, establishment of new quotas and seasons, and establishment or modification of hooking mortality and total allowable impact limitations. It does not include revisions in abundance estimates since methodology does not exist to determine the accuracy of preseason estimates during the season.)

2. Modifications in the species which may be caught and landed during specific seasons and the establishment or modification of limited retention regulations (e.g., changing from an all-species season to a single-species season, or requiring a specified number of one species to be delivered before a specified number of another species could be delivered).

3. Modification of the recreational bag limits and the recreational fishing days allowed per calendar week.

4. Establishment or modification of gear restrictions.

5. Modification of boundaries and establishment of closed areas.

These modified provisions are expected to be among the options proposed in the draft FMP amendment.

In order to take any inseason action in 1986 under this emergency rule, fishery managers must determine that the adjustment is consistent with fishery regimes established by the U.S.-Canada Pacific Salmon Commission, ocean escapement goals, conservation of the salmon resource, any adjudicated treaty Indian fishing rights, and the ocean allocation scheme in the framework amendment. In addition, all inseason adjustments would be based on consideration of the following:

1. Predicted sizes of salmon runs.

2. Harvest quotas and hooking mortality limits for the area and total allowable impact limitations if applicable.

3. Amount of recreational, commercial and treaty Indian catch for each species in the area to date.

4. Amount of recreational, commercial, and treaty Indian fishing effort in the area to date.

5. Estimated average daily catch per fisherman.

6. Predicted fishing effort for the area to the end of the scheduled season.

7. Other factors as appropriate.

Section 305(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) authorizes the Secretary to promulgate emergency regulations when a Council finds that an emergency exists involving a fishery under its jurisdiction. The Secretary has agreed with the Council's determination that an emergency exists because of the depressed economic condition of coastal communities associated with the fishing industry and related businesses. This emergency rule will allocate coho salmon to ocean fisheries north of Cape Falcon, Oregon, and allow inseason adjustments in regulations to minimize impacts on critical coho and chinook stocks and to maximize the ocean harvest by recreational and commercial fisheries.

The States of Washington, Oregon, and California support the revised allocation of coho salmon north of Cape Falcon and the need for increasing Federal inseason management flexibility to protect the resource and lessen the economic hardship on fishermen, the fishing industry, and related businesses. The States currently have authority to change regulations on an emergency basis at any time during the season to meet needs of the resource and fishery participants. Differing State and Federal regulations cause confusion and enforcement problems.

This emergency rule will remain in effect for 90 days and may be extended for a second 90-day period.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to management needs and is consistent with the Magnuson Act and other applicable law. He has determined that continuation of the regulations now in force would not allow timely management response to the needs of the ocean recreational and commercial salmon fisheries and it is therefore necessary to promulgate this emergency rule immediately.

The Assistant Administrator finds that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable to provide prior notice and opportunity for public comment, or to delay for 30 days the effective date of these emergency regulations, as required by section 553 (b) and (d) of the Administrative Procedure Act. The public had the opportunity to comment on the substance of this emergency rule during the Council meeting on March 10–13, 1986.

The Assistant Administrator has determined that the regulations implementing the FMP as amended have no differing impact upon and, therefore, remain consistent to the maximum extent practicable with the approved coastal zone management programs of Washington, Oregon, and California. This original determination was submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. This rule is a minor extension to the final regulations and does not change that determination. Its application will have a positive impact on the salmon stocks and on recreational and commercial fishing industries and affected coastal communities.

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

Issuance of this rule will not result in a significant adverse impact on the human environment and the impact would not be significantly different from that described in the final supplemental environmental impact statement prepared for the regulations implementing the FMP. As such, the Assistant Administrator has determined that it is categorically excluded from the requirement to prepare an environmental document, as provided by NOAA Directive 02–10.

This emergency rule does not contain a collection of information for purposes of the Paperwork Reduction Act.

The Regulatory Flexibility Act does not apply to this rule because, as an emergency rule, it was not required to be promulgated as a proposed rule and the rule is issued without opportunity for prior public comment. Since notice and opportunity for comment are not required to be given under section 553 of the Administrative Procedure Act, and since no other law requires that notice and opportunity for comment be given for this rule, under sections 603(a) and 604(a) of the Regulatory Flexibility Act no initial or final regulatory flexibility analysis has to be or will be prepared.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

Dated: May 15, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

For the reasons set out in the preamble, 50 CFR Part 661 and its Appendix are amended to read as follows:

1. The authority citation for Part 661 continues to read as follows:

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

2. In § 661.21, paragraphs (b) (1) through (7) are suspended from May 15, 1986, to August 13, 1986, and new paragraphs (b) (8) through (12) are added to be effective from May 15, 1986, to August 13, 1986, to read as follows:

§ 661.21 Inseason actions.

* * * * *

(b) * * *

(8) Modification of quotas and seasons, including but not limited to redistribution of quotas, establishment of new quotas and seasons, and establishment or modification of hooking mortality and total allowable impact limitations.

(9) Modifications in the species which may be caught and landed during specific seasons and the establishment or modification of limited retention regulations, including but not limited to changing from an all-species season to a single-species season, and requiring a specified number of fish of one species to be delivered before a specified number of fish of another species could be delivered.

(10) Modification of the recreational bag limits and the recreational fishing days allowed per calendar week.

(11) Establishment or modification of gear restrictions.

(12) Modification of boundaries and establishment of closed areas.

3. In the Appendix, Section II.B.2(a)(i), a line is added to the table to read as follows:

Appendix

* * * * *

II. Annual Changes to Management Specifications

* * * * *

B. Procedures for Establishing and Adjusting Management Measures.

* * * * *

2. Allocation of ocean harvest levels.

(a) *Coho and chinook from the U.S.-Canada border to Cape Falcon.*

(i) Allocation of coho and chinook salmon north of Cape Falcon, Oregon, will be based on the following schedule:

Allowable annual non-treaty ocean coho harvest (thousands of fish)	Coho harvest percentage [1]		Chinook harvest percentage [1]	
	Commercial	Recreational	Commercial	Recreational
* * *	*	*	*	*
400 * * *				
348.1	40.4	59.6	58.0	42.0
300 * * *				
* * *	*	*	*	*

4. In the Appendix, Section III.B.1. is suspended from May 15, 1986, until August 13, 1986, and a new Section III.B.3. is added, to be effective from May 15, 1986, until August 13, 1986, to read as follows:

Appendix

* * * * *

III. Inseason Changes to Management Measures

* * * * *

B. * * *

3. In the course of its annual determination of whether management specifications should be modified for the season, the Council also will determine which one or more, if any, of the inseason actions enumerated in § 661.21(b) should be employed to modify management measures during the season and will recommend same to the Secretary for implementation.

5. In the Appendix, Section III.B.2., the introductory text is suspended from May 15, 1986, to August 13, 1986; paragraphs (a) through (d) are redesignated during this period as paragraphs (b) through (e), and a new paragraph (a) is added, to be effective from May 15, 1986, to August 13, 1986, to read as follows:

Appendix

* * * * *

III. * * *

B. * * *

2. * * *

(a) The Regional Director may adjust fishing regulations during the season when he determines that it is necessary to help achieve management goals. Any inseason adjustment to the regulations must be consistent with fishery regimes established by the U.S.-Canada Pacific Salmon Commission, ocean escapement goals, conservation of the salmon resource, any adjudicated Indian fishing rights, and the ocean allocation schemes in the framework amendment. In addition, all inseason adjustments must be based on consideration of the following factors:

(i) Predicted sizes of salmon runs.

(ii) Harvest quotas and hooking mortality limits for the area and total allowable impact limitations if applicable.

(iii) Amount of recreational, commercial, and treaty Indian catch for each species in the area to date.

(iv) Amount of recreational, commercial, and treaty Indian fishing effort in the area to date.

(v) Estimated average daily catch per fisherman.

(vi) Predicted fishing effort for the area to the end of the scheduled season.

(vii) Other factors as appropriate.

5. In the Appendix, Sections III.C. through III.F. are suspended from May 15, 1986, to August 13, 1986.

[FR Doc. 86-11340 Filed 5-15-86; 4:53 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 97
Tuesday, May 20, 1986

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 75

[Docket No. 86-035]

Official Tests for Equine Infectious Anemia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the equine infectious anemia (EIA) regulations by including the Competitive Enzyme-Linked Immunosorbent Assay (CELISA) test as an official test for EIA, if conducted in a laboratory approved by the Deputy Administrator, Veterinary Services. This action appears warranted in order to provide an additional official test for EIA which has been determined to be adequate for its intended purpose.

DATE: Written comments must be received on or before June 19, 1986.

ADDRESS: Written comments concerning this proposed rule should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 86-035. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. C.A. Gipson, Special Diseases Staff, VS, APHIS, USDA, Room 826, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8321.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 75 (referred to below as the regulations) include provisions concerning the interstate movement of horses, asses, mules, ponies, and zebras found to be affected with equine infectious anemia (referred to below as EIA), also known as swamp fever. The regulations currently provide that the Agar gel immuno-diffusion test, conducted in a laboratory approved by the Deputy Administrator, Veterinary Services, is the official EIA test for determining whether horses, asses, mules, ponies, and zebras are affected with EIA. With respect to the approval of laboratories to conduct official tests, § 75.4(c)(1) of the regulations provides that:

> The Deputy Administrator will approve laboratories to conduct the official test only after consulting with the State animal health official in the State in which the laboratory is located and after determining that the laboratory: (i) Has technical personnel assigned to conduct the official test who have received training prescribed by the National Veterinary Services Laboratories; (ii) uses United States Department of Agriculture licensed antigen; (iii) follows standard test protocol prescribed by the National Veterinary Services Laboratories; (iv) meets check test proficiency requirements prescribed by the National Veterinary Services Laboratories; and (v) reports all official test results to the State animal health official and the Veterinarian in Charge. [footnote not included]

It is proposed to amend the regulations by including the Competitive Enzyme-Linked Immunosorbent Assay (CELISA) test as an official EIA test, if conducted in a laboratory approved by the Deputy Administrator, Veterinary Services. This test, in field trials and other research, has been demonstrated to be at least as sensitive and specific a test for EIA as the test currently approved as an official EIA test.[1] Also, the provisions for the approval of laboratories would help ensure that the testing is conducted accurately.

Executive Order 12291 and Regulatory Flexibility Act

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

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

If adopted, this proposed amendment to the regulations would only provide for the use of an additional official EIA test as an option for use in determining whether an animal is infected with the disease. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

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

List of Subjects in 9 CFR Part 75

Animal diseases, Contagious Equine metritis, Dourine, Equine, Equine infectious anemia, Horses, Quarantine, Transportation.

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

Accordingly, Part 75, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 75 would continue to read as set forth below:

> **Authority:** 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134-134h; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 75.4, Paragraph (a), the definition of "Official test" would be revised to read:

[1] Copies of the results of research and of the test protocol for the CELISA test are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities and research facilities.

(a) * * *

Official test. The Agar gel immunodiffusion test or the Competitive Enzyme-Linked Immunosorbent Assay (CELISA) Test, conducted in a laboratory approved by the Deputy Administrator.

* * * * *

Done at Washington, DC, this 14th day of May 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-11276 Filed 5-19-86; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Parts 301, 312, 327 and 381

[Docket No. 85-001P]

Import Inspection; Requirements, Responsibilities and Procedures

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend certain provisions regarding inspection of imported meat and poultry products in the Federal meat inspection regulations and the poultry products inspection regulations to clarify import inspection procedures and to accommodate the recent transfer of import inspection management authority from FSIS' Meat and Poultry Inspection Operations to its International Programs. All proposed changes are administrative in nature or for clarification of procedures and would entail no changes in import inspection policies or procedures.

DATE: Comments must be received on or before July 21, 1986.

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

FOR FURTHER INFORMATION CONTACT: Patricia Stolfa, Deputy Administrator, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3473.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined in accordance with Executive Order 12291 that this proposed rule is not a "major rule." It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, and it will not have a significant effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The proposal would only make various administrative changes to the Federal meat and poultry products inspection regulations to reflect the transfer of import inspection management authority within the Agency and to clarify the import inspection procedures.

Effect on Small Entities

The Administrator has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 because the proposed changes are only administrative in nature or for clarification of procedures and would entail no changes in import inspection policies or procedures.

Comments

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

Background

Under the provisions of the Federal Meat Inspection Act (21 U.S.C. 620) and the Poultry Products Inspection Act (21 U.S.C. 466), the Food Safety and Inspection Service is responsible for assuring that imported meat and poultry products imported into this country meet standards at least equal to those that are applied to domestic products. FSIS carries out its responsibility by conducting two activities: (1) The review of foreign inspection systems to evaluate and determine the "at least equal to" eligibility of countries for export to the United States, and (2) import inspection of meat and poultry products to ensure they meet United States standards.

Until recently, FSIS' Meat and Poultry Inspection Operations carried out both domestic and import inspection activities. However, on February 28, 1985, the Department approved the transfer of import inspection activities from Meat and Poultry Inspection Operations (MPIO) to International Programs (IP), effective April 28, 1985.

This transfer of authority also involved the transfer of some personnel from MPIO to IP and necessitated the establishment of a field management structure with geographic responsibilities that are different from those used by MPIO. A new Import Inspection Division under IP is now responsible for the overall management of its field inspection program. To reflect the transfer of import inspection authority, various administrative changes are needed in Parts 301, 312, and 327 of the Federal meat inspection regulations and Part 381 of the poultry products inspection regulations. These changes would improve management communication, delineate clear lines of import inspection responsibility, provide new streamlined provisions for appeals from inspector decisions, and would provide for more consistent and clear import inspection procedures.

The proposed clarifying changes to the Federal meat inspection regulations and poultry products inspection regulations would be as follows:

1. Providing new definitions to be included in §§ 301.2 and 381.1 for:

—Import field office, including areas of authority.

—Import supervisor.

2. Adding an "appeals" section to the Federal meat import inspection regulations, similar to the "appeals" section in 9 CFR 306.5, and a new paragraph to the poultry products import inspection regulations, similar to the "appeals" section in 9 CFR 381.35, to delineate a clear route for appeals from decisions made by import inspectors.

3. Replacing the term import "facility" with import "establishment" wherever it appears.

4. Replacing all references to inspector-in-charge, area supervisor, regional director, and regional office with the new organizational terms—import supervisor and import field office.

5. Transferring § 312.5(b)—Official Seals for Transportation of (Imported) Products—to Part 327. Delete current cross-reference.

6. Adding a new paragraph for "Official Seals" to Part 381. Delete cross-reference.

7. Transferring § 312.7 and § 381.102—Official Import Inspection Marks and Devices—to Part 327 and § 381.204 respectively. Delete current cross-

references. Add new paragraph (e) to new § 327.26 to refer to § 317.3(c) of the Federal meat inspection regulations.

8. Adding a "denaturing" section to Part 327, similar to 9 CFR 325.13. Delete cross-reference to Part 327. Adding a "denaturing" paragraph to § 381.202, similar to 9 CFR 381.95.

9. Deleting a reference in § 327.6(m) to a nonexistent paragraph (n).

Accordingly, Parts 301, 312, and 327 of the Federal meat inspection regulations and Part 381 of the poultry products inspection regulations would be amended as set forth below:

The Proposal

List of Subjects

9 CFR Part 301
Meat inspection, Definitions.

9 CFR Part 312
Official inspection marks and devices.

9 CFR Part 327
Imported products.

9 CFR Part 381
Poultry products inspection, Imported products.

PART 301—[AMENDED]

1. The authority citation for Part 301 is added to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*

§ 301.2 [Amended]

2. Section 301.2 (9 CFR 301.2) would be amended by adding paragraph (yyy) and (zzz):

§ 301.2 Definitions.

* * * * *

(yyy) Import Field Office (IFO). The office of the supervisor of import inspection activities for a particular importing field area. The areas are as follows:

IFO #1. Boston, MA—Covering the States of Massachusetts, New York (excluding New York City), Connecticut, Rhode Island, Vermont, New Hampshire and Maine.
IFO #2. New York, NY—Covering the areas of New York City and northern New Jersey.
IFO #3. Philadelphia, PA—Covering the State of Pennsylvania and the area of southern New Jersey.
IFO #4. Baltimore, MD—Covering the States of Maryland, Delaware, West Virginia, Virginia and Kentucky.
IFO #5. Charleston, SC—Covering the States of Tennessee, North Carolina, South Carolina, Georgia and Florida (excluding south Florida).
IFO #6. Miami, FL—Covering the areas of southern Florida, Puerto Rico and the Virgin Islands.
IFO #7. New Orleans, LA—Covering the States of Louisiana, Mississippi, Alabama, Arkansas, Texas, Texas, Oklahoma, Kansas, New Mexico and Colorado.
IFO #8. San Pedro, CA—Covering of the States of Hawaii, Arizona, Utah, Nevada, the area of southern California, American Samoa, Guam, and the Northern Marianas.
IFO #9. Tacoma, WA—Covering the States of Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Alaska, and Nebraska, and the area of northern California.
IFO #10. Detroit, MI—Covering the States of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Indiana and Ohio.

(zzz) Import Supervisor. The official in charge of import inspection activities within each of the import field offices.

PART 312—[AMENDED]

3. The authority citation for Part 312 is revised to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*

§ 312.7 [Redesignated]

4. Section 312.7 (9 CFR Part 312) would be transferred to Part 327 and redesignated as § 327.26, and revised to read as follows:

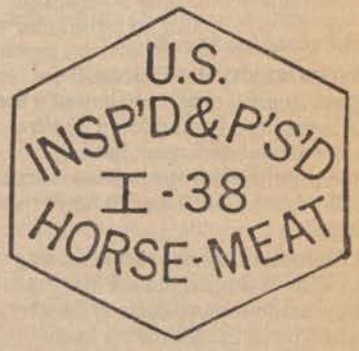
§ 327.26 Official import inspection marks and devices.

(a) When import inspections are performed in official import inspection establishments, the official inspection legend to be applied to imported meat and meat food products shall be in the appropriate form [1] as herein specified.

For application to cattle, sheep, swine, and goat carcasses, primal parts, and cuts, not in containers.

[1] The number "I-38" is given as an example only. The establishment number of the official import inspection establishment where the imported product is inspected shall be used in lieu thereof.

For application to outside containers of meat and meat food products prepared from cattle, sheep, swine, and goats.



For application to horse carcasses, primal parts, and cuts, not in containers.

For application to outside containers of horsemeat food products.

For application to mule and other (nonhorse) equine carcasses, primal parts, and cuts, not in containers.

For application to outside containers of equine meat food products.

(b) When import inspections are performed in official establishments, the official inspection legend to be applied to imported meat and meat food products, shall be the appropriate form as specified in §§ 312.2 and 312.3 of this subchapter.

(c) When products are refused entry into the United States, the official mark to be applied to the products refused entry shall be in the following form:

UNITED STATES
REFUSED ENTRY

(d) Devices for applying "United States Refused Entry" marks shall be furnished to the Program inspectors by the Department.

(e) The ordering and manufacture of brands containing official inspection legends shall be in accordance with the provisions contained in § 317.3(c) of the Federal meat inspection regulations.

§ 312.7 [Amended]

5. Section 312.7 would be removed and reserved for future use.

§ 312.5 [Redesignated]

6. Paragraph (b) of § 312.5 (9 CFR Part 312) is removed. The information would be transferred to § 327.22 and the paragraph (a) designation would be removed.

PART 327—[AMENDED]

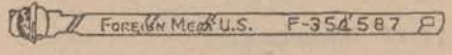
7. The authority citation for Part 327 is revised to read as follows:

Authority: 38 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*

8. Section 327.22 would be revised to read as follows:

§ 327.22 Official seals for transportation of products.

The official mark for use in sealing cars, trucks, other means of conveyance, or containers in which any imported product is conveyed shall be the inscription and a serial number hereinafter shown below,[1] and the import meat seal approved by the Administrator for applying such mark shall be an official device for purposes of the Act. Such device shall be attached to the means of conveyance only by a Program employee, or a Customs officer or his designee, and he shall also affix thereto a "Warning Tag" (Form MP-408-3).



§ 327.6 [Amended]

9. Paragraph (m) of § 327.6 (9 CFR Part 327) would be amended by removing the words "paragraphs (l) and (n)" and replacing them with the words "paragraph (l)."

10. Paragraphs (c), (d) and (f) of § 327.6 (9 CFR Part 327) would be amended by removing the words "facility" and "facilities" and inserting in their place, the words "establishment" and establishments" wherever they appear.

11. Paragraph (e) of § 327.6 (9 CFR Part 327) would be revised to read as follows:

§ 327.6 Products for importation; program inspection, time and place; application for approval of facilities as official import inspection establishment; refusal or withdrawal of approval; official numbers.

* * * * *

(e) Owners or operators of establishments at which import inspections of product are to be made shall furnish adequate sanitary facilities and equipment for examination of such product. The requirements of §§ 304.2(e), 307.1, 307.2 (b), (d), (f), (h), (k), and (l) and 308.3, 308.4, 308.5, 308.6, 308.7, 308.8, 308.9, 308.11, 308.13, 308.14, and 308.15 of this subchapter shall apply as conditions for approval of establishments as official import inspection establishments to the same extent and in the same manner as they apply with respect to official establishments.

12. Paragraph (a) of § 327.5 (9 CFR Part 327) would be revised to read as follows:

§ 327.5 Importer to make application for inspection of products for importation; information required.

(a) Each importer shall apply for inspection of any product for importation by contacting the import field office covering the location where import inspection will take place. The import field office will provide specific application instructions. (See § 301.2 (yyy)).

* * * * *

§ 327.7 [Amended]

13. Paragraph (a)(1) of § 327.7 (9 CFR Part 327) would be amended by removing the words "area supervisor" and inserting, in their place, the words "import supervisor."

14. Paragraph (a)(2) of § 327.7 (9 CFR Part 327) would be amended by removing the term § 312.5(b)" and inserting, in its place, the term "§ 327.22"; and by removing the words "officer in charge" and inserting, in their place, the word "inspector."

§ 327.10 [Amended]

15. Paragraph (b) of § 327.10 (9 CFR Part 327) would be amended by removing the term "§ 312.7" and inserting, in its place, the term "§ 327.26."

§ 327.11 [Amended]

16. Section 327.11 (9 CFR Part 327) would be amended by removing the words "inspectors in charge" and inserting, in their place, the words "the inspectors."

§ 327.14 [Amended]

17. Paragraph (c) of § 327.14 (9 CFR Part 327) would be amended by removing the phrase "Labels and Packaging Staff, Meat and Poultry Inspection" and inserting, in its place, the phrase "Standards and Labeling

[1] The term "F-351587" is given as an example only. The serial number of the specific seal will be shown in lieu thereof.

Division, Meat and Poultry Inspection Technical Services" and by removing the words "inspector in charge" and inserting, in their place, the word "inspector."

§ 327.15 [Amended]

18. Paragraph (c) of 327.15 (9 CFR Part 327) would be amended by removing the term "§ 312.7" and inserting, in its place, the term "§ 327.26."

§ 327.17 [Amended]

19. Section 327.17 (9 CFR Part 327) would be amended by removing the words "Meat and Poultry Inspection Field Operations" and inserting, in their place, the words "International Programs."

§ 327.20 [Amended]

20. Section 327.20 (9 CFR Part 327) would be amended by removing the phrase "§ 325.13 of this subchapter" and inserting, in its place, the phrase "§ 327.25 of this Part."

21. Part 327 (9 CFR Part 327) would be amended by adding a new § 327.24 to read as follows:

§ 327.24 Appeals; how made

Any appeal from a decision of any program employee shall be made to his/her immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the applicable rules of practice. Denial of a labeling application by the inspector shall not constitute a basis for an appeal under this section.

22. Part 327 (9 CFR Part 327) would be amended by adding a new § 327.25 to read as follows:

§ 327.25 Disposition procedures for product condemend or ordered destroyed under import inspection.

(a) Carcasses, parts thereof, meat and meat food products (other than rendered animal fats) that have been treated in accordance with the provisions of this section shall be considered denatured for the purposes of the regulations in this part, except as otherwise provided in Part 314 of this subchapter for articles condemned at official establishments or at official import inspection establishments.

(1) The following agents are prescribed for denaturing carcasses, parts thereof, meat or meat food products which are affected with any condition that would result in their condemnation and disposal under Part 314 of this subchapter if they were at an official establishment or at an official import inspection establishment: Crude carbolic acid; cresylic disinfectant; a formula consistent of 1 part FD&C green No. 3 coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella, or other proprietary substance approved by the Administrator in specific cases.[1]

(2) Meat may be denatured by dipping it in a solution of 0.0625 percent tannic acid, followed by immersion in a water bath, then dipping it in a solution of 0.0625 percent ferric acid; and except as provided in paragraph (3) and (5) of this section, the following agents are prescribed for denaturing other carcasses, parts thereof, meat and meat food products, for which denaturing is required by this part: FD&C green No. 3 coloring; FD&C blue No. 1 coloring; FD&C blue No. 2 coloring; finely powdered charcoal; or other proprietary substance approved by the Administrator in specific cases.[1] Carcasses (other than viscera), parts thereof, cuts of meat, and unground pieces of meat darkened by charcoal or other blacks dyes shall be deemed to be denatured pursuant to this section only if they contain at least that degree of darkness depicted by diagram 1 of the Meat Denaturing Guide (MP Form 91).[2]

(3) Tripe may be denaturing by dipping it in a 6 percent solution of tannic acid for 1 minute followed by immersion in a water bath, then immersing it for 1 minute in a solution of 0.022 percent FD&C yellow No. 5 coloring.

(4) When meat, meat byproducts, or meat food products are in ground form, 4 percent by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 5 mesh in the standards issued by the U.S. Bureau of Standards or 6 percent by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 8 mesh in said Standards, uniformly incorporated with the product, may be used in lieu of the agents prescribed in paragraph (a)(2) of this section.

(5) Before the denaturing agents are applied to articles in pieces more than 4 inches in diameter, the pieces shall be freely slashed or sectioned. (If the articles are in pieces not more than 4 inches in diameter, slashing or sectioning will not be necessary.) The application of any of the denaturing agents listed in paragraph (a) (1) or (2) of this section to the outer surface of molds or blocks of boneless meat, meat byproducts, or meat food products shall not be adequate. The denaturing agent must be mixed intimately with all the material to be denatured, and must be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the appropriate agent shall be used to give the material a distinctive color, odor, or taste so that such material cannot be confused with an article of human food.

(b) Inedible rendered animal fats shall be denatured by thoroughly mixing therein denaturing oil, No. 2 fuel oil, brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, finely powdered charcoal, or any proprietary denaturing agency approved for the purpose by the Administrator in specific cases. The charcoal shall be used in no less quantity than 100 parts per million and shall be of such character that it will remain suspended indefinitely in the liquid fat. Sufficient of the chosen identifying agents shall be used to give the rendered fat so distinctive a color, odor, or taste that it cannot be confused with an article of human food.

PART 381—[AMENDED]

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

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

24. Paragraph (b) of § 381.1 (CFR 381.1) would be amended by adding paragraphs (61) and (62):

§ 381.1 Definitions.

* * * * *

(61) Import Field Office (IF)). The office of the supervisor of import inspection activities for a particular importing field area. The areas are as follows:

IFO #1 Boston, MA—Covering the States of Massachusetts, New York (excluding New York City), Connecticut, Rhode Island, Vermont, New Hampshire, and Maine.

IFO #2 New York, NY—Covering the areas of New York City and northern New Jersey.

IFO #3 Philadelphia, PA—Covering the State of Pennsylvania and the area of southern New Jersey.

IFO #4 Baltimore, MD—Covering the States of Maryland, Delaware, West Virginia, Virginia and Kentucky.

IFO #5 Charleston, SC—Covering the States of Tennessee, North Carolina, South

[1] Information as to approval of any proprietary denaturing substance may be obtained from the Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250

[2] Copies of MP Form 91 may be obtained, without charge, by writing to the Administrative Operations Branch, Food Safety and Inspection Service, U.S. Department of Agriculture, 123 East Grant Street, Minneapolis, Minnesota 55430. Diagrams 2 and 3 of the Meat Denaturing Guide are for comparison purposes only. The Meat Denaturing Guide has been approved for incorporation by reference by the Director, Office of the Federal Register, and is on file at the Federal Register Library.

Carolina, Georgia, and Florida (excluding south Florida).

IFO #6 Miami, FL—Covering the areas of southern Florida, Puerto Rico and the Virgin Islands.

IFO #7 New Orleans, LA—Covering the States of Louisiana, Mississippi, Alabama, Arkansas, Texas, Oklahoma, Kansas, New Mexico and Colorado.

IFO #8 San Pedro, CA—Covering the States of Hawaii, Arizona, Utah, Nevada, the area of southern California, American Samoa, Guam, and the Northern Marianas.

IFO #9 Tacoma, WA—Covering the States of Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Alaska, and Nebraska, and the area of northern California.

IFO #10 Detroit, MI—Covering the States of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Indiana and Ohio.

(62) Import Supervisor. The official in charge of import inspection activities within each of the import field offices.

25. Section 381.202 (9 CFR Part 381) would be amended by revising the section heading and adding new paragraphs (d) and (e) to read as follows:

§ 381.202 Poultry products offered for entry; reporting of findings to customs; handling of articles refused entry; appeals, how made; denaturing procedures.

* * * * *

(d) Any person receiving inspection service may, if dissatified with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided,* That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his/her immediate supervisor having jurisdiction over the subject matter of the appeal, and such supervisor shall determine whether the inspector's decision was correct. Review of such appeal determination, when requested, shall be made by the immediate supervisor of the emplopyee of the Department making the appeal determination. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of $9.28 per hour for the time required to make the appeal inspection. The poultry or poultry products involved in any appeal shall be identified by U.S. retained tags and segregated in a manner approved by the inspector pending completion of an appeal inspection: *Provided,* further, That denial of a labeling application by the inspector shall not constitute a basis for an appeal under this section. This is similar to the procedure outlined in 9 CFR 381.35.

(e) All condemned carcasses, or condemned parts of carcasses, or other condemned poultry products, except those condemned for biological residues, shall be disposed of by one of the following methods, under the supervision of an inspector of the Inspection Service. (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishments.)

(1) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat, a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease through consumption by animals. (Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection by means of pipes, or otherwise, between tanks containing inedible products and those containing edible products.)

(2) Incineration or complete destruction by burning.

(3) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof, of:

(i) Crude carbolic acid,

(ii) Kerosene, fuel oil, or used crankcase oil, or

(iii) Any phenolic disinfectant conforming the commercial standards CS 70–41 or CS 71–41 which shall be used in at least 2 percent emulsion or solution.

(4) Any other substances or method that the Administrator approves in specific cases, which will denature the poultry product to the extent necessary to accomplish the purposes of this section.

(5) Carcasses and parts of carcasses condemned for biological residue shall be disposed of in accordance with paragraph (2) of this section or by burying under the supervision of an inspector.

§ 381.198 [Amended]

26. Section 381.198 (9 CFR Part 381) would be amended by removing the words "inspector in charge" and inserting, in their place, the words "import supervisor;" and by removing the words "import inspection office" and inserting, in their place, the words "import field office."

§ 381.200 [Amended]

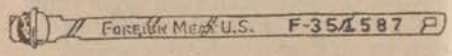
27. Paragraph (c) of section 381.200 (9 CFR Part 381) would be amended by removing the term "§ 381.98" and inserting, in its place, the term "paragraph (h) of this section."

28. Section 381.200 (9 CFR Part 381) would be amended by revising the section heading and adding a new paragraph (h) to read as follows:

§ 381.200 Imported poultry products, retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities and assistance; official seal.

* * * * *

(h) The official mark for use in sealing means of conveyance used in transporting poultry products under any requirement in this part shall be the inscription and a serial number as shown below,[1] and any seals approved by the Administrator for applying such mark shall be an official device.



29. Section 381.204 (9 CFR Part 381) would be amended by revising it to read as follows:

§ 381.204 Marking of poultry products offered for entry; official import inspection marks and devices.

(a) Poultry products which upon inspection are found to be acceptable for entry into the United States shall be marked with the official inspection legend shown in paragraph (b) of this section. Such inspection legend shall be placed upon such products only after completion of official import inspection and product acceptance.

(b) The official mark for marking poultry products offered for entry as "U.S" inspected and passed" shall be in the following form, and any device

[1] The term "F–351587" is given as an example only. The serial number of the specific seal will be shown in lieu thereof.

approved by the Administrator for applying such mark shall be an official device.[2]

FIGURE 1

(c) When products are refused entry into the United States, the official mark to be applied to the products refused entry shall be in the following form:

UNITED STATES
REFUSED ENTRY

FIGURE 2

(d) The import warning notice prescribed in § 381.200(c) is an official mark.

(e) The ordering and manufacture of brands shall be in accordance with the provisions contained in § 317.3(c) of the Federal meat inspection regulations.

§ 381.102 [Removed]

30. Section 381.102 (9 CFR Part 381) would be removed and reserved for future use.

§ 381.200 [Amended]

31. Paragraph (c) of section 381.200 (9 CFR Part 381) would be amended by removing the term "§ 381.98" and inserting, in its place, the term "paragraph (h) of this section."

Done at Washington, DC on May 7, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-10605 Filed 5-19-86; 8:45 pm]

BILLING CODE 3410-DM-M

[2] The number "I-42" is given as an example only. The establishment number of the official establishment or official import inspection establishment where the product was inspected shall be shown on each stamp impression.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWP-8]

Battle Mountain, NV, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to enlarge the 1,200 foot transition area at Battle Mountain, Nevada, to encompass the holding pattern for aircraft holding southwest of the Very High Frequency Omni-directional Radio Range and Tactical Air Navigational Aid (VORTAC). This will keep aircraft entirely within controlled airspace while in the holding pattern.

DATES: Comments must be received on or before July 1, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 86-AWP-8, Air Traffic Division, P.O. Box 90027, WWPC, Los Angeles, California 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90260; telephone (213) 297-1649.

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-AWP-8." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California, 90260, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs 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 § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to enlarge the 1,200 foot transition area at Battle Mountain, Nevada. This action will provide the necessary controlled airspace for aircraft holding southwest of the Battle Mountain VORTAC. Section 71.181 of Part 71 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 71

Aviation safety, Transition areas.

The Proposed Amendment

PART 71—[AMENDED]

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

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

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

§ 71.181 [Amended]

2. § 71.181 is amended as follows:

Battle Mountain, NV—[Amended]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (lat. 40°35'54" N., long. 116°52'28" W.) and within 5 miles each side of the Battle Mountain VORTAC 218° radial, extending from the VORTAC to 16 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 10 miles southeast and 13.5 miles northwest of the Battle Mountain 218° and 038° radials extending from the VORTAC to 25 miles southwest and 12 miles northeast of the VORTAC, and within 6.5 miles south and 9 miles north of the Battle Mountain VORTAC 077° and 257° radials, extending from 8 miles west to 18.5 miles east of the VORTAC.

Issued in Los Angeles, California on May 6, 1986.

James A. Holweger,

Acting Manager, Air Traffic Division.

[FR Doc. 86-11247 Filed 5-19-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 53

Hospitals and Medical Facilities Construction; Hill-Burton Loan Guarantees and Direct Loans—User Charges for Modification Requests

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish fees for processing requests to modify the terms of direct and guaranteed loans made for the construction of hospitals and medical facilities. The process fees are necessary in order to recover administrative expenses.

DATES: Comments on the proposed rule must be received on or before June 19, 1986.

ADDRESSES: Address comments in writing to: Richard R. Ashbaugh, Assistant Surgeon General, Associate Director for Health Facilities, Bureau of Health Maintenance Organizations and Resources Development, 5600 Fishers Lane, Room 11-03, Rockville, Maryland 20857, Attention: Ms. Tuei Doong. Comments will be available for public inspection in Room 11A-10 at the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (301 443-3466).

FOR FURTHER INFORMATION CONTACT: Ms. Tuei Doong, 301 443-3466.

SUPPLEMENTARY INFORMATION: Section 9701 of Title 31, U.S.C., commonly known as the User Charge Statute, authorizes agencies to establish by regulation, charges for each service or thing of value provided by an agency to persons outside the Government. Under the relevant court decisions interpreting this statute, not only must the Government activity be fairly characterized as being of value to the non-governmental person or entity, but such activity must also be a special benefit to the person or entity involved above and beyond the benefit that accrues to the general public.

Under Title VI of the Public Health Service Act, (the Hill-Burton Act), the Department administers programs for direct loans and loan guarantees for modernization and construction of hospitals and other medical facilities. The Act authorizes the Secretary to enter into agreements modifying the terms of such loans and loan guarantees to the extent it is determined to be consistent with the financial interest of the United States (42 U.S.C. 291j-3 (e)(2)). From time to time, the Department has received and reviewed requests from loan recipients for modifications in the loan documents. These modifications allow loan recipients greater financial flexibility and thus provide a special benefit to the loan recipient. Under the standard set out above, the Department has determined that the imposition of user fees for review of requests for modifications in the loan and loan guarantee documents is authorized and appropriate.

Accordingly, the Department is proposing to amend the Hill-Burton regulations applicable to loan guarantees and direct loans (42 CFR Part 53, Subpart N) by adding a new § 53.156 which would establish a fee for the processing of requests for parity and for major and minor modifications of the terms of the loan and loan guarantee documents.

The proposed amendment explains what constitutes a major or minor modification. Initially, the fee to process a major modification request would be $4,500, the fee for a minor modification request would be $1,500 and the fee for a parity request would be $5,500. The fees represent the costs to the Federal Government of performing its review of the request. These costs include expenses for personnel, travel, and overhead. The proposed rule provides for the fee to be submitted along with the request. The fee would be refundable if a request is withdrawn within 10 business days of its receipt by the Department. As revisions of a fee become necessary, notice of revisions in the amount of the fees would be published in the **Federal Register**.

Executive Order 12291 and Regulatory Flexibility Analysis

Executive Order 12291 requires that a regulatory impact analysis be prepared for major rules, which are defined in the order as any rule that has an annual effect on the national economy of $100 million or more, or certain other economic effects. The Secretary concludes that these regulations are not major rules within the meaning of the Executive Order, because they will not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria.

The Regulatory Flexibility act (5 U.S.C. Ch. 6) requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each proposed rule with a "significant economic impact on a substantial number of small entities" an initial analysis must be prepared describing the proposed rule's impact on small entities.

During Fiscal Year 1985 the Department reviewed approximately 15 requests for Hill-Burton loan modifications. these reviews required an estimated total of 2,520 hours of staff time which is euivalent to 1.2 full-time equivalent or $69,000. This sum is less than 1 percent of average hospital revenues of $8 million and thus would

not represent a "significant" economic impact on a substantial number of small entities. The Secretary therefore certifies that an intitial regulatory flexibility analysis is not required.

Paperwork Reduction Act

Section 3504(h) of the Paperwork Reduciton Act of 1980 requires that proposed rules containing information collection or recordkeeping requirements be subject to review and clearance by the Office of Management and Budget (OMB). This proposed rule does not contain any new information collection or recordkeeping requirements and is therefore not subject to OMB clearance.

List of Subjects in 42 CFR Part 53

Loan programs—health, fees.

Accordingly, the Assistant Secretary for Health of the Department of Health and Human Services with the approval of the Secretary, hereby proposes to amend 42 CFR Part 53 as set forth below.

Dated: March 25, 1986.

Donald Ian MacDonald,

Acting Assistant Secretary for Health.

Approved: April 29, 1986.

Otis R. Bowen,

Secretary.

PART 53—GRANTS, LOAN AND LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS

1. The authority citation for 43 CFR Part 53 is revised and the citation following § 53.155 is removed.

Authority: Secs. 215, 603, 609, 621, 623, Public Health Service Act as amended 58 Stat. 690, 78 Stat. 451 and 456, 84 Stat. 344 and 346 (42 U.S.C. 216, 291c, 291i, 291j–1, and 291j–3; 31 U.S.C. 9701.

2. In Part 53, a new section 53.156 is added to Subpart N to read as follows:

§ 53.156 Fees for modification requests.

(a) Fees will be charged for the processing of requests for parity, and for major and minor modifications of the terms of documents evidencing and securing direct and guaranteed loans. The amount of the fee will be determined by the Secretary in accordance with the Use Charge Statute, 31 U.S.C. 9701(b) and will be available from the Department upon request.

(1) As used in this section, a "request for parity" allows new debt to share lien position (i.e. collateral) with an existing Hill-Burton loan.

(2) As used in this secton, a "major modification" is any modification involving the release of $100,000 or more of collateral; a corporate restructuring that involves a transfer of assets; master indenture requests; modifications to a sinking fund; defeasance requests and requests for additional secured indebtedness; and any other modification that involves a comparably significant use of Department resources.

(3) As used in this section, a "minor modification" is any modification involving the release of less than $100,000 of collateral; an easement; and any other modification that involves a comparable use of Department resources.

(b) A request for modification is to be accompanied by a certified check or money order in the amount of the appropriate fee, payable to the U.S. Treasury.

(c) A submitter may withdraw its request for modification within 10 business days following its receipt and receive a refund of the fee.

[FR Doc. 86–11215 Filed 5–19–86; 8:45 am]
BILLING CODE 4160–16–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 43

[CC Docket No. 86–182]

Automated Reporting Requirements for Certain Class A and Tier 1 Telephone Companies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes the adoption of automated reporting requirements for certain Class A and Tier 1 local exchange carriers. If adopted the carriers will be required to report certain data called for in Parts 31, 67 and 69 of our Rules. This proposal is made to enhance the ability of the Commission to monitor the industry and to manage the change toward a more competitive environment.

DATES: Comments must be submitted on or before June 30, 1986, reply comments on or before July 15, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Donald Burrell, (202) 632–7500.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's notice of proposed rulemaking, CC Docket 86–182, adopted May 1, 1986, and released May 7, 1986.

The full text of Commission proposals are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this proposal may be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

1. In this Notice of Proposed Rulemaking (NPRM), this Commission proposes to modify Parts 1.785 and 43.21 of the Rules to require local exchange carriers to file detailed cost data in computer readable submissions. We are proposing that the results of the USOA be reported in automated form to us by all Class A local exchange carriers with annual revenues in excess of $50 million and all non-class A, Tier 1[1] carriers. Furthermore, we are proposing that the results of Part 67 (jurisdictional separations) and Part 69 (access charges) be reported in automated form to this Commission by all tier 1 carriers.

2. The automated data reporting system would provide this Commission with timely access to data that would enhance our ability to take effective actions, especially those aimed at creating, to the maximum extent possible, an unregulated, competitive marketplace environment for the development of telecommunications. In addition, we would be able to closely monitor the results of our actions on the industry and, thus, to make corrections to our actions as necessary. Timely information and action is essential in a period of rapid change which this industry is undergoing. Finally, we believe that by implementing an automated system we would enhance our ability to provide service to the public in the most efficient and expeditious manner by (1) providing a convenient way for the carriers to supply the data and (2) providing a most effective way for us to assimilate and analyze the data.

3. We propose that automated reporting be done on a calendar year basis. This report would contain annual data with a breakdown on a monthly basis. It would further provide the Commission with sufficient detail to perform trend analysis and with the flexibility to analyze rate case test years

[1] Tier 1 Companies consist of those local exchange companies that earn more than $100 million in total company regulated annual revenues. Public Notice, Monitoring Plan, Mimeo 2133 (released January 25, 1985), at para. 7.

and tariff filings. We believe that, for the most part, this reporting requirement is consistent with the carriers existing financial and operational data systems, and is therefore not overly burdensome. We propose to implement automated data reporting requirements on January 1, 1987. The first filing would be required on April 30, 1988.

Ordering Clauses

4. Accordingly it is ordered, pursuant to the provisions of Sections 4(i) and 220(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 220(a), that there is hereby instituted a Notice of Proposed Rulemaking into the foregoing matters.

5. It is further ordered, that interested persons may file comments on the proposals discussed in the Notice on or before June 30, 1986. Reply comments shall be filed on or before July 15, 1986. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. Copies of the comments will be available for public inspection in the Commission's Docket Reference Room, 1919 M Street, NW., Washington, DC.

6. It is further ordered, pursuant to section 220(i), that the Secretary shall serve a copy of this Notice on each state commission.

List of Subjects

47 CFR Part 1

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Part 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 would continue to read:

Authority: Secs. 4, 303, 48 stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 1.785 is proposed to be amended by adding new paragraph (d) to read as follows:

§ 1.785 Annual financial reports.

(d) Automated annual reports shall be filed by local exchange carriers as required by part 43 of this chapter on the following forms:

(1) FormXX, USOA company level data.

(2) Form XX, USOA study area level data.

(3) Form XX, Separations category/sub-category data.

(4) Form XX, Interstate access category/sub-category/access-element data.

(5) Form XX, Statistical information and operational data.

PART 43—[AMENDED]

3. The authority citation for Part 43 would continue to read:

Authority: Sec. 4, 48 stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted.

4. Section 43.21 is proposed to be amended by adding paragraph (e) and (f) to read as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

* * * * *

(e) Each local exchange telephone common carrier subject to Sections 201–205 of the Communications Act of 1934, as amended, and having total company regulated annual revenues in excess of $100 million shall file with this Commission supplemental automated annual reports with monthly breakdowns not later than April 30 of each year covering the preceding calendar year. The certified automated reports, covering USOA, separations, interstate access, statistical and operations data, shall be filed on the appropriate form prescribed by the Commission (see § 1.785 of this chapter) and shall contain full and specific answers to all questions and information requested in the currently effective automated reporting forms and media.

(f) Each Class A local exchange carrier with regulated annual revenues of between $50 and $100 million shall file with this Commission supplemental automated annual reports with monthly breakdowns not later than April 30 of each year covering the preceding calendar year. The certified automated reports, covering USOA data (see § 1.785 of this chapter), shall contain full and specific answers to all questions and information requested in the currently effective automated reporting forms and media.

[FR Doc. 86–11282 Filed 5–19–86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[P.R. Docket No. 86–160, Rm–5102]

Radio Service, Special; Available Additional Frequency Assignments for SMR systems it the 800 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: This Commission is proposing to amend Part 90 of its rules to allow fully-loaded Specialized Mobile Radio systems to participate in inter-category frequency sharing in the 80 MHz band. This action would provide some frequency relief for those systems wishing to expand but unable to do so because of the present lack of available frequencies.

DATES: Comments must be submitted on or before June 30, 1986, reply comments on or before July 15, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, Pr Docket No. 86–160, adopted April 25, 1986, and released May 8, 1986. The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washinton D.C. 20037. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, DC 20037. Telephone (202) 857–3800.

Summary of Notice of Proposed Rule Making

1. On May 8, 1986 the Commission released a *Notice of Proposed Rule Making* (*Notice*) which proposes to amend § 90.621 of its rules to permit inter-category sharing of frequencies between the SMRS, Industrial/land Transportation, and Business categories in the 800 MHz band. The *Notice* is in response to a Petition for Rule Making submitted by the National Association of Business and Educational Radio, Inc. (NABER).

2. The Commission proposes to amend § 90.621(g), of its rules to allow fully-loaded, trunked 800 MHz SMR licensees to participate in inter-category sharing with the Industrial/Land Transportation and Business categories when frequencies are not availabe in the

SMRS category. The SMR licensee must demonstrate that it has current users equal to or greater than the present loading requirement, *i.e.*, 80 mobiles, portables, and control stations (units) per channel. Additionally, since it is believed that inter-category sharing should be reciprocal, the Commission is proposing to allow licensees in the Industrial/Land Transportation and Business categories, with fully loaded systems, to be eligible for inter-category sharing with the SMRS category when frequencies are not available in any non-SMRS category. SMRS licensees will not be able to access frequencies in Public Safety category.

3. Since inter-category frequency coordination is necessary to maintain an accurate data base, it is also proposed that SMR applicants requesting frequencies in the Industrial/Land Transportation or Business categories obtain frequency coordination from the coordinator for the category involved before the application is filed with the Commission. Similarly, a licensee with a fully-loaded system in either the Industrial/Land Transportation or Business category who desires to expand, must obtain a statement from all coordinators that no frequencies are available in the Industrial/Land Transportation, Business, and Public Safety categories before it requests a frequency in the SMRS category from the Commission.

4. This is a non-restricted notice and comment rule making proceeding. See § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

6. 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.

7. Authority for issuance of this *Notice of Proposed Rule Making* is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Interested persons may file comments on or before June 30, 1986, and reply comments on or before July 15, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that the fact of the Commission's reliance on such informatin is noted in the report and order.

8. In accordance with the provision of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street, NW., Washington, DC.

List of Subjects in 47 CFR Part 90

Private land mobile radio service, Radio.

William J. Tricarico,

Secretary.

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

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

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

2. Section 90.621(g) is revised in its entirety to read:

§ 90.621 Section and assignment of frequencies.

* * * * *

(g) The channels listed as available for eligibles in the Public Safety, Industrial/Land Transportation, Business, and SMRS categories are available on a shared basis to all persons operating in the same geographical area and eligible in these categories under the following conditions:

(1) Channels in the Public Safety category will be available to eligibles in the Business and Industrial/Land Transportation categories only if there are no frequencies in those two categories and there are no public safety systems authorized on those channels under consideration to be shared.

(2) Channels in the Industrial/Land Transportation and Business categories will be available to fully-loaded SMR systems desiring to expand if no SMRS category frequencies are available. Evidence shall be provided that the SMR applicant has sufficient users to warrant the authorization of the number of requested channels.

(3) Channels in the SMRS category will be available to fully-loaded Industrial/Land Transportation and Business category systems desiring to expand if frequencies in their own category are not available. The licensee must demonstrate that it is eligible for additional frequencies and that it has obtained statements from coordinators in the Industrial/Land Transportation, Business, and Public Safety categories and that no frequencies are available in those categories.

(4) The out-of-category licensee must operate by the rules applicable to the category to which the frequency is allocated.

* * * * *

[FR Doc. 86-11283 Filed 5-19-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-67; Notice 2]

Transportation of Natural and Other Gas by Pipeline; Interior Piping

Correction

In FR Doc. 86-9844, beginning on page 16362 in the issue of Friday, May 2, 1986, make the following corrections:

1. On page 16362, in the third column, in the third complete paragraph, the first word in the second line should read "thought" and the second initial in the thirteenth line should read "F".

2. On page 16363, in the first column, the second initial in the third line should read "S".

3. Also on page 16363, in the first column, in the last paragraph, in the fourth from last line, the third word should read "of".

BILLING CODE 1505-01-M

Urban Mass Transportation Administration

49 CFR Part 604

[Docket No. 82-I]

Charter Bus Operations

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Reopening of comment period.

SUMMARY: On March 6, 1986, the Urban Mass Transportation Administration (UMTA) published a notice of proposed rulemaking seeking public comment on a proposal to replace the existing UMTA regulation on Charter Bus Operations. Several trade associations representing UMTA grantees and Members of the Congress have asked UMTA to extend the public comment period on the proposed rule. Since the comment period closed on May 5, 1986, this notice reopens the public comment period on the proposed rule for an additional 30 days.

DATES: Comments are due on June 19, 1986.

ADDRESS: Comments must be submitted to UMTA Docket No. 82–I, 400 7th Street, SW., Room 9228, Washington, DC 20590. All comments and suggestions are available for examination in room 9228 at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. UMTA will acknowledge the receipt of comments if the commenter includes a self-addressed, stamped postcard with the comment.

FOR FURTHER INFORMATION CONTACT: Douglas G. Gold, Office of the Chief Counsel, Urban Mass Transportation Administration, 400 7th Street, SW., Washington, DC 20590; Telephone: (202) 426–1936.

SUPPLEMENTARY INFORMATION: On March 6, 1986, UMTA published a notice of proposed rulemaking (NPRM) to revise the existing restrictions on the permissible charter bus operations that UMTA's recipients can provide. The proposed revision would modify the existing regulation to ensure that federally assisted equipment is used to meet mass transit needs as intended by the Urban Mass Transportation Act of 1964, as amended, and to increase the protections for private charter bus operators.

UMTA originally established a 60-day comment period for the NPRM, which was scheduled to end on May 5, 1986. Several trade associations representing UMTA's recipients and Members of Congress have asked UMTA to extend the comment period. They have provided two reasons for their requests. First, they state that many recipients, particularly in rural areas, do not have immediate access to the **Federal Register** and will receive the news of the proposed changes too late to respond. Second, they state that due to the complexity of the issues and the extent of the changes proposed, additional time is needed to synthesize the comments of the associations' members.

UMTA agrees that an additional 30 days is warranted. Since, however, the comment period closed on May 5, 1986, it is not possible to extend the comment period. Instead, UMTA is reopening the comment period for an additional 30 days. Therefore, this notice reopens the comment period until June 19, 1986.

Issued: May 15, 1986.

Ralph L. Stanley,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 86–11347 Filed 5–19–86; 8:45 am]

BILLING CODE 4910–57–M

Notices

Federal Register
Vol. 51, No. 97
Tuesday, May 20, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Public Meetings on Proposed Land and Resource Management Plan and Draft Environmental Impact Statement for Lassen National Forest, CA

AGENCY: Forest Service, USDA.

ACTION: Notice.

Lassen National Forest will hold eight public briefings and two public hearings on its Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.

Public briefings for the purpose of informing the public and answering questions on these two documents will be held:

June 12, Thursday, 7:00 p.m., Susanville: Lassen College, Humanities Building Lecture Hall.

June 16, Monday, 7:00 p.m., Fall River Mills: Fall River High School, Multi-Purpose Room.

June 17, Tuesday, 7:00 p.m., Redding: Civic Auditorium, 747 Auditorium Drive.

June 18, Wednesday, 7:00 p.m., Red Bluff: Agricultural Annex, 760 Walnut Street.

June 23, Monday, 7:00 p.m., Reno: University of Nevada, Reno, Business Building.

June 24, Tuesday, 7:00 p.m., Chester: Memorial Building, Stone & Gay Street.

June 25, Wednesday, 7:00 p.m., Chico: CARD Room, 545 Vallombrosa Avenue.

June 26, Thursday, 7:00 p.m., Westwood: Westwood Community Center, 3rd and Birch Street.

Public hearing for the purpose of receiving formal public comments on these two documents will be held:

June 29, Tuesday, 7:00 p.m., Chico: CARD Room, 545 Vallombrosa Avenue.

June 31, Thursday, 7:00 p.m., Susanville: Lassen College, Humanities Building Lecture Hall.

Each hearing will be conducted by a hearing officer. After an introduction by the Forest Service, the public may present oral and/or written comments. A court reporter will keep a verbatim record of all oral comments, and it will become part of the comments record on the Proposed Plan and Draft Environmental Impact Statement. Each speaker may be limited to five minutes. Speakers can pre-register by contacting the Receptionist at Lassen National Forest in Susanville, phone (916) 275–2151, in writing, or in person. Please specify your name, address, affiliation (if any), and which hearing. Speakers can also pre-register at the hearing from 6:30 until 7:00 pm. Forest Service officials will not comment or respond to statements made by the speakers. The Forest Service will respond to all public comments in the Final Environmental Impact Statement.

Written comments should be sent to Forest Supervisor Richard A. Henry, Lassen National Forest, 55 South Sacramento Street, Susanville, California 96130 by August 7, 1986.

For more information, contact Forest Supervisor Richard A. Henry at the above address.

Dated: May 9, 1986.

Marlin A. Johnson,

Acting Forest Supervisor.

[FR Doc. 86–11306 Filed 5–19–86; 8:45 am]

BILLING CODE 3410–11–M

National Agricultural Statistics Service

Discontinuance of Milk Equivalent of Manufactured Dairy Products Series and the Supply and Utilization of Milk Series

The Department of Agriculture, National Agricultural Statistics Service (NASS), is proposing to discontinue the milk equivalent of manufactured dairy products published each year in *Dairy Products: Annual Summary*. Factors for converting manufactured product to required quantities of whole milk have not been updated for many years and do not reflect many current trade practices. Because of this, the validity of the data series is questionable. Funds are not available to update the conversion factors. If this proposal is adopted, it will be effective with the May 1987 release of *Dairy Products: Annual Summary* for the year 1986. Discontinuance of the milk equivalents will also eliminate the supply and utilization of milk table published annually in the *Milk Production, Disposition and Income* report.

Comments from data users or other members of the public regarding the proposed change should be sent to Robert L. Freie, Chief, Livestock, Dairy and Poultry Branch, Estimates Division, Room 5897–S, NASS/USDA, Washington, DC 20250. The comment period will close June 16, 1986.

Done at Washington, DC this 15th day of May 1986.

W.E. Kibler,

Administrator.

[FR Doc. 86–11273 Filed 5–19–86; 8:45 am]

BILLING CODE 3410–20–M

ARMS CONTROL AND DISARMANENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament.

Date: June 4, 1986.

Time: 9:30 a.m.

Place: State Department Building, Washington, DC

Type of Meeting: Closed.

Contact Person: William B. Staples, Executive Secretary, U.S. Arms Control and Disarmament Agency, Room 5933, Washington, DC 20451, (202) 647–4767.

Purpose of Advisory Committee: To advise the Director of the U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament, and world peace.

Agenda: Will present the following discussions and presentations:

June 4

AM Discuss the status of the Geneva negotiations, Strategic Defense Initiative and Verification and Non-Compliance issues.

PM Discuss Multilateral and Non-Proliferation issues.

Reason for Closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to Close Meeting: The closing of this meeting is in accordance with a determination by the Director of the U.S. Arms Control and Disarmament Agency dated May 13, 1986, made pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act as amended.

William J. Montgomery,

Committee Management Officer.

[FR Doc. 86-11259 Filed 5-19-86; 8:45 am]

BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 332]

Resolution and Order Approving the Application of the County of Erie, NY, for a Foreign-Trade Subzone for the Ink Manufacturing Facilities of Greater Buffalo Press, Inc., in Chautauqua County, NY

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 USC 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the County of Erie, New York, grantee of Foreign-Trade Zone 23, filed with the Foreign-Trade Zones Board (the Board) on June 10, 1985, requesting special-purpose subzone status for the ink manufacturing facilities of Greater Buffalo Press, Inc. (GBP) in Chautauqua County, New York, adjacent to the Buffalo-Niagara Falls Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied and that the proposal would be in the public interest if approval is subject to certain conditions, approves the application for five years from the commencement of subzone operations, subject to the following conditions: (1) Authority for the subzone may be extended after a review by the Board; (2) GBP must elect privileged foreign or domestic status, as appropriate, with respect to pigment prior to its use in the production of ink to be sold in commercial quantities in the domestic market for use other than by GBP or a GBP susidiary; (3) GBP must elect privileged foreign or domestic status, as appropriate, with respect to pigment prior to its use in the production of ink, once shipments of ink containing foreign pigment to GBP or a GBP subsidiary exeed 21 million pounds on an annual basis; (4) GBP will make available to the Customs Service on request its records, or the records of any of its subsidiaries that relate to the production, shipment, and sale of ink and will post a bond deemed adequate by the Customs Service to protect the revenue; and, (5) Because of the special circumstances of this case, this action will not be considered a precedent for other FTZ Board actions involving printing ink or pigments.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Foreign-Trade Zones Board Washington, D.C., Grant of Authority

To Establish a Foreign-Trade Subzone at the Ink Manufacturing Facilities of Greater Buffalo Press, Inc., in Chautauqua County, New York, Adjacent to the Buffalo-Niagara Falls Customs Port of Entry.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 USC 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the County of Erie, New York, grantee of Foreign-Trade Zone No. 23, has made application (filed June 10, 1985, Docket No. 20-85, 50 FR 27472) in due and proper form to the Board for authority to establish a special-purpose foreign-trade subzone at the ink manufacturing facilities of Greater Buffalo Press, Inc., in Chautauqua County, New York;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied if approval is given subject to the conditions stated in the resolution accompanying this action;

Now, therefore, in accordance with the application filed June 10, 1985, the Board hereby authorizes the establishment of a special-purpose subzone at the facilities of Greater Buffalo Press, Inc. in Dunkirk and Sheridan, Chautauqua County, New York, designated on the records of the Board as Foreign-Trade Subzone No. 23B at the locations mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the regulations, and those stated in the resolution accompanying this action, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, DC, this 13th day of May 1986, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Paul Freedenberg,

Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

FR Doc. 86-11336 Filed 5-19-86; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-570-506]

Antidumping Preliminary Determination of Sales at Less Than Fair Value; Porcelain-on-Steel Cooking Ware From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that porcelain-on-steel cooking ware from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to suspend the liquidation of all entries of porcelain-on-steel cooking ware from the PRC that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by July 28, 1986.

EFFECTIVE DATE: May 20, 1986.

FOR FURTHER INFORMATION CONTACT: Thomas Bombelles or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-3174 or 377-2438.

Preliminary Determination

We have preliminarily determined that porcelain-on-steel cooking ware from the PRC is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on all sales of the class or kind of merchandise to the United States by the respondents during the period of investigation. The weighted-average margin is shown in the "Suspension of Liquidation" section of this notice.

Case History

On December 4, 1985, we received a petition from the Porcelain-on-Steel Committee of the Cookware Manufacturers Association and the General Housewares Corporation, on behalf of the domestic manufacturers of porcelain-on-steel cooking ware. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of porcelain-on-steel cooking ware from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673), and that these imports materially injure, or threaten material injury to, a U.S. industry. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on December 24, 1985 (50 FR 53352) and notified the ITC of our action. On January 26, 1986, the ITC determined that there is a reasonable indication that imports of porcelain-on-steel cooking ware from the PRC are materially injuring a U.S. industry (51 FR 3862).

On January 27, 1986, we presented an antidumping duty questionnaire to China National Light Industrial Products Import and Export Corporation (CNLIP). Respondent was requested to answer the questionnaire in 30 days. On March 5, 1986, we amended our questionnaire and, at the request of the respondent, granted an extension of time for CNLIP to submit its response. Subsequently, an additional extension was granted, also at the respondent's request. We received a questionnaire response from CNLIP and its related partner in the United States, Excel United Corporation, on April 7, 1986.

On May 8, 1986, we requested additional information, as well as a reformulation of certain types of production information, from the companies under investigation. Supplemental information was received on May 12, 1986. We requested that the factors of production information be submitted by May 27, 1986.

Scope of Investigation

The products covered by this investigation are procelain-on-steel cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel, and are enameled or glazed with vitreous glasses. These products are currently provided for in items 654.0815, 654.0824, and 654.0827 of the *Tariff Schedules of the United States Annotated* (TSUSA). Kitchenware, currently reported under item 654.0828 of the TSUSA, is not subject to this investigation. We investigated sales made in the period July 1 to December 31, 1985.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price to the foreign market value. For foreign market value, we used the best information available as required by section 776(b) of the Act (19 U.S.C. 1677e(b)). For purposes of this preliminary determination, we used the date of sale to the first unrelated purchaser in the United States as the date of sale in the United States. At verification, we will evaluate whether these are appropriate dates for use in the final determination.

United States Price

In accordance with section 72(c) of the Act (19 U.S.C. 1677a(c)), we used exporter's sales price (ESP) to represent United States price because the merchandise was sold to unrelated purchasers after importation into the United States.

We calculated ESP based on the packed, F.O.B. prices to unrelated purchasers in the United States shown in the response of CNLIP. We used F.O.B., rather than ex-factory, prices because we lacked adequate surrogate information from which to develop a value for Chinese currency (RMB) denominated foreign inland freight charges in a non-controlled-economy country (see the "Foreign Market Value" section of this notice).

Where appropriate, we made deductions for brokerage charges, duties paid in the PRC and the United States, ocean freight and insurance, U.S. freight and insurance, commissions, U.S. selling expenses incurred in the PRC and in the United States, warranties, credit expenses, and advertising and discounts in the U.S. market. We will develop information for our final determination which will allow us to value RMB denominated costs in a non-state-controlled-economy country at a comparable level of economic development.

Foreign Market Value

In accordance with section 773(c) of the Act (19U.S.C. 1677b(c)), we used prices of porcelain-on-steel cooking ware imported into the United States as the basis for determining foreign market value.

Petitioners alleged that the economy of the PRC is state-controlled and that home market sales of the subject merchandise, therefore, may not be considered as a basis on which to determine foreign market value pursuant to section 773(a) of the Act (19 U.S.C.

1677b(a)). Upon analysis of available information, including briefs submitted by the parties, we have preliminarily concluded that the economy of the PRC is state-controlled for purposes of this investigation because prices and production levels of procelain-on-steel cooking ware, as well as prices of factors of production, are government controlled.

As a result, sesction 773(c) of the Act (19 U.S.C. 1677b(c)) requires us to use either the prices or constructed value of such or similar merhandise in a non-state-controlled-economy country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a non-state-controlled-economy country at a stage of economic development comparable to that of the state-controlled-economy country. After an analysis of the economies of countries we identified as producing porcelain-on-steel cookware, we determined that Indonesia, Egypt, and Thailand were the countries at a stage of economic development comparable to the PRC.

We have been unable to obtain information on prices of porcelain-on-steel cooking ware produced in those countries. Lacking such information, we have based foreign market value on the prices of porcelain-on-steel cooking were imports into the United States. Import prices from countries currently the subject of porcelain-on-steel cooking ware antidumping and/or countervailing duty investigations by the Department were not considered as part of our foreign market value determination. We calculated the average unit value of imported porcelain-on-steel cooking ware from a basket of countries based on import statistics of the U.S. Census Bureau for the period of investigation. As best information available, we did not deduct foreign inland freight from this average price. We will continue to seek information which will enable us to deduct foreign inland freight charges from both the EPS and foreign market value.

Verification

We will verify all the information used in making our final determination in accordance with section 776(a) of the Act (19 U.S.C. 1677e(a)). We will use standard verification procedures, including examination of relevant sales and financial records of the company.

Suspension of liquidation

In accordance with section 733(d) of the Act (19 U.S.C. 1673(d)), we are directing the U.S. Customs Service to suspend liquidation of all entries of porcelain-on-steel cooking ware from the PRC that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
China National Light Industrial Products Import and Export Corporation	51.38
All Others	51.38

ITC Notification

In accordance with section 733 (f) of the Act (19 U.S.C. 1673b(f)), we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access of all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry, before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m., on June 23, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue N.W., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within 10 days of this notice' publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In additon, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 16, 1986. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 35.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

This determination is published pursuant to section 733(f) on the Act (19 U.S.C. 1673b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 13, 1986.

[FR Doc. 86-11333 Filed 5-19-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-201-504]

Procelain-on-Steel Cooking Ware From Mexico; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that porcelain-on-steel cooking ware from Mexico is being, or is likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to suspend the liquidation of all entries of porcelain-on-steel cooking ware from Mexico that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by July 28, 1986.

EFFECTIVE DATE: May 20, 1986.

FOR FURTHER INFORMATION CONTACT: Betsy Killian or Loc Nguyen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-1673 or 377-0167.

Preliminary Determination

We have preliminarily determined that porcelain-on-steel cooking ware from Mexico is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733(b) of

Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on approximately 84 percent of all sales of the class or kind of merchandise to the United States during the period of investigation, July 1 through December 31, 1985. The weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

On December 4, 1985, we received a petition from the Porcelain-on-Steel Committee of the Cookware Manufacturers Association and the General Housewares Corporation, on behalf of the domestic manufacturers of porcelain-on-steel cooking ware. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of porcelain-on-steel cooking ware from Mexico are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or threaten material injury to, a United States industry. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on December 24, 1985 (50 FR 53352). On January 26, 1986, the ITC determined that there is reasonable indication that imports of porcelain-on-steel cooking ware from Mexico are materially injuring a U.S. industry (51 FR 3862).

On January 27, 1986, we presented antidumping duty questionnaires to Cinsa, S.A. (Cinsa) and Troqueles y Esmaltes, S.A. (TRES). Respondents were requested to answer the questionnaire in 30 days. On February 18, 1986, the Embassy of Mexico and the Mexican exporters requested an extension for response submissions. We orally granted the respondents a two-week extension. On March 7, 1986, we amended our questionnaire and, at the request of the companies and of the Embassy of Mexico, granted a second two-week extension of time (from March 7) for response submissions. Subsequently, a third two-week extension was granted, also at the companies' request. We received responses from the companies on March 31 (Cinsa) and April 2, 1986 (TRES). In letters dated April 12 and 14, 1986, the Department requested supplemental information. Supplemental responses were submitted by the respondents on April 21, 1986. On May 9, 1986, a letter requesting correction of deficient information as well as a reformulation of certain types of information was presented to the companies under investigation. They have been requested to respond to that letter by May 20, 1986.

Scope of Investigation

The products covered by this investigation are procelain-on-steel cooking ware including tea keetles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. These products are currently provided for in items 654.0815, 654.0824, and 654.0827 of the *Tariff Schedules of the United States Annotated* (TSUSA). Kitchenware, currently reported under item 654.0828 of the TSUSA, is not subject to this investigation. We investigated sales of procelain-on-steel cooking ware during the period July 1 through December 31, 1985.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price to the foreign market value for the companies under investigation using data provided in their responses.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent United States price since the merchandise was sold to unrelated U.S. purchasers prior to importation. We calculated purchase price based on the packed, F.O.B., or ex-factory, prices to unrelated purchasers in the United States, as appropriate.

To determine Cinsa's purchase price, we made deductions for foreign inland freight, insurance and brokerage charges (in Mexico) as well as for the maximum discounts granted by Cinsa to U.S. purchasers. We used these discounts as best information available because Cinsa did not provide discount information on a sale-by-sale basis.

For Troqueles y Esmaltes we made no adjustments to the purchase price.

Foreign Market Value

In accordance with section 773(a)(1) of the Act, we used home market prices to determine foreign market value. The home market prices were based on packed prices (excluding the prices of defective items) to all home market purchasers. We included all home market sales regardless of the level of trade or customer relationship since we preliminarily determined that there is not a sufficiently strong correlation between the home market prices and the nature, or character, of the home market purchaser to justify alternative treatment. Numerous data input errors on the computer tapes also contributed to our decisions not to limit comparisons to an equivalent level of trade. We are seeking clarifying information.

We did not make adjustments for differences in physical characteristics under § 353.16 of our regulations because neither company provided sufficient information to form a basis for these adjustments. If additional verifiable information regarding these disallowed adjustments is received prior to May 20, 1986, these adjustments will be considered for the final determination.

To determine Cinsa's fair value, we made deductions for inland freight and insurance. We made circumstances of sale adjustments for differences in credit and advertising expenses in accordance with § 353.15 of our regulations. For the final determination, we may make adjustments for discounts and commissions to unrelated parties, if this information is submitted, as requested, in an acceptable form and can be verified.

For Troqueles y Esmaltes, we made deductions for inland freight, insurance and rebates as well as for quantity and early payment discounts. We also made a circumstance of sale adjustment for differences in credit expenses according to § 353.15 of our regulations. We disallowed an adjustment for fixed credit expenses because we consider it to be an indirect expense and not directly related to sales under consideration as required by § 353.15(a) of the Commerce Regulations. Finally, we made no adjustments for commission, because information submitted was improperly calculated. Commission and offset adjustments will be considered for the final determination, if they are submitted in proper form and can be verified.

Currency Conversion

In calculating foreign market value, we made currency conversions from Mexican pesos to United States dollars in accordance with § 353.56(a) of our regulations, using the daily official Mexican exchange rates certified by the Federal Reserve, for comparisons involving purchase price.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of the companies under investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of porcelain-on-steel cooking ware from Mexico that is entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Cinsa, S.A.	93.73
Troqueles y Esmaltes, S.A.	60.59
All Others	83.83

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all previleged and confidential information in our files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a United States industry, before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulation (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m., on June 26, 1986, at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must sumbit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 16, 1986. Oral presentation will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 13, 1986.

[FR Doc. 86-11334 Filed 5-19-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-583-508)

Antidumping; Porcelain-on-Steel Cooking Ware From Taiwan; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that porcelain-on-steel cooking ware from Taiwan is being, or is likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to suspend the liquidation of all entries of porcelain-on-steel cooking ware from Taiwan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by July 28, 1986.

EFFECTIVE DATE: May 20, 1986.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita of Loc Nguyen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-0189 or 377-0167.

Preliminary Determination

We have preliminarily determined that porcelain-on-steel cooking ware from Taiwan is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733(b) of theTariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondents during the period of investigation, July 1 through December 31, 1985. The weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

On December 4, 1985, we received a petition from the Porcelain-on-Steel Committee on the Cookware Manufacturers Association and the General Housewares Corporation, on behalf of the domestic manufacturers of porcelain-on-steel cooking ware. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of porcelain-on-steel cooking ware from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports materially injure, or threaten material injury to, a United States industry. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on December 24, 1985 (50 FR 53353). On January 26, 1986, the ITC determined that there is reasonable indication that imports of porcelain-on-steel cooking ware from Taiwan are materially injuring a U.S. industry (51 FR 3862).

On February 6, 1986, we presented antidumping duty questionnaires to First Enamel Industrial Corp. (First Enamel), Tian Shine Enterprise Co., Ltd. (Tian Shine), Li-Fong Industrial Co., Ltd. (Li-Fong), Tou Tien Metal (Taiwan) Co., Ltd. (Tou Tien), Li-Mow Enamelling Co. Ltd. (Li-Mow), and Receive Will Industry Co. (Receive Will). Respondents were requested to answer the questionnaire in 30 days. On March 7, 1986, we amended our questionnaire, and, at the request of the companies, granted a two-week extension of time for response submissions. Subsequently, a second two-week extension was granted, also at the companies' request. The companies submitted responses on March 28 (Tian Shine), April 11 (Tou Tien), and April 14 (Li-Fong, Li-Mow and First Enamel), 1986. Receive Will submitted a response on May 9, 1986, which was not timely for this determination.

The Department sent out supplemental questionnaires to Tian Shine on April 15, 1986, and to Tou Tien, Li-Fong, Li-Mow and First Enamel on April 28, 1986. We received additional information from Tian Shine on April 14 and from Li-Fong and Li-Mow on April 21. Tian Shine responded to our supplemental questionnaire on April 22, 1986.

Scope of Investigation

The products covered by this investigation are porcelain-on-steel cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel, and are enameled or glazed with vitreous glasses. These products are currently provided for in items 654.0815, 654.0824, and 654.0827 of the *Tariff Schedules of the United States Annotated* (TSUSA). Kitchenware, currently reported under item 654.0828 of the TSUSA, is not subject to this investigation. We investigated sales of porcelain-on-steel cooking ware during the period of July 1, 1985, through December 31, 1985.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price to the foreign market value for First Enamel, Tian Shine, Li-Fong, Tou Tien, and Li-Mow, using data provided in the responses. For purposes of this preliminary determination, we used the United States, home-market and third-country sales data, and constructed value provided in the responses.

Because Receive Will did not respond to our questionnaire in a timely fashion, we made our fair value comparisons using the best information available, in accordance with section 776(b) of the Act, for both United States price and foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent United States price since the merchandise was sold to unrelated U.S. purchaser prior to importation. We calculated purchase price based on the packed, FOB, CIF, or C&F price to unrelated purchasers in the United States, as appropriate.

For Tian Shine, we made deductions for foreign inland freight and brokerage charges. We made an addition for duty drawback. We did not allow adjustments for other expenses which were not defined in the questionnaire response.

For Tou Tien, we made a deduction for inland freight and an addition for duty drawback.

For Li-Mow, we made an addition for duty drawback.

The computer tapes for First Enamel and Li-Fong were improperly formatted. In addition, numerous data entry errors made the computerized data unusable. Therefore, we sampled Li-Fong's and First Enamel's purchase price sales to determine the United States price. We are seeking corrected data for the final determination.

For First Enamel, we made deductions for foreign inland freight, insurance and brokerage charges, and we made an addition for duty drawback. We did not allow adjustments for items identified in the computer tape as commissions, other expenses and other selling expenses because they were not adequately explained in the response.

For Li-Fong, we made a deduction for foreign inland freight.

For Receive Will, we used the information in the petition as the best information available, in accordance with section 776(b) of the Act. The petitioners supplied the prices at which manufacturers in Taiwan were selling or offering to sell porcelain-on-steel cooking ware as the United States price. Petitioners adjusted these prices adjusted downward three percent to account for inland freight, customs duty, brokerage fees, wharfage charges, and bank negotiation charges.

Foreign Market Value

In accordance with section 773(a) of the Act, we used home market prices, third-country prices or constructed value to determine the foreign market value of the imported merchandise.

For Tian Shine, in accordance with section 733(a)(1)(B) of the Act, we calculated foreign market value based on third-country prices for those product groupings where there where sufficient third-country sales to determine foreign market value. When comparing similar merchandise, we made adjustments for differences in physical characteristics based on differences in costs of production in accordance with section 353.16 of our regulations. In those instances were cost-of-production data were not provided, we chose what we considered to be the most similar third-country product within a product grouping as the basis for foreign market value, in accordance with section 776(b). We made deductions for inland freight, brokerage and handling, and an addition for duty drawback.

We used constructed value as the basis for calculating foreign market value for the one product for which there were no sales of such or similar merchandise in the third country. Constructed value was based on the response, using actual material and fabrication costs. Actual general expenses were used since they were higher than the 10-percent statutory minimum. Since profits were greater than the statutory minimum of eight percent of the total of materials, fabrication and general expenses, we used actual profits. We added U.S. packing costs.

For Tou Tien, in accordance with section 773(a)(1) of the Act, we calculated foreign market value based on home market prices for those product groupings where there were home market sales of such or similar merchandise to determine foreign market value. Bacause Tou Tien did not submit information on which to base adjustments for differences in physical characteristics, we chose what we considered to be the most similar home market product within a product grouping as the basis for foreign market value, without making further adjustments for differences in physical characteristics. This method is in accordance with section 776(b) of the antidumping duty regulations. We made a deduction for inland freight and adjustments for packing. We made a circumstance of sale adjustment for advertising in accordance with section 353.15 of our regulations. We did not make adjustments for credit expenses, direct selling expenses or indirect selling expenses. We did not make an adjustment for credit expenses because Tou Tien did not report corresponding credit expenses for U.S. sales. We did not adjust for direct selling expenses because they involved commissions paid to employees of the company. We did not adjust for indirect selling expenses because they were not adequately explained in the response.

We used constructed value as the basis for calculating foreign market value where there were no sales of such or similar merchandise in the home market. Constructed value was based on the response, using actual material and fabrication costs. Actual general expenses were used since they were higher than the 10-percent statutory minimum. We used actual profit or the statutory minimum of eight percent of the total of materials, fabrication and general expenses, whichever was higher, for each product group. We added U.S. packing costs.

Li-Mow had no home-market sales. Therefore, in accordance with section 773(a) of the Act, we calculated foreign market value based on sales to third

countries. For products that were sold in both the U.S. and third countries, we selected third countries that had a sufficient volume of sales of the product under consideration. Because Li-Mow did not provide information on which to base adjustments for differences in physical characteristics, we chose what we considered to be the most similar home market product within a product grouping as the basis for foreign market value, without making further adjustments for differences in physical characteristics.

For First Enamel, we calculated foreign market value based on home market prices for those product groupings where there were sufficient home market sales on which to base foreign market value. When comparing similar merchandise, we made adjustments for differences in physical characteristics based on differences in costs of production in accordance with section 353.16 of our regulations. In those instances where cost-of-production data were not provided, we chose what we considered to be the most similar home market product within a product grouping as the basis for foreign market value, in accordance with section 776(b). We made deductions for foreign inland freight and insurance and adjustments for packing. We did not allow adjustments for commissions and selling expenses because they were not explained in the response.

We used constructed value as the basis for calculating foreign market value where there were no sales of such or similar merchandise in the home market. Constructed value was based on the response, using actual material and fabrication costs. We added the statutory minimum of 10 percent or the actual general expenses, whichever was higher, for each product group. Since no profits were reported, we used the statutory minimum of eight percent of the total of materials, fabrication and general expenses. We added U.S. packing costs.

Li-Fong did not have any home market sales or sufficient sales of such or similar merchandise in a third country to make valid comparisons in accordance with section 773(a)(1) of the Act. Therefore, in accordance with section 773(a)(2), we used constructed value as the basis for calculating foreign market value. Constructed value was based on the response, using actual material and fabrication costs. Actual general expenses were used since they were higher than the 10 percent statutory minimum. Since profits were greater than the statutory minimum of eight percent of the total of materials, fabrication and general expenses, we used the actual profits. We added U.S. packing costs.

In accordance with section 776(b) of the Act, we used petitioners' information as the best information available to determine foreign market value for Receive Will. Petitioners provided constructed-value estimates, based on the cost of raw materials and direct labor in Taiwan. Petitioners estimated the cost of production using their own costs adjusted for differences in Taiwan.

Currency Conversion

In calculating foreign market value, we made currency conversions from New Taiwan dollars to United States dollars in accordance with § 353.56(a) of our regulations, using the certified daily exchange rates.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of the company.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of porcelain-on-steel cooking ware from Taiwan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Tian Shine Enterprise Co., Ltd.	12.92
Tou Tien Metal (Taiwan) Co., Ltd.	24.09
Li-Mow Enamelling Co., Ltd.	26.98
First Enamel Industrial Corp.	11.27
Li-Fong Industrial Corp.	15.31
Receive Will Industry Co., Ltd.	53.00
All Others	23.10

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITCC will determine whether these imports materially injure, or threaten material injury to, a United States industry, before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulation (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1:00 p.m., on June 19, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, pre-hearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 12, 1986. Oral presentation will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 13, 1986.

[FR Doc. 86-11335 Filed 5-19-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-559-502]

Postponement of Final Antidumping Duty Determinations; Certain Welded Carbon Steel Small Diameter and Light-Walled Rectangular Pipes and Tubes From Singapore

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On April 25, 1986, we received a request from the only respondent in the antidumping duty investigations of certain welded carbon steel small diameter and light-walled rectangular pipes and tubes (small diameter and LWR pipes and tubes, respectively) that the final determinations be postponed as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Pursuant to this request, we are postponing our final antidumping duty determinations as to whether sales of small diameter and LWR pipes and tubes from Singapore have been made at less than fair value until not later than September 11, 1986.

EFFECTIVE DATE: May 20, 1986.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-4087.

SUPPLEMENTARY INFORMATION: On December 11, 1985, we published a notice in the **Federal Register** that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), antidumping duty investigations to determine whether imports of small diameter and LWR pipes and tubes from Singapore are being, or are likely to be sold at less than fair value (50 FR 50653). We issued our preliminary affirmative determinations on April 22, 1986 (51 FR 15491). This notice stated that we would issue final determinations on or before July 7, 1986. On April 25, 1986, the single respondent requested that we extend the period for the final determinations until not later than the 135th day after the date of publication of our preliminary determinations in accordance with section 735(a)(2)(A) of the Act. This respondent accounts for a singificant proportion of exports of the subject merchandise to the United States, and thus is qualified to make this request. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly, we grant the request and postpone our final determinations until not later than September 11, 1986.

The public hearing is also being postponed until 10:00 a.m. on July 30, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW. Washington, DC 20230. Accordingly, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 23, 1986.

This notice is published pursuant to section 735(d) of the Act.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

May 8, 1986.

[FR Doc. 86-11332 Filed 5-19-86; 8:45 am]

BILLING CODE 3510-DS-M

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration, Import Administration Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews.

SUMMARY: The Department of Commerce has received timely requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings, and suspended investigations with April anniversary dates. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: May 20, 1986.

FOR FURTHER INFORMATION CONTACT: William L. Matthews or Richard W. Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5253/2786.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 32556) a notice outlining the procedures for requesting administrative reviews during the anniversary month of a proceeding. The Department has received timely requests, in accordance with §§ 353.53a (a)(1), (a)(2), (a)(3), and 355.10(a)(1) of the Commerce Regulations, for administrative reviews of various antidumpting and countervailing duty orders, findings, and suspended investigations with April anniversary dates.

Initiation of Reviews

In accordance with §§ 353.53a(c) and 355.10(c) of the Commerce Regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders, findings, and suspended investigations. We intend to issue final results of these reviews not later than May 31, 1987.

Antidumping duty proceedings and firms	Periods to be reviewed
Sugar and Syrups from Canada:	
Lantic Sugar	04/85-03/86
Redpath	04/85-03/86
Sorbitol from France:	
Roquette Freres	04/85-03/86
Calcium Hypochlorite from Japan:	
Nankai	10/09/84-03/86
Nippon Soda	10/08/94-03/86
Nissin Denka	10/09/84-03/86
Cyanuric Acid from Japan:	
Shikoku Chemicals/Mitsubishi	04/85-03/86
Dichloriosocyanurates from Japan:	
Nissan Chemical Ind	04/85-03/86
Shikoku Chemicals/Mitsubishi	04/85-03/86
Tricholorisocyanuric Acid from Japan:	
Nissan Chemical Ind	04/85-03/86
Shikoku Chemicals/Mitsubishi	04/85-03/86
Roller Chain, Other Than Bicycle, from Japan:	
Daido Kogyco/Daido Corp	04/85-03/86
Enuma Chain/Daido Corp	04/85-03/86
Pulton Chain	04/85-03/86
Pulton Chain/I & OC	04/85-03/86
Sugiyama	04/85-03/86
Sugiyama/Fuji Lumber	04/85-03/86
Sugiyama/San Fernando (Japan)	04/85-03/86
Sugiyama/Hokoku	04/85-03/86
Sugiyama/I & OC	04/85-03/86
Tsubakimoto Chain	04/85-03/86
Spun Acrylic Yarn from Japan:	
Asahi Chemical Industry	04/85-03/86
Diafibers	04/85-03/86
Japan Exlan	04/85-03/86
Mitsubishi Rayon	04/85-03/86
Bicycle Tires & Tubes from South Korea:	
Korea Inoue Kasei	04/85-03/86
Color Television Receivers from South Korea:	
Daewoo	04/85-03/86
Goldstar	04/85-03/86
Quantronics	04/85-03/86
Samsung	04/85-03/86
Color Television Receivers from Taiwan:	
AOC	04/85-03/86
Capetronic (BSR)	04/85-03/86
Fulet	04/85-03/86
Hitachi Television (Taiwan)	04/85-03/86
Nettek	04/85-03/86
RCA Taiwan	04/85-03/86
Sampo	04/85-03/86
Sanyo Electric (Taiwan)	04/85-03/86
Shinlee	04/85-03/86
Shin-Shirasuna	04/85-03/86
Tatung	04/85-03/86

Countervailing duty Proceedings	Periods to be reviewed
Wool from Argentina	01/85-12/856
Leather Wearing Apparel from Colombia	07/85-12/856
Leather Wearing Apparel from Mexico	07/85-12/856

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and §§ 353.53a(c) and 355.10(c) of the Commerce Regulations (19 CFR 353.53a(c), 355.10(c); 50 FR 32556, August 13, 1985).

Dated: May 13, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary Import Administration.

[FR Doc. 86-11270 Filed 5-19-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-412-020]

Stainless Steel Plate From the United Kingdom; Intention To Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Revoke Countervailing Duty Order

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Intention to Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination to Revoke Countervailing Duty Order.

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review, under section 751(b)(1) of the Tariff Act, of the countervailing duty order on stainless steel plate from the United Kingdom. The review covers the period from March 1, 1986. The petitioners have notified the Department that they are no longer interested in the countervailing duty order. This affirmative statement of no interest from domestic interested parties provides a reasonable basis for the Department to revoke the order. Therefore, we tentatively determine to revoke the order. In accordance with the petitioners' notification, the revocation will apply to stainless steel plate from the United Kingdom exported on or after March 1, 1986.

Interested parties are invited to comment on these preliminary results and tentative detemination to revoke.

EFFECTIVE DATE: March 1, 1986.

FOR FURTHER INFORMATION CONTACT: Paul Marselian or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On June 23, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 28690) a countervailing duty order on stainless steel plate from the United Kingdom.

The petitioners, Allegheny Ludlum Steel Corporation, Armco, Inc., Jessop Steel Company, LTV Specialty Steels, Inc., Cyclops Corporation, Washington Steel Corporation, and the United Steelworkers of America, informed the Department that they are no longer interested in the order and stated their support of revocation of the order. Under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department may revoke a countervailing duty order that is no longer of interest to domestic interested parties.

Scope of Review

Imports covered by the review are shipments of U.K. stainless steel plate currently classifiable under items 607.7605 and 607.9005 of the Tariff Schedules of the United States Annotated. Stainless steel plate is a flat-rolled product, whether or not corrugated or crimped, in coils or cut to length, 0.1875 inch or more in thickness and over 8 inches in width or, if cold-rolled, over 12 inches in width. The review covers the period from March 1, 1986.

Preliminary Results of Review and Tentative Determination

As a result of our review, we preliminarily determine that the domestic interested parties' affirmative statement of no interest in continuation of the countervailing duty order on stainless steel plate from the United Kingdom provides a reasonable basis for revocation of the order.

Therefore, we tentatively determine to revoke the order on stainless steel plate from the United Kindgom effective March 1, 1986. We intend to instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after March 1, 1986, without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries. The current requirement for a cash deposit of estimated countervailing duties will continue until publication of the final results of this review.

This notice does not cover unliquidated entries of stainless steel plate from the United Kingdom which were exported prior to March 1, 1986, and which were not covered in a prior administrative review. The Department will cover any such entries in a separate review.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke within 30 days of the date of publication of this notice, and may request a hearing within five days of the date of publication. Any hearing, if requested, will be held 55 days after the date of publication or the last workday preceding. The Department will publish the final results of the review and its decision on revocation, including its analysis of issues raised in any such written comments or at a hearing.

This intention to review, administrative review, tentative determination to revoke, and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: May 9, 1986.

John L. Evans,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-11269 Filed 5-19-86; 8:45 am]

BILLING CODE 3510-DS-M

Short Supply Review on Carbon Hollow Drill Steel, Carbon Hollow Deformed Bar, and Alloy and Carbon Hollow Mining Drill Steel; Request for Comments

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Article 8 of the U.S.-EC Arrangement on Certain Steel Products with respect to certain hollow mining drill steel; and under Article 8 of the U.S.-EC Pipe and Tube Arrangement with respect to certain hollow drill steel, certain hollow deformed bar, and certain hollow mining drill steel. The request under Article 8 of the U.S.-EC Pipe and Tube Arrangement is for an extension of a previous short supply determination.

EFFECTIVE DATE: Comments must be submitted no later than May 30, 1986.

ADDRESS: Send all comments to Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, 14th Street and Constitution Avenue NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, Room 3099, (202) 377-0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC Arrangement on Certain Steel Products provides that if the U.S. ". . . determines that because of

abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product . . . ."

Article 8 of the U.S.–EC Pipe and Tube Arrangement provides that ". . . the U.S. shall accept exports of pipes and tubes in addition to those permitted under sections 1 and 2 where a shortage of supply is identified, i.e., where the U.S. industry is unable to meet demand in the United States for a particular product." Under the terms of Article 8, the Department ". . . shall make a decision under this section on the basis of objective evidence from all relevant sources."

We have received a short supply request under Article 8 of the U.S.–EC Arrangement on Certain Steel Products for certain alloy and carbon hollow mining drill steel of either a hexagonal or round shape: the hexagons ranging from ¾ ot 1¾ inches across flats with interior diameters ranging from 7/32 to 5/8 inch; the round hollows ranging from 1¼ to 1.420 inches in outside diameters and ⅜ to 7/16 inch in inside diameters. These products are used in the manufacture of mining drill rods.

We also have received a short supply request under Article 8 of the U.S.–EC Pipe and Tube Arrangement for the following products:

(a) Carbon hollow drill steel in round section, with outside diameters ranging from ⅓ to 1½ inches and interior diameters ranging from 1 1/32 to ½ inch, used to manufacture blast furnace tapping rods.

(b) Carbon hollow deformed bars with bar body diameters ranging from ¾ to 2 inches, diameters including the deformed pattern of 1 1/16 to 2 3/16 inches, and interior diameters ranging from ¼ to ½ inch, used as anchor bolts to reinforce or attach materials to layered rock formations.

(c) Alloy or carbon hollow mining drill steel of either a hexagonal or round shape: the hexagon hollows ranging from ⅞ to 1⅞ inches across flats with interior diameters of 7/32 to ¾ inch; the round hollows ranging from 1¼ to 2 1/32 inches in outside diameter and 1 1/32 to ¾ inch in inside diameters. These products are used in the manufacture of mining drill rods.

The request under Article 8 of the U.S.–EC Pipe and Tube Arrangement is for an extension of a previous affirmative short supply determination on those three products.

Any party interested in commenting on these requests should send written comments as soon as possible, and no later than ten days after the publication of this notice. Comments should focus on the economic factors involved in granting or denying these requests.

Commerce will maintain these requests and all comments in a public file. Anyone submitting business proprietary information should clearly identify that portion of their submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B–099 at the above address.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

May 14, 1986.

FR Doc. 86–11271 Filed 5–19–86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammal Permit Application; Dr. Steven D. Feldkamp and Dr. Daniel P. Costa (P372A)

Notice is hereby given than an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and the Fur Seal Act of 1966 (16 U.S.C. 1151–1187).

1. Applicant:

a. Name: Dr. Steven D. Feldkamp and Dr. Daniel P. Costa.

b. Address: Institute of Marine Sciences, University of California, Santa Cruz, California 95064.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Northern fur seals (Callorhinus ursinus) 70.

4. Type of Take: Thirty (30) lactating females will be taken by flipper tagging and/or color marking with dye, collecting a milk sample, attaching a radiotransmitter and maximum depth recorder, taking blood samples, release and recapture. Twenty (20) of these females will be entangled with net material. Thirty (30) pups will be incidentally taken by harassment during the tagging and collection of specimen material from the lactating females. Blood samples will be taken from ten of these pups for blood volume determinations. Blood samples will be taken from an additional ten sub-adult to adult males for blood volume determinations.

5. Location of Activity: Saint Paul Island, Alaska.

6. Period of Activity: 2 Years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted to connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whithaven Street NW., Washington, D.C.;

Director, Alaska Region, National Marine Fisheries Service, 709 West 9, Juneau, Alaska 99801.

Director , Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 12, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–11313 Filed 5–19–86; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Marine Mammal to Permit Dr. Kenneth S. Norris, Mr. Randall S. Wells, and Dr. William T. Doyle

On January 27, 1986, notice was published in the **Federal Register** (51 FR 3391) that an application had been filed by Dr. Kenneth S. Norris, Mr. Randall S. Wells, and Dr. William T. Doyle to inadvertently harass Pacific white-sided dolphins (Lagenorhynchus obliquidens) during an observational study of social behavior and ecology of the species. Researchers will obtain audio and video recordings and sample prey species in the area.

Notice is hereby given that on May 9, 1986 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 13, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–11314 Filed 5–19–86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Requesting Public Comment on Bilateral Textile Consultations With the Government of the People's Republic of China Concerning Certain Man-Made Fiber Textile Products

May 15, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 20, 1986. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On April 25, 1986, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of man-made fiber textile products in Categories 611 (cellulosic spun yarn fabric), 637 (playsuits) and 642 (skirts and culottes), produced or manufactured in China and exported to the United States.

Summary market statements concerning these categories follow this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754,), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

Anyone wishing to comment or provide data or information regarding the treatment of Categories 611, 637 and 642 under the agreement with the People's Republic of China, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten 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. Because 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."

Pursuant to the terms of the bilateral agreement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of man-made fiber textile products in the following categories during the ninety-day period which began on April 25, 1986 and extends through July 23, 1986 to the indicated levels:

Category	90-day restraint level
611	1,337,402 square yards.
637	80,396 dozen.
642	53,860 dozen.

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period (July 24, 1986–July 23, 1987) to the indicated levels:

Category	12-mo restraint level
611	3,536,074 square yards.
637	179,239 dozen.
642	140,184 dozen.

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Categories 611, 637 and 642 exported during the ninety-day period at the levels described above. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

In the event the limits established for Categories 611, 637 and 642 for the ninety-day period are exceeded, such excess amounts, if allowed to enter at the end of the restraint period, shall be charged to the levels defined in the agreement for the subsequent twelve-month period.

SUPPLEMENTARY INFORMATION: On December 30, 1985 a letter to the Commissioner of Customs was published in the **Federal Register** (50 FR 53182) from the Chairman of the Committee for the Implementation of Textile Agreements which established restraint limits for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1986. The notice which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Categories 611, 637 and 642, which are not subject to specific ceilings and for which levels may be established during the year. In the letter to the Commissioner of Customs which follows

this notice, ninety-day levels are established for these categories.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

China—Market Statement

Category 611—Cellulosic Spun Yarn Fabric

April 1986.

Summary and Conclusions

U.S. imports of Category 611—cellulosic spun yarn fabric—from China during the year ending February 1986 were 3.8 million square yards compared with 103,000 square yards a year earlier. Imports in 1984 were 103,000 square yards increasing to 2.7 million in 1985. China is the second largest supplier of Category 611 fabric, accounting for 10 percent of 1986 imports.

The U.S. market for cellulosic spun fabric has been disrupted by imports. China's position as a major supplier of these fabrics makes it a major contributor to the U.S. market disruption.

Production and Market Share

U.S. production of Category 611 dropped sharply in 1982 due to a substantial decline in the market for these types fabrics. Production declined from 592 million square yards in 1981 to 94 million in 1982 and continued to drop in 1983 to a level of 87 million square yards. Although production regained some of the loss in 1984, increasing to 113 million square yards, 1985 production fell to 100 million square yards, a decline of 11 percent.

The market for Category 611 has improved since 1982. However, there has been a distinct downward trend in the U.S. producers' share of the market. In 1981, the domestic producers provided 98 percent of the market; in 1985, they provided 73 percent.

Import and Import Penetration

U.S. imports of Category 611 from all sources increased 51 percent in 1985 to a record level 36.8 million square yards. Imports for the first two months of 1985 were up 93 percent over the comparable period of 1985.

The ratio of imports to domestic production doubled from 11.4 percent in 1982 to 21.6 percent in 1984. The ratio continued to rise in 1985, reaching 36.7 percent.

Duty-Paid Values and U.S. Producers' Prices

The duty-paid landed values of Category 611 imports from China are below the U.S. producers prices for comparable fabrics. Approximately 67 percent of China's Category 611 trade during January–February 1986 were lightweight apparel fabrics imported under TSUSA Number 338.5052.

China—Market Statement

Category 637—Man-Made Fiber Playsuits

April 1986.

Summary and Conclusions

U.S. imports of Category 637 from China were 230,000 dozens in year-ending February 1986, a 30 percent increase over the 177,000 dozens imported a year earlier. China is the fourth largest supplier of Category 637, accounting for 14 percent of total imports in this category. During the first two months of 1986, China's imports reached 156,000 dozen, twelve times the January-February 1985 level and nearly double their total 1985 level.

Increases of Category 637 imports from China are substantial in quantity and rate of growth and are disrupting the market for man-made fiber playsuits. Uncontrolled growth would intensify the market disruption.

U.S. Production and Market

U.S. production of Category 637 declined by 7.7 percent in 1983 to 4,976,000 dozens and again by 1.1 percent to 4,923,000 in 1984.

After declining by 167,000 dozens in 1983, the U.S. market for domestically produced and imported man-made fiber playsuits rebounded in 1984 by 283,000 dozens. Imports accounted for all of the growth and the U.S. producers' share of the market fell from 90.5 percent in 1982 to 81.0 percent in 1984.

U.S. Imports and Import Penetration

U.S. imports of Category 637 have grown rapidly over the last several years. Between 1982 and 1984, the volume of imports doubled from 569,000 dozens to 1,154,000 dozens. In 1985, imports rose an additional 17 percent to 1,354,000 dozens. This upward trend continues into 1986. January-February imports were 587,000 dozens, up 93 percent from the same period in 1985.

The ratio of imports to production rose from 10.6 percent in 1982 to 23.4 percent in 1984.

Import and Domestic Values

Approximately 75 percent of Category 637 imports from China entered under the following two TSUSA numbers: 384.2540—infants MMF coveralls, overalls and jumpsuits, lace, net or ornamented knit; 384.9311—girls and infants MMF coveralls, overalls, etc., not knit, not ornamented. These garments entered the U.S. at landed, duty-paid values below U.S. producers' prices for comparable garments.

China—Market Statement

Category 642—Man-Made Fiber Skirts

Summary and Conclusions

U.S. imports of Category 642 from China were 154,000 dozens during year-ending February 1986, a 38 percent increase over the year-ending February 1985 level. China is the third largest supplier of Category 642, accounting for 8 percent of total imports. During the first two months of 1986, U.S. imports of Category 642 from China totaled 64,000 dozens, compared to 5,000 dozens a year earlier.

The sharp and substantial increase of low-valued Category 642 imports from China are disrupting the U.S. market for man-made fiber skirts.

U.S. Production and Market Share

U.S. Production of man-made fiber skirts declined by 10 percent in 1983 from 6.9 million dozens in 1982 to 6.2 million dozens in 1983. This downward trend continued into 1984 as production dropped an additional 4 percent to 6.0 million dozens. Production data for 1985 are not currently available, however, industry sources estimate another off year in 1985.

Between 1982 and 1984 the U.S. market for man-made fiber skirts, shrunk by 206,000 dozens. The U.S. producers' share fell from 92 percent in 1982 to 82 percent in 1984.

U.S. Imports and Import Penetration

U.S. imports of Category 642 increased 121 percent between 1982 and 1984, rising from 592,000 dozens to 1,306,000 dozens. Imports continued to grow in 1985, rising 17 percent to 1,525,000 dozens. During the first two months of 1986, Category 642 imports totaled 526,000 dozens compared with 236,000 dozens in 1985. The import to production ratio rose from 9 percent in 1982 to 22 percent in 1984.

Domestic vs Import Values

Approximately 80 percent of Category 642 imports from China entered under TSUSA No. 384.9445 (previously 383.9245)—women's MMF skirts, not knit, not ornamented. These garments entered at landed, duty-paid values below U.S producers' prices for comparable blouses.

Committee for the Implementation of Textile Agreements

May 15, 1986

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 20, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 611, 637 and 642, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on April 25, 1986 and extends though July 23, 1986, in excess of the following levels of restraint:

Category	Ninety-day restraint level [1]
611	1,337,402 square yards.
637	80,396, dozen.
642	53,860 dozen.

[1] The levels have not been adjusted to account for any imports exported after April 24, 1986.

Textile products in Categories 611, 637 and 642 which have been exported to the United States prior to April 25, 1986 shall not be subject to this directive.

Textile products in Categories 611, 637 and 642 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 44607), December 30, 1983 (48 FR 57548), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedule of the United States Annotated (1986).

In carrying out the above directions, the Commissioners of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerly,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11337 Filed 5-19-86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 12, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Appropriate Air Force Technology efforts to Complement the Strategic Defense Initiative Program will meet at the Aerospace Corporation, Los Angeles, CA, on June 11, 1986, from 8:30 am to 5:00 pm and on June 12, 1986, from 8:00 am to 3:00 pm.

The purpose of the meeting will be for the Sensors/Kinetic Energy Weapons Subpanel to hold classified panel discussions and begin preliminary report writing.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-11303 Filed 5-19-86; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

May 12, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Appropriate Air Force Technology efforts to Complement the Strategic Defense Initiative Program will meet at the Pentagon, Washington, DC, on June 25, 1986, from 8:30 am to 5:00 pm.

The purpose of the meeting will be for Directed Energy Weapons Subpanel to hold classified panel discussions and begin preliminary report writing.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-11304 Filed 5-19-86; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

May 12, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Appropriate Air Force Technology efforts to Complement the Strategic Defense Initiative Program will meet at the ANSER Corporation, Washington, DC, on June 26, 1986, from 8:30 am to 5:00 pm and on June 27, 1986, from 8:00 am to 3:00 pm.

The purpose of the meeting will be for the committee to receive reports of panel activities, conduct classified discussions and structure the report outline.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-11305 Filed 5-19-86; 8:45 am]

BILLING CODE 3910-01-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 28, 1986 beginning at 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:30 a.m. at the same location.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or section 3.8 of the Compact:

1. *Broad Run Valley, Inc. D-85-27 CP.* An application for approval to pump an average of 0.77 million gallons per day (mgd) from Well W-3 for the increased irrigation and livestock needs of the Wilkinson Dairy Farm, New Garden Township, Chester County, Pennsylvania, and for a domestic supply system serving 150 existing and planned residential dwelling units adjacent to the farm. Current farm use is approximately 0.05 mgd from an off-site source; domestic use is approximately 0.01 mgd from individual on-lot wells. Well W-3 is located 150 feet north of Broad Run Road and 800 feet west of the intersection of Broad Run Road and Newark Road.

2. *Lehigh County Authority D-85-87 CP.* An application to amend the Commission's Comprehensive Plan by the addition of the applicant's new Well No. 17. The applicant does not request a separate allocation for Well No. 17 or an increase in existing total allocation, and acknowledges that approval must be obtained from PADER and under Section 3.8 of the Compact before the well may be placed into operation. The project is located in Upper Macungie Township, Lehigh County, Pennsylvania.

3. *Warren Energy Resource Company, Limited Partnership D-85-90.* A ground water withdrawal project to supply up to 17 million gallons (mg)/30 days of water to the Warren County New Jersey Resource Recovery Project from either new Well No. 1 or No. 2. The project is located in White Township, Warren County, New Jersey.

4. *Coastal Eagle Point Oil Company D-86-5.* An application by a new owner to continue operation of a withdrawal from the Delaware River of 175.104 million gallons per month of surface water for consumptive and nonconsumptive process use at the Eagle Point Refinery in the Township of West Deptford, Gloucester County, New Jersey. The surface water intake is located in Zone 4 of the Delaware River Estuary at River Mile 94.2 immediately downstream of Big Timber Creek.

5. *Lake Wynonah Municipal Authority D-86-12 CP.* An application for approval of a ground water withdrawal project to supply up to 7.34 mg/30 days of water to the applicant's

distribution system from new Well No. 3, and to retain the existing withdrawal limit from all wells of 10.5 mg/30 days. The project is located in South Manheim Township, Schuylkill County, Pennsylvania.

6. *Village of Deposit D–86–29 CP.* An application for approval of a ground water withdrawal project to supply up to 30 mg/30 days of water to the applicant's distribution system from new Well Nos. 3 and 4. The project is located in the Village of Deposit, Broome and Delaware Counties, New York.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

May 13, 1986.

[FR Doc. 86–11319 Filed 5–19–86; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF ENERGY

Atomic Energy Agreements; Proposed Subsequent Arrangements; Austria and European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Austria concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer:

RTD/AT(EU)–65, from Kernforschungsanlage (KFA), in Juelich, the Federal Republic of Germany to Oesterreichisches Forschungszentrum Seibersdorf GmbH, Wien, Austria, 8 fuel spheres and 6 samples containing 50.6 grams of uranium enriched to 11.86 percent in U–235, 0.3 grams of plutonium, and 9.7 grams of thorium, for post-irradiation examination. The material is to be returned to KFA for disposal upon conclusion of the post-irradiation examination.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 15, 1986.

George J. Bradley, Jr.,

Acting Assistance Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86–11343 Filed 5–19–86; 8:45 am]

BILLING CODE 6450–01–M

Atomic Energy Agreements; Proposed Subsequent Arrangements; Brazil

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Brazil concerning Civil Uses of Atomic Energy, and under the authority of general license issued by the U.S. Nuclear Regulatory Commission.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval for the following sale:

Contract Number S–BR–38, to CNEN, Brasilia, Brazil, 0.2922 grams of natural uranium contained in pitchblende, and 0.283 grams of thorium contained in monazite sand, for use as standand reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 15, 1986.

George J. Bradley, Jr.,

Acting Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86–11342 Filed 5–19–86; 8:45 am]

BILLING CODE 6450–01–M

Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval of the following sale:

Contract Number S–EU–890, for the sale of 450,000 curies of tritium gas to Brandhurst Company, Ltd., England. The U.S. Nuclear Regulatory Commission has issued license number XB001230 for the export of this material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 15, 1986.

George J. Bradley, Jr.,

Acting Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86–11344 Filed 5–19–86; 8:45 am]

BILLING CODE 6450–01–M

Atomic Energy Agreements; Proposed Subsequent Arrangement; Japan and Norway

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Norway concerning Peaceful Uses of Nuclear Energy, and the Agreement of Cooperation between the Government of the United States of America and the Government of Japan concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer:

RTD/NO(JA)–24, from Nippon Nuclear Fuel Development Co., Japan to the Institutt of Energiteknikk, Norway, 4.825 grams of uranium, enriched to 3.9 percent in the isotope uranium-235 for irradiation in the Halden research reactor and subsequent post-irradiation examination.

In accordance with section 131 of the Atomic Engergy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be

inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.
Dated: May 15, 1986.

George J. Bradley, Jr.,

Acting Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86-11345 Filed 5-19-86; 8:45 am]

BILLING CODE 6450-01-M

Atomic Energy Agreements; Proposed Subsequent Arrangement; Norway and European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Norway concerning Peaceful Uses of Nuclear Energy, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer:

RTD/NO(EU)-51, for the retransfer from NUKEM, in Hanau, the Federal Republic of Germany to Kjeller, Norway of 231 kilograms of uranium enriched to 3.6 percent in the isotope uranium-235, for use as fuel in the JEPP research reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.
Dated: May 15, 1986.

George J. Bradley, Jr.,

Acting Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86-11346 Filed 5-19-86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of status of Forms CE-189P, C, and S, under review by the Office of Management and Budget.

SUMMARY: On March 17, 1986, the Energy Information Administration notified the public (51 FR 9099) that Forms CE-189P, C, and S, "Industrial Energy Conservation Program for Energy Efficiency Improvement and Recovered Materials Utilization," were sent to the Office of Management and Budget (OMB) for its approval, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). (The most recent OMB approval for these forms expired on April 30, 1986.) The Department of Energy (DOE) has not yet received a response to the request. In light of this and until respondents to the subject forms receive notification from the DOE, they are not requird to prepare and submit these forms.

Upon receipt of the "Notice of Office of Management and Budget Action" the public will be notified via the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: John Gross, Director, Data Collection Services Division (EI-73), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585 (202) 252-2308.

Issued in Washington, DC, May 16, 1986.

Douglas R. Hale,

Acting Director, Statistical Standards, Energy Information Administration.

[FR Doc. 86-11402 Filed 5-19-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP85-149-008

East Tennessee Natural Gas Co.; Rate Filing

May 15, 1986.

Take notice that on May 6, 1986, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Eighteenth Revised Sheet No. 4 to Original Volume No. 1 of its FERC Gas Tariff.

East Tennessee states that the purpose of this filing is to place into effect revised Settlement Rates as determined pursuant to Section 1.3 of the Stipulation and Agreement dated November 22, 1985, in Docket No. RP85-149 (Stipulation). East Tennessee proposes that the tariff sheet become effective on May 1, 1986, conditioned on the Stipulation becoming effective pursuant to a final order of the Commission and without prejudice to East Tennessee's right to seek rehearing of the Commission's "Order Approving Offer of Settlement" of April 25, 1986, in this docket.

East Tennessee also states that copies of this filing were served on all parties to Docket No. RP85-149, on all jurisdictional customers and all affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before May 22, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11263 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-4-46-000]

Kentucky West Virginia Gas Co.; Technical Conference

May 15, 1986.

Take notice that pursuant to the Commission's suspension order issued April 30, 1986 in the above-captioned docket, an informal technical conference will be convened on Monday, June 2, 1986 at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Account No. 191 issues will be discussed.

All interested persons and Staff will be permitted to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11264 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-75-000]

Northern Natural Gas Co.; Proposed Change to FERC Gas Tariff

May 15, 1986.

Take Notice that on May 8, 1986 Northern Natural Gas Company (Northern) tendered for filing with the Commission the following tariff sheets

to Northern's FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2:

Third Revised Volume No. 1

First Revised Sheet No. 70d
Original Sheet No. 70d.1
Original Sheet No. 70d.2
Original Sheet No. 70d.3

Original Volume No. 2

Original Sheet No. 1i.2a
Original Sheet No. 1i.2b

This filing provides for the addition of section 18.61 to the General Terms and Conditions of Northern's FERC Gas Tariff, Third Revised Volume No. 1 and section 1.61 of Original Volume No. 2. If approved, these proposed tariff provisions will allow Northern from time to time and any time at its sole discretion to adjust its Base Average Cost of Purchased Gas between its regular annual PGA filings to account in a more timely manner for the cost effect of known and measurable changes in Northern's Estimated Actual Cost of Purchased Gas from the rate established in the immediately preceding PGA filing.

Such adjustments shall be limited to the cost impact of known and measurable changes in gas costs and may reflect either an increase or decrease in Northern's Base Average Cost of Purchased Gas, although Northern would be precluded from adjusting its Base Average Cost of Purchased Gas, pursuant to the new section 18.61, Third Revised Volume No. 1 and section 1.61, Original Volume No. 2, above the level established in Northern's most recent annual PGA filing.

The tariff sheets being filed require Northern to file such changes with the FERC at least one (1) day prior to the proposed effective date. Such filing will not be subject to the Notice requirements established by the Commission's regulations. Further, Northern's proposed tariff sheets require it to demonstrate that its actions are appropriate and that it is entitled to recover the under-recovered purchase gas costs which may result from Northern's election to adjust its rates pursuant to these new sections 18.61, Third Revised Volume No. 1 and section 1.61, Original Volume No. 2.

To recognize that Northern is unable to control precisely its average cost of gas, Northern's potential liability and demonstration of appropriateness will be limited to only amounts in excess of three percent (3%) of the known and measurable changes in the actual cost of gas purchased during any PGA Adjustment period in which Northern elected to adjust its Base Average Cost of Purchased Gas pursuant to the proposed tariff sheets.

Copies of this filing have been mailed to Volume No. 1 and Volume No. 2 customers and the interested state commissions.

Northern proposes that the requested tariff sheets identified above become effective on June 7, 1986, which is not less than thirty (30) days after receipt of this filing by the Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 22, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11265 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-194-006]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

May 15, 1986.

Take notice that on May 12, 1986 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Appendix A

Fourth Substitute Fifty-Third Revised Sheet No. 3-A
Fourth Substitute Thirtieth Revised Sheet No. 3-B
Second Substitute Twenty-Third Revised Sheet No. 22
Second Substitute Fifteenth Revised Sheet No. 24-A
Second Substitute Twenty-Sixth Revised Sheet No. 25
Second Substitute Seventeenth Revised Sheet No. 26-B
Second Substitute Seventeenth Revised Sheet No. 26-E

Panhandle proposed an effective date of October 1, 1985.

Panhandle states that on March 26, 1986, the Commission issued an order "Rejecting Tariff Sheets" which rejected certain revised tariff sheets filed by Panhandle Eastern Pipe Line Company (Panhandle) on February 24, 1986 and directed Panhandle to file revised tariff sheets within forty-five days to eliminate variable costs from the minimum bills and separately state its purchased gas costs. On April 24, 1986 the Commission issued an order "Denying Rehearing and Motion for Summary Disposition" which *inter alia* directed Panhandle to comply with the Commission's Order of March 26, 1986.

The 3-A and 3-B tariff sheets reflect the separately stated gas cost and vairable cost components, based on the settlement cost of service as approved in Docket No. RP82-58, *et al.* Workpapers supporting the derivation of these cost components are also submitted herewith. Panhandle's filing herein is being made without prejudice to its claims for judicial review and its position in the above-referenced proceeding.

On November 19, 1985 and December 13, 1985 Panhandle filed revised tariff sheets in Docket Nos. TA86-1-28-000 and 001 which adjusted the GRI funding unit pursuant to Opinion No. 243 in Docket No. RP85-154-000 and in accordance with section 19 of the General Terms and Conditions of Panhandle's FERC Gas Tariff, Original Volume No. 1. These filings were accepted by Commission Orders dated December 17, 1985 and December 27, 1985, respectively.

In addition, on January 29, 1986, Panhandle filed revised tariff sheets in Docket Nos. TA86-2-28-000 and 001 which reflect Panhandle's regularly scheduled semi-annual PGA filing to be effective March 1, 1986. This filing was accepted subject to refund and conditions by Commission Order dated February 28, 1986.

Therefore, Panhandle also submits herewith for filing six (6) copies of the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Appendix B

Second Substitute Fifty-Fourth Revised Sheet No. 3-A
Second Substitute Thirty-First Revised Sheet No. 3-B

Appendix C

First Substitute Fifty-Fifth Revised Sheet No. 3-A
First Substitute Thirty-Second Revised Sheet No. 3-B

Panhandle states that the proposed effective date of the tariff sheets listed in Appendix B is January 1, 1986. The proposed effective date of the tariff sheets listed in Appendix C is March 1, 1986. These revised tariff sheets to be

effective January 1, 1986 and March 1, 1986 separately state the gas costs and variable cost components as required by Commission Orders dated March 26, 1986 and April 24, 1986. These tariff sheets also are submitted, subject to Panhandle's position in and the outcome of the above-referenced proceeding and Panhandle's claim on judicial review.

To the extent required, Panhandle requests that the Commission grant such waivers as may be necessary for the acceptance of the tariff sheets submitted herewith to become effective October 1, 1985, January 1, 1986 and March 1, 1986.

Supporting computation sheets are enclosed and copies of this letter and enclosures are being served on all intervenors, jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before May 23, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11266 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-77-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

May 15, 1986.

Take notice that Transwestern Pipeline Company (Transwestern) on May 9, 1986 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets.

4th Revised Sheet No. 73
5th Revised Sheet No. 75
5th Revised Sheet No. 76

The above mentioned tariff sheets are being filed to revise sections 19.2(B)(2), 19.3(A) and 19.3(B) (1) and (2) of the General Terms and Conditions to specify that the calculation of the projected cost of gas be based on six month volumes instead of twelve month as currently provided.

The proposed effective date of the above tariff sheets is July 1, 1986.

Copies of this filing were served on Transwestern's jurisdictional; customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 23, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11267 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1891-001]

Douglas W. Tschappat; Application

May 14, 1986.

Take notice that on May 8, 1986, Douglas W. Tschappat filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Executive Vice President* and Director*—Ohio Edison Company
Director*—Pennsylvania Power Company
Director—Ohio Valley Electric Corporation
Director—Indiana-Kentucky Electric Corporation

*Mr. Tschappat was authorized to hold these positions under a previous order.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 27, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11268 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EL84-11-000, et al.]

Electric Rate and Corporate Regulation Filings; Aquenergy Systems et al.

Take notice that the following filings have been made with the Commission:

1. Aquenergy Systems

[Docket No. EL84-11-000]

May 12, 1986.

Take notice that on April 10, 1984, Aquenergy Systems, Inc. (Petitioner) filed a petition pursuant to 18 CFR 385.207(a)(2) requesting that the Commission issue an order declaring that the Petitioner's Coneross hydroelectric project is not subject to the Commission's jurisdiction under the Federal Power Act (Act) since the project will not involve the construction of a dam on a navigable waterway, will not require any post-1933 construction, and will not affect the interest of interstate or foreign commerce pursuant to section 23(b) of the Act, 16 U.S.C. 817. The Coneross project is located on Coneross Creek, near the town of Seneca in Oconee County, South Carolina. Correspondence concerning this petition should be addressed to: Mr. Ralph Walker, Jr., President, Aquenergy Systems, Inc., P.O. Box 8991, Greenville, South Carolina 29604, and Mr. Bradford W. Wyche, Burgess, Freeman & Parham, P.A., P.O. Box 10207, Greenville, South Carolina 29603.

As described in the petition, the project was constructed by the Seneca Manufacturing Company in the late 1890s or early 1900s to supply power to a mill located in the town of Seneca, South Carolina. The project was sold several times before being sold in 1952 to J.P. Stevens & Company, Inc. which continued to operate the project until 1953. The Petitioner states that the project has not been operated since 1953. The original project consisted of a reservoir, a dam, and two generating units rated at 600 kW and 300 kW, respectively. The Petitioner states that it will not perform any construction work on the project dam and that it will not significantly increase, decrease or alter the original elevation of the power pool or water surface area. The Petitioner also states that it intends to install at the project two turbines and two

generators whose total capacity will not exceed 900 kilowatts. The Petitioner will also use the existing penstock and tailrace.

Comment date: June 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Minnesota Power and Light Company

[Docket No. ER86-470-000]

May 14, 1986.

Take notice that on May 5, 1986 Minnesota Power and Light Company tendered for filing a Firm Power Service Agreement between Minnesota Power and Light Company and Northern States Power Company.

This transaction is for firm power interchange service under the Mid-Continent Area Power Pool Agreement, Service Schedule J. That MAPP Agreement was tendered for filing with the Commission in Docket No. FPC—77-34, which was terminated with the filing of Amendment No. 8 to the MAPP Agreement, and the same was accepted for filing. That MAPP Agreement has subsequently been amended in various proceedings before the Commission.

Comment date: May 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Pacific Power & Light Company, an assumed business name of PacifiCorp

[Docket No. ER84-394-000]

May 14, 1986.

Take Notice that Pacific Power & Light Company (Pacific), an assumed business name of PacifiCorp, on May 7, 1986, tendered for filing supplemental information to Pacific's filing under FERC Docket No. ER86-394-000. Pacific's filing under Docket No. ER86-394-000 of its Revised Appendix 1 for the state of Washington dated August 14, 1985, omitted page 35 of the Washington Utilities and Transportation Commission's Order Cause No. U-84-65. Pacific's filing hereunder is to correct such omission.

Pacific respectfully requests to renew its request for an effective date of August 14, 1985, which it claims is the date of commencement of service.

Copies of the filing were supplied to Bonneville, the Washington Utilities and Transportation Commission, and Bonneville's Direct Service Industrial Customers.

Comment date: May 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Pennsylvania Power Company

[Docket No. ER86-437-000]

May 14, 1986.

Take notice that on May 6, 1986, Pennsylvania Power Company (Company) tendered for filing a petition pursuant to Rule 207 of the Commission's Rules of Practice and Procedure. The company requests permission to implement the provisions of its Transmission Service Agreement (TSA) to the Boroughs of Ellwood City and Grove City effective September 1, 1985, pending Commission Review.

Comment date: May 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb

Secretary

[FR Doc. 86-11260 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-912-002, et al].

Natural Gas Certificate Filings; Colorado Interstate Gas Co., et al.

Take notice that the following filings have been made with the Commission:

1. Colorado Insterstate Gas Company

[Docket No. CP85-912-002]

May 13, 1986.

Take notice that on April 22, 1986, Colorado Interstate Gas Company (Petitioner), Post Office Box 1087, Colorado Springs Colorado 80944, filed in Docket No. CP85-912-002 pursuant to section 7(c) of the Natural Gas Act a petition to amend the Commission's order issued on December 26, 1985, in Docket No. CP85-912-000, so as to increase the maximum delivery volumes of gas transported for Public Service Company of Colorado (PSCo), all as more fully set forth in the petition to amend, which is on file with Commission and open to public inspection.

Petitioner states that pursuant to a September 27, 1985 transportation service agreement (transportation agreement) with PSCo, it transports natural gas for PSCo which Petitioner receives for PSCo's account at existing interconnections with Williston Basin Interstate Pipeline Company (Williston) in Park and Fremont Counties, Wyoming. Petitioner delivers the gas to PSCo at an existing interconnection in Denver County, Colorado. Petitioner further states pursuant to an April 14, 1986 amendments to the transportation agreement, the maximum delivery volumes were increased from 20,000 Mcf of natural gas per day to 40,000 Mcf per day.

Petitioner states that it has been advised by PSCo that PSCo has obtained additional natural gas supplies from Kock Hydrocarbon Company and that these supplies are on Williston's system and would be delivered to Petitioner pursuant to transportation authorization granted to Williston in Docket Nos. CP83-254-000 and CP83-335-000. Petitioner states that no new facilities are needed to effectuate the receipt and delivery of the additional gas supplies for PSCo. Petitioner states that it would charge PSCo its currently effective Rate Schedules EUS-1 rate, plus the GRI surchargd, subject to final Commission action in Docket No. RP85-122-000.

Comment date: June 3, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice

2. Kentucky West Virginia Gas Company

[Docket No. CP86-462-000]

May 13, 1986.

Take notice that on April 18, 1986, Kentucky West Virginia Gas Company (Kentucky West), Plaza Bank Building, P.O. Box 1388, Ashland, Kentucky 41101, filed in Docket No CP86-462-000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the sale of natural gas for 18 months under a new Rate Schedule MI-1, which provides for an experimental market incentive purchased gas cost rate, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Kentucky West requests authorization to initiate the new market incentive purchased gas cost rate under its Rate

Schedule MI–1 on a temporary basis. It is said that the rate schedule is experimental and the service is proposed to be effective for a limited term of 18 months. It is stated that the proposed service requires no additional facilities and that no customer would be adversely affected by implementation of the proposed incentive rate.

Kentucky West states that it has been experiencing a substantial decline in sales under its Rate Schedule PLS–1. In order to encourage optimum sales and to protect Kentucky West against potential take-or-pay liability, Kentucky West says it has devised an experimental market incentive rate for any sales in excess of 66–⅔ percent of its PLS–1 customers' maximum daily contract quantity of gas.

Kentucky West sets forth the following conditions in its proposal: (1) The sales would be made under the proposed market incentive purchased gas cost Rate Schedule MI–1. Such sales would be available for amounts of gas taken on any day in excess of the higher of 66–⅔ percent of the customers' maximum daily contract quantity of gas or the amount of gas moninated by the buyer for delivery under Rate Schedule PLS–1 for that day, up to the level of the maximum daily contract quantity of gas. (2) Additional amounts of gas would be available on an interruptible basis subject to the availability of surplus gas. (3) The availability of all gas would be subject to Kentucky West's ability to arrange with its gas supplies a reduced price to permit the sale of gas under Rate Schedule MI–1.

Since Rate Schedule MI–1 is experimental, Kentucky West requests authorization for a term of 18 months with abandonment to be effective at the end of that period. The request for a limited-term certificate, however, is made without prejudice to Kentucky West's seeking appropriate and timely certificate authority to continue such service upon expiration of the limited term, it is asserted.

Kentucky West states that the proposed market incentive rate for sales under Rate Schedule MI–1 would be subject to the availability of gas from Kentucky West's producer/suppliers in sufficient quantities to permit such sales. It is further stated that, assuming Kentucky West can obtain from its producer/suppliers the amounts of gas necessary to implement the markef incentive sales, such sales would optimize, to the extent such reduced cost gas supplies are made available, the economic utilization of Kentucky West's system. Kentucky West states also that such sales would protect Kentucky West against potential take-or-pay liability with its producer/suppliers.

Comments date: June 3, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. MIGC, Inc.

[Docket NO. CP86–463–000]

May 14, 1986.

Take notice that on April 18, 1986, MIGC, Inc. (Applicant), 10701 Melody Drive, Northglenn, Colorado 80234, filed in Docket No. CP86–463–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Ecological Engineering Systems, Inc. (EES), as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that pursuant to a transportation agreement dated November 1, 1985, Applicant has agreed to transport on an interruptible basis, for a term of five years from the date of initial deliveries, up to 10,000 Mcf of natural gas per day for EES. It is alleged that the requested transportation service would facilitate the sale of gas by EES to Cheyenne Light, Fuel and Power Company (Cheyenne) for Cheyenne's system supply. Applicant would transport the subject volumes from three receipt points in Campbell County, Wyoming, to Colorado Interstate Gas Company (CIG) at the Powder River Station in Converse County Wyoming.

Applicant further requests authority to transport on an interruptible basis, for a term of five years from the date of initial deliveries, up to 30,000 Mcf of natural gas per day on behalf of EES as a seller of gas to Cominco American, Incorporated. Applicant would perform such service pursuant to a transportation agreement dated November 1, 1985. Applicant would transport the subject volumes from three receipt points in Campbell County, Wyoming to CIG at the Powder River Station in Converse County, Wyoming.

In accordance with the gas transportation agreements, Applicant proposes an initial transportation charge of 63.42 cents per MMBtu. Applicant asserts that this rate is in effect, as filed in its rate case at Docket No. RP84–15–000. Applicant further asserts that a portion of the revenue collected is subject to refund pending a final determination of its rate proceeding.

Comment date: June 4, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. United Gas Pipe Line Company

[Docket No. CP86–472–000]

May 14, 1986.

Take notice that on April 24, 1986, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP86–472–000 a request pursuant to §§ 157.205 and 157.211 of the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to install and operate a 2-inch sales tap on United's Jackson-Magnolia 6-inch line in Hinds County, Mississippi, under the certificate issued in Docket No. CP82–430–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United proposes to install the tap to sell and deliver natural gas to Entex, Inc. (Entex), for resale and distribution in Entex's McComb-Summit, Mississippi, service area. It is stated that the tap is needed to alleviate operational problems experienced by Entex. It is indicated that the proposal would not increase United's daily or annual deliveries to Entex, which are made pursuant to United's Rate Schedule DG–N.

Comment date: June 30, 1986, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing

if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the Applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11261 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-703-000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Tenneco Oil Co., et al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

May 13, 1986.

Take notice that the following filings have been made with the Commission.

1. Tenneco Oil Company

[Docket No. QF86-703-000]

On May 1, 1986, Tenneco Oil Company (Applicant), of 10000 Ming Avenue, Bakersfield, California 93311, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Los Angeles County, California. The facility will consist of two combustion turbine generating units with two waste heat recovery steam generators. Steam produced by the facility will be used for enhanced oil recovery. The net electric power production capacity of the facility will be 41,152 KW. The primary energy source will be natural gas. The installation of the facility will begin in the fourth quarter of 1987.

2. Earlsboro Oil and Gas Corporation

[Docket No. QF86-691-000]

On April 21, 1986, Earlsboro Oil and Gas Corporation (Applicant), of 6701 North Broadway, Suite 400 Oklahoma City, Oklahoma 73116, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Sequoyah, Oklahoma. The facility will consist of four gas engine generating units and waste heat recovery equipment. Heat will be recovered from the engine coolant and engine exhaust, and used in a gas treating process. The primary energy source of the facility will be natural gas. The electric power production capacity will be 2.6 MW. The installation of the facility will begin in late 1986.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspeciton.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11262 Filed 5-19-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3019-1]

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a three-day meeting of the Environmental Engineering Committee of the Science Advisory Board will be held at the Environmental Protection Agency, Conference Room #3 North (on the Ground Floor, near the EPA Washington Information Center), Waterside Mall, 401 M Street, SW, Washington, DC on June 9-11, 1986. The meeting will begin at 9:00 a.m. each day, and last until 5:00 p.m. on June 9-10 and until 3:00 p.m. on June 11.

The agenda on June 9 will consist of general Committee discussions. On June 10-11 the Committee will continue review of technical documents supporting Agency regulations for the reuse and disposal of municipal treatment plant sludges under section 405(d) of the Clean Water Act, and proposed revisions to the Agency's Ocean Dumping Regulations (40 CFR 220-229). Emphasis on June 10-11 will be placed on detailed review of (1) the technical rationale for dredged material disposal, (2) the overall risk assessment methodology for the various sludge disposal options, and (3) land-based options for the disposal of sludges.

The meeting is open to the public. Any member of the pubic wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, ot Terry F. Yosie, Director, Science Advisory Board, at (202) 382-4126. Public comments will be accepted at the meeting. Written comments will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make oral or written comments must contact Mr. Torno prior to May 30, 1986, in order to be placed on the agenda. Any member of the public wishing to attend should contact Mrs. Brenda Browne at (202) 382-2552.

Dated: May 12, 1986.

Terry F. Yosie

Director, Science Advisory Board.

[FR Doc. 86-11295 Filed 5-19-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS 91007; FRL #2978-1]

Toxic and Hazardous Substances Control; 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates; Referral for Additional Action

AGENCY: Environmental Protection Agency (EPA).

ACTION: Section 9 Report to the Occupational Safety and Health Administration (OSHA).

SUMMARY: This notice describes EPA's intended action with respect to the manufacture and use of 2-methoxyethanol, 2-ethoxyethanol and their acetates (2-ME, 2-EE, 2-MEA, 2-EEA, respectively). These four chemicals are part of a class of chemicals known as glycol ethers. Their respective Chemical Abstract Service Registry Numbers are 109-86-4, 101-80-5, 110-49-6, and 111-15-9. EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to these glycol ether during their manufacture and during processing and use is unreasonable and this risk may be prevented or reduced to a sufficient extent by action taken by OSHA under the Occupational Safety and Health Act (OSHAct). Accordingly, EPA is using this **Federal Register** notice as a report to OSHA under section 9(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2608(a), and OSHA consequently is required to respond to EPA within 180 days of the publication of this notice in the **Federal Register**.

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 USA: Operator-(202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

2-Methoxyethanol, 2-methoxyethanol acetate, 2-ethoxyethanol, and 2-ethoxyethanol acetate (2-ME, 2-MEA, 2-EE, 2-EEA, respectively) are chemicals produced at a rate of approximately 320 million pounds per year. They are used as solvents to produce such industrial products as paints and coatings, cleaners, inks and adhesives. Other industrial uses are as jet fuel additives, chemical intermediates, in printed circuit board and semiconductor manufacture, and pharmaceutical synthesis. They are also used in paints, coatings, cleaners, inks, lacquer thinners, and photographic developers. Half of the annual production of 2-ME is used as a deicing additive for military jet fuel. As intermediates, 2-EE and 2-ME are used to manufacture the ether acetates (2-EEA and 2-MEA) and certain plasticizers. Approximately 569,000 workers may be exposed to these glycol ethers. Over 145,000 workers are exposed to either 2-ME or 2-MEA and 206,000 workers to either 2-EE or 2-EEA at levels that EPA believes present an unreasonable risk from possible developmental or reproductive effects.

In an Advance Notice of Proposed Rulemaking (ANPR) published in the **Federal Register** of January 24, 1984 (49 FR 2921), EPA determined, based on animal studies, that adverse reproductive and developmental effects are associated with these glycol ethers at concentrations to which humans may be exposed. EPA also announced its intent to start a regulatory investigation under the authority of TSCA to reduce exposure to these glycol ethers. In order to assist EPA in its regulatory investigation, the Agency sought comments and available data on (1) the extent and nature of exposure; (2) substitutes for these glycol ethers; (3) the economic impact of alternative means of regulating these glycol ethers; (4) ways to control exposure; and (5) the toxicity of these glycol ethers.

Twenty organizations responded to the ANPR. Most manufacturers and users of these glycol ethers felt that regulation is unnecessary and that a ban would be harmful (circuit board manufacturers said that a ban would be disastrous), and that at any rate, because exposure is primarily to workers the problem is OSHA's. The manufacturers of potential substitutes see no technical impediment to using their solvents in place of the subject glycol ethers except for some electronic applications. The Environmental Defense Fund (EDF), the only non-industrial respondent, felt that the glycol ethers should either be restricted or banned.

Also on January 24, 1984, EPA sent its "Preregulatory Assessment of 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates" to scientists in business, academia, labor unions, and public interest groups asking for their comments on the Agency's preliminary assessment of glycol ethers' risk.

Many comments on the analysis of the data were received. The reviewers found the assessment generally credible, although there was considerable comment on the Agency's use of quantitative methods. The Agency has revised its assessment to reflect the comments received.

Following the issuance of the ANPR, the Agency continued its regulatory investigation by conducting further assessments of exposure to glycol ethers, risk control methods and costs, and the availability of substitutes for these glycol ethers. EPA considered various regulatory options, including prohibiting the use of the glycol ethers in some or all uses and imposing various forms of exposure controls in the workplace.

As a result of the information submittted in response to the ANPR and other information developed by EPA, the Agency has determined that a workplace standard of the same type as the current OSHA standard (permissible exposure limits, possibly combined with engineering controls, work practices and personal protective equipment) can reduce risk to a sufficient extent for workplace settings where these glycol ethers are either used, manufactured, formulated or processed. OSHA has authority to promulgate and enforce this type of standard; therefore, EPA, pursuant to section 9(a) of TSCA, is submitting to OSHA a report on the risks of occupational uses of these glycol ethers.

EPA's investigation of risks to consumers has led the Agency to conclude the current information will not support an unreasonable risk finding for consumer use. EPA will continue to consult with the Consumer Product Safety Commission pursuant to section 9(d) of TSCA to resolve outstanding issues, particularly the presence of these glycol ethers in consumer products.

II. Authority

TSCA provides EPA with broad authority to assess and regulate chemical substances in the environment, in the workplace, and in commercial products. Under section 6(a) of TSCA, EPA is authorized to impose regulatory controls if the Agency finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance presents or will present an unreasonable risk of injury to human health or the environment.

To determine whether a risk is unreasonable, EPA balances the probability that harm will occur from the chemical substance under consideration against the social and economic costs of placing restrictions on the chemical. Specifically, as stated in section 6(c) of TSCA, this conclusion incorporates consideration of:

1. The effects of the chemical substance on health or the environment.

2. The magnitude of human or environmental exposure to the chemical substance.

3. The benefits of the chemical substance for various uses.

4. The availability of substitutes for such uses.

5. The reasonably ascertainable economic consequences of regulation, after consideration of the effect on the national economy, small business, technological innovation, the environment, and public health.

The Agency realizes that no single mathematical formula can be used to evaluate unreasonable risk, since the amount and nature of the information will differ in each case. Instead, EPA applies a case-by-case approach, weighing quantitative information with qualitative factors, and applying generlly accepted principles of responsible public health administration and prudent public policy.

If the EPA Administrator makes an unreasonable risk finding, one or more of several regulatory measures may be applied to the extent necessary to protect adequately against the risk. Those measures include: prohibiting or limiting the manufacture, processing or distribution in commerce; labeling; recordkeeping and testing; prohibiting or otherwise regulating any manner or method of commercial use or disposal; requiring the revision of quality control procedures; and a requirement that chemical manufacturers notify the public of unreasonable risk associated with a chemical. The EPA Administrator is required by TSCA to apply the least burdensome requirement(s) to protect adequately against such risk.

Under section 9(a)(1) of TSCA, the Administrator is required to submit a report to another Federal agency when two determinations are made. The first determination is that the Administrator has a reasonable basis to conclude that a chemical substance or mixture presents or will present an unreasonable risk of injury to health or the environment. The second determination is that the unreasonable risk may be prevented or reduced to a sufficient extent by action taken by another Federal agency under a Federal law not administered by EPA. Section 9(a)(1) provides that where the Administrator makes these two determinations, EPA must provide an opportunity to the other Federal agency to assess the risk described in the report, to interpret its own statutory authorities, and to initiate an action under the Federal laws that it administers.

Accordingly, section 9(a)(1) requires a report requesting the other agency (1) to determine if the risk may be prevented or reduced to a sufficient extent by action taken under its authority, and (2) if so, to issue an order declaring whether or not the activities described in the report present the risk described in the report.

Under section 9(a)(2), EPA is prohibited from taking any action under section 6 or 7 with respect to the risk reported to another Federal agency pending a response to the report from the other Federal agency. There would be no similar restriction on EPA for any risks associated with a chemical substance or mixture that is not within the section 9(a)(1) determinations and therefore not part of the report submitted by EPA to the other Federal agency.

The second agency may take one of three possible actions set out below. The Administrator may not take any action under section 6 or 7 with respect to such risk if the other agency either:

a. Issues an "order" within the EPA deadline, stating that the activities EPA described do not present the "unreasonable risk" EPA has attributed to them; or

b. "Initiates" within 90 days of its response to EPA action to "protect against" the risk identified by EPA.

c. Takes no action within 90 days of its response to EPA to "protect against" the risk identified by EPA.

On the other hand, EPA may take further action if the other agency either:

a. Determines that its law does not authorize action to prevent or reduce the unreasonable risk to a sufficient extent; or

b. Explicitly defers to EPA despite the existence of adequate authority on its part (unless its own statutory authority precludes such action), presumably on the ground that action by EPA is preferable on practical or public policy grounds; or

c. Does nothing, in which case EPA, once the deadline has expired, remains free to act as before.

III. Findings Under Section 9(a)

In this unit, EPA discusses the findings used to support its decision to refer glycol ether risks to OSHA for action. Units III.A and B discuss the factors used to assess the potential risks to workers exposed to the glycol ethers. Unit III.C is a summary of the effect of these glycol ethers on the environment. Units III.D and E are a summary of the benefits of the continued use of the glycol ethers and the potential consequences of regulatory action. Units III.F and G present the conclusions with respect to the unreasonable risk determination and the determination that the risk from these glycol ethers can be reduced to a sufficient extent by OSHA.

A. The Effects of the Chemical Substance on Health

2-Methoxyethanol, 2-ethoxyethanol, and 2-ethoxyethanol acetate have been shown to produce adverse reproductive and developmental effects in a number of animal species at levels of exposure well below current OSHA standards. These adverse effects include effects on adult male testicular tissue, effects on the embryo or fetus, and effects on the pregnant female. 2-Methoxyethanol acetate has been shown to produce adverse testicular effects at relatively high doses. The fact that the great number of studies that have been conducted by many investigators in many countries, in several animal species, are in agreement in terms of the nature of the developmental and reproductive effects that these glycol ethers cause, gives EPA confidence in its conclusion that current exposure to these chemicals may pose a significant hazard to humans.

Additionally, data derived from laboratory animals demonstrate that exposure to 2-ME may result in a variety of toxic hematologic effects, including hemolysis, bone-marrow depression, and immunosuppression. Adverse hematologic effects have been seen in humans, although attributing the cause to 2-ME is made somewhat uncertain because the exposure involved other chemicals in addition to 2-ME. Some hematologic effects seen in animals from exposure to 2-ME have resulted from exposures at concentrations lower than those that produced developmental and reproductive effects. EPA's assessment of the hematologic effects of 2-ME are contained in the unpublished report "Review of Hematologic Effect of 2-Methoxyethanol" (Ref. 42).

1. *Animal studies.* EPA relied primarily on a number of studies of various animal species in its analysis of the toxicity of these glycol ethers (Refs. 10, 17 through 22, 34 through 40, 44 through 46, 61, 69, 70, and 72 through 74). These data from these studies upon which EPA relied are summarized and analyzed in detail in "Reproductive and Developmental Effects Assessment of 2-Methoxyethanol and 2-Ethoxyethanol" (Ref. 56). This report summarizes these studies and other studies that EPA relied upon to support its conclusions.

The data show that 2-ME is developmentally toxic in laboratory animals following exposure via inhalation. In rabbits, the most sensitive species tested to date, the minimally toxic embryo/fetal dose (embryo/fetal death or resorptions) is 10 parts per

million (ppm). The no observed effect level (NEOL) is 3 ppm. 2–ME is also maternally toxic in rabbits at 50 ppm (the highest dose level tested), and in rats at 3 ppm (the lowest dose level tested). Other fetal effects, such as skeletal and soft tissue abnormalities, occur at higher doest (50 ppm and above) in rabbits and rats. The expected toxicant in 2–ME activity is methoxyacetic acid, which is the major metabolite of 2–ME.

2–ME causes testicular atrophy in rats with deceased testicular weight following exposure via inhalation. The NOEL for reduced fertility is 100 ppm. 2–ME also produced testicular damage in the rabbit via inhalation at 100 ppm and orally in the rat at 100 mg/kg. The NEOLs for these effects were 30 ppm and 50 mg/kg, respectively. Significantly, 2–ME caused its effects (in the rat) after only two oral exposures at the lowest observed effect level (NEOL). At higher doses (250 mg/kg), a single exposure resulted in testicular damage. The data suggest that 2–ME may have a primary effect on the testis. 2–ME exposure also reduces fertitity in the male rats at high doses.

Available data also show that 2–EE is developmentally toxic in laboratory animals. The NEOL for these effects is 50 ppm in both the rabbit and the rat following exposure via inhalation. Fetal effects occur at the highest dose tested in each species (175 ppm in the rabbit, 250 ppm in the rat). 2–EE is maternally toxic in rats at 250 ppm. Complete maternal data in rabbits are not available at present. 2–EE is also developmentally toxic following dermal exposure. Doses totaling 1.0 m1/day caused resorptions and visceral and skeletal abnormalities in rats. These effects were noted in the presence of maternal toxicity; they nevertheless indicate that dermal exposure to 2–EE presents a health hazard. Lastly, 2–EE caused behavioral and neurochemical changes in rat offspring at 100 ppm.

2–EE has been shown to cause testicular damage in the rat at oral doses of 500 mg/kg and higher, with 250 mg/kg being the NEOL. 2–EE was testicularly toxic in the rabbit via inhalation at concentrations of 400 ppm, although other toxic effects also occurred at this level.

Available developmental toxicity data on 2–EEA, 2–ME and methoxyacetic acid, as well as metabolism data on 2–ME, indicate that 2–MEA and 2–EEA are expected to show similar profiles of developmental and reproductive toxicity as 2–ME and 2–EE, since all four chemicals are metabolized to an alkoxyacetic acid. Such an acid, methoxyacetic acid, has shown to cause both reproductive and developmental effects similar to the parent compound.

EPA has considered what exposure times are necessary to cause developmental effects from exposure to these glycol ethers. The available data indicate the developmental effects can be caused by short term exposures to 2–ME and 2–EE. The shortest exposure tested for 2–ME, single oral doses, has been shown to cause developmental and testicular effects. The Agency is unable, however, to estimate the level of inhalation exposure that would result in adverse effects over a short term (defined as less than 8 hours).

All of these substances are believed to be rapidly absorbed through the skin into the blood, thus causing the same effects as oral doses. Measurements made on excised pieces of human skin show extremely rapid absorption of these glycol ethers. The rates observed are 1.6 to 2.8 milligrams per square centimeter per hour (mg/cm²/hr) for 2-ME, 0.8 mg/cm²/hr for 2-EE, and 0.8 mg/cm²/hr for 2-EEA (Ref.14).

2. *Human studies.* EPA is not aware of any studies of the toxicity of these glycol ethers to humans that have examined developmental or reproductive effects.

B. Human Exposure and Risk

1. *Exposure sources*—a. *Manufacture.* Workers involved in manufacturing these glycol ethers are potentially exposed at several places in the manufacturing plant. The highest potential exposure occurs at packaging and drum filling locations, while all other locations are typically well controlled (closed systems, ventilated, etc.). Inhalation exposure at manufacturing plants ranges from 0.1 to 4.2 ppm. At a typical plant, EPA estimates 30 workers would be involved in these operations for less than 8 hours per day on a daily basis. There is also a high potential for dermal contact whenever container filling is not done automatically. However, most container filling is done automatically, ventilation is normally used, and protective equipment is normally worn (Ref. 60).

b. *Processing.* Glycol ethers are formulated in products under a much wider variety of conditions than those found in manufacturing plants. (Formulation of glycol ethers into products after their manufacture is considered "processing" under sec. 3 of TSCA.) In most cases, products are formulated under tightly controlled conditions (closed system, ventilation) where exposures are very low (non-detectable to less than 5 ppm.) However, some small quantity formulations of paints or other coatings are processed in open vessels where mean exposures can range up to 10 ppm. The potential for dermal contact in those situations can be quite high. In a typical plant, 20 workers are involved for less than 8 hours per day on a daily basis. Most establishments attempt to control exposures through the use of ventilation and personal protective equipment.

c. *Uses.* During the use of most glycol ether-containing products, the object is to evaporate the glycol ethers and other solvents from the coating, ink or cleaned surface. This evaporation results in a high potential for both dermal and inhalation exposure to glycol ethers.

i. *Trade users.* There are many products that may contain these substances used in a variety of trades. Prominent among these are inks used in printing, paints, varnishes, stains, lacquers, paint removers, and cleaning solvents used by woodworkers, painters, furniture finishers, and metal workers, and auto paints used in body shops. The inhalation exposures are known from observations made by NIOSH and OSHA to be at the level of 0 to 50 ppm for an 8-hour time-weighted average (TWA) (approximately 3 ppm average).

A typical case is the application of finishing or refinishing coatings on automobiles. Inhalation exposure levels may range from non-detectable to as high as 85 ppm. There is also a high potential for dermal contact. Workers are typically coating automobiles for 4 hours per day, 3 to 5 days a week. Most large shops control exposure through the use of ventilated spray booths and protective equipment. Small shops may not have this apparatus; frequently it is not well used or maintained (Ref. 47A).

ii. *Industrial users.* Industrial users are manufacturing establishments that apply glycol ether-containing paints and other coatings to products such as automobiles, appliances and furniture of use glycol ether-containing cleaners to clean a variety of machinery and work surfaces. This group also includes semi-conductor manufacturers who coat silicon wafers with photoresists. Most establishments attempt to control exposures through spray booths, exhaust hoods, general ventilation and personal protective equipment. Where glycol ether-containing cleaning products are used, the potential for dermal contact can be high.

iii. *Consumer Uses.* These glycol ethers are known to have been widely used in consumer products. However, because of wholesale switching to substitute solvents by EPA has not been able to identify manufacturers who currently use these glycol ethers in their

consumer products. Consequently, consumer exposure is irrelevant to the unreasonable risk finding contained in this report.

2. *Exposure analysis framework.* This picture of different causes and patterns of exposure among different people is the basis for dividing the exposed population into three major populations at risk. One population is the manufacturing, formulating and processing workers. Their exposure is characterized by processes where the release of glycol ether solvents is controlled and engineering and other controls are widely available. The second population at risk are the workers in major industries who use products containing the solvents. Their exposure is characterized by dissipative use of the solvents under conditions where exposure is prevented or reducted through engineering controls, special work practices and protective equipment. The third population at risk are what EPA is calling the trade workers using these products. Their exposure is characterized by dissipative use of the products under conditions where there frequently is little or no active removal of the vapors. The only limitations on their exposure are the relatively small amount of solvent used and the shorter and less consistent use of the glycol ether-containing products.

3. *Exposure levels.* Data on the exposure levels for men and women in trade uses, industrial uses, and glycol ethers manufacturing, formulating and processing are shown in the table "Populations at Risk" contained in this unit. The exposure data show that in most large industries the majority of exposures are relatively low (exposures below 0.03 ppm for 2–ME and below 1 ppm for 2–EE). What EPA has defined as trade uses, however, account for most of the highest exposure category (exposures above 3 ppm for 2–ME and 10 ppm for 3–EE).

Some trades that are likely to use these glycol ethers are not counted in the Agency's estimates either because EPA is not familiar with their use, or because EPA cannot estimate the number of people in the trade.

The exposure data in the table "Populations at Risk" are based solely on inhalation exposure to these glycol ethers, but dermal absorption will, in many cases, be a major contribution to the total exposure, and it can easily exceed the dose absorbed by inhalation.

4. *Risk analysis*—a. *Risk summary.* Based upon the results of animal studies, EPA has concluded that exposure at levels equal to current OSHA standards from the use of products containing these substances may cause both developmental toxicity effects and testicular damage in humans. In all cases 2–EE and its acetate are less potent in causing these effects than 2–ME and its acetate. EPA's evaluation of the safety of these substances shows that there is only a small or no margin of safety for many of their uses.

b. *Risk analysis methodology.* In its risk assessment (Ref. 78), EPA relies primarily on the analytical methodology of identifying the margin of safety, that is, the difference between worker exposure levels and the concentration levels at which no adverse, statistically significant effects were observed in test animals, i.e., the NOEL. This margin, which is equal to or some fraction of the NOEL, is a tool commonly used in evaluating the significance of human toxic exposures. To assure chemical safety, it has been standard Federal and state agency practice to establish a margin of 100 to allow for the possible greater sensitivity and variability of humans over the experimental animals. Exposures below this level have often been considered reasonably safe and above this level as possible hazardous. The Agency has analyzed the specific data on these glycol ethers and believes that a margin of safety of 100 is necessary to be reasonably confident of no human effects. The Agency's approach is consistent with its proposed guidelines for the health assessment of suspect developmental toxicants published in the **Federal Register** of November 23, 1984 (49 FR 46324). (This margin, combined with the economic impacts of achieving it, and other factors, is considered in making the finding of unreasonable risk discussed in Unit III.F below.)

In order to facilitate its analysis of the effectiveness of various control options, EPA divided the exposed populations according to ranges of margins of safety that applied to each group. Specifically, exposed worker populations were divided between trade users, industrial users, and workers in glycol ether manufacturing, formulating, and processing facilities. These groups were then subdivided between men and women (assuming 80 percent men and 20 percent women (Ref. 67) according to exposure levels that were (1) over one-tenth the NOEL for male or female effects respectively, (2) between one-tenth and one one-hundredth the male or female NOEL, (3) below one one-hundredth the male or female NOEL.

c. *Risk levels.* As the following table entitled "Populations at Risk" indicates, between 206,000 and 350,000 workers are exposed to levels of these glycol ethers that represent a margin of safety of less than 100. (The upper range assumes that none of the workers exposed to 2–EE and 2–EEA are also exposed to 2–ME and 2–MEA; the lower range assumes that all of the workers exposed to 2–EE and 2–EEA are also exposed to 2–ME and 2–MEA.) Approximately 90 percent of these higher risk workers are in the trade group.

TABLE—POPULATIONS AT RISK FROM 2-EE AND 2-ME

	Total[1]		Trade uses		Industrial		Manufacturing formulation, and processing	
	2-ME	2-EE	2-ME	2-EE	2-ME	2-EE	2-ME	2-EE
Number of Men at Risk, by use, Assuming Men Comprise 80 Percent of Exposed Population								
Margin of Safety less than 10	2,808				2,520		288	
Margin of Safety between 10 and 100	113,065	154,380	112,977	139,126	88	14,457		1,097
Margin of Safety greater than 100	194,466	297,772	62,807	111,976	129,928	162,173	1,730	23,622
Number of Women at Risk,[2] by use, Assuming Women Comprise 20 Percent of Exposed Population								
Margin of Safety less than 10	28,968	14,639	28,244	14,639	652		72	
Margin of Safety between 10 and 100	30	37,074		20,143		15,244	30	1,687
Margin of Safety greater than 100	48,587	61,325	15,701	27,994	32,482	28,838	403	4,493

[1] 2-ME and 2-EE are not additive because data includes people exposed to both chemicals. Data for 2-EE includes 2-EEA; data for 2-ME includes 2-MEA.
[2] For women, risk occurs during pregnancy.

Up to 46,000 workers are exposed to levels that represent a margin of safety of less than 10. Dermal exposures are not accounted for since EPA has no data for these exposures.

d. *Uncertainties.* Some of the sources of uncertainty in estimating the risks of testicular toxicity can be quantitatively estimated because both the biological site of action and the range of human

variability have been tentatively identified.

The biologic site of action of both 2-ME and 2-EE on the testis appear to be the primary germ cells. An extensive review by Meistrich (Ref. 32) suggests that it may be possible to estimate the reduction in the fertility of a human population exposed to 2-ME. He calculates that, at exposures between 1 and 5 ppm, the incidence of human infertility will increase from 15 percent of all couples to 16 percent of all couples.

The testicular effects of 2-EE can be considered to be similar to those of 2-ME but occur at approximately threefold higher exposure levels. The NOEL for all testicular effects is 100 ppm. This NOEL implies that exposures above 1 ppm would be considered by EPA to present a risk of testicular effects or that, by the Meistrich approach, infertility of couples will increase 1 percent from exposures between 5 and 25 ppm of 2-EE.

Because of a lack of data, dermal exposure has not been accounted for in determinating the risks. To the extent that there is significant dermal exposure and that exposure is not controlled, the risks are underestimated and some populations may actually be exposed to considerably higher levels than the Agency has determined based on inhalation data alone. A comparison of the risks from dermal and inhalation exposure can provide a perspective on the amount the risks may be underestimated. Fifteen minutes of absorption to a hand that is wet with 100 percent 2-ME will result in absorption of between 260 and 455 of 2-ME. This is the equivalent of exposure from inhalation to between 67 and 117 ppm of 2-ME for 15 minutes. Another comparision is that exposure to 1 ppm of 2-ME for 15 minutes (an exposure with a margin of safety of less than 10) is equivalent to immersion of less than 1 square inch of skin for 15 minutes.

Clearly, when no protection is used, dermal absorption can easily exceed inhalation exposure. This has especially important implications for controlling trade exposures where the nature of the product, and its hazards, may not be known and suitable protective clothing may not be readily available. It implies that there is a risk from all uses where there may be skin contact.

Additionally, while EPA has not established a safe or acceptable level of exposure to 2-ME with respect to hematologic effects, EPA believes that there is some risk to humans of incurring these effects through uncontrolled exposure to 2-ME

e. *Conclusion.* The populations at a significant risk of reproductive and developmental effects are all men and women of childbearing age who on jobs that may use products containing 2-ME, 2-EE and their acetates. (These populations total as many as 350,000 in numbers.) The risk is especially high were there are no industrial ventilation controls or special protective equipment used.

EPA concludes that almost all trade users will have a significant risk of health effects from using these products.

C. The Effect of the Chemical Substance on the Environment

2-Ethoxyethanol and 2-methoxyethanol appear to be of only moderate to low concern regarding their toxicity of microorganisms and aquatic organisms (Refs. 50 and 51). EPA's PRL-1 reports (Refs. 54 and 55) also indicate that both 2-EE and 2-ME are biodegradable, with little or no tendency to bioaccumulate. More limited information on the effects of 2-EEA and 2-MEA on the environment are contained in the unpublished EPA reports "Chemical Hazard Information Profile Draft Report, 2-Methoxyethanol Acetate" and "Chemical Hazard Information Profile Draft Report, 2-Ethoxyethanol Acetate" (Refs. 52 and 53). Those reports indicate that 2-EEA was moderately biodegradable, whereas 2-MEA was slightly to moderately biodegradable.

D. Benefits of Glycol Ethers

1. *Background.* These glycol ethers have been used in commerce for over 50 years. Glycol ethers, as a family, are unique chemicals because they contain both the alcohol (—OH) and ether (—O—) moiety in the same molecule. This combination makes the glycol ethers useful in formulations containing organic and inorganic materials. Glycol ethers are useful solvents for a host of commonly used resins in the paint and coatings industry. In addition, they have relatively slow evaporation rates, which are desirable in terms of film formation.

2. *Uses.* Total domestic consumption of these glycol ethers is approximately 320 million pounds (Ref. 80). Domestic consumption of the glycol ethers can be divided into industrial uses that include chemical intermediates, industrial coatings, industrial solvents, and jet fuel additives and trade uses that include coatings and solvents used in trade industries.

a. *Industrial uses.* Chemical intermediates constitute the largest single application of glycol ethers, accounting for 36 percent of total domestic consumption. However, all but one-eighth of chemical intermediate use is directly associated with the production of glycol ether acetates. Production of 153 million pounds of 2-EEA requires 107 million pounds of 2-EE, and production of 1 million pounds of 2-MEA requires 0.7 million pounds of 2-ME. The one-eighth of glycol ethers used in chemical intermediate applications other than acetate production is nearly all accounted for by the 2-ME used in the production of the plasticizer di-methoxyethyl phthalate and the solvent ethylene glycol dimethyl ether.

Industrial coating formulations are the largest end-use category, accounting for 27 percent of domestic usage. Glycol ethers, primarily 2-EE and its acetate, are formulated into a wide array of industrial coatings. Protective finishes for cars, trucks, heavy equipment, and sheel sheet are among the largest uses of glycol ether-containing coatings. Original equipment manufacturers value glycol ethers for the smooth, glossy, durable finish they impart in both low temperature cure coatings and high temperature baked enamels. Formulators value glycol ethers for their compatibility with a variety of resins, their effectiveness in coupling resin polymers with colorants and additives, and their miscibility with both other solvents and water.

Industrial solvents represent the second largest end-use of glycol ethers, comprising 15 percent of domestic consumption. Electric circuit board manufacture, semiconductor manufacture, and textile dyeing are among the many industrial solvent applications. Electric circuit board manufacture is the largest single use in this category, accounting for consumption of 15 million pounds of glycol ethers. In this application, 2-ME serves as the carrier solvent for the catalyst in epoxy resins applied to a reinforcement material (e.g., fiberglass) during circuit board manufacture.

All four glycol ethers are used as solvents in cleaners in metal fabrication, manufacture of electrical and mechanical machinery, and miscellaneous applications. Glycol ethers are combined with other solvents and cleaners, or applied undiluted in cleaning applications. In some instances, the glycol ethers may be applied manually.

Jet fuel additives constitute the fourth largest domestic end-use of glycol ethers, accounting for 10 percent, or 33 million pounds, of total consumption. One part 2-ME is added to 1,000 parts jet fuel to prevent the fuel from freezing in jets without fuel heaters, and to act as

an antimicrobial agent in order to prevent clogging of fuel lines. Military uses dominate this market. Small private planes, such as Lear jets and Cessnas, represent a small part of the total. These additives are not employed in most commercial aircraft, which have in-line heaters.

b. *Trade uses.* Three trade industries—commercial printing, auto refinishing, and maintenance painting—together represent the third largest domestic end-use of glycol ethers. (All trade uses might constitute a larger end-user group than industrial solvents.) Altogether they account for 13 percent of domestic consumption. Glycol ether usage in printing inks has been declining in recent years to the extent that in 1982 this application was estimated to account for only 9 percent of trade industry consumption of glycol ethers. Three million pounds are used in rotogravure, flexographic, letterpress, and other printing processes. In addition, approximately 2 million pounds of 2-EE and 2-EEA are used as cleaning solvents in the printing industry.

Auto refinishing and maintenance paint formulations are functionally similar to industrial coatings, and are formulated by the same companies. Their distinguishing characteristic is that they are applied in non-industrial settings. Maintenance painters apply glycol ether-containing coatings to bridges, buildings, houses, ships, and highways.

3. *Substitutes*—a. *Summary.* In most cases, there are not one-for-one replacements for these glycol ethers. Blends of solvents would have to be used in order to achieve the cost/performance properties of these glycol ethers. The most likely substitutes would be blends of solvents that contain either the higher homologs of the ethylene oxide derived chemicals (e.g., ethylene glycol propyl ether, ethylene glycol butyl ether), or chemicals based on propylene oxide (e.g., propylene glycol methyl ether and propylene glycol methyl ether acetate). Other blend components would be aromatics, ketones, and esters. Much reformulation has been done in the area of paints and coatings. The biggest substitution problems would be in electronic applications 2-ME and industrial finishes containing 2-EEA. Coating manufacturers and users are concerned about the long-term impact of substitution on performance properties such as weathering and durability. In applications such as circuit board manufacture, solvency power of the substitute is the key consideration. Substitutes are available for most of the trade uses of these glycol ethers.

b. *Substitutes in glycol ether formulating and processing-intermediates.* With respect to intermediate use (other than glycol ether acetate manufacture), since glycol ethers become consumed in the manufacture of another chemical, substitution does not involve replacement of the glycol ether by the intermediate manufacturer but rather replacement of the chemical product itself at the point of end-use. For example, another plasticizer would need to be employed instead of di-methoxyethyl phthalate during vinyl plastics production.

i. *Industrial coatings.* Within industrial coatings, 2-EEA represents 80 percent of glycol ethers usage (among the four glycol ethers). Thus, to a large extent, replacement of these glycol ethers in coatings would mean substitution for 2-EEA, to a much lesser extent (17 percent) substitution for 2-EE, and to a minimal extent (3 percent) substitution for 2-ME.

The glycol ethers (and other solvents) are employed in three steps of the coating formulation process—resin production, pigment dispersion, and final mixing. During resin production, the glycol ethers act as chain transfer agents and therefore affect the characteristics of the polymer formed—its molecular weight average and distribution, extent of cross linking, and number of side branches. Since the polymer properties directly affect the formulated coating' rheology (flow properties), application properties, and durability, replacement of glycol ethers in this application is relatively difficult.

The second area of glycol ethers' use in coatings formulations is for pigment dispersion. Pigment dispersion solvents directly affect the stability, hue, and tinting strengths of the pigment. In addition, they affect the stability and application properties of the formulated coating. Replacement of glycol ethers as pigment dispersion solvents is considered to be less difficult than their replacement in resin production (Ref. 77).

The final glycol ether use in coatings formulation is as a let-down solvent during the mixing of the resin and pigment to produce the formulated paint. Glycol ethers in this application contribute to the overall solvent properties and the effectiveness of the coating application process. Use as a let-down solvent is considered to be the easiest use in which to replace these glycol ethers. Although comparable formulations can to some extent be reformulated as a group, each formulation ultimately requires individual attention and testing. Because coating formulations of each company are considered trade secrets, there is little direct sharing between companies of reformulation knowledge and experience. Some progress has been made in identifying potential substitutes for glycol ethers in coating formulations. Much of the work to date is described in the EPA report titled "Glycol Ethers and Acetates: Uses and Substitutes" (Ref. 77). Additional information is provided in responses to the glycol ethers ANPR. Industry representatives indicate that substitution will be accomplished on a case-by-case basis, and in most instances will involve a mixture of solvents.

ii. *Industrial solvents.* The substitution cancidates identified above have successfully replaced the glycol ethers in many of the industrial solvent applications. In other applications, however, feasible replacements for these glycol ethers have not yet been identified.

iii. *Electronics applications.* Glycol ethers perform a critical role in circuit board manufacture, and in other electronic applications. In the predominant method of circuit board manufacture, 2-ME retains the epoxy resin catalyst (usually dicyandiamide) used to cure epoxy resins in solution throughout the production process. Circuit board manufacturers claim that they have attempted to identify a substitute for 2-ME but have not been successful. One manufacturer indicates that propylene glycol methyl ether (PGME) has been used as a substitute solvent in some circuit board manufacture, occasionally in conjunction with a co-solvent such as dimethyl formamide.

Glycol ethers are employed in a number of other electronic applications. The American Electronics Association had indicated that approximately 175 products used in the electronics industry contain one or more of these glycol ethers. Individual companies have indicated their use of all four glycol ethers in semiconductor manufacture, with 2-EEA used in the greatest quantity.

2-EEA is used in photoresist solutions applied to silicon wafers during the manufacture of semiconductors. The photoresist is applied to the wafer, then selectively hardened into circuitry images through exposure to ultraviolet light that shines through diagrams contained in film. 2-EEA acts as a solvent for the film-forming materials in the photoresist. 2-EEA affects the ability

to construct rigidly defined chip construction parameters such as the angles of "walls" within the circuitry design. Although some efforts have been made to replace 2-EEA in this application, these efforts have not been successful to date. Thus, the banning of 2-EEA could have a serious impact on semiconductor manufacture.

iv. *Printing ink manufacture.* Printing industry representatives indicate that glycol ethers are used in flexographic, letterpress, gravure, screening, and labeling inks and for press cleanup. In recent years, ink companies have reformulated away from glycol ethers. Potential substitutes in ink applications include PGME, blends of PGME and dipropylene glycol methyl ether and propylene glycol methylene ether acetate.

c. *Substitutes for Industrial use.* Industrial uses of glycol ethers include the use of industrial coatings and industrial solvents containing glycol ethers. The use of substitute products will occur when the manufacturers of these products have successfully reformulated them.

d. *Trade product substitutes.* There are currently substitute products for most trade uses of these glycol ethers.

e. *Toxicity of substitutes.* With respect to the toxicity of substitutes, the Agency has examined the toxicity of the most likely substitutes for these glycol ethers in industrial, trade and consumer products (ethylene glycol butyl ether and its acetate, diethylene gylcol monomethyl ether and its acetate, propylene glycol methyl ether and its acetate, dipropylene glycol methyl ether and its acetate, and ethylene glycol propylether. The analysis shows that all have considerably lower toxicity (higher NOELS) than these glycol ethers. Developmental and reproductive effects either can be demonstrated only at much higher exposure to these substitutes or have not been demonstrated at all. The Agency is aware that there may be some hematologic risks from the use of these substitutes. EPA believes, however, that any risks from the substitutes are less than those presented by 2-ME, 2-EE, or their acetates and that use of substitutes will reduce overall risks to humans (Ref. 86).

E. The Reasonably Ascertainable Consequences of Potential Regulation

This unit describes the regulatory measures that could be used to control exposure to workers. As discussed below, EPA has concluded that some control methods are both technologically and economically feasible and could provide a reasonable margin of safety for manufacture, processing, and use of these glycol ethers.

1. *Control measures.* The Agency has examined a variety of control measures to determine their technical and economic feasibility and their effectiveness in reducing or eliminating exposure to these glycol ethers. Generally, the options can be grouped in the following categories:

a. A ban on some or all manufacture and use.

b. Workplace exposure limits for some or all manufacture and use.

c. Product concentration limits.

i. *Ban on Manufacture and Use.* EPA evaluated a full phase-out of manufacture and use of these glycol ethers. However, based on responses to the ANPR, EPA believes that certain manufacturers are manufacturing and using, and can continue to manufacture and use, these chemicals in a manner that provides adequate protection to worker health. In view of this assessment, the full ban option does not appear necessary to protect against risk. In particular, some industries, especially the electronics industry, may have severe problems in obtaining feasible substitutes.

ii. *Workplace Exposure Limits.* The control of employee exposure to dangerous materials is a standard part of most industrial production procedures. In addition, OSHA controls the industry concentrations of these glycol ethers in the plant atmosphere through permissible exposure limits (PELs) at less than the following 8-hour time weighted average (TWA) levels:

2-ME: 25 ppm
2-MEA: 25 ppm
2-EE: 200 ppm
2-EEA: 100 ppm

OSHA also requires that every precaution be taken to avoid skin contact. OSHA established the above control levels based on hematologic and neurologic effects, not the developmental and reproductive effects.

A lower TWA limit of 5 ppm recently has been recommended for all four glycol ethers by the American Conference of Governmental Industrial Hygienists, based on developmental and reproductive effects.

EPA evaluated current industrial control practices for glycol ethers, and identified additional control measures that could reduce exposures to a sufficient extent (Ref. 60). EPA identified possible control requirements for nine representative industrial facilities. In all facilities except for ink application, cleaning solvent use, and photographic applications, EPA found that exposure during industrial use of glycol ethers already has been controlled to 5 ppm or below. EPA evaluated a tenth facility, an electric circuit board manufacturer, at which glycol ether exposures in the 5 to 10 ppm range were reported.

Glycol ether usage at trade facilities is relatively small; their process operations are less well controlled; and such facilities may have a smaller financial base to recover fixed compliance costs than the industrial facilities. For these reasons, trade facilities might find it difficult to implement control equipment measures to achieve reduced levels of glycol ethers exposure. However, product substitution is an alternative in such settings.

iii. *Product concentration limits.* Product concentration limits were considered by EPA not to be a viable option because these glycol ethers generally are not useful except at concentrations (typically 10 to 100 percent) that can produce very significant exposures in all uncontrolled settings. In addition, specifying an allowable concentration level would be ineffective because the degree of exposure is considerably affected by factors other than concentration, such as air exchange rates, temperature, humidity, and mode of use.

2. *Cost of controls.*—a. *complete ban.* The direct costs of a general ban (excepting exports and jet fuel use) on all manufacture and use of these glycol ethers was estimated by calculating the direct costs of replacing these glycol ethers with substitutes. The potential costs are of two types, (1) reformulation efforts by product formulators and, (2) changes in formulator raw material costs. Total reformulation costs for a general ban would be about $300 million. The annual cost would be about $65 million if they were amortized over 10 years (the period that the coating and ink industries experience a nearly complete product turnover). EPA estimates that the annual increase in raw materials to be incurred under a general ban would be about $23 million.

b. *Trade ban.* The total annualized cost of banning just the trade uses of these glycol ethers would be about $22 million, of which $17 million would be reformulation costs and $5 million would be increased raw material costs.

c. *Lower permissible exposure limits for workplace manufacturing, processing or use.* EPA also evaluated the cost of imposing lower permissible exposure limits than those OSHA now requires for all workplace settings where glycol ethers exposue may occur. Each industrial user faced with these limits can either install and utilize

engineering controls and personal protective equipment or switch to a product that does not contain these glycol ethers.

If *all* workplaces—industrial and trade—installed engineering controls and used personal protective equipment, then capital costs for the control levels evaluated are between $44.2 million and $88.0 million; operating costs are high—$1.24 to $1.25 billion.

However, an option for any firm facing the exposure limits that provide an adequate margin of safety would be to substitute away from the glycol ethers. EPA concluded, based on its analysis of the cost of lower exposure limits versus substitution, that many firms may opt for subsitution. In two industrial sectors, electric circuit board manufacture and semiconductor fabrication, firms would be more likely to incur the costs of controlling exposures rather than replace the gylcol ethers. Consequently, the annualized costs of revised PELs for all workers would be $83 million (assuming the move by many firms to substitutes).

Reduced usage of these glycol ethers will vary among the three control options. A ban on all uses, except exports and jet fuel manufacture and use, would lead to a 280 million pound reduction in consumption and remove roughly 569,000 persons from any risk; a limited ban on trade use would lead to 45 million pound reduction and remove roughly 316,000 persons from any risk; and setting new exposure limits would reduce cosumption by 231 million pounds and reduce the risk to roughly 350,000 persons, based on a level that has margin of safety greater than 100. The relative reduction in the use of 2-ME represents the major difference between the general ban and reduced exposure limits. Under a new exposure limit EPA estimated a 19 percent reduction in the use of 2-ME, while a general ban would result in a 55 percent reduction of 2-ME. (Note that total persons removed from risk data cannot be obtained from the "Populations at Risk" table which presents data according to 2-EE/2-EEA and 2-ME/2-MEA exposures. These data are not additive because of double counting: see ref. 80.)

F. Unreasonable Risk From 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates

1. *Industrial (manufacturing, processing and use).* EPA believes that the exposure levels associated with certain manufacture, processing, distribution in commerce, and use of these glycol ethers or mixtures containing these glycol ethers present an unreasonale risk to human health. Approximately 200,000 industrial workers are exposed to these glycol ethers, and as many as 4,000 of those workers are exposed to concentration levels that afford little or no margin of safety from incurring effects similar to those observed in test animals. A larger number—32,000 to 36,000—are exposed to concentration levels that EPA believes do not afford a sufficient margin of safety. EPA has also concluded that reasonable methods such as reduced workplace PELs, controlled work practices and protective equipment could be used to control exposure. The cost of instituting new PELs, for example, for all industrial workers is approximately $61 million annually.

2. *Trade uses.* As many as 43,000 trade workers are exposed to concentration levels that afford little or no margin of safety from incurring effects similar to those observed in test animals. Between 159,000 and 272,000 are exposed to concentrations levels that EPA believes do not afford a sufficient margin of safety.

Because of the high costs of engineering controls, work practices, and personal protetive equipment, occupational control standards that would substantially reduce trade worker risk from glycol ether exposure may result in trade users complying by substituting other products. The cost of complete substitution would be about $22 million annually.

To put this in perspective, a typical glycol ethers-containing paint costing $35 per gallon might increase 8¢ to 9¢ per gallon as the result of switching to a substitute. Reduced PELs, assuming compliance using engineering controls and personal protective equipment, on the other hand, might result in an increase of many dollars per gallon. Cessation of trade use also would eliminate 97 percent of the exposure to 2-ME at levels greater than 0.1 ppm (the limit of detection associated with the exposure data) and 68 percent of the exposure to 2-EE at levels greater than 0.5 ppm.

EPA believes that the estimated cost of substitution in trade uses is reasonable in view of the potential fetal lives saved and the sterility and other health effects avoided. EPA believes that there are effective substitutes for most if not all trade uses of these glycol ethers.

G. Prevention of Unreasonable Risk by OSHA

Based on the entire record developed during EPA's regulatory investigation, the Agency has determined that a reasonable basis exists to conclude that the current conditions of manufacture and use of glycol ethers present an unreasonable risk of injury to human health, and that the risk to workers can be prevented or reduced to a sufficient extent by actions taken under the Occupational Safety and Health Act (OSHA. Therefore, pursuant to section 9(a) of TSCA, the Agency is issuing this report. A response from OSHA to the Administrator of EPA is requested within 180 days of publication of this report in the **Federal Register.**

IV. Report Record

EPA has established a record for this proceeding (docket control number OPTS-91007). A public version of the record, without any confidential business information, is available to the public in the Toxic Substances Public Information Office, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The Agency also maintains a record of confidential information that is not a part of the public record. The Public Information Office is located in Rm. E-107, 401 M St., SW., Washington, DC 20460.

The record includes information considered by EPA in developing this report. EPA will supplement the record with additional information as it is received. The record now includes the following categories of information:

1. The **Federal Register** notices.
2. Support documents.
3. Reports.
4. Memoranda and letters.
5. Documents identified in Unit V, "References".

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Dated: May 9, 1986.

Lee M. Thomas,

Administrator.

[FR Doc. 86–11299 Filed 5–19–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS-51622; FRL 3014-3]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 86-10441 beginning on page 17232 in the issue of Friday, May 9, 1986, make the following corrections:

1. On page 17233, in the second column, under **P 86-958**, in the third line, the last word should read "Polyperfluoroalkyl".

2. On page 17234, in the second column, under **P 86-971**, in the second line, the last word should read "ether".

3. On the same page, under **P 86-972**, in the third column, in the first line, the last word should read "ether".

BILLING CODE 1505-01-M

[OPTS-59218A; FRL-3018-6]

Approval of Test Marketing Exemption for Acrylic Coplymer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-86-39. The test marketing conditions are described below.

EFFECTIVE DATE: May 12, 1986.

FOR FURTHER INFORMATION CONTACT: R. James Alwood, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613C, 401 M St. SW., Washington, DC 20460, (202-382-3374).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-86-39. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-86-39. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

TME 86-39.

Date of Receipt: April 10, 1986.

Notice of Receipt: April 25, 1985 (51 FR 15685).

Applicant: Confidential.

Chemical: (G) Acrylic copolymer.

Use: (G) Industrial coatings and inks.

Production Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Manufacturing: dermal, a total of 3 workers, 2-3 hours/day for 1 day/year each. Use: dermal, a total of 20-30 workers, up to 1 hour/day up to 30 days/year each.

Test Marketing Period: Confidential.

Commencing on: May 12, 1986.

Risk Assessment: EPA identified no significant concerns for human health or environmental effects. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: May 12, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86-11296 Filed 5-19-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59217A; FRL-3018-7]

Approval of Test Marketing Exemption for Nitrogen Heterocycle

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for testing marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below:

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth Moss, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, RM. E-613B, 401 M Street, SW., Washington, DC 20460, (202-382-3395).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves the following TME-86-36. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and number of customers must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME–86–36. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substance produced.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

T 86–36

Date of Receipt: April 1, 1986.

Notice of Receipt: April 11, 1986 (51 FR 12560).

Applicant: Confidential.

Chemical: (G) Nitrogen heterocycle.

Use: Corrosion inhibitor during natural gas production.

Production Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: Nine months.

Commencing on: May 9, 1986.

Risk Assessment: No significant health concerns were identified. Therefore, the test market substance will not present any unreasonable risk of injury to health. EPA identified potential environmental concerns. However, no releases of the test market substance to the environment are anticipated. Therefore, under these conditions the test market substance will not pose any unreasonable environmental risk.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: May 9, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86–11247 Filed 5–19–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

May 12, 1986.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511.

Copies of these submissions are available from Doris Benz, FCC, (202) 632–7513. Comments should be sent to David Reed, Office of Management and Budget, Room 3235, NEOB, Washington, DC 20503 (202) 395–7231.

OMB No.: 3060–0022
Form No.: FCC 610A
Title: Application of Alien Amateur Radio Licensee for Permit to Operate in the United States
Action: Revision

Estimated Annual Burden: 1,660 Responses; 137 Hours.

OMB No.: 3060–0009
Form No.: FCC 316
Title: Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License of Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License (Short Form)
Action: Reinstatement

Estimated Annual Burden: 956 Responses; 2,868 Hours.

OMB No.: 3060–0011
Form No.: FCC 330–L
Title: Application for Instructional Television Fixed Station License
Action: Reinstatement

Estimated Annual Burden: 353 Responses; 618 Hours.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–11285 Filed 5–19–86; 8:45 am]

BILLING CODE 6712–01–M

Federal Advisory Committee for the 1987 ITU Administrative Radio Conference for the Mobile Services; Meeting

May 13, 1986.

The ninth meeting of the Federal Advisory Committee for the 1987 Mobile World Administrative Radio Conference will be held on Tuesday, June 24, 1986, at 9:30 A.M. in the Commission Meeting Room 856, 1919 M Street NW., Washington, DC.

The meeting agenda is:

1. Approval of meeting agenda.

2. Approval of the summary record of the May 9, 1986, meeting.

3. Report of administrative matters from designated federal employee.

4. Consideration of filing Reply Comments to Third Notice of Inquiry.

5. Reports on International meetings bearing on the Mobile WARC.

6. Discussion of future work of the Federal Advisory Committee.

7. Other business.

8. Selection of next meeting date anyone desiring further information should contact Robert McIntyre FCC/PRB at (202) 632–7175. These meetings are open to the public.

Anyone desiring further information should contact Robert McIntyre, FCC/PRB at (202) 632–7175. These meetings are open to the public.

Federal Communication Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–11286 Filed 5–19–86; 8:45 am]

BILLING CODE 6712–01–M

[REPORT NO. 1589]

Applications for Review of Action in Rule Making Proceeding

May 14, 1986.

Applications for Review have been filed in the Commission rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202–587–3800). Oppositions to these applications for review must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

Subject: Amendment of § 73.504(a), Table of Assignments, Noncommercial Education FM Broadcast Stations. (Palm Desert, California), (MM 84–787).

Filed By: Lauren A. Colby, Attorney for Prairie Avenue Gospel Center, on 5–2–86.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–11287 Filed 5–19–86; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

[Notice 1986-2]

Filing Dates for New York Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of Filing Dates for New York Special Election.

SUMMARY: Committees required to file reports in connection with the special election to be held on June 10, 1986, must file a 12-day pre-election report due on May 29, 1986, and a 30-day post-election report due on July 10, 1986, and a 30-day post-election report due on July 10, 1986. Committees that file these reports are not required to file the quarterly report due July 15, 1986. After filing these reports, committees should resume filing on a quarterly basis.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Warfel, Public Information Office, 999 E Street, NW., Washington, DC 20463, Telephone: (202) 376-3120, Toll Free: (800) 424-9530.

Filing Dates for Special Election, 6th Congressional District, New York

All principal campaign committees of candidates in the special election and all other political committees not filing monthly, which support candidates in the special election shall file a 12-day pre-election report due on May 29, 1986, with coverage dates from the closing date of the last report filed through May 21, 1986, and a 30-day post-election report due on July 10, 1986, with coverage dates from May 22, 1986, through June 30, 1986. Committees that file these reports are not required to file the quarterly report due July 15, 1986. After filing these reports, committees should resume filing on a quarterly basis.

Dated: May 15, 1986.

Joan D. Aikens,

Chairman, Federal Election Commission.

[FR Doc. 86-11302 Filed 5-19-86; 8:45 am]

BILLING CODE 6715-01-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 3067-0066
Title: Request for Fire Suppression Assistance
Abstract: When a Governor determines that fire suppression assistance is warranted, his/her request for assistance shall specify in detail the facts supporting the requests.
Type of Respondents: State or local governments
Number of Respondents: 5
Burden hours: 20

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 13, 1986.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 86-11258 Filed 5-19-86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

President's Advisory Committee on Mediation and Conciliation; Meeting

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, (Pub. L. 92-463, as amended), notice is hereby given that the President's Advisory Committee on Mediation and Conciliation will meet at the Shoreham Hotel, Suite 740 on Thursday, May 29, 1986 from 10:00 a.m. to 12:00 Noon.

The proposed meeting is for the purpose of discussing and reviewing negotiation strategies and discussion of confidential bargaining and mediation information. Because the proposed meeting is likely to disclose: (1) Trade secrets and commercial or financial information obtained from persons which is privileged and confidential strategy; and (2) information the premature disclosure of which would significantly frustrate the implementation of proposed agency action, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4) and (9)(b) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Dennis R. Minshall, Executive Director, President's Advisory Committee on Mediation and Conciliation, 2100 K Street NW., Washington, DC 20427 or call (202) 653-5290.

Kay McMurray,

Director.

[FR Doc. 86-11141 Filed 5-19-86; 8:45 am]

BILLING CODE 6732-01-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Thursday, June 12, 1986 at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, DC 20006 to discuss various projects affecting the appearance of Washington, DC including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the offices (566-1066) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC, May 14, 1986.

Charles H. Atherton,

Secretary.

FR Doc. 86-11310 Filed 5-19-86; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Availability of Funds for Fiscal Year 1986 Cooperative Agreements for Acquired Immunodeficiency Syndrome (AIDS); Projects for HTLV-III/LAV Counseling and Testing Sites

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1986 for cooperative agreements for Acquired Immunodeficiency Syndrome (AIDS) Projects for Human T-Lymphotropic Virus Type III/Lymphadenophathy-Associated Virus (HTLV-III/LAV) Counseling and Testing Sites (formerly termed Alternate Sites to Blood Donation Facilities for HTLV-III/LAV Antibody Testing).

Authority

These projects are authorized under section 301(a) of the Public Health Sevice Act (42 U.S.C. 241(a)), as amended, section 311(b) of the Public Health Service Act (942 U.S.C. 243(b)), as amended, and Section 318 of the Public Health Service Act (42 U.S.C. 247c), as amended. The Catalog of Federal Domestic Assistance Number is 13.118.

Program Background

The acquired immunodeficiency syndrome continues to grow as a major public health problem in the United States. Into April 1986, more than 19,000 cases have been reported and more than 10,000 persons have died from AIDS as defined by the CDC surveillance case definition for national reporting:

1. Presence of reliably diagnosed disease at least moderately indicative of underlying cellular immunodeficiency; and
2. Absence of all know underlying causes of cellular immunodeficiency (other than HTLV-III/LAV infection) and absence of all other causes of reduced resistance reported to be associated with the disease.

HTLV-III/LAV, the virus that causes AIDS, is transmitted sexually, through contaminated needles, through blood and blood components, and perinatally. A serologic test for HTLV-III/LAV antibody has been developed, and its use for donated blood and plasma has greatly decreased the risk of AIDS for transfusion recipients and hemophiliacs. These two groups account for approximately 3 percent of reported AIDS cases. Without a vaccine or therapy, the main bases for AIDS prevention in other groups are a thorough understanding of the risk factors for HTLV-III/LAV infection, and efforts to change the behaviors which contribute to those factors.

Purpose

The purpose of these projects is to help reduce the spread of HTLV-III/LAV and to continue protecting the nation's blood supply by helping State and local health departments to maintain counseling and testing services for individuals in risk groups for AIDS so they will not donate blood simply to receive a free HTLV-III/LAV antibody test. These counseling and testing sites are also intended to assure that individuals receive appropriate pretest counseling, posttest counseling, and referral for medical evaluation and for community-based support services that may be available to reinforce risk reducing behavorial change.

Eligible Applicants

Eligible applicants are the official public health agencies of States, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa, and local governments which have reported at least 1,000 cases of AIDS meeting the CDC surveillance case definition as set forth above.

Cooperative Activities

A. Recipient Activities

1. Operate HTLV-III/LAV counseling and testing sites (for HTLV-III/LAV antibody testing) at places and times that are reasonably convenient for the majority of people in risk groups for AIDS.
2. Assure that counseling and testing site services are publicized to the extent that most people in risk groups for AIDS should be able to determine where and when services are available and how to go about scheduling an appointment or securing information about the program.
3. Provide sensitive and effective pretest counseling, posttest counseling of seronegative people who are at high risk for AIDS, and posttest counseling for seropositive patients.
4. When feasible, encourage seropositive patients to refer their sex or needle-sharing partners and offer them guidence in making referrals; and if they prefer, provide assistance by notifying their partners and counseling them regarding evaluation and/or testing.
5. Assure the confidentiality of all patient records and records of test results in accordance with the confidentiality requirements of section 318(e)(5) of the Public Health Service Act, as specified below, or through a system of anonymous testing and record keeping that minimizes the maintenance or use of name identified documents.
6. Maintain the laboratory capability to perform HTLV-III/LAV antibody testing using the latest approved technology, by assuring that a secondary testing procedure, i.e., Western blot or other appropriate tests; is already established or will be established within three months of the date funds are awarded and is, or will be, used routinely to process all specimens repeatedly reactive by the ELISA procedure.
7. Arrange for laboratories performing HTLV-III/LAV antibody tests in support of counseling and testing sites to report reactive ELISA tests by degree of reactivity to assist in the posttest counseling of seropositive patients.
8. Evaluate the population tested, test results, and counseling and partner referral efforts. Such efforts must preserve confidentiality or maintain anonymity.
9. Ensure coordination between this program and any current CDC cooperative agreements for AIDS.

B. Centers for Disease Control Activities

1. Provide training in counseling, sex partner referral, and laboratory procedures related to the ELISA and Western blot or other appropriate testing procedures.
2. Provide up-to-date scientific information regarding the risk/protective factors for HTLV-III/LAV, sensitivity and specificity of serologic tests, and other aspects of preventing transmission HTLV-III/LAV infection that may have impact on the nature and scope of operations at counseling and testing sites.
3. Provide technical assistance in the design, development, operations, and evaluation of counseling and testing sites.
4. Provide national and regional data on counseling and testing site volume, services, and results from the ongoing analysis of activity reports submitted by recipients.

Availability of Funds

Approximately $9,900,000 is available in Fiscal Year 1986 to fund 57 to 60 competing cooperative agreements ranging from approximately $5,500 to $1,200,000, with an average award of $168,000. It is expected that the cooperative agreements will begin on or about September 1, 1986, and will be funded for 12 months. Funding estimates outlined above may vary and are subject to change.

Use of Funds

Funds may be used to support personnel, their training and travel, and to purchase supplies and services directly related to planning, organizing, and conducting AIDS projects described in this announcement.

Requests for direct assistance (i.e., "in lieu of cash") for personnel, supplies, and other forms of direct assistance will be considered.

Funds may be expended for written materials, pictorials, and audiovisuals to support AIDS risk reduction education efforts associated with the operation of counseling and testing sites if approved in accordance with guidance provided below under the heading *Content of Written Materials, Pictorials, Audiovisuals.* Funds from the project

may not be spent for research activities, for surveys, or for questionnaires except as may be needed to collect patent demographics to meet the basic evaluation requirements of this announcement. Also funds may not be used for group educational sessions except when pre- or posttest counseling involves communicating test-related information or instructions to more than one patient at a time.

Funds may be used to supplement (not substitute for) existing counseling and testing site activities described above. However, where the applicant can document that fixed duration emergency funding has been provided specifically to sustain certain counseling and testing site operations following expiration of funds from the previous CDC cooperative agreement for counseling and testing sites, funds under this announcement may be used to assume ongoing costs upon the termination of such emergency funds.

Funds shall not be used for purchasing computers, office equipment and furniture, and renting or leasing office space unless specifically approved.

Funds may not be used to support construction or renovation costs.

Confidentiality

In accordance with section 318(e)(5) of the Public Health Service Act (42 U.S.C. 247c(e)(5)), all information obtained in connection with the examination, care, or treatment provided to any individual under any program which is being carried out with a cooperative agreement made under this announcement shall not, without such individual's consent, be disclosed except as may be necessary to provide services to the individual or as may be required by a law of a State or political subdivision of a State. Information derived from any such program may be disclosed (A) in summary, statistical, or other form, or (B) for clinical or research purposes, but only if the identity of the individuals diagnosed or provided care or treatment under such program is not disclosed.

Reporting Requirements

Progress reports are required on a quarterly basis and are due 30 days after the end of each quarter. The fourth quarter report will include a summary of the year's activities. Annual financial status reports are required no later than 90 days after the end of each budget period. Final financial status and performance reports are required 90 days after the end of a project period.

Recipient Financial Participation

This program has no statutory cost sharing formula. No specific matching funds are required; however, the application should include data on the applicant's contribution to the overall program costs.

Guidance—Content of Written Materials, Pictorials, Audiovisuals

The current lack of therapeutic or vaccine methods to control the spread of HTLV–III/LAV infection and AIDS requires the promotion of sexual and lifestyle behaviors for individuals which will reduce their risk of acquiring and spreading the virus. Behavioral science research suggests that expecting people to permanently alter any set of behaviors affecting their health is unrealistic unless the educational message provides acceptable alternatives to the behaviors creating the risk. Consequently, AIDS risk reduction efforts have focused on the promotion of responsible sex practices for individuals such a gay and bisexual men, for whom sexual activity is an important factor of risk in acquiring or spreading HTLV–III/LAV.

The adoption of "safer sex" practices is a practical concept of AIDS risk reduction and is being suggested as a strategy intended to minimize the spread of HTLV–III/LAV infection among sexually active individuals, including gay and bisexual men. The promotion of a "safer sex" risk reduction strategy may involve supporting the communication of suggestions using candid terms, some of which may be offensive to society at large. The Centers for Disease Control (CDC) is answerable for the use of Federal funds and broad support is vital to its public health mission. CDC also has an obligation to take actions designed to control the spread of HTVL–III/LAV. This guidance is meant to promote such actions, and to require local panels to consider the bounds of explicitness believed needed to communicate an effective message to those for whom it is intended.

I. Basic Principles

a. Language used in written material (i.e., pamphlets, brochures, fliers), audiovisual materials, (i.e., motion pictures and video tapes), and pictorials (i.e., posters and similar educational materials using photographs, slides, drawings, or paintings) to explain "safer sex" practices and/or to contrast them with "unsafe sex" practices concerning AIDS should use terms or descriptors necessary for persons attending counseling and testing sites to understand the message.

b. Such terms or descriptors used should be those which a reasonable person would conclude should be understood by a broad cross-section of educated adults in society, or which when used to communicate with a specific group, such as gay men, about high risk sexual practices, would be judged by a reasonable person to be unoffensive to most educated adults beyond that group.

c. Audiovisual materials and pictorials in addition should communicate risk reduction messages by inference rather than through any display of the anogenital area of the body or overt depiction of the performance of "safer sex" or "unsafe sex" practices.

2. Program Review Panel

a. Prospective cooperative agreement recipients will be required to establish a program review panel whether the applicant plans to conduct the total program activities or plans to have part of them conducted through subvention to nongovernmental organization(s). This panel, guided by the CDC Basic Principles in conjunction with prevailing community standards, will review and approve all written materials, pictorials, and audiovisuals to be used under the project plan. This panel is intended to review materials only and should not be empowered either to evaluate the proposal as a whole or to replace any other internal review panel or procedure of the local governmental jurisdiction. Specifically, applicants for cooperative agreements will be required to include in the application the following:

(1) Identification of a panel of no less than five persons representing a reasonable cross-section of the general community, not drawn predominantly from the target group or groups to whom the written materials, pictorials, and audiovisuals are directed; and

(2) A letter or memorandum from the proposed project director, countersigned by the business office, which includes:

(a) Concurrence with this guidance and assurance that its provisions will be observed;

(b) The identity of proposed members of the Program Review Panel, including their names, occupations, and any organizational affiliations that were considered in their selection for the Panel;

b. When a cooperative agreement is awarded, the recipient will:

(1) Convene the Program Review Panel and present for its assessment actual copies of written materials,

pictorials, and audiovisuals proposed to be used;

(2) Provide for assessment by the Program Review Panel draft text, scripts, or detailed descriptions for written materials, pictorials, or audiovisuals proposed to be used;

(3) Provide to CDC a statement signed by all members of the Program Review Panel which itemizes their majority vote approval or disapproval of all proposed written materials, audiovisual materials and pictorials submitted to them for assessment as part of the proposed project plan.

The CDC award of funds for approved applications will restrict the expenditure of funds related to the ultimate program use of the materials until the signed statement of the Program Review Panel is received.

Applications

A. Application Content

1. *Compliance with Program Review Panel Requirement*—Applications which include written materials, pictorials, and audiovisuals, related to AIDS risk reduction for use with the operation of counseling and testing sites must contain the documentation required in paragraph 2.a under the subpart of this announcement entitled *Content of Written Materials, Pictorials, and Audiovisuals*;

2. *Narrative*—The application must include a narrative which details the following:

a. Progress report on HTLV–III/LAV counseling and testing activities performed and results achieved to date;

b. The background and need for project support, including information that relates to factors by which the applications will be evaluated;

c. The objective of the proposed project which are consistent with the purpose of the cooperative agreement and which are measurable and time-phased;

d. The methods and activities which will be undertaken to accomplish the objectives;

e. The methods which will be used to evaluate the success of the project;

f. A description of how program activities are coordinated with other current CDC cooperative agreements for AIDS.

g. A budget and accompanying justification consistent with the purpose and objectives of the project; and

h. Any other information that will support the request for assistance.

i. A plan to assume the support and incorporate the activities of HTLV–III/LAV counseling and testing into an ongoing and comprehensive AIDS prevention program after the expiration of the project period.

B. Review and Evaluation Criteria

1. The application will be reviewed and evaluated according to the following criteria:

a. The total number of AIDS cases reported since June 1981 that meet the CDC surveillance case definition.

b. The patient response to counseling and testing sites established previously and the quality and extent of services provided (regardless of whether such sites are still in operation, and whether they are or were supported by local funds or through CDC cooperative agreement funds).

c. Whether the stated objectives are consistent with the purpose of the program.

d. The capability of the applicant to effectively provide sensitive and confidential pre- and posttest counseling.

e. When feasible, the commitment to encourage seropositive patients to refer their sex/needle-sharing partners by emphasizing that patients conduct such referrals and by making staff available to assist in notifying partners, if patients prefer.

f. The soundness and potential operational impact of collaborative efforts between the health department and organizations in the community which provide services to members of groups at high-risk for AIDS to carry out the counseling and testing site program.

g. Whether program activities are coordinated with other current CDC cooperative agreements for AIDS.

h. Whether the plan of operation communicates a sound approach to conducting and overseeing activities designed to meet project objectives.

i. The capability of the applicant to maintain public health facilities for the general public whose services to high-risk group members are appropriate and nonjudgmental and whose services are sought out by a reasonable number of such individuals from the community.

j. The capability of the applicant to carry out education and training activities to support HTLV–III/LAV counseling and testing site activities.

k. The assurance that a capability is established or will be established within three months of the date funds are awarded to perform the Western Blot or another appropriate secondary testing procedure and that it is, or will be, used to routinely process all specimens repeatedly reactive on ELISA.

l. The assurance that arrangements are made or will be developed for laboratories to report reactive ELISA test results by the degree of reactivity to assist in the posttest counseling of seropositive patients.

m. Whether the plan for evaluation is sound.

n. The degree to which confidentiality of all records related to counseling, sex partner referral, and clinical laboratory test results will be maintained.

o. The degree to which appropriate plans have been made to assume the support and incorporate the activities of HTLV–III/LAV counseling and testing into an ongoing and comprehensive AIDS prevention program after the expiration of the project period.

C. Application Submission and Deadline

The original and two copies of the application must be submitted to Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, N.E., Room 321, Atlanta, Georgia 30305, on or before June 23, 1986.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications which do not meet the criteria in 1. a. or b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

D. Other Submission and Review Requirements

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Where To Obtain Additional Information

Information on application procedures, copies of application forms, and other material may be obtained from Nancy Bridger, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, N.E., Room 321, Atlanta, Georgia 30305, or by calling (404) 262–6575 or FTS 236–6575. Technical assistance may be obtained from Willard Cates, M.D., M.P.H., Division of Sexually

Transmitted Diseases, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329–2552 or FTS 236–2552.

Dated: May 15, 1986.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 86–11393 Filed 5–19–86; 8:45 am]

BILLING CODE 4160–18–M

Cooperative Agreements; Preventive Health Services-Tuberculosis Control; Availability of Funds for Fiscal Year 1986

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1986 for Cooperative Agreements for Tuberculosis Control Programs. The funds received by these programs are directed primarily to support outreach activities in high incidence population groups and selected geographical areas.

Authority

This program is authorized by section 317(a) of the Public Health Service (PHS) Act (42 U.S.C. 247b(a)), as amended. Regulations governing programs for preventive health services are codified at 42 CFR Part 51b. Subpart A contains general provisions relating to these programs. The Catalog of Federal Domestic Assistance Number is 13.116.

Eligible Applicants

Eligible applicants for this program are the official public health agencies of State and local governments, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa. Although new applications will be considered, priority for funding will be given to currently funded cooperative agreements because of the limited funds available in Fiscal Year 1986. New awards, if any, will be limited to (1) States which reported 100 or more new cases of tuberculosis for each of the years 1984 and 1985 or had an incidence rate greater than the national tuberculosis incidence rate reported in 1984 (9.4 per 100,000 population) for both 1984 and 1985, or (2) local health agencies which are not currently receiving assistance as a sub-recipient under a cooperative agreement and which are serving a high-priority urban area with a city of at least 250,000 population which reported 200 or more new cases of tuberculosis in each of the years 1984 and 1985 or had an incidence rate greater than the rate for United States cities over 250,000 population in 1984 (19.3 per 100,000 population) for both 1984 and 1985. Although certain local health agencies may be eligible for direct funding, eligible local health agencies within a State are strongly encouraged to include their request for assistance in the State application to ensure effective coordination of Federal/State/local resources.

Applicants must show that tuberculosis cooperative agreement funds will be directed primarily to support outreach activities in high incidence population groups and selected geographical areas with (1) a significant level of tuberculosis; (2) an incidence rate greater than the State as a whole.

Program Background and Objectives

In recent years, U.S. tuberculosis morbidity has been affected by: continued transmission and infection of children; the emergence of drug resistant tuberculosis and community outbreaks of drug resistant tuberculosis disease; turberculosis in immigrants, minorities, the elderly and the homeless; and an apparent increase in cases among persons with tuberculosis infection who also have Acquired Immunodeficiency Syndrome (AIDS) or Human T-Lymphotropic-Virus Type III/Lymphadenopathy-Associated Virus (HTLV III/LAV) infection.

The national goal in tuberculosis control is to continue an annual reduction of reported tuberculosis cases of at least 5 percent. The minimum short-term objectives needed to meet this goal include:

1. At least 75 percent of all initially infectious patients will become noninfectious (convert their sputum from positive to negative) within 3 months of starting treatment, and at least 95 percent will become noninfectious within 6 months.

2. At least 90 percent of all reported cases of tuberculosis will complete an American Thoracic Society/Centers for Disease Control (ATS/CDC) recommended regimen of antituberculosis drug therapy.

3. At least 95 percent of all close contacts to infectious cases will receive examinations, with at least 95 percent of all those under 15 years of age and 75 percent of all infected persons 15 years of age and over placed on preventive treatment.

4. For close contacts and other high-risk individuals placed on preventive therapy, at least 90 percent of those persons under 15 years of age and 75 percent of all others will complete a recommended course of preventive therapy.

Cooperative Activities

The collaborative and programmatic involvement or recipients of funds and CDC is as follows:

1. Recipient Activities

a. Reporting of all tuberculosis cases, suspects, and significant laboratory results by health care providers and laboratories in both the public and private sectors; analysis of reporting trends; and implementation of updated public health record systems needed to monitor the current care status of patients, suspects, contacts, and high-risk infected persons in the community.

b. Application or intensification of directly observed daily or intermittent drug treatment as a strategy for ensuring continuity and completion of therapy for patients who will not or cannot self-administer medications.

c. Deployment of outreach personnel for followup of patients and their contacts.

d. Providing tuberculosis diagnostic, treatment, and prevention services adapted to the characteristics of tuberculosis population subgroups; and implementation of special approaches to meet the needs of immigrants with inherent language and cultural barriers.

e. Development or continuation of cost effective, medically sound tuberculosis medical care and public health policies. A major policy component should be the use of recommended ATS/CDC treatment regimens.

f. Epidemiological analysis and rapid followup for laboratory reports of drug resistant organisms.

g. Providing evaluation of the effectiveness of program activities and achievements related to stated short term objectives.

h. Program evaluation and special epidemiological investigation/analysis of unique tuberculosis problems including problems related to tuberculosis and AIDS or HTLV III/LAV infection and problems related to tuberculosis in foreign born, drug resistance, etc. Activities should include analysis of the extent of the tuberculosis problem related to AIDS or HTLV III/LAV infection and detailed investigation of all cases in children to identify causes of community control failure and to design more effective prevention and control actions.

2. Centers for Disease Control Activities

a. Collaboration in the development and operation of tuberculosis case

reporting and program management record systems. Assistance in analysis and evaluation of morbidity, mortality, and program management information. Assistance in the investigation and analysis of special problems such as tuberculosis in institutions or in AIDS or HTLV III/LAV infected populations.

b. Assistance in improving program performance through onsite consultation and the provision of training materials for use by project staff.

c. Provision of onsite technical assistance in the planning, operation, and evaluation of program activities.

d. Provision of medical and programmatic consultation through telephone and written consultation.

e. Development and dissemination of public health and medical policies and recommendations for the diagnosis, treatment, and prevention of tuberculosis (including the development of joint ATS/CDC statements). Development of patient education and motivation materials.

Availability of Funds

Approximately $4.8 million is available in Fiscal Year 1986 to continue between 40 and 48 continuation cooperative agreements. Athough new applications will be considered, priority for funding will be given to continuation of existing programs. The average award is expected to be $100,000, with individual awards ranging from $28,000 to $478,000. Cooperative agreements are usually funded for 12 months. Funding estimates outlined above may vary and are subject to change.

Use of Funds

Cooperative agreement funds may be used to support both local personnel and individuals in direct assistance (i.e., "in lieu of cash") positions under section 317 of the PHS Act, and to purchase supplies and services directly related to project activities, particularly directly observed therapy, outreach, morbidity surveillance, and assessment. Project funds may not be used to supplant State or local funds available for tuberculosis control or to support construction costs or inpatient care.

Reporting Requirements

Semiannual narrative and performance statistical reports are required within 30 days after the end of the reporting period. Financial status reports are required no later than 90 days after the end of each budget period. Final financial status and progress reports are required 90 days after the end of a project period.

Recipient Financial Participation

No specific matching funds are required; however, the application should contain information on the applicant's contribution to the overall tuberculosis control program during its most recent accounting period pursuant to provisions of section 317(b)(2) of the PHS Act.

Applications

1. Application Content

a. Initial Application—The initial application for a new project period must include a narrative which details: (1) The background and need for support, including information that relates to factors by which the applications will be evaluated and the number of tuberculosis cases under current supervision with drugs resistant organisms; (2) long- and short-term objectives of the proposed project which are consistent with the national goal outlined above, and which are specific, measurable, realistic, and time-framed; (3) the activities and methods which will be employed to accomplish the objectives (of special importance will be the employment of outreach workers in high incidence areas for use in patient followup and directly observed therapy programs); (4) the procedures which will be employed to evaluate program activities (of special importance will be the surveillance and assessment of community tuberculosis problems related to AIDS and HTLV III/LAV infection); (5) fiscal information of the applicant pursuant to provisions of section 317(b)(2) of the PHS Act, although there are no matching or cost participation requirements; and (6) a budget and accompanying justification consistent with the purpose and objectives of the project, and any other information which will support the request for assistance.

b. Continued Funding—An application for continued funding of these activities within an approved project period should contain the following: (1) A progress report on activities performed during the prior budget period, including a discussion of progress or lack of progress in accomplishing the objectives of the prior budget period; statistical data from recent report periods compared to baseline statistical data provided in the original application; the number of patients treated with directly observed therapy regimens; the activities of outreach personnel employed through the cooperative agreement; populations served and special needs of those populations which have been met through the agreement (e.g., noncompliant patients, children, foreign-born, and persons at risk for both tuberculosis infection and AIDS or HTLV III/LAV infection); and other data and/or anecdotal situations which are exemplary of effectiveness of work performed, e.g., reductions in hospitalizations, clinic delinquency rates, costs of treatment, etc. (2) New short-term objectives, methods of operation and evaluation procedures for the new budget period; (3) a description of any change in the long-term objectives, methods of operation, need for grant support, and evaluation procedures compared to information provided in previous applications; (4) fiscal information of the applicant pursuant to provisions of section 317(b)(2) of the PHS Act; and (5) a budget and accompanying justification consistent with the purpose and objectives of the project. Continuation applications should also describe plans to assess the extent of community tuberculosis problems related to AIDS and HTLV III/LAV infection.

2. Application Review and Evaluation Criteria

a. The initial application for a new project period will be evaluated and priority for funding of new projects established, based upon the following factors, using data for both 1984 and 1985: (1) The total number of cases reported; (2) the number of bacteriologically confirmed cases reported; (3) the bacteriologically substantiated incidence rate of disease; (4) the number of tuberculosis cases among children 0–14 years of age; (5) significant levels of tuberculosis among individuals who were born in countries with high rates of tuberculosis; and (6) a significant increase in tuberculosis morbidity. The number of tuberculosis cases under current supervision with organisms resistent to one or more antituberculosis drugs will also be considered in evaluating and prioritizing projects for funding. In addition, the overall potential effectiveness of the applicant's plan of operation in meeting the objectives of the proposed project will be considered in evaluating and assigning priority to applications. These factors were chosen to establish the extent of applicant's tuberculosis problem and incorporate the intent of Congress for expenditure of these funds.

b. Continuation awards within the project period will be made on the basis of the following criteria: (1) satisfactory progress in meeting project objectives, (2) objectives for the new budget period are realistic, specific, and measurable; (3) proposed changes in described long-term objectives, methods of operation,

need for grant support, and/or evaluation procedures will lead to achievement of project objectives; and (5) the budget request is clearly justified and consistent with the intended use of cooperative agreement funds.

3. Application Submission and Deadline

The original and one copy of the application must be submitted to Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, N.E., Room 321, Atlanta, Georgia 30305, on or before June 25, 1986.

a. Deadline. Applications shall be considered as meeting the deadline if they are either:

1. Received at the above address on or before deadline date, or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

b. Late Applications. Applications which do not meet the criteria in either paragraph 1. or 2. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

c. Copies of Applications. A copy of the application should be simultaneously submitted to the appropriate Department of Health and Human Services Regional Office listed below. For applicants who are other than State agencies, the appropriate State health agency should be notified of the submission of the application.

Other Submission and Review Requirements

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs, and regulations (42 CFR Part 122, as amended, and Part 123) implementing the National Health Planning and Resource Development Act of 1974.

Where To Obtain Additional Information

Information on application procedures, copies of application forms, and other material may be obtained from Betty Feeley, Grant Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, N.E., Room 321, Atlanta, Georgia 30305, telephone (404) 262–6575, or FTS 236–6575. Technical assistance may be obtained from John J. Seggerson, Division of Tuberculosis Control, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia, 30333, telephone (404) 329–2508, or FTS 236–2508. Technical assistance is also available from the appropriate Department of Health and Human Services Regional Office.

Dated: May 15, 1986.

Robert L. Foster,

Acting Director, Office of Program Support, Center for Disease Control.

Department of Health and Human Services (HHS) Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203 (617) 223–6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, Room 3337, New York, New York 10278 (212) 264–2561

Regional Health Administrator, PHS, HHS Region III, Gateway Building No. 1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323 (404) 221–2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291

Regional Health Administrator, PHS, HHS Region VIII, 1185 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 844–6163

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810

Regional Health Administrator, PHS, HHS Region X, 2901 Third Avenue, M.S. 402, Seattle, Washington 98121, (206) 442–0430

[FR Doc. 86–11394 Filed 5–19–86; 8:45 am]

BILLING CODE 4160–18–M

Cooperative Agreements for State-Based Diabetes Control Programs; Availability of Funds of Fiscal Year 1986

Introductory

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1986 for competitive applications for cooperative agreements for the development of comprehensive State-Based Diabetes Control Programs which address the prevention of blindness due to diabetes, adverse outcomes of pregnancy among diabetic women, lower extermity amputations due to diabetes, coexisting diabetes and hypertension, and the integration of these efforts into the health care delivery system.

Authority

This cooperative agreement is authorized by section 301(a) [42 U.S.C. 241(a)] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance Number is 13.988.

Eligible Applicants

Eligible applicants for this program are official State public health agencies, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa.

Program Objectives Purpose

The purpose of this cooperative agreement program is to implement *comprehensive* programs which will ensure that persons with diabetes who are at high risk for certain complications of diabetes are identified, entered into the health care system, and received ongoing state-of-the-art preventive care and treatment. Persons with diabetes are an identifiable population with high rates of morbidity and premature mortality, and they have a high risk of diabetes-related complications, such as hypertension. A substantial proportion of morbidity and premature mortality among persons with diabetes can be prevented if existing technologies are fully utilized.

Applicants approve to receive assistance under this cooperative agreement program will develop comprehensive diabetes control programs designed to reduce morbidity and premature mortality among persons with diabetes through activities designed to impact on the health care system. In addition, programs will concurrently develop the core capacity to integrate these complication-specific

elements into a comprehensive package, and to integrate that package into the health care delivery system for persons with diabetes. These programs will include complication-specific elements for the prevention of visual loss due to diabetes *and* the prevention of at least one of three other major complication areas associated with diabetes which are described below. Emphasis should be placed on improving the delivery of health care an ensuring that persons with diabetes have access to comprehensive state-of-the-art care. It is anticipated that programs will develop the core capacity to address additional complication-specific areas.

Diabetic eye disease (*REQUIRED* COMPLICATION-SPECIFIC PROGRAM ELEMENT): Diabetes is the leading cause of legal blindness in adults under the age of 65 in the United States. It is estimated that 5,800 persons with diabetes become blind each year, however 60 percent of this blindness could be prevented by the application of current knowledge. Control strategies should be focused initially upon persons at high risk of blindness due to diabetes. Those at high risk are post-pubertal persons who are not examined annually by an ophthalmologist *and* who either have Type II diabetes or Type I diabetes of 5 or more years' duration.

Adverse Outcomes of Pregnancy (*OPTIONAL* COMPLICATION-SPECIFIC PROGRAM ELEMENT): Each year approximately 10,000 to 15,000 infants are born to women with overt diabetes in the United States. Compared to the offspring of women without diabetes, these infants are at increased risk for macrosomia, hypoglycemia, respiratory distress syndrome, and major congenital malformations. They also have increased rates of fetal and neonatal mortality. Recent studies suggest that increased rates of major congential anomalies can be reduced to rates experienced by the offspring of women without diabetes. All women of childbearing age with diabetes, generally between the age of 15 and 44, are considered at risk for adverse outcomes of pregnancy.

Lower Extremity Amputations Associated with Diabetes (*OPTIONAL* COMPLICATION-SPECIFIC PROGRAM ELEMENT): Annually, there are an estimated 40,000 lower extremity amputations among persons with diabetes. It is estimated that 50 percent of these amputations can be prevented by improving health care practices and reducing risk factors for amputation. The populations at high risk for amputation are persons with previous amputations, persons with previous ulcers or foot deformities, persons 40 years of age or older with diabetes, and persons with diabetes of 10 or more years' duration.

Diabetes and Hypertension (*OPTIONAL* COMPLICATION-SPECIFIC PROGRAM ELEMENT): Of the 5.5. million persons estimated to have diabetes in the United States, approximately 45 percent (2.5 million) are estimated to also have hypertension. This is approximately twice the rate found in the general population. Hypertension contributes to the 85,000 cases of coronary artery disease, 40,000 amputations, 23,000 cerebrovascular accidents, 5,800 cases of blindness, and 4,000 cases of end-stage renal disease which occur annually among persons with diabetes. Only about half the persons with both conditions have their hypertension under control. Programs should target all persons with diabetes since 45 percent either or will develop hypertension.

At least *one* program element from among those described above as *Optional* Complication-Specific Program Elements *MUST BE CHOSEN.*

Cooperative Activities

1. Recipient Activities

a. For the development of *core capacity*:

1. Develop a system to ensure that needs and problems of persons with diabetes will be identified and assesses.

2. Develop a program advisory group, and perform consensus-building activities.

3. Develop a statewide plan for diabetes control which will integrate complication-specific program elements and future program elements into a comprehensive system of care for persons with diabetes.

b. For *each* complication-specific program element to be undertaken:

1. Identify a/the high risk group within the target population.

2. Identify available diagnostic, treatment, and education resources within the target population.

3. Describe current patterns of care within the target population, with attention to primary care sources.

4. Define and coordinate the activities of State agencies and other groups participating in the project, such as professional and volunteer organizations and third-party payers.

5. Ensure that necessary referral and followup systems are in place which will assure that patients are treated through non-project resources, and integrated into the available health care delivery system.

6. Ensure that complication-specific quality patient education components are provided to high-risk patients, and are included in the general diabetes patient education available for persons with diabetes.

7. Ensure that relevant complication-specific professional education is provided to appropriate health care providers.

8. Develop measurable objectives reflecting reduction in morbidity, which are stated in relation to the targeted population and the population with diabetes in the State as a whole.

9. Develop a system to monitor and document the impact of the program on the health care delivery system and health status of persons with diabetes and on the high risk/target populations.

c. In addition, for the *required* program element dealing with the prevention of visual loss due to diabetes:

1. Ensure that high-risk patients are examined by sensitive diagnostic techniques. (Clinical examination through undilated pupils is not adequate to diagnose proliferative diabetic retinopathy.) Acceptable techniques to diagnose diabetic retinopathy include (in priority order):

a. Examination by general ophthalmologists or retinal specialists.

b. Examination by other health-care professionals who have demonstrated the ability to perform sensitive diagnostic examinations.

c. Fundus photography using standard fundus cameras.

d. Fundus photography using "non-mydriatic" cameras.

2. Ensure that examinations as described above also include acuity testing and tonometry, and blood pressure measurement.

3. Ensure that the monitoring systems to be developed will include data sufficient for measuring program impact and for tracking program objectives.

d. In addition, for the prevention of adverse outcomes of pregnancy, if this is the *optional* program element chosen:

1. Ensure that prepregnancy management and counseling is provided to diabetic women of childbearing age (15–44) in the target population, with particular attention to their need to normalize blood glucose levels prior to conception and throughout gestation.

2. Ensure that pregnant diabetic women are managed as high-risk pregnant patients.

3. Ensure that the monitoring system to be developed will include data sufficient for measuring program impact and for tracking program objectives.

e. In addition, for the prevention of lower extremity amputations, if this is the *optional* program element chosen:

1. Ensure that a system is established whereby high risk persons with diabetes in the target population have their feet examined during each visit to a primary care practitioner; with such examinations no less than annually in all risk groups.

2. Ensure that persons with diabetes and foot complications have access to appropriate examinations, diagnosis, and therapy.

3. Ensure that the complication-specific patient education to be provided (in addition to principles of foot care, skin care, hygiene, and other components of quality diabetes education) also includes sections on smoking cessation, blood pressure control, and strategies to lower cholesterol.

4. Ensure that the monitoring system to be developed will include data sufficient for measuring program impact and for tracking program objectives.

f. In addition, for the management of hypertension among persons with diabetes, if this is the *optional* program element chosen:

1. Ensure that the blood pressure of persons with diabetes is measured at each visit to a primary care provider, with such measurement no less than annually, and that hypertension is detected, evaluated, and treated in accordance with the recommendations of *The 1984 Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure,* including nonpharmacologic therapy.

2. Ensure that the complication—specific patient education to be provided includes sections on inter-relationships between diabetes and hypertension, the importance of treatment, control and followup, weight control, and exercise, in addition to other components of quality education.

3. Ensure that mechanisms are in place to promote adherence to antihypertensive therapy in the target population, including followup.

4. Ensure that the monitoring system to be developed will include data sufficient for measuring program impact and for tracking program objectives.

2. Centers for Disease Control Activities

a. Develop and disseminate public health recommendations for the diagnosis, prevention, and treatment of the complications of diabetes.

b. Collaborate in the planning, operation, and evaluation of program activities through onsite participation, telephone and written consultation.

c. Collaborate in the development of surveillance and data systems and in the State's analysis and evaluation of data.

d. Collaborate in the development of screening, referral, tracking, and monitoring program components.

e. Collaborate in the development of patient and professional education components.

f. Collaborate in the dissemination of complication-specific outcome indicators and their integration into program operation.

g. Collaborate in the establishment of specific morbility reduction objectives.

Availability of Funds

Approximately $4.5 million will be available in Fiscal Year 1986 to award from 20 to 25 cooperative agreements. The average award will be $200,000 with individual cooperative agreements ranging from approximately $75,000 to $250,000. It is expected that the cooperative agreements will begin on or about September 1, 1986. Funding estimates outlined above may vary and are subject to change.

Use of Funds

Funds will not be awarded for the purchase or lease of land or buildings, for the construction of a facility, or for renovation of existing space. The purchase of equipment is discouraged and must be pre-approved by CDC. The only equipment which will be considered for approval will be that which is justified on the basis of being essential to the project and not available from any other source. Cooperative agreement funds shall not be used for treatment or treatment services.

Reporting Requirements

Progress reports must be submitted on a quarterly basis and are due 30 days after the end of each quarter. Financial status reports must be submitted no later than 90 days afer the end of each budget period. Final financial status and progress reports are required no later than 90 days after the end of the project period.

Recipient Financial Participation

This program has no statutory formula. No specific matching funds are required; however, the application should include data on the applicant's contribution to the overall program costs and a financial commitment to continuation of the program in future years.

Application Content

Applications for cooperative agreements must include a narrative which describes:

1. The background and need for support including a description of high-risk groups within the target populations and an assessment of the health care needs of these populations as they relate to complication-specific program areas.

2. Specific measurable objectives consistent with the purpose of the cooperative agreement, and evaluable, as per Section 4f, below. (Include a milestone-to-completion chart consistent with the timeframe of the project period.)

3. The methods and activities undertaken to accomplish complication-specific objectives including:

a. How high-risk groups and target populations will be/have been identified.

b. How currently available diagnostic, treatment, and education resources will be/have been identified and utilized.

c. How the high-risk populations' current patterns of care will be/have been assessed, with attention to patterns of care in the primary health care system.

d. How needs/deficits in provider knowledge and health care practices will be/have been assessed.

e. Identification of program activities designed to complement available diagnostic, education, and treatment resources.

f. How the target populations will be examined (as applicable) by sensitive diagnostic techniques.

g. How the target populations will be assured of treatment (as applicable), with treatment and treatment services provided through non-project resources.

4. The methods and activities undertaken to accomplish objectives related to the integration of complication-specific program elements into the health care delivery system for person with diabetes, including:

a. How linkages formed with other public health care programs, primary care providers and organizations, volunteer agencies, and other medical care providers will facilitate the integration of these program elements into the health care delivery system for persons with diabetes.

b. How a program advisory group will facilitate the integration of these complication-specific program elements into the health care delivery system for persons with diabetes.

c. How the needs and problems (and factors contributing to these) will be assessed in an ongoing manner to

ensure that the ability to integrate future complication-specific program elements into the program is maintained.

d. How the *National Standards for Diabetes Education Programs/CDC-State DCP Patient Education Guidelines* will be utilized to assess current patient education activities, to ensure the quality of education provided to patients at high risk for the complications, and how such patient education will be integrated into the health care delivery system for persons with diabetes.

e. How *The Guide for Primary Care Practitioners* and the *CDC-State DCP Professional Education Guidelines* will be used in relevant professional education, and how such professional education will facilitate the integration of these program elements into the health care delivery system for persons with diabetes.

f. How a system to monitor and document the impact of this program on the health care delivery system and health status of persons with diabetes, including the morbidity reduction objectives per Cooperative Activities, Section 1.b.8., will be developed and utilized.

g. How a Statewide plan for diabetes control will be developed to facilitate the integration of complication-specific program elements into a comprehensive program of care for persons with diabetes.

5. The level of professional and community support and involvement in the program. (Letters of support/commitment from care providers, voluntary agencies, and other relevant groups and individuals should be included.)

6. A budget justification, and any other information which will support the need for assistance.

7. Plans to become self-sustaining.

Application Review and Evaluation Criteria

Applications will be reviewed and evaluated based upon the following factors:

1. The need for support as demonstrated by the description of the high risk and target populations and of the health care needs/problems of these populations.

2. The consistency of the measurable objectives with the stated purpose of the cooperative agreement and the ability to complete the objectives, activities, and milestones of the project within the specified period.

3. The adequacy of the applicant's plans to ensure examination of high-risk individuals by sensitive diagnostic techniques, to refer (and followup on referrals) those in need of treatment, and to assure adequate treatment (paid for by non-project resources) for patients needing treatment.

4. The adequacy of the applicant's plans to ensure the integration of complication-specific program elements into the health care delivery system for persons with diabetes through the formation of program linkages, the development of a program advisory group, and the development of a statewide plan for diabetes control.

5. The adequacy of the applicant's plans to conduct and/or assure the provision of quality patient and professional education, and to ensure the integration of this education into the health care delivery system for persons with diabetes.

6. The adequacy of the applicant's plans to develop and maintain the capacity to identify target populations, define needs, and plan future complication-specific program elements.

7. The adequacy of the applicant's plans to set morbidity reduction objectives, monitor, and document the impact of the program, and the program's impact on the health care delivery system and the health status of persons with diabetes.

8. The ability of the applicant to identify staff for the program who are available and trained to carry out the required tasks.

9. The ability of the applicant to generate community and professional support and involvement in the program, to utilize available resources, and to coordinate the activities of groups participating in the program, including governmental agencies, professional and volunteer organizations, third-party payers, consultants, and the diabetes community at large.

10. The extent to which the budget is reasonable, consistent with the intended use of cooperative agreement funds, and includes a plan to become self-sustaining.

Application Submission and Deadline

The original and two copies of the application must be submitted to Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, Georgia 30305, on or before July 1, 1986.

1. *Deadline:* Applications will be considered to meet the deadline if they are either:

a. Received at the above address on or before the deadline date or,

b. Sent on or before July 1, 1986, and received in time for submission to the independent review group. (Applicant should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications which do not meet the above criteria are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Other Submission and Review Requirements

Applicants are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs (New applications—60-day review period).

Where To Obtain Additional Information

Information on application procedures, copies of application forms and other material may be obtained from Luther E. DeWeese, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, Georgia 30305, telephone (404) 262-6775, or FTS 236-6575.

Technical assistance may be obtained from Lisle S. House, Division of Diabetes Control, Center for Prevention Services, Centers for Disease Control, Atlantic, Georgia 30333, telephone (404) 329-1851, or FTS 236-1851.

Dated: May 15, 1986.

James O. Mason,

Director, Centers for Disease Control.

[FR Doc. 86-11395 Filed 5-19-86; 8:45 am]

BILLING CODE 4160-18-M

Health Resources and Services Administration

National Organ Transplant Act; Grants for Organ Procurement Organizations

AGENCY: Health Resources and Services Administration, DHHS.

ACTION: Notice of availability of grant funds.

SUMMARY: This general notice announces that application for grants for assistance for Organ Procurement Organizations (OPOs) are being accepted for FY 1986. The grants are authorized by sections 371 and 374 of the Public Health Service (PHS) Act, as amended by section 201 of the National Organ Transplant Act, Pub. L. 98-507.

DATE: Applications (PHS Form 5161-1, Standard Form 424) must be received July 21, 1986, in order to be considered for funding.

ADDRESS: Application forms may be obtained from and should be returned to: Mr. Donald C. Parks, Grants Management Officer, Bureau of Resources Development, Parklawn Building, Room 9–03, 5600 Fishers Lane, Rockville, Maryland 20857 (301/443–2630).

FOR FURTHER INFORMATION CONTACT: Ms. Linda D. Sheaffer, Action Director, Office of Organ Transplantation, 5600 Fishers Lane, Rockville, Maryland 20857 (301/5443–7577).

SUPPLEMENTARY INFORMATION:

I. Background

The National Organ Transplant Act, Pub. L. 98–507, amended the PHS Act to authorize the establishment of a program of grants for the planning, establishment, initial operation and expansion of Organ Procurement Organizations (OPOs). Section 371 of the PHS Act authorized $5 million for fiscal year (FY) 1985, $8 million for FY 1986 and $12 million for FY 1987. The first year the Congress appropriated funds for OPOs was for FY 1986 in amount of $2.6 million.

Sections 371 and 374 of the PHS Act state that in awarding OPO grants the Secretary shall:

1. Take into consideration any recommendations made by the Task Force on Organ Transplantation established under section 101 of the National Organ Transplant Act.

2. Give special consideration to applications which cover geographical areas which are not adequately served by existing OPOs.

3. Give priority to any applicant which has a formal agreement of cooperation with all the transplant centers in its proposed service area.

4. Give special consideration to organizations which met the requirements before the enactment of Pub. L. 98–507 of a qualified OPO as defined in section 371(b).

5. Not discriminate against an applicant solely because it provides health care services other than those related to organ procurement.

Section 374 of the Act also states that the Secretary may not make a grant for more than one OPO which serves the same service area.

II. Program Objective

The principal purpose of the grant program is to increase the availability of donor organs in this country by improving the overall organ procurement system. The Task Force on Organ Transplantation recommended that the program emphasize the need to increase substantially the number of organ donors and to encourage innovations which could be readily duplicated for national application. The Task Force recommended the following three priorities for the program:

1. Proposals to consolidate and coordinate organ procurement efforts where multiple programs currently exist.

2. Proposals to develop new approaches (for the applicant) to improve the efficiency and effectiveness of an existing program so as to increase the number of organ donors within a service area, e.g., professional education.

3. Proposals to expand present efforts to increase the number of organ donors within a service area, e.g., satellite programs, computerization of data, expanding services to serve dispersed rural areas.

III. Types of Grants

To accomplish the above objectives, the Secretary will award planning, initial operation and expansion grants consistent with the statutory guidelines as spelled out in Part I of this Notice and the Task Force recommendations as noted in Part II.

Planning grants will be available to organizations capable of conducting a feasibility study and preparing a detailed plan of how they will carry out the functions of a qualified OPO as described in section 371(b).

Initial operation grants will be available for organizations capable of operating as a qualified OPO and in need of financial assistance for the establishment and/or the initial operation of a qualified OPO as defined in section 371(b) of the PHS Act. Priority will be given to organizations that propose to consolidate and coordinate organ procurement efforts where multiple programs currently exist.

Expansion grants will be available for organizations that meet the statutory requirements of a qualified OPO as defined in section 371(b). In the awarding-of expansion grants, priority will be given to (1) organizations that propose new approaches (for the applicant) to improve the efficiency and effectiveness of an existing program so as to increase the number of organ donors in a service area; and (2) organizations that propose to expand present efforts to increase the number of organ donors within a service area, e.g., satellite programs, computerization of data, expanding services to serve dispersed rural populations.

IV. Eligibility of Grants

As noted above, grants will be available to organizations that have the capability to be a qualified OPO as defined in section 371(b) or that meet the statutory requirements of a qualified OPO as defined in that section. Section 371(b) (1) and (2) of the Act specify the requirements of a qualified OPO as follows:

(b)(1) A qualified organ procurement organization for which grants may be made under subsection (a) is an organization which, as determined by the Secretary, will carry out the functions described in paragraph (2) and—

(A) is a nonprofit entity,

(B) has accounting and other fiscal procedures (as specified by the Secretary) necessary to assure the fiscal stability of the organization,

(C) has an agreement with the Secretary to be reimbursed under title XVIII of the Social Security Act for the procurement of kidneys,

(D) has procedures to obtain payment for non-renal organs provided to transplant centers,

(E) has a defined service area which is a geographical area of sufficient size which (unless the service area comprises an entire State) will include at least fifty potential organ donors each year and which either include an entire standard metropolitan statistical area (as specified by the Office of Management and Budget) or does not include any part of such an area,

(F) has a director and such other staff, including the organ donation coordinators and organ procurement specialists necessary to effectively obtain organs from donors in its service area, and

(G) has a board of directors or an advisory board which—

(i) is composed of—

(I) members who represent hospital administrators, intensive care or emergency room personnel, tissue banks, and voluntary health associations in its service area,

(II) members who represent the public residing in such area,

(III) a physician with knowledge, experience, or skill in the field of histocompatability,

(IV) a physician with knowledge, or skill in the field of neurology, and

(V) from each transplant center in its service area which has arrangements described in paragraph (2)(G) with the organization, a member who is a surgeon who has practicing privileges in such centers and who performs organ transplant surgery,

(ii) has the authority to recommend policies for the procurement of organs and the other functions described in paragraph (2), and

(iii) has no authority over any other activity of the organization.

(2) An organ procurement organization shall—

(A) have effective agreements, to identify potential organ donors, with a substantial

majority of the hospitals and other health care entities in its service area which have facilities for organ donations,

(B) conduct and participate in systematic efforts, including professional education, to acquire all usable organs from potential donors,

(C) arrange for the acquisition and preservation of donated organs and provide quality standards for the acquisition of organs which are consistent with the standards adopted by the Organ Procurement and Transplantation Network * under section 372(b)(2)(D),

(D) arrange for the appropriate tissue typing of donated organs,

(E) have a system to allocate donated organs among transplant centers and patients according to established medical criteria,

(F) provide or arrange for the transportation of donated organs to transplant centers,

(G) have arrangements to coordinate its activities with transplant centers in its service area,

(H) participate in the Organ Procurement and Transplantation Network * established under section 372,

(I) have arrangements to cooperate with tissue banks for the retrieval, processing, preservation, storage, and distribution of tissues as may be appropriate to assure that all usable tissues are obtained from potential donors, and

(J) evaluate annually the effectiveness of the organization in acquiring available organs.

V. Evaluation Priorities

In selecting recipients for grant award, the Secretary intends to follow the statutory guidelines as discussed in Part I of this Notice of Availability of Grant Funds, and to pay close attention to the recommendations of the Task Force on Organ Transplantation as described in Part II of this Notice. The Secretary will give priority for funding to initial operation grants followed by expansion and then planning grants. The Secretary may choose not to fund under section 371 a new OPO, where an effective OPO presently exist in that same service area.

VI. Grant Review

The Secretary intends to appoint a Review Committee composed of Federal staff and no more than two non-Federal individuals to make recommendations to the granting official.

Grant applications will be reviewed according to the following criteria:

—The consistency with the program objectives and priorities;
—The adequacy of the method proposed to carry out the project;
—The appropriateness of the work plan and schedule for organizing and completing the project;
—The capability of the organization to complete the project as proposed;
—The adequacy of supporting documentation justifying the proposal;
—The reasonableness of the budget;
—The qualifications of the project director and staff; and
—The plan to continue beyond the grant period the activity or activities initiated under this grant including plans to secure other funding sources.

VII. General Application Information

1. Amount and Duration of Grants

The Department does not expect funding beyond one year. Because of the limited funds available in FY 1986 and the priorities determined by the Secretary, grant award will be less than the maximum amount permitted in section 374 of the Act. This will permit the Department to provide assistance to a larger number of organizations.

Planning grants will be for a period of one year and will not exceed $50,000.

Initial operation grants will be for a period of one year and will not exceed $350,000.

Expansion grants will be for a period of one year and not exceed $100,000.

2. Application Materials

Application kits are available from the Grants Management Officer at the address noted above.

The deadline date for receipt of applications (PHS Form 5161–1, Standard Form 424) is July 21, 1986. Applications will be considered as meeting the deadline if they are either: (1) Received on or before the deadline, or (2) postmarked on or before the deadline and received in time for submission to the Review Group.

A legibly dated receipt from a commercial carrier or United States Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be acceptable as proof of timely mailing.

3. Subject to the availability of fund awards will be made by September 30, 1986.

A number has been requested for this program to be listed in the Catalog of Federal Domestic Assistance.

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs or 45 CFR Part 100.

Dated: May 15, 1986.

John H. Kelso,

Acting Administrator.

[FR Doc. 86–11418 Filed 5–19–86; 8:45 am]

BILLING CODE 4160–15–M

* Subject to the establishment and opeation of the Organ Procurement and transplantation Network.

National Advisory Council on Migrant Health; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of August 1986:

Name: National Advisory Council on Migrant Health

Date and Time: August 11–13, 1986, 9:00 a.m.

Place: Conference Room E, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

The entire meeting is open.

Purpose: The Council is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Resources and Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 329 of the Public Health Service Act.

Agenda: The agenda items include: (1) Review the Council's recommendations from the August 1986 meeting and the Secretary's response; (2) Present program update of administration management perspectives; (3) Delineate resource allocations to Migrant Health Centers and program; (4) Describe clinical strategy and current focus; and (5) Summarize Council's major concerns and recommendations.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Billy Sandlin, Executive Secretary, National Advisory Council on Migrant Health, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 7A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1153.

Agenda items are subject to change as priorities dictate.

Dated: May 14, 1986.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 86–11257 Filed 5–19–86; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision of Notice of System of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise a notice describing a system of records maintained by the Bureau of Mines. Except as noted below, all changes being published are editorial in nature, and reflect minor administrative revisons which have occurred since the publication of the material in the Federal Register on October 4, 1983 (48 FR 45315). The revised notice, which is titled "Personnel Security Files—Interior, Mines-7", is published in its entirety below.

In the portion of the system notice describing the categories of individuals, the statement is expanded to include contract personnel, employees engaged in foreign travel for the Bureau of Mines, and new employees who require a security check. The statement describing the categories of records is clarified to more accurately reflect the kinds of records maintained in the files.

The existing routine disclosure statement for litigation purposes is revised to incorporate the clarification on such disclosures prescribed by the Office of Management and Budget in its supplementary guidelines dated May 24, 1985, for implementing the Privacy Act. Also, the existing routine disclosure to congressional offices for responding to requests from individuals has been clarified.

The retention and disposal statement is amended to conform to guidelines issued by the Assistant Archivist for Records Administration, National Archives and Records Administration, in his memorandum dated June 11, 1985, to Agency Records Officers. Also, the notice is amended to show that the Bureau's Security Officer is the system manager for the records.

As required by section 3 of the Privacy Act of 1974, as amended (5 U.S.C. 552a(o)), the Office of Management and Budget, the President of the Senate, and the Speaker of the House of Representatives have been notified of this action.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. The Office of Management and Budget in its Circular A–130 requires a 60-day period in which to review such proposals. Therefore, written comments on these proposed changes can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), Room 7357, Main Interior Building, U.S. Department of the Interior, Washington, DC 20240. Comments received on or before June 19, 1986, will be considered. The notice shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: May 12, 1986.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

INTERIOR/WBM–7

SYSTEM NAME:

Personnel Security Files—Interior. Mines—7.

SYSTEM LOCATION:

Bureau of Mines, Department of the Interior, 2401 E Street NW., Washington, DC 20241.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mines employees and contractors, and former employees and contractors whose duties have been designated Special-Sensitive, Critical-Sensitive and Noncritical-Sensitive for national security purposes and/or whose duties have been designated ADP Special-Sensitive, ADP Critical-Sensitive, ADP Noncritical-Sensitive or ADP Non-Sensitive. Employees traveling to foreign countries. Employees new to Federal employment whose duties have been designated Non-Sensitive. Executive Reservists whose duties have been designated one of the above three sensitive categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains copies of records for processing personnel security investigations. The following are representative of system documentation but other records pertinent to position and level of clearance may be a part of the file. Records include copies of SF–85 or SF–86 and/or SF–171 supplied by the individual concerned as well as copies of letters of transmittal, etc., between the Bureau of Mines, the Office of Personnel Management, the FBI, etc., concerning the individual's security investigation. Further, contains a copy of certification of clearance status, SF–189, and a Termination of Clearance Statement signed by the individual as appropriate. For those designated Non-Sensitive, the file contains a record of an NACI or NACIC investigation, adjudication, and determination of suitability if appropriate. For employees traveling outside the country, forms DI–1911 and DI–1175 and a foreign travel briefing/debriefing statement are maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended, Executive Order 11179, as amended, and Federal Personnel Manual 732, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

The primary use of the records is to identify individuals who have national security clearances and/or ADP access authorizations and their level of clearance. Disclosures outside the Department of the Interior may be made (1) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (2) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (3) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations or for enforcing or implementing the statute, rule, regulation, order or license; (5) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in a safe having a three-position dial-type, manipulation proof, combination lock, in the same manner as defense classified material.

RETENTION AND DISPOSAL:

Records are held in active status until the individual is debriefed or terminated. Records are destroyed by fire, shredder, disintegrator or pulverizer not later than five years after separation or transfer of the individual or upon notification of death. The records disposal schedules applicable to these records are: Bureau of Mines Schedule, 435 EBM 2.1, Appendix 1 (18)(e) and GRS 18, item 7.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Bureau of Mines, 2401 E Street NW., Washington, DC 20241.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the System Manager. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request correction or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained as well as data furnished by other Federal agencies on the person concerned.

[FR Doc. 86-11312 Filed 5-19-86; 8:45 am]

BILLING CODE 4310-53-M

Bureau of Land Management

Proposed Mead/McCullough-Victorville/Adelanto Transmission Project; Final Environmental Impact Statement and Report

AGENCY: Bureau of Land Management, Department of the Interior (BLM), California Desert District.

ACTION: Notice of Availability of the Final Environmental Impact Statement/Final Environmental Impact Report, hereinafter referred to as a Final Environmental Report (FER).

SUMMARY: Pursuant to section 102(c) of the National Environmental Policy Act of 1969, a FER has been prepared for the proposed Mead/McCullough-Victorville/Adelanto Transmission Project in Clark County, Nevada and San Bernardino County, California.

SUPPLEMENTARY INFORMATION: BLM and the Los Angeles Department of Water and Power (DMP) have prepared a FER for the Mead/McCullough-Victorville/Adelanto Transmission Project. DWP proposes to build, operate, and maintain a 215 mile long 500-kV DC transmission line from the Mead Substation near Boulder City, Nevada to Adelanto in Southern California. DWP, a member of the Southern California Public Power Authority (SCPPA), would participate in the project with Modesto-Santa Clara-Redding; U.S. Department of Energy, Western Area Power Administration; the Salt River Project; and other members of SCPPA.

The primary purpose of proposing to establish this 500-kV transmission line from the Boulder City area in Nevada to Adelanto, California is to enable the project proponents to purchase and sell electrical energy and capacity. The project will have station facilities capable of transmitting direct-current (DC) power, with a nominal capacity of 2000 MW.

The project would include the allocation of approximately 5,200 acres of land for right-of-way. In addition, from 120 to 180 acres would be required for a converter station at Adelanto.

The FER was prepared under contract by Dames & Moore.

FOR FURTHER INFORMATION CONTACT: William H. Collins, Project Leader, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507.

A limited number of copies of the FER may be obtained by contacting the California Desert District at the above address. Copies of the FER may be inspected at the following locations:

Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507
Bureau of Land Management, Needles Resource Area, 901 3rd Street, Needles, California 92363
Bureau of Land Management, Barstow Resource Area, 831 Barstow Road, Barstow, California 92311
Bureau of Land Management, Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada 89126
County of San Bernardino, Office of Planning, 3rd Floor, 385 North Arrowhead, San Bernardino, California 92415
Clark County Library, 1401 Flamingo Avenue, Las Vegas, Nevada 89101
Baker High School Library, Highway 120 and School Road, Baker, California 92309
Los Angeles Public Library, Department of Water and Power Branch, 111 North Hope Street, Los Angeles, California 90012
San Bernardino Central Library, 401 North Arrowhead, San Bernardino, California 92415
San Bernardino County Library, Victorville Branch, 15011 Circle Drive, Victorville, California 92392
Bureau of Land Management, Public Affairs, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240
Bureau of Land Management, State Office, Federal Building, Room E-2915, 2800 Cottage Way, Sacramento, California 95825

DATE: The review period runs for 30 days from the date of this notice. Written comments must be submitted within this 30-day period.

ADDRESS: Comments should be addressed to Mr. Gerald E. Hillier, District Manager of the California Desert District at the address given above.

Dated: May 12, 1986.

Richard F. Johnson,

Acting State Director.

[FR Doc. 86-11307 Filed 5-19-86; 8:45 am]

BILLING CODE 4310-40-M

California Desert District, Notice of Realty Action, Exchange of Public and Private Lands in San Diego and San Bernardino Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action CA-17640, Exchange of Public and Private Lands.

SUMMARY: The following described lands in San Diego County have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

San Bernardino Meridian, California

T. 12S., R. 1 W.,
Sec. 4: SW¼, NW¼SE¼;
T. 13 S., R. 1E.,
Sec. 1: NE¼SE¼, S½SE¼;
Sec. 12: NE¼;
T. 13 S., R. 2E.,
Sec. 7: lots 1 and 2;

Comprising 560.69 acres of public land.

In exchange for these lands, the United States will acquire the following described lands in San Bernardino County from the Santa Fe Pacific Realty Corporation:

San Bernardino Meridian, California

T. 5N., R. 2E.,

Sec. 1: lots 1 through 4, S½ N½, S½;
T. 5N., R. 3E.,
Sec. 5: lots 1 through 8, S½ N½, S½;
Sec. 9: N½;
T. 5N., R. 4E.,
Sec. 5: lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 9: lots 1 through 6, E½NE¼, NW¼, S½ S½;
T. 5N., R. 5E.,
Sec. 5: lots 1 through 3 of NE¼, lots 1 through 3 of NW¼, S½;
Sec. 9: lots 1 through 4, S½ N½, S½;
T. 6N., R. 2E.,
Sec. 1: lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 13: All;
Sec. 25: N½, SW¼, N½ SE¼, SE¼; SE¼;
Sec. 33: All;
T. 6N., R. 3E.,
Sec. 5: lots 1 through 4, S½ N½, S½;
Sec. 9: NE¼ NE¼, NW¼ SW¼, S½ SW¼; SE¼ SE¼;
Sec. 13: All;
Sec. 17: All;
Sec. 21: All;
Sec. 29: All;
Sec. 33: All;
T. 6N., R. 4E.,
Sec. 1: lots 1 through 4, W½ E½, W½;
Sec. 5: All;
Sec. 9: All;
Sec. 13: lots 1 through 4, W½ E½, W½;
Sec. 17: lots 1 through 4, N½ S½, N½;
Sec. 21: lots 1 through 7, NE¼, E½ NW¼, NE¼ SW¼, N½ SE¼.
Sec. 29: All;
Sec. 33: All;
T. 7N., R. 3E.;
Sec. 33: All;
T. 7N., R. 4E.,
Sec. 25: lots 1 through 4, W½ E½, W½;
Sec. 33: All.

Comprising 18,240.79 acres of private land.

The purpose of this exchange is to acquire non-federal lands within the Johnson Valley Off-Road Vehicle Recreation Area to create a more logical and manageable public land unit. Disposal of the public lands by exchange is consistent with the management objectives of the Bureau of Land Management's Southern California Metropolitan Project Area and is in conformance with the Project's Escondido Management Framework Plan. The exchange would benefit both the private sector and the general public. The public interest will be well served by making the exchange.

The values of the lands to be exchanged are approximately equal. Full equalization of values will be achieved by acreage adjustments or by payment to the United States by the Santa Fe Pacific Realty Corporation of funds in an amount not to exceed 25 percent of the total value of the lands to be transferred out of federal ownership.

Lands to be transferred from the United States will be subject to the reservation of a right-of-way for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

By publication of the Preliminary Notice of Realty Action in the **Federal Register** on August 1, 1985, Volume 50, No. 148, pages 31253 and 31254, the public lands described above were segregated from settlement, location and entry under the public land laws, including the mining laws but not from mineral leasing. The segregative effect will terminate July 31, 1987 or upon issuance of patent.

Detailed information concerning the exchange, including the environmental assessment, is available for review at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, California Desert at the above address. Objections will be reviewed by the State Director, who may sustain or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: May 9, 1986.

H.W. Riecken,

Acting District Manager.

[FR Doc. 86-11309 Filed 5-19-86; 8:45 am]

BILLING CODE 4310-40-M

Recreation and Public Purposes Classification; Minnesota

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The legal description for one of the listed parcels of land in Cass County, Minnesota, as published in the **Federal Register**, August 8, 1983, Vol. 48, No. 153, p. 36005, should be corrected as follows:

	Acres	Serial No.
T.140N., R.29W., Sec. 9, Lot 9	3.00	ES-31836

The purpose of the conveyance of 3.86 acres of land in Todd County, Minnesota (T.129N., R.32W., Section 30, Lot 1) to the Minnesota Department of Natural Resources as published in the **Federal Register**, August 8, 1983, Vol. 48, No. 153, p. 36005, should be corrected as follows:

The purpose of this conveyance is to provide the Department of Natural Resources access to Dohn Lake for fisheries management purposes.

FOR FURTHER INFORMATION CONTACT: Milwaukee District, Bureau of Land Management, Suite 225, 310 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Mike Ford,

Acting District Manager.

[FR Doc. 86-11311 Filed 5-19-86; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 10, 1986. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 4, 1986.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Dallas County

Cahaba vicinity, *Adams Grove Presbyterian Church*, S. side of Cahaba-Greenville Rd.

Tuscaloosa County

Tuscaloosa, *Pinehurst Historic District*, 215 and 305 17th Ave., 1—28 and 6—9 Pinehurst Dr.

ARIZONA

Coconino County

Cameron vicinity, *Cameron Suspension Bridge*, US 89

Pima County

Tucson, *Rillito Racetrack—Chute*, 4502 N. First Ave.

Tucson, *University of Arizona Campus Historic District*, Roughly bounded by E. Speedway, N. Campbell, E. Fifth St., and S. Park Ave.

ARKANSAS

Scott County

Waldron vicinity, *Mount Pleasant Methoodist Church*, AR 248

CONNECTICUT

Litchfield County

New Milford, *Merryall Union Evangelical Society Chapel*, Chapel Hill Rd.

New Haven County

New Haven, *Hall—Benedict Drug Company Building*, 763—767 Orange St.

FLORIDA

Dade County

Miami, *Miami Edison Senior High School*, 6101 NW Second Ave.

Sarasota County

Sarasota vicinity, *Field Estate*, Filed Rd. and Camino Real

GEORGIA

Fulton County

Atlanta, *Inman Park—Moreland Historic District*, N. Highland, Seminole, Euclid, Austin, Alta, Moreland, and Degrees Aves.
Atlanta, *Peachtree Highlands Historic District*, Roughly bounded by Highland & Martina Drives, and E. Paces Ferry Rd. SE of Piedmont & Peachtree Intersection

KANSAS

Douglass County

Baldwin City, *Case Library*, Baker University, Eighth and Grove
Lawrence, *Duncan, Charles, House*, 933 Tennessee St.

Leavenworth County

Leavenworth, *Atchison, Topeka and Santa Fe Railroad Passenger Depot*, 781 Shawnee St.

Mitchell County

Cawker City, *Wisconsin Street Historic District*, 700 Blk. of Wisconsin St.

MASSACHUSETTS

Middlesex County

Arlington, *U.S. Post Office—Arlington Main*, 10 Court St.

Norfolk County

Weymouth, *Washington School*, 8 School St.

Plymouth County

Wareham, *Tobey Homestead*, Main St. and Sandwich Rd.

MICHIGAN

Lapeer County

Dryden, *Dryden Community Country Club—General Squire Historic Park Complex*, 4725 S. Mill Rd.

MISSOURI

Jackson County

Kansas City, *Dorson Apartment Building*, 912—918 Benton Blvd.

St. Louis (Independent City)

Forest Park Headquarters Building, 115 Union, Forest Park

NEW HAMPSHIRE

Carroll County

Sandwich vicinity, *North Sandwich Meeting House*, Quaker-Whiteface Rd.

Rockingham County

Chester, *Congregational Church*, 4 Chester St.

Sullivan County

Springfield, *Springfield Town Hall & Howard Memorial Methodist Church*, Four Corners Rd. SE of New London Rd.

NORTH CAROLINA

Pender County

Burgaw, *Burgaw Depot*, 102 E. Fremont

OHIO

Montgomery County

Dayton, *St. Ann's Hill Historic District*, Roughly bounded by Fourth, McClure, Josie, High and Dutoit Sts.
Dayton, *Steele's Hill—Grafton Hill Historic District*, Roughly bounded by Grand, Plymouth, Forest and Salem

OREGON

Clatsop County

Astoria, *Bartlett, Robert Rensselaer, House*, 1215 Fifteenth St.
Astoria, *Flavel, Captain George Conrad, House*, 627 Fifteenth St.
Astoria, *Foord, Martin, House*, 690 Seventeenth St.
Astoria, *Warren Investment Company Housing Group*, 656, 674 and 690 Eleventh St.

Coos County

Powers, *Powers Hotel*, 310 Second Ave.

Lane County

Eugene, *University of Oregon Museum of Art*, University of Oregon off OR 99

Multnomah County

Gresham, *Zimmerman, Jacob, House*, 17111 NE Sandy Boulevard
Portland, *Fruit and Flower Mission*, 1609 SW Twelfth Ave.

Umatilla County

Milton-Freewater, *Frozier, Williams, Farmstead*, 1403 Chestnut St.

Yamhill County

Dundee, *Dundee Woman's Club Hall*, US 99 W

UTAH

Salt Lake County

Magna, *Magna Community Baptist Church*, 2908 S. 8900 West

Utah County

Provo, *Provo Canyon Guard Quarters*, Off US 189

VIRGIN ISLANDS

St. Croix County

Frederiksted vicinity, *Estate St. George Historic District*, Prince Quarter

VIRGINIA

Alexandria (Independent City)

Lee, Robert E., Boyhood Home, 607 Oronoco St.

Warren County

Front Royal vicinity, *Fairview Farm*, VA 658

FR Doc. 86–11249 Filed 5–19–86; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Change of Mailing Address and Temporary Suspension of Service

May 14, 1986.

As a result of recent Commission space reallocations, effective May 21, 1986, pleadings and other nonfee items filed in Commission proceedings should be delivered to the Office of the Secretary, Case Control Branch, Room 1324.

Since several parts of the Office will be moving at this time, no decisions will be served on May 22, 1986. The ICC Register will be published on May 22, and will include part 2 only.

James H. Bayne,

Secretary.

[FR Doc. 86–11300 Filed 5–19–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Water Act; Homer Smith Seafood Co.

In accordance with Departmental Policy, 28 CFR § 50.7, notice is hereby given that on April 11, 1986, a proposed consent decree in *United States* v. *Homer Smith Seafood Company*, was lodged with the United States District Court for the Middle District of Florida. The proposed consent decree provides that Homer Smith shall construct a wastewater treatment system and pipeline to transport the treated water to an outlet in the St. James River, in accordance with a schedule set forth in the decree, by June 1987; that it will comply with interim discharge limitations, and that it will pay a $20,000 civil penalty in settlement of the government's claims.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Homer Smith Seafood Company*, D.J. Ref. 90–5–1–1–2493.

The proposed decree may be examined at the office of the United States Attorney, 410 Robert Timber Lake Building, 500 Zack Street, Tampa, Florida 33602 and at the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia. Copies of the Consent

Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, 9th and Pennsylvania Avenue, NW., Washington DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.90 payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-11412 Filed 5-19-86; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Meeting; Inter-Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Folk Arts Section) to the National Council on the Arts will be held on June 4-7, 1986, from 9:00 a.m. to 5:30 p.m., in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of this meeting will be open to the public on June 6, from 3:30 p.m. to 5:30 p.m., to discuss policy and guidelines.

The remaining sessions of this meeting on June 4-5, from 9:00 a.m. to 5:30 p.m.; on June 6, from 9:00 a.m. to 3:30 p.m.; and on June 7, from 9:00 a.m—5:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: May 14, 1986.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86-11316 Filed 5-19-86; 8:45 am]

BILLING CODE 7537-01-M

Meeting; Literature Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Translators Fellowships Section) to the National Council on the Arts will be held on June 6, 1986, from 9:00 a.m. to 5:00 p.m., and on June 7, 1986, from 9:00 a.m.-1:00 p.m., in room 715 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of this meeting will be open to the public on June 6, from 4:00 p.m. to 5:00 p.m., to discuss policy and guidelines.

The remaining sessions of this meeting on June 6, from 9:00 a.m. to 4:00 p.m., and on June 7, from 9:00 a.m. to 1:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 522b of Title 5, United States Code.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: May 13, 1986.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 11317 Filed 5-19-86; 8:45 am]

BILLING CODE 7537-01-M

Meeting; Theater Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Artistic Advancement Section) to the National Council on the Arts will be held on June 6, 1986, from 9:00 a.m. to 5:30 p.m., in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6), and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Office, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: May 14, 1986.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86-11318 Filed 5-19-86; 8:45 am]

BILLING CODE 86-7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Electrical, Communications, and Systems Engineering; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Electrical, Communications, and Systems Engineering.

Date: June 2 and 3, 1986.

Time: June 2, 1986—1:30 PM to 5:30 PM; June 3, 1986—8:30 AM to 4:30 PM.

Place: June 2, 1986—National Science Foundation, Room 1242; June 3, 1986—Medical Society Building, 2007 Eye (I) Street, NW, Room A.

Type of meeting: Open.

Contact person: Dr. Frank L. Huband, Division Director, Division of Electrical, Communications and Systems Engineering, Room 1151, National Science Foundation, Washington, DC Telephone: 202—357-9618

Purpose of committee: To discuss research trends and opportunities and to advise on priorities in resource management.

Agenda:

—Presentations by individual ECSE Program Directors
—Management of resources
—Issues and priorities
—Trends and opportunities in electrical engineering research
—Relation to other NSF activities and new initiatives

M. Rebecca Winkler,

Committee Management Officer.

May 15, 1986.

[FR Doc. 86–11339 Filed 5–19–86; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Revison.

2. The title of the information collection: 10 CFR Part 40, "Domestic Licensing of Source Material" and NRC Form 484, "Sample Format for Reporting Detecting Monitoring Data".

3. The form number if applicable: NRC Form 484.

4. How often the collection is required: Semiannually.

5. Who will be required or asked to report: Uranium milling and other uranium recovery facilities.

6. An estimate of the number of responses: 50.

7. An estimate of the total number of hours needed to complete the requirement or request: 335.

8. An indication of whether Section 3504 (h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: Proposed amendments to 10 CFR Part 40, as required by law, require additional monitoring data to be submitted. The submittal, using NRC Form 484, provides for more data on background ground water quality, ground water flow data, comprehensive statistical analytical methods, and possible increased numbers of hazardous constituents sample.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 15th day of May 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86–11330 Filed 5–19–86; 8:45 am]

BILLING CODE 7590–01–M

[License No. 35–16191–01; EA 85–125]

Exam Co.; Order Imposing Civil Monetary Penalties

I

Exam Company, 115 West 41st Street, Tulsa, Oklahoma, (the "licensee") is the holder of License No. 35–16191–01 (the "license") issued by the Nuclear Regulatory Commission (the "NRC"). License No. 35–16191–01 authorizes use of byproduct material for industrial radiography and is due to expire December 31, 1986.

II

An inspection of the licensee's activities under its license was conducted on October 3 and 8, 1985. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with the conditions of its license. These results were discussed with licensee representatives during an enforcement conference on October 25, 1985.

A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated December 5, 1985. This Notice stated the nature of the violations, the license conditions that were violated, and the amount of civil penalties proposed. An answer dated December 26, 1985, to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

After consideration of the answers and the statements of fact, explanation, and arguments for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96–295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the total amount of Five Thousand Dollars within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

V

The licensee may, within 30 days of the date of this Order, request a hearing. A request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

A copy of any request for hearing also shall be sent to the Executive Legal Director, Office of the Executive Legal Director, at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements set forth in the Notice of Violation and Proposed Imposition of Civil Penalties, and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, the 13th day of May, 1986.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

The violations and associated civil penalties were identified in the Notice of Violation and Proposed Imposition of Civil Penalties dated December 5, 1985. The NRC's evaluation and conclusions regarding the licensee's response dated December 26, 1985 are as follows:

Restatement of Violations

1. 10 CFR 20.101(b) states, in part, that a licensee may permit an individual in a restricted area to receive a total occupational

dose to the whole body greater than that permitted under paragraph (a) of 10 CFR 20.101 provided that during any calendar quarter the total occupational dose to the whole body shall not exceed 3 rem.

Contrary to the above, two radiographer's assistants received whole body doses of 3.26 and 4.50 rems, respectively, while performing radiography on September 26, 1985, at a field site in La Barge, Wyoming.

2. 10 CFR 34.44 requires that whenever a radiographer's assistant uses radiographic exposure devices, sealed sources, handling tools, or conducts radiation surveys to determine that the source has been returned to the shielded position, it shall be under the personal supervision of the radiographer who shall watch the above operations.

Contrary to the above, the radiographer was in the dark room at the time the radiographer's assistants used the radiographic exposure device and, thus, the radiographer did not observe operations involving the device.

3. 10 CFR 34.43(b) requires that a radiation survey be made after each radiographic exposure to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device must be surveyed, including the source guide tube.

Contrary to the above, no surveys were performed after radiographic exposures on September 26, 1985, to determine that the sealed source had returned to its shielded position. As a result, two radiographer's assistants received overexposures.

4. License Condition 18 requires that the licensee shall possess and use licensed material in accordance with statements, representations, and procedures contained in the license application dated December 27, 1979.

Section 5.1.5 of the licensee's procedure states that any individual whose pocket dosimeter goes off scale (over 200 mR) while using a source of radiation shall immediately stop work and make a complete radiation survey of the area, making certain to receive no additional radiation exposure. The following actions shall then be taken: If the source is in the exposed position, the individual shall restrict his activities to working outside the radiation area until he has (been) notified that his total exposure was not in excess of allowable limits.

Contrary to the above, when the pocket dosimeters of the two radiographer's assistants were observed to be discharged beyond their range on September 26, 1985, the two radiographer's assistants were permitted to continue radiographic operations using an exposed source prior to the determination of their total exposure.

The Licensee's Response to Violation #1

The licensee admits the first violation and states that it occurred because the workers failed to follow company procedures. The licensee further states that after the company's investigation, the employees involved were terminated immediately.

The NRC's Response

At the time of the special inspection resulting from the overexposure, the licensee stated that the particular project was complete and the individuals were allowed to return home or they were simply laid off, having been hired from the union hall for that particular job. The licensee now states that the individuals were terminated for cause. In any event, the licensee admits the violation.

The Licensee's Response to Violation #2

The licensee admits the second violation, but qualifies the admission by saying that the two individuals involved were indeed qualified and experienced radiographers.

The NRC's Response

The assistants had not completed the licensee's program for testing to be qualified as radiographers, therefore, they were assistant radiographers who were required to be under the direct supervision of a radiographer.

The Licensee's Response to Violation #3

The licensee admits the third violation, but believes the violation to be an isolated case.

The NRC's Response

The licensee states that the failure to survey was an isolated example and a source disconnect occurring at the same time was coincidental. This remains a violation. The whole purpose of surveying is to protect against the isolated case.

The Licensee's Response to Violation #4

The licensee admits the fourth violation, but qualifies the admission by stating that the individual responsible followed company procedures to the best of his understanding.

The NRC's Response

The fact that an individual performed "totally in accordance with his understanding" and yet a violation occurred means only that there was probably no wrongful intent or willfulness involved. By the licensee's admission, the procedures were vague. All of this points to the lack of adequate training in company procedures.

Licensee's Request for Mitigation

The licensee requests mitigation on the basis of prompt identification and reporting of the violations, prompt and extensive corrective action, and good prior performance. The NRC's evaluation of each of these arguments follows:

NRC's Evaluation Regarding Prompt Identification and Reporting

In arguing that it promptly identified and reported the violations, the licensee states that it made the notification of the overexposure within two days of verification that the overexposure occurred. NRC's first notification of a possible overexposure to the individuals came not from licensee management, but from another individual on the evening of September 26, 1985, the day of the incident. There was also contact from the State of Louisiana (the state had been notified by an individual giving details of the incident). As a result, reactive inspection by the NRC was being planned prior to notification by the licensee on October 2, 1985. Furthermore, the licensee's argument does not apply to Violations #2, #3, and #4 because these violations were identified by NRC inspectors. Therefore, the NRC concludes that mitigation on the basis of prompt identification and reporting is not warranted.

NRC's Evaluation Regarding Prompt, Extensive Corrective Action

The licensee states that its corrective action is extensive, has industry wide approval, was prompt, and will have a "monumental" effect on radiographers' respect for safety. As evidence, the licensee enclosed copies of letters and memoranda. They include (1) a letter to the union explaining why two individual were terminated, expressing concern, and soliciting recommendations on how to improve safety, (2) a memorandum to all company personel stating the policy to be followed in the event an individual's dosimeter is discharged, and (3) a memorandum to all company personnnel explaining what action the company will take if proper safety procedures are not followed.

The licensee's statement that the corrective action has industry wide approval is not supported. Memoranda have been sent to personnel explaining policies, but no mention is made of retraining personnel or covering such topics in safety meetings. Another memorandum states that the company expects perfection from individuals using exposure devices. It promises increased audits of reports and paperwork and (only if abnormalities are found) the possibility of increased field inspections. None of the violations identified as a result of the special inspection would have been revealed by these corrective actions above. The memorandum also describes strong disciplinary action the the company would take if it is found that an employee is not following correct safety procedures. Although a strong disciplinary program is important, the licensee's program does not suitably address methods to detect noncompliance in the field and the effective training of workers on company procedures. The licensee's corrective actions do not go beyond those normally expected and do not warrant mitigation of the penalties.

NRC Evaluation Regarding Prior Good Performance.

Failure to adequately survey the exposure device to determine that the source has been returned to its shielded position was cited during the most recent inspection and was a primary cause of the resulting overexposure. A similar failure was cited in 1982 when a civil penalty was imposed on the licensee. An inspection performed in 1983 identified no violations and an inspection in 1984 identified two violations, minor in nature. While the compliance history seems to be improving, it does not provide an adequate basis for mitigating the penalties.

Conclusion

The violations occurred as stated. No adequate basis for mitigation of the penalties has been provided. Consequently, the

proposed civil penalties of $5,000 should be imposed.

[FR Doc. 86-11329 Filed 5-19-86; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Prior Heading

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-53 and DPR-69 issued to Baltimore Gas and Electric Company (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, located in Calvert County, Maryland.

The proposed amendments would add a 72-hour action statement for an inoperable Diesel Fuel Oil Storage Tank (DFOST) to Technical Specification (TS) 3/4.8.1, "A.C. Sources," and reword Limiting Condition for Operation 3.8.1.1.b. The TS would be changed as follows: (1) TS 3.8.1.1.b, "Limiting Condition for Operation," would be changed by deleting the word "each" in reference to the two separate and independent diesel generators, and 3.8.1.1.b.1 and 3.8.1.1.b.3 would be changed by adding the phrase, "for each diesel generator" to the existing statements; and (2) TS 3/4.8.1, "A.C. Sources," would be changed by adding the following action statement:

f. With one Diesel Fuel Oil Storage Tank inoperable, demonstrate the OPERABILITY of the remaining tank by: (1) Performing Surveillance Requirement 4.8.1.1.2.a.2 (verifying 36,500 gallons) within 1 hour and at least once per 8 hours thereafter, and (2) verifying the flowpath from the OPERABLE fuel oil storage tank to the diesel generators within 1 hour. Restore two storage tanks to OPERABLE status within 72 hours or be in at least HOT STANDBY within the next 6 hours and in COLD SHUTDOWN within the following 30 hours.

Note.—If the tank is drained, maintain an 8,000-gallon alternate fuel source parked onsite.

At the present time, no remedial actions for the DFOSTs are specified in the TS and thus the reactor must be shut down within 6 hours should a DFOST be inoperable.

The proposed TS revision is in partial response to the licensee's application for amendments dated April 14, 1986. The remaining issues associated with the April 14, 1986 application will be addressed in separate actions.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By June 19, 1986, the licensee may file a request for a hearing with respect to issuanee of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularlity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission' Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Indentification Number 3737 and the following message addressed to Ashok C. Thadani: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page numbe of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to D.A. Brune, Jr., General Counsel, G and E Building, Charles Center, Baltimore, Maryland 21203, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitioners, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated April 14, 1986 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland, this 14 day of May 1986.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, PWR Project Directorate No. 8, Division of PWR Licensing—B.

[FR Doc. 86–11327 Filed 5–19–86; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–369 and 50–370]

Duke Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 57 to Facility Operating License No. NPF–9, and Amendment No. 38 to Facility Operating License No. NPF–17, issued to Duke Power Company (the licensee), which revised the Technical Specifications for operating of the McGuire Nuclear Station, Units 1 and 2 (the facility) located in Mecklenburg County, North Carolina. The amendments are effective as of the dates of their issuance.

The amendments change the Technical Specifications to permit operation up to full power with the Upper Head Injection System functionally disabled or physically removed.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notices of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action were published in the **Federal Register** on July 26, 1985 (50 FR 30548) and on February 4, 1986 (51 FR 4449). No request for a hearing or petition for leave to intervene was filed following these notices.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact (51 FR 13574) related to the action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility dated April 1976 and its addendum dated January 1981.

For further details with respect to the action see (1) the application for amendment dated May 9, 1985, as supplemented October 2 and 14, December 17 and 23, 1985, January 14, March 17, and April 8, 1986, (2) Amendment No. 57 to License No. NPF–9 and Amendment No. 38 to License No. NPF–17, (3) the Commission's related Safety Evaluation and Environmental Assessment, and (4) the Advisory Committee on Reactor Safeguards letter dated April 16, 1986. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-A.

Dated at Bethesda, Maryland, this 13th day of May 1986.

For the Nuclear Regulatory Commission.

Paul W. O'Connor,

Acting Director, PWR Project Directorate No. 4, Division of PWR Licensing-A.

[FR Doc. 86–11243 Filed 5–19–86; 8:45 am]

BILLING CODE 7590–01–M

Philadelphia Electric Co. (Limerick Generating Station, Unit 1); Issuance of Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a decision concerning certain pleadings submitted to the Commission by Robert L. Anthony/Friends of the Earth on the Delaware Valley. The pleadings requested that the Commission stay the effectiveness of License Amendment No. 1 issued to the Philadelphia Electric Company on February 6, 1986. The Amendment extended the surveillance intervals for the testing of certain instrumentation line excess flow check valves in the Limerick Generating Station, Unit 1.

The Director, Office of Nuclear Reactor Regulation, has determined to deny the request for stay. The reasons for this decision are explained in the "Director's Decision Under 10 CFR 2.206", DD–86–06, which is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Local Public Document Room at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania.

A copy of the Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the Decision will constitute the final action of the Commission twenty-five (25) days after issuance, unless the Commission, on its own motion, institutes review of the Decision within that time period.

Dated at Bethesda, Maryland, this 13th day of May 1986.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 86–11244 Filed 5–19–86; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–482]

Kansas Gas and Electric Co. et al.; Wolf Creek Generating Station; Withdrawal of Applications for Amendments to Facility Operting License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Kansas Gas and Electric Company, Kansas City Power & Light Company and Kansas Electric Power Cooperative, Inc. (the licensees) to withdraw their January 20 and March 27, 1986, applications of the Wolf Creek Generating Station located in Coffey County, Kansas.

The proposed amendments would have provided for deferments of certain surveillance intervals to allow continued operation of the plant until the first refueling outage. The Commission issued Notice of Consideration of Issuance of the amendments in the **Federal Register** on March 12, 1986 (51 FR 8596), April 9, 1986 (51 FR 12229), and April 23, 1986 (51 FR 15401). By letter dated April 30, 1986, the licensees requested, pursuant to 10 CFR 2.107, permission to withdraw their applications for the proposed amendments. The basis for withdrawal of the amendment requests was that a forced outage in early April 1986 allowed the licensees to perform the subject surveillances within the required time frame, thus alleviating the need for the proposed amendments. The Commission has considered the licensees' April 30, 1986, request and has determined that permission to withdraw the January 20 and March 27, 1986, applications for amendments should be granted.

For further details with respect to this action, see (1) the applications for amendments dated January 20 and March 27, 1986, (2) the licensees' letter dated April 30, 1986, withdrawing the applications for amendments and (3) our letter dated May 12, 1986. All of the above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street,

NW., Washington, DC and at the William Allen White Library, Emporia State University, Emporia, Kansas, and the Washburn University School of Law, Topeka, Kansas.

Dated at Bethesda, Maryland, this 13th day of May 1986.

For the Nuclear Regulatory Commission.

Paul O'Connor,

Acting Project Director, PWR Project Directorate No. #4, Division of PWR Licensing-A

[FR Doc. 86-11246 Filed 5-19-86; 8:45 am]

BILLING CODE 7590-01-M

Connecticut Yankee Atomic Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of schedular and permanent exemptions from the requirements of 10 CFR Part 50, Appendix J to the Connecticut Yankee Atomic Power Company (CYAPCO of the licensee) for the Haddam Neck Plant, located at the licensees' site in Middlesex County, Connecticut.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant permanent exemption from 10 CFR Part 50, Appendix J, for reduced pressure tests, for Type C tests of the steam generator blowdown and auxiliary feedwater penetrations and for reverse testing of the auxiliary spray penetration. In addition, the proposed action would grant schedular exemptions from the Type C testing requirements of Appendix J for the reactor coolant charging system and containment sump to residual heat removal system penetrations; reverse direction testing of the refueling cavity purification and pressurizer relief drain penetrations; water versus air testing of 20 additional containment penetrations; and high pressure testing of penetrations for the reactor coolant system (RCS) sampling, neutron shield fill and RCS loop fill systems. The licensee has determined that modifications to the above systems were necessary for the Haddam Neck Plant to meet the requirements of 10 CFR Part 50, Appendix J.

The Need for the Proposed Action

One of the conditions of all operating licenses for water-cooled power reactors, as specified in 10 CFR 50.54(o), is that primary reactor containments shall meet the containment leakage test requirements set forth in 10 CFR Part 50, Appendix J.

In an April 5, 1984 letter, the NRC staff noted that not all containment penetrations are tested in accordance with Appendix J. The staff concluded that it was acceptable to defer implementation of specific Appendix J and Appendix A modifications until an integrated assessment, i.e., Integrated Safety Assessment Program (ISAP), could be performed.

In a July 31, 1985 letter, the NRC Staff formally established the scope of the Haddam Neck Plant ISAP and designated the Appendix J issues as ISAP Topic 1.03, "Containment Penetration Evaluations." In this letter, the staff recognized that some issues require exemptions to defer action until such the Haddam Neck Plant ISAP could be completed.

By letter dated March 12, 1986, the licensee requested the exemptions presented above.

Environmental Impact of the Proposed Action

For the exemption requests that are strictly schedular, the exemptions would allow the current method of testing to continue until all required modifications are completed. For the permanent exemption requests, the exemptions would permit the licensee to use an alternate method or test to satisfy the requirements of Appendix J. The results of the current or alternate tests, in conjunction with the overall integrated containment leak rate test, provide reasonable assurance that containment integrity will be provided following a postulated accident.

Thus, radiological releases will not differ from those determined previously and the proposed exemptions do not otherwise affect facility radiological effluent or occupational exposures. With regard to potential nonradiological impacts, the proposed exemptions do not affect plant nonradiological effluents and have no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemptions.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemptions, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the schedular exemptions would be to impose a shorter extension period than requested. Similarly, the principal alternative to the permanent exemptions would be to require specific compliance with the Appendix J requirements. In either case, such actions would not enhance the protection of the environment and would result in unjustified costs for the licensee.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Haddam Neck.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letter dated March 12, 1986. This letter is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Russell Library, 123 Broad Street, Middletown, Connecticut 06547.

Dated at Bethesda, Maryland, this 14th day of May 1986.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Director, Integrated Safety Assessment, Project Directorate, Division of PWR Licensing—B.

[FR Doc. 86-11245 Filed 5-19-86; 8:45 am]

BILLING CODE 7500-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co., San Onofre Nuclear Generating Station Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from a portion of the requirements of Appendix R to 10 CFR 50.48, Fire Protection, to Southern California Edison Company (the licensee) for the San Onofre Nuclear Generating Station (SONGS) Unit 1, located in San Diego County, California.

Environmental Assessment

Identification of Proposed Action

The exemption would permit the licensee to operate shutdown-related

systems not meeting various requirements of 10 CFR Part 50, Appendix R—Section III.G by providing equivalent levels of protection.

The Need for the Proposed Action

The proposed exemption is needed in order to permit the licensee to use alternate fire protection configurations that achieve an equivalent level of safety compared to that attained by compliance with Section III.G of Appendix R.

Environmental Impact of the Proposed Action

The proposed Exemption would not degrade the level of safety attained by compliance with the rule and there would be no change in accident doses to the environment. Consequently, the probability of fires has not been increased and the post-fire radiological releases would not be greater than previously determined. Neither does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commsission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since we have concluded that the environmental effects of the proposed action are negligible, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative should be to deny the requested exemption. This would not reduce the environmental impacts associated with fire protection modifications and compliance with the rule and accrue unreasonable costs to the licensee without an increase in safety.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement for San Onofre Unit 1.

Agencies and Persons Contacted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of no Significant Impact

The Commission has determined not to prepare an enviromental impact statement for the proposed exemption.

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated October 4 as amended December 31, 1985, and May 12, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Main Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Bethesda, Maryland, this 14th day of May 1986.

For the Nuclear Regulatory Commission.

George F. Lear,

Dirctor, PWR Project Directorate No. 1, Division of PWR Licensing—A.

[FR Doc. 86-11326 Filed 5-19-86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Policies and Practices; Postponed

The ACRS Subcommittee on Regulatory Policies and Practices scheduled for May 27, 1986, 8:30 A.M., Room 1717 H Street, NW., Washington, DC has been postponed. This meeting notice was previously published May 15, 1986 (51 FR 17842).

Dated: May 15, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-11325 Filed 5-19-86; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, FC 416-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 7.9, "Standard Format and Content of Part 71 Applications for Approval of Packaging for Radioactive Material." The guide is being developed to identify the information needed by the NRC staff for evaluating applications for approval of packaging to be used for the shipment of type B and fissile radioactive material. The guide also provides a format for submitting this information.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555. Comments will be most helpful if received by July 25, 1986.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Requests for single copies of draft guides (which may be

reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Technical Information and Document Control Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 13th day of May 1986.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 86-11328 Filed 5-19-86; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Services Policy Advisory Committee Advisory Committee for Trade Negotiations Investment Policy Advisory Committee; Meetings and Determination of Closing of Meetings

The meetings of the Services Policy Advisory Committee to be held Tuesday, June 10, 1986, from 2:00 p.m. to 5:00 p.m.; the Advisory Committee for Trade Negotiations to be held Wednesday, June 25, 1986, from 1:00 p.m. to 4:00 p.m.; and the Investment Policy Advisory Committee to be held Wednesday, July 30, 1986, from 10:00 a.m. to 12:30 p.m. in Washington, D.C., will include the development, review and discussion of current issues which influence the trade policy of the United States. Pursuant to section 2155(f)(2) of title 19 of the United States Code, I have determined that these meetings will be concerned with matters the disclosures of which would seriously compromise the Government's negotiating objectives or bargaining positions.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, DC 20506.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 86-11308 Filed 5-19-86; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements: Submittals to OMB April 18, 1986-May 8, 1986.-

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which are trasmitted by the Department of Transportation, during the period April 18, 1986-May 8, 1986, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT:

John Chandler or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 426-1887,

or

Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503 (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the Federal Register, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from April 18, 1986-May 8, 1986.

DOT No: 2729
OMB No: 2132-0011
By: Urban Mass Transportation Administration
Title: Environmental Assessments
Form(s): None
Frequency: On occasion
Respondents: State or Local Governments.

Need/Use: Environmental Assessments are prepared for proposed transit projects to evaluate the significance of the probable environmental impacts. The assessments allow UMTA decision makers to consider the environmental consequences of proposed transit projects before reaching decisions to proceed.

DOT No: 2731
OMB No: 2127-0003
By: National Highway Traffic Safety Administration
Title: Federal-Aid Agreement and Cost Summary Forms
Form(s): HS-62, 62A, 217
Frequency: Annually
Respondents: State and Local Governments

Need/Use: The Highway Safety Plan (HSP) identifies that State's traffic safety problems and describes the programs and projects to address those problems. It serves as the basis for the execution for a Federal-Aid Agreement.

DOT No: 2732
OMB No: 2125-0081
By: Federal Highway Administration
Title: Qualification Certificate
Form(s): None
Frequency: Three years (recordkeeping)
Respondents: Motor Carriers

Need/Use: To meet requirement that motor carriers retain in their files the driver's qualification certificate in lieu of other documentation if driver is employed by another motor carrier.

DOT No: 2733
OMB No: 2115-0034
By: United States Coast Guard
Title: Survivor Debriefing (Marine Casualty)
Form(s): N/A
Frequency: On occasion
Respondents: Survivors of civilian marine casualties

Need/Use: This information collection requirement is needed and used to obtain information to search for or rescue other victims.

DOT No: 2734
OMB No: 2115–0535
By: United States Coast Guard
Title: 33 CFR Part 132 Financial Responsibility for Oil Pollution—Outer Continental Shelf
Form(s): CG–5358–1, CGHQ–5358
Frequency: On occasion
Respondents: Owners/operators of vessels engaged in transporting oil on the Outer Continental Shelf

Need/Use: The information collection requirement is needed and used to ensure that vessels engaged in any segment of the transportation of oil produced from an off-shore facility on the Outer Continental Shelf can meet statutory liability for oil pollution.

DOT No: 2735
OMB No: 2137–0018
By: Research and Special Programs Administration
Title: Portable Tank and Cargo Tank Inspection and Testing
Form(s): None
Frequency: Until next retest
Respondents: Owners of portable tanks and testing

Need/Use: The Department, shippers, carriers, and owners of portable tanks and cargo tanks use these requirements to verify that the inspection, testing, and maintenance standards set forth in the regulations are met and that these containers are safe for continued use in hazardous materials service.

DOT No: 2737
OMB No: 2106–0031
By: OST–A
Title: Exemptions for Air Taxi Operations
Form(s): OST Form 4507 and OST Form 4521
Frequency: On occasion
Respondents: Air taxi operators and commuter air carriers

Need/Use: Air taxi operators and commuter air carriers must register and file proof of insurance and otherwise comply with Part 298 to obtain exemptions from some of the regulatory provisions of Title IV of the Federal Aviation Act of 1958, as amended.

DOT No: 2738
OMB No: 2127–0046
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 552, Petitions for Rulemaking, Defect, and Noncompliance Orders
Form(s): None
Frequency: On occasion
Respondents: Individuals/businesses

Need/Use: This regulation establishes procedures for filing petitions with the agency to commence rulemaking or to make a defect or noncompliance determination.

DOT No: 2739
OMB No: New
By: Department of Transportation/Research and Special Programs Administration/Office of Pipeline Safety
Title: Hazardous Liquid Pipeline Mileage
Form(s): None
Frequency: One time
Respondents: Operators of Hazardous Liquid Pipelines

Need/Use: Mileage information is needed to provide a basis for collecting user fees required by Publication No. 99–272; April 7, 1986.

DOT No: 2740
OMB No: 2115–0058
By: United States Coast Guard
Title: Declaration of Citizenship for Vessel Documentation and Ship Mortgage Purposes
Form(s): MA–899
Frequency: On occasion
Respondents: Vendees, Mortgagees, and transferees of vessels

Need/Use: A citizen declaration is needed and used by the Coast Guard vessel documentation officer for the purpose of establishing that (1) the respondents are citizens of the United States; and (2) there has been no violation of any of the provisions of section 9 of the Shipping Act.

DOT No: 2741
OMB No: 2115–0517
By: United States Coast Guard
Title: Record and Reports of Inspections
Form(s): CG–840–AA, CG–840BB, CG–2832, CG–841, CG–854, CG–858, CG–948, CG–3753, CG–4678
Frequency: On occasion
Respondents: Owners and operators of U.S. Merchant Vessels

Need/Use: This information collection contains a record-keeping requirement which is needed to enforce the Coast Guard's commercial vessel safety program as described in 46 CFR. The Coast Guard uses these records to document the inspection, construction, alteration, repair and maintenance of said vessels to insure the safety of life and property at sea.

DOT No: 2742
OMB No: 2137–0542
By: Research and Special Programs Administration
Title: Cryogenic Liquids Requirements
Form(s): None
Frequency: Each trip or 3 years
Respondents: Motor Carriers of Cryogenic Liquids

Need/Use: To assure that drivers in trucking operations involving cryogenic liquids are educated in transport of cryogenics and that cargo tanks (containers) are not overfilled and that there is no malfunction which would allow the product to heat up, thus causing a pressure increase and probable explosion of the tank.

DOT No: 2743
OMB No: 2115
By: United States Coast Guard
Title: Intervals for Drydocking and Tailshaft Examination on Inspected Vessels
Form(s): N/A
Frequency: On occasion
Respondents: Vessel Owners/Operators

Need/Use: This information collection requirement is three fold and is used to provide benefits to vessel owners/operators. It is used to (1) evaluate the condition of a vessel and to determine if an extension to the scheduled drydock examination can be granted without adversely affecting the safety of the vessel; (2) determine the overall condition of a vessel's hull and thus, the safety of the vessel; and (3) provide Coast Guard with ready means to determine to what extent the vessel's hull has deteriorated by comparing the current condition with the asbuilt condition.

DOT No: 2745
OMB No: 2127–0045
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 556, Petitions for Inconsequentiality
Form(s): None
Frequency: On occasion
Respondents: Businesses/organizations

Need/Use: This regulation establishes procedures for manufacturers to petition this agency for an exemption for the notice and remedy requirements of the Safety Act due to the inconsequentiality of the defect or noncompliance as it relates to motor vehicle safety.

Issued in Washington, DC, on May 14, 1986.

John E. Turner,

Director of Information Systems and Telecommunications.

Linda W. Senese,

Certifying Officer.

[FR Doc. 86–11289 Filed 5–19–86; 8:45 am]

BILLING CODE 4910–62–M

National Highway Traffic Safety Administration

Edrice Bram; Denial of Petition for Defect Remedy Hearing

This notice sets forth the reasons for the denial of petition by Edrice Bram of Northbrook, Illinois, to conduct a hearing to determine whether a manufacturer had reasonably met its obligation to remedy a safety-related defect (15 U.S.C. 1416).

On September 9, 1985, the agency received a petition by Ms. Bram, the owner of a 1984 Toyota Supra, alleging that the manufacturer had failed to notify her of the existence of a safety-related defect in the oil pressure sending unit in her car, and to remedy this defect without charge. NHTSA determined that the vehicle was covered by campaign 84V-108 and asked Toyota its views. Toyota responded that it had mailed a notification letter to Ms. Bram on October 3, 1984, and that it had not been returned. Toyota also described its representatives inspection of Ms. Bram's car which indicated that the problems of which she complained were not the result of the defect. NHTSA conducted an audit of the campaign and discovered, in comparision with campaigns on other vehicles 1 to 2 years old at time of recall, that an unusually high percentage of its audit letters were returned, that an unusually low rate of response to the campaign had occurred, and that a high rate of those who responded to NHTSA's audit said they had not received a recall notice. Toyota replied that it would reissue the notice to those owners who had not responded to the campaign. Because the outcome of a hearing of the nature requested by the petitioner would be an agency order to reissue the notice, and Toyota had already agreed to do so, Ms. Bram's petition was denied on February 3, 1986.

(Sec. 156, Pub. L. 93-492, 88 Stat. 1470 (15 USC 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on May 15, 1986.

George L. Parker,

Associate Administrator for Enforcement.

[FR Doc. 86-11324 Filed 5-19-86; 8:45 am]

BILLING CODE 4910-59-M

Change of Room for Public Proceeding Regarding Noncompliance Investigation; 1984-85 Gazelle Passenger Cars

On May 7, 1986, the National Highway Traffic Safety Administration published a notice announcing that pursuant to Section 152 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (Pub. L. 93-492, 88 Stat. 1470), 15 U.S.C. 1412, the Associate Administrator for Enforcement of the National Highway Traffic Safety Administration has made an initial determination that all Gazelle passenger cars manufactured by Vintage Reproductions, Inc. from October 1, 1983, to November 1, 1985, fail to comply with 49 CFR 571.208 Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection.* (51 FR 16944)

The notice further announced that a public proceeding will be held at 9:00 a.m. on Tuesday, June 3, 1986, in Room 2230 of the Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, DC, at which time Vintage Reproductions, Inc. will be afforded an opportunity to present data, views and arguments to establish that the alleged noncompliance in these vehicles does not exist or is not safety related.

The purpose of this notice is the announcement that the room for the proceeding has been changed to Rooms 4234-38 and will be held on June 3, 1986, as indicated previously.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 15, 1986.

George L. Parker,

Associate Administrator for Enforcement.

FR Doc. 86-11323 Filed 5-19-86; 8:45 am]

BILLING CODE 4910-59-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains requests for two extensions and two revisions. The following information is listed for each: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Nancy C. McCoy, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: May 12, 1986.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management

Extensions

1. Department of Veterans Benefits.
2. Application for Reimbursement from Accrued Amounts Due a Deceased Beneficiary.
3. VA Form 21-601.
4. On occasion.
5. Individuals or households.
6. 3,750 responses.
7. 1,875 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. Supplement to VA Forms 21-526, 21-534 and 21-535 (For Philippine Claims).
3. VA Form 21-4169.
4. On occasion.
5. Individuals or households.
6. 1,000 responses.
7. 500 hours.
8. Not applicable.

Revisions

1. Department of Veterans Benefits.
2. Request for Change of Program or Place of Training (Under Chapter 30, 32, or 34, 38 U.S.C. and Chapter 106, Title 10 U.S.C.).
3. VA Form 22-1995.
4. On occasion.
5. Individuals or households.
6. 120,000 responses.
7. 40,000 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. Certification of Attendance (For Courses not Leading to a Standard College Degree and Farm Cooperative Courses Under Chapters 30, 32, 34 and 35, Title 38, U.S. Code; Chapter 106, Title 10, U.S. Code; and Section 903, Pub. L. 96-342).
3. VA Form 22-6553a.
4. On occasion; Monthly.
5. Individuals or households; State or local governments, Non-profit

institutions; Small businesses or organizations.

6. 363,222 responses.

7. 60,537 hours.

8. Not applicable.

FR Doc. 86-11251 Filed 5-19-86; 8:45 am]

BILLING CODE 8320-01-M

Cooperative Studies Evaluation Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) that the charter for the Cooperative Studies Evaluation Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning May 2, 1986 to May 2, 1988.

Dated: May 5, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 86-11250 Filed 5-19-86; 8:45 am]

BILLING CODE 8320-01-M

Oklahoma Veterans Center, Claremore, OK; Environmental Statement Notice of Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed construction of a 250-bed Oklahoma Veterans Home in Claremore, Oklahoma. The estimated project cost is approximately $13 million. This is a magnitude estimate and is subject to revision.

A beneficial impact will be achieved through the addition of 250 beds which will provide health care services to Oklahoma veterans. The project will also provide additional employment and income for the local area surrounding the facility.

Construction related traffic may cause disruption of nearby traffic flow. In addition, construction noise associated with the development of the new nursing home facility is likely to cause annoyance to occupants of adjacent facilities. The impact of dust and fumes that will exist during construction will be of short effect lasting only during that phase of project development. In relation to both construction and operation, the new facility will be built in accordance with applicable Federal, State and local air quality standards.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40, CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of that document may do so at the following office: Associate Deputy Administrator for Logistics, room 653, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC (202/389-3544). Questions or requests for single copies of the Environmental Assessment may be addressed to the above.

Dated: May 5, 1986.

Thomas K. Turnage,

Administrator.

[FR Doc. 86-11252 Filed 5-19-86; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC, on June 12, 1986, at 8:30 a.m.

The committee will (1) review and make appropriate recommendations relative to the Veterans Administration's programs to assist Vietnam veterans who were exposed to herbicides; such recommendations may concern the information delivery system and outreach efforts, scheduling of Agent Orange-related examinations, essential follow-up activities, and other related matters; (2) advise the Administrator on VA Agent Orange-related programs, programs of the Federal Government, and State programs which are designed to assist veterans exposed to herbicides, and simultaneously, will minimize duplication of VA and other federal programs concerned with the Agent Orange issue; (3) receive and review information from veterans service organizations regarding services provided by the Veterans Administration to Vietnam veterans concerned about the possible adverse health effects of exposure to herbicides; (4) review and comment on proposals for research on the possible health effects to exposure to herbicides; and (5) serve as a forum for individual veterans to inform the Veterans Administration of their views on policy issues and on the operation of Agency programs designed to assist veterans exposed to herbicides and dioxins in Vietnam.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may direct questions, in writing, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Agent Orange Projects Office (10X21), Department of Medicine and Surgery, Veterans Administration Central Office, Washington, DC 20420. (Telephone: (202) 389-3432.)

Dated: May 5, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 86-11253 Filed 5-19-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 97
Tuesday, May 20, 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

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 A.M.—MAY 19, 1986.

PLACE: Hearing Room One—1100 L Street, NW., Washington, DC 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Use of High-Cube Containers in Japan.

John Robert Ewers,

Secretary.

[FR Doc. 86-11429 Filed 5-16-86; 3:25 pm]

BILLING CODE 6730-01-M

2

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 11:00 a.m., Tuesday, May 27, 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 banks and bank holding company applications scheduled for the meeting.

Dated: May 16, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-11436 Filed 5-16-86; 3:47 pm]

BILLING CODE 6210-01-M

3

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 3:30 p.m., Tuesday, May 13, 1986.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel Rules and practices), (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy) and (c)(9)(B) (disclose information the premature disclosure of which would . . . be likely to significantly frustrate implementation of a proposed agency action . . .).

MATTERS TO BE CONSIDERED: Internal Personnel Policies and Procedures.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, DC 20570, Telephone: (202 254-9430).

Dated, Washington, DC, May 14, 1986.

By direction of the Board:

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 86-11428 Filed 5-16-86; 3:24 pm]

BILLING CODE 7545-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of May 19, 26, June 2, and 9, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of May 19

Tuesday, May 20

2:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Wednesday, May 21

10:00 a.m.
Discussion of Policy Options on Mixed Radioactive and Hazardous Low-Level Wastes (Public Meeting)
2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed-Ex. 2 & 6)

Thursday, May 22

3:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
4:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of May 26

Tentative

Wednesday, May 28

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Briefing on Pending Enforcement Action (Closed—Ex. 5 & 7)

Thursday, May 29

10:00 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of June 2

Tentative

Thursday, June 5

2:00 p.m.
Meeting with Advisory Committee on Reactor Safeguards (ARCS) on GESSAR II (Open/Portion may be Closed—Ex. 3 & 4)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, June 6

10:00 a.m.
Briefing by Staff on Status of TVA (Open/Portion may be Closed—Ex. 5 & 7)
2:00 p.m.
Briefing by Davis-Besse Ad Hoc Review Group (Public Meeting)

Week of June 9

Tentative

Tuesday, June 10

2:00 p.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

Wednesday, June 11

11:00 a.m.
Periodic Meeting with Advisory Panel on Decontamination of TMI-2 (Public Meeting)
2:00 p.m.
Briefing on Status of EEO Program (Public Meeting)

Thursday, June 12

2:00 p.m.
Briefing on Restart of San Onofre-1 (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Staff Briefing on Chernobyl Accident (Public Meeting) was held May 13. Discussion/Possible Vote on Full Power Operating License for Catawba-2 (Public Meeting) was held May 14.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634–1410.

May 15, 1986.

Robert B. McOsker,

Office of the Secretary.

[FR Doc. 86–11443 Filed 5–16–86; 3:55 pm]

BILLING CODE 7590–01–M

5

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published]

STATUS: Closed/open meetings.

PLACE: 450 Fifth Street, NW., Washington, DC

DATE PREVIOUSLY ANNOUNCED: Monday, May 12, 1986.

CHANGE IN THE MEETING: Time.

A closed meeting scheduled for Tuesday, May 20, 1986, following the 2:30 p.m. open meeting, has been changed to 10:00 a.m. that date.

An open meeting scheduled for Thursday, May 22, 1986, at 11:00 a.m., has been changed to 12:00 noon, that date in Room 1C30.

Consideration of developments over the last year in the internationalization of the world securities markets and what future actions should be taken in the internationalization area. For further information, please contact Andrew E. Feldman at (202) 272–2414.

Chairman Shad determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ronald Schy at (202) 272–2468.

John S.R. Shad,

Chairman.

May 15, 1986.

FR Doc. 86–11341 Filed 5–15–86; 5:09 pm]

BILLING CODE 8010–01–M

Federal Register

Tuesday
May 20, 1986

Part II

Environmental Protection Agency

40 CFR Part 421

Nonferrous Metals Manufacturing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 421

[OW-FRL-2981-7]

Nonferrous Metals Manufacturing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing amendments to the regulation which limits effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works by existing and new sources that conduct primary aluminum and secondary aluminum operations. EPA agreed to propose these amendments in two settlement agreements which resolved the various lawsuits challenging the final nonferrous metals manufacturing phase I regulation for these subcategories. The regulation was promulgated by EPA on March 8, 1984, 49 FR 8742.

The proposed amendments include: (1) Certain modifications of the effluent limitations for "best available technology economically achievable" (BAT), and "new source performance standards" (NSPS) for direct dischargers; and (2) certain modifications to the pretreatment standards for new and existing indirect dischargers (PSNS and PSES). After considering comments received in response to this proposal, EPA will promulgate a final rule.

DATES: Comments on this proposal must be submitted on or before June 19, 1986.

ADDRESS: Send comments to Ms. Eleanor J. Zimmerman, Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Attention: ITD Docket Clerk, Proposed Nonferrous Metals Manufacturing Phase I Rule (WH-552).

The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) (EPA Library) 401 M Street SW., Washington, DC. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice may be addressed to Mr. Ernst P. Hall at (202) 382-7126.

SUPPLEMENTARY INFORMATION: Organization of this notice:

I. Legal Authority

The regulation described in this notice is proposed under authority of sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95-217).

II. Background

A. Rulemaking and Settlement Agreements

On February 17, 1983, EPA proposed a regulation to establish Best Practicable Control Technology Currently Available (BPT), Best Available Technology Economically Achievable (BAT), and Best Conventional Pollutant Control Technology (BCT) effluent limitations guidelines and New Source Performance Standards (NSPS), Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS) for the nonferrous metals manufacturing phase I point source category (48 FR 7032). EPA published the final nonferrous metals manufacturing phase I regulation on March 8, 1984 (49 FR 8742). Those regulations affected 80 direct dischargers and 85 indirect dischargers. The preambles to the proposed and final nonferrous metals manufacturing phase I regulation describe the history of the rulemaking.

After publication of the nonferrous metals manufacturing phase I regulation, the Aluminum Association, Inc., Kaiser Aluminum and Chemical Corp., Reynolds Metals Company, the Aluminum Recycling Association, the American Mining Congress, Kennecott, Amax, ASARCO Inc., Mallinckrodt, Inc., the Secondary Lead Smelters Association and intervenor Gulf Coast Lead, and St. Joe Minerals Corporation filed petitions to review the regulation. These challenges were consolidated into one lawsuit by the United States Court of Appeals for the Fourth Circuit (*Kennecott* v. *EPA*, 4th Cir. No. 84-1288 and Consolidated Cases). On December 26, 1985 the Fourth Circuit denied petitions to review the regulations for the primary lead, primary zinc, primary copper, metallurgical acid plants, secondary lead and the columbium-tantalum subcategories (780 F. 2d 445).

Earlier in November of 1985 four aluminum parties in the consolidated lawsuits entered into two settlement agreements which resolved issues raised by the petitioners related to the primary aluminum and secondary aluminum regulations. In the Settlement Agreements, EPA agreed to publish a notice of proposed rulemaking and to solicit comments regarding certain amendments to the final nonferrous metals manufacturing phase I regulation for these subcategories. If EPA promulgates amendments to the nonferrous metals manufacturing regulation and preamble language that are substantially the same as and do not alter the meaning of the proposed language, the petitioners have agreed to dismiss their lawsuits and not challenge the new amendments.

The amendments proposed today would allow increased discharges of pollutants for 24 direct discharging primary aluminum facilities, 14 indirect discharging secondary aluminum facilities, and 10 direct discharging secondary aluminum facilities. This proposal also affects new source performance standards for direct and indirect dischargers of these two subcategories.

B. Effect of the Settlement Agreements

As part of the Settlement Agreements, on November 25, 1985 the parties jointly requested the United States Court of Appeals for the Fourth Circuit to stay the effectiveness of those portions of 40 CFR Part 421 which EPA is proposing to amend, pending final action by EPA on the proposed amendments. The Court has not yet acted on this request.

Copies of the Settlement Agreements have been sent to all EPA Regional Offices and to applicable State permit-issuing authorities. All limitations and standards contained in the final nonferrous metals manufacturing phase I regulation published on March 8, 1984 which are not specifically listed in the attached proposed regulation are not affected by today's rulemaking.

III. Proposed Amendments to the Nonferrous Metals Manufacturing Phase I Regulation

Below are descriptions of the proposed amendments to the nonferrous metals manufacturing phase I regulation.

The proposed amendments are based upon proper operation of the same technologies as those which formed the basis of the final regulation that was promulgated on March 8, 1984. See the preamble to the regulation at 49 FR 8742, for the Agency's findings with respect to these technologies. Effluent limitations which do not change are signified by four asterisks in this proposed regulation.

A. Subpart B—Primary Aluminum Subcategory

1. *Benzo(a)pyrene Limitations and Standards.* EPA is proposing amendments to the BAT limitations and NSPS and PSNS for benzo(a)pyrene in §§ 421.23, 421.24, and 421.26. In 48 *FR* 7056 (February 17, 1983), the Agency proposed activated carbon adsorption as the model preliminary treatment technology for toxic organics, indicated by benzo(a)pyrene, in primary aluminum wastewaters. EPA proposed effluent limitations and standards based on an achievable concentration of 10 ug/1 for benzo(a)pyrene, the level from the bench-scale study on POTW wastewater spiked with polynuclear aromatic hydrocarbons.

In the final regulation, the Agency decided not to rely on activated carbon because of another pilot-scale study, discussed in 48 *FR* 50906 (November 4, 1983), which evaluated treatment of primary aluminum potline scrubber blowdown and cathode reprocessing wastewater. The results of this study indicated that the toxic organic pollutants present were controlled through lime, settle and multimedia filtration ("lime, settle, and filter") treatment technology; removals by this technology exceeded 99 percent of all toxic organics present. In addition, benzo(a)pyrene appeared to be removed to the quantification limit of 10 ug/1 by this technology. Thus, although the model treatment technology changed from activated carbon to lime, settle and filter, the concentration basis did not change between proposal and promulgation and no variability factors were adopted. We also proposed, in 1983, at-the-source limitations for toxic organic pollutants. These limitations were not promulgated because EPA was no longer relying on preliminary treatment to remove the toxic pollutants; rather, the model technology was centralized lime, settle and fliter treatment.

In the final regulation, EPA applied the benzo(a)pyrene limitations to all of the processes since central treatment was expected (49 FR 8781 (March 8, 1984)). Under this approach processes which did not have benzo(a)pyrene present were also given a discharge allowance in order to assist permit writers in developing effluent limitations for combined wastestreams. EPA is proposing today to: (a) Adopt differing 1-day and monthly average limitations for benzo(a)pyrene; (b) provide mass allowances for benzo(a)pyrene only in those processes that actually generate it; (c) clarify that the rule does not mandate at-the-source limitations for benzo(a)pyrene; and (d) clarify how analytical values at or below the detection limit are to be treated for compliance purposes.

Petitioners asserted that it was inappropriate to promulgate the same 1-day and monthly limits for benzo(a)pyrene because the pilot plant study referred to above showed some variability in treatment of the compound. In addition, the model treatment technology, lime, settle and filter, has some associated operating variability. EPA agrees with these points, and accordingly is proposing to change the benzo(a)pyrene effluent limitations and standards by increasing the daily maximum from 0.010 mg/l to 0.0337 mg/l and by adding a monthly maximum average of 0.0156 mg/l. These limitations were determined on the basis of statistical analysis of data on the treatability of benzo(a)pyrene obtained in the pilot study referenced above.

As a result of these changes, the limitations allowance for the discharge of benzo(a)pyrene will apply only to those processes that generate it. As noted, EPA provided such an allowance to encourage centralized treatment (49 *FR* 8781).

As part of the Settlement Agreement, industry has agreed that an allowance for benzo(a)pyrene is only needed in the processes that generate it. Consequently, EPA is proposing that there be no allowance for benzo(a)pyrene in building blocks § 421.23(o), (q), and (r), and the corresponding building blocks in NSPS and PSNS.

For those processes where benzo(a)pyrene is not present, the rule states (in the footnote to each relevant process) that there shall be no discharge allowance for this pollutant. This means that in calculating effluent limitations at the end of a combined treatment system, no allowance for benzo(a)pyrene shall be provided for these processes. In addition, this regulation does not require permit writers or the control authority to impose monitoring of benzo(a)pyrene at these processes (i.e. so-called at-the-source monitoring). However, monitoring could be required at the discretion of the permitting or control authority. See 40 CFR 122.45(i).

EPA is also proposing to amend the specialized definition in § 421.21 to state that if a permittee chooses to analyze for benzo(a)pyrene using any EPA approved analytical method, then any non-detected values will be counted as zeros for purposes of determining compliance. This approach is consistent with the methodology for developing the benzo(a)pyrene limitations since the methodology used to develop the limitations treated the non-detected values from the pilot plant study as zeros. The detection limit for the approved EPA methods of GC/MS and gas chromatography are 0.0025 and 0.01 mg/l, respectively.

2. *Fluoride Limitations and Standards.* EPA is proposing amendments to the BAT limitations and NSPS and PSNS for fluoride in §§ 421.23, 421.24, and 421.26. In the final regulation for this subcategory, all of the fluoride limitations, except those for the cathode reprocessing segment (which were derived from the same pilot plant study described above), are based on long-term mean concentrations and variability factors obtained from the electrical and electronic component manufacturing phase II regulation with slight modifications (48 FR 55690 of December 14, 1983). The promulgated limits in the nonferrous regulation were 35 mg/l for the daily maximum and 20 mg/l for the monthly average with variability factors of 2.40 and 1.38, respectively.

Petitioners claimed that these limitations are not achievable in the primary aluminum subcategory because of the presence of complex fluoride ions and aluminum salts. In response, EPA is proposing to retain the long-term mean but to increase the variability factors (49 FR 8751, 8757). The fluoride limitations proposed today are based on the pooled variability factors calculated from data for seven metal pollutants in the combined metals data base. The variability factors EPA is now using are 4.10 and 1.82 for the daily and monthly variability factors, respectively.

The Agency believes that the variability associated with the metals data will more accurately represent the fluoride variability in this subcategory. These same variability factors were used to calculate the fluoride limitations in the final regulation for the cathode reprocessing building block (49 *FR* 8757). In addition, these are the same variability factors used for most other pollutants regulated in this subcategory, and in all other nonferrous metal manufacturing subcategories.

3. *Spent Potliner Leachate.* In the final regulations, EPA promulgated alternate treatment performance values for cathode reprocessing and potline scrubber liquor commingled with cathode reprocessing wastewaters. Petitioners have asserted that leachate resulting from runoff of spent potliners should also be subject to these alternate limitations under appropriate circumstances. Spent potliner leachate may receive the treatment performance values developed for cathode reprocessing provided:

(a) That the permit writer determines on a case-by-case basis that the wastewater matrices of cathode reprocessing and spent potliner leachate are compatible, and

(b) that the spent potliner leachate is not commingled with process or non-process wastewaters other than cathode reprocessing, or potline wet air pollution control operated in conjunction with cathode reprocessing.

Spent potliner leachate resulting from atmospheric precipitation runoff is considered to be a site-specific, non-scope waste stream by the Agency. For this reason, specific limitations are not provided for this waste stream in 40 CFR Part 421, §§ 421.23, 421.24, and 421.26. The brief guidance provided here was already implicit for direct discharges in a permit writer's authority to establish limitations for non-scope flows on a case-by-case, Best Professional Judgement (BPJ) basis and for new source indirect dischargers, through application of the combined wastestream formula.

As part of the Settlement Agreement, petitioners retained the right to petition EPA to amend 40 CFR 421.23(k) based upon new information not presently in the record demonstrating that additional allowances are required for cathode reprocessing when spent potliners are brought in from another plant for chemical recovery of cryolite. Section 122.62(a)(3) of the NPDES regulations provides that a permit may be modified during its term if the effluent limitations guidelines regulations on which the permit was based have been changed by promulgation of amended effluent limitations guidelines regulations, provided the permittee requests such modification in accordance with § 124.5 within 90 days after **Federal Register** notice of the action on which the request is based. Permit writers may include a reopener clause in any permit specifically recognizing this cause for modification of the permit limitations based on an amendment to 40 CFR 421.23(k) as long as such cause for modification is authorized under the then applicable regulations.

4. *Direct Chill Casting Contact Cooling.* EPA is proposing to amend the pH standards for new sources in § 421.24(k). In the final NSPS regulation for direct chill casting contact cooling the pH range was 7.0 to 10.0 at all times. Petitioners asserted that this pH range does not coincide with state water quality standards which are usually 6 to 9 standard units. EPA is proposing to modify this pH range to 6.0 to 10.0 at all times provided this stream is not commingled with other process wastewaters. If direct chill casting contact cooling water is commingled with process waters, it is subject to a pH range of 7.0 to 10.0 at all times. The data the Agency collected on this waste stream indicate that it may sometimes be relatively clean and compliance with NSPS may be possible without adjusting the pH. See Chapter V of the Supplemental Development Document for Primary Aluminum. Accordingly, the Agency has agreed to propose a broader pH requirement for direct chill casting contact cooling water if it is discharged separately without commingling with any other wastewater since the wider pH range will not affect achieving the mass limitations under these limited circumstances.

B. Subpart C—Secondary Aluminum Subcategory

1. *Ingot Conveyor Casting.* EPA is proposing amendments to the BAT limitations and NSPS, PSES, and PSNS in §§ 421.33(g), 421.34(g), 421.35(g), and 421.36(g). The ingot conveyor casting regulatory flow allowance used to develop the final limitations for these sections was 43 1/kkg. The Aluminum Recyclers Association claimed that this flow allowance is in error due to data interpretation mistakes and because EPA unnecessarily excluded the water usage of plants that reported achieving zero discharge.

EPA is proposing an amended flow allowance of 67 1/kkg, which is based on corrected water usage data from five plants (these data involving water usage and operating schedules were interpreted incorrectly by EPA in constructing the flow allowance in the final rule) and including three plants' water usage that reported achieving zero discharge. This is consistent with EPA's methodology throughout the nonferrous metals rulemaking, where EPA typically used water usage at zero discharging plants in determining what degree of flow reduction represents BAT, PSES, NSPS, and PSNS.

2. *Demagging Wet Air Pollution Control.* EPA is proposing to amend the BAT limitations and NSPS, PSES, and PSNS in §§ 421.33(d), 421.34(d), 421.35(d), and 421.36(d). The demagging wet air pollution control flow allowance used to develop the final rule was 697 1/kkg. Secondary aluminum petitioners have asserted that this allowance is incorrect due to a data interpretation error regarding the number of scrubbers associated with the water usage for one facility. EPA agrees that it made an error in this calculation and is proposing to adjust the water usage for this plant upwards. EPA is proposing to correct this regulatory flow allowance to 771 1/kkg.

IV. Environmental Impact of the Proposed Amendments to the Nonferrous Metals Manufacturing Phase I Regulation

The proposed amendments described above affect 48 facilities in the primary aluminum and secondary aluminum subcategories. These amendments would allow a greater discharge of pollutants for these facilities than was allowed by the March 1984 regulation. The increase in the mass of pollutants allowed to be discharged is not expected to be substantial, however. Each of these subcategories listed above is discussed below.

A. Primary Aluminum Subcategory

The proposed amendments for the primary aluminum subcategory would increase the limitations for the pollutants benzo(a)pyrene and fluoride, although, as noted earlier, for some processes there would be a decrease in the amount of benzo(a)pyrene which would be discharged, since EPA no longer is providing an allowance for processes not generating benzo(a)pyrene. The removal estimates for fluoride did not change because the long-term average treatment effectiveness value used to calculate the quantity of pollutant discharged is unchanged.

B. Secondary Aluminum Subcategory

The proposed amendments to the regulatory flow allowances for ingot conveyor casting contact cooling and demagging wet air pollution control flow allowances affect 24 facilities. Ten of these facilities are direct dischargers, while 14 are indirect dischargers.

The proposed amended ingot conveyor casting contact cooling regulatory flow would increase the allowable discharge of toxic metals by 0.2 kg/yr and 0.5 kg/yr for the indirect and direct dischargers, respectively. For the indirect dischargers, 0.9 kg/yr of additional aluminum could be discharged, while for the direct dischargers 2.1 kg/yr of additional

aluminum could be discharged. Increased discharge of the nonconventional pollutants ammonia and total phenols (as measured by the 4AAP method) is not expected from this proposed amendment since these pollutants are specific to other processes unaffected by this proposed rule.

For the direct discharging secondary aluminum plants, the proposed amendment for the demagging wet air pollution control flow allowance is expected to have only minor impact on the mass of pollutants discharged. Each of the direct dischargers is currently meeting the regulatory flow EPA is proposing for this waste stream. For the indirect dischargers, an additional 1.2 kg/yr of toxic metals and 4.0 kg/yr of aluminum are expected to be discharged. An increased discharge of ammonia and total phenols is not anticipated for the same reason given above.

V. Economic Impact of the Proposed Amendments

The proposed amendments do not alter the recommended technologies for complying with the nonferrous metals manufacturing phase I regulation. The Agency considered the economic impact of the regulation when the final regulation was promulgated (see 49 FR 8742). EPA concluded at that time that the regulation was economically achievable.

Since today's proposed amendments would slightly reduce regulatory requirements, EPA's conclusions as to economic impact and achievability are unaffected.

VI. Solicitation of Comments

EPA invites public participation in this rulemaking and requests comments on the proposed amendments discussed or set out in this notice. The Agency asks that comments be as specific as possible and that suggested revisions or corrections be supported by data.

VII. 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. Major rules are defined as rules that impose an annual cost to the economy of $100 million or more, or meet other economic criteria. This proposed regulation, which modestly reduces regulatory requirements, is not a major rule.

VIII. Regulatory Flexibility Analysis

Pub. L. 96–354 requires that EPA prepare a Regulatory Flexibility Analysis for regulations that have a significant impact on a substantial number of small entities. In the preamble to the March 8, 1984 final nonferrous metals manufacturing phase I regulation, the Agency concluded that there would not be a significant impact on a substantial number of small entities (49 *FR* 8775.) For that reason, the Agency determined that a formal regulatory flexibility analysis was not required. That conclusion is equally applicable to these proposed amendments, since the amendments slightly reduce the regulatory requirements.

IX. OMB Review

This regulation was submitted to the Office of Managment and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room M2404, U.S. EPA, 401 M Street SW., Washington, DC 20460 from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding Federal holidays.

List of Subjects in 40 CFR Part 421

Metals, Nonferrous metals manufacturing, Water pollution control, waste treatment and disposal.

Dated: May 1, 1986.

Lee M. Thomas,

Administrator.

For the reasons stated above, EPA proposes to amend 40 CFR Part 421 as follows:

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

1. The authority citation for Part 421 continues to read as follows:

Authority: Secs. 301, 304(b), (c), (e), and (g), 306(b) and (c), 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act") 33 U.S.C. 1311, 1314(b), (c), (e), and (g), 1316(b) and (c), 1317(b) and (c), and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217.

2. Section 421.21 is amended by adding a new paragraph (c) to read as follows:

§ 421.21 Specialized definitions.

* * * * *

(c) If a permittee chooses to analyze for benzo(a)pyrene using any EPA approved method, then any "non-detected" measurements shall be considered zeros for the purpose of determining compliance with this regulation.

3. Section 421.23 is amended by revising the entries for benzo(a)pyrene and fluoride (if listed below) in paragraphs (a) through (h), (j) through (o), (q) and (r) to read as follows:

§ 421.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(a) Subpart B—Anode and Cathode Paste Plant Wet Air Pollution Control

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of paste produced	
Benzo(a)pyrene	0.005	0.002
* * *	* *	
* * *	* *	
* * *	* *	
Fluoride	8.092	3.591

(b) Subpart B—Anode Contact Cooling and Briquette Quenching

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of anodes cast	
Benzo(a)pyrene	0.007	0.003
* * *	* *	
* * *	* *	
* * *	* *	
Fluoride	12.440	5.518

(c) Subpart B—Anode Bake Plant Wet Air Pollution Control (Closed Top Ring Furnace)

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of anodes baked	
Benzo(a)pyrene	0.146	0.067
* * *	* *	
* * *	* *	
* * *	* *	
Fluoride	257.300	114.200

(d) Subpart B—Anode Bake Plant Wet Air Pollution Control (Open Top Ring Furnace With Spray Tower Only)

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of anodes baked	
Benzo(a)pyrene	0.002	0.001
* * *	* *	

BAT EFFLUENT LIMITATIONS—Continued

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
* * * * *		
* * * * *		
Fluoride	2.975	1.320

(e) Subpart B—Anode Bake Plant Wet Air Pollution Control (Open Top Ring Furnace With Wet Electrostatic Precipitator and Spray Tower)

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (1b/million lbs) of anodes baked	
Benzo(a)pyrene	0.025	0.011
* * * * *		
* * * * *		
* * * * *		
Fluoride	43.440	19.270

(f) Subpart B—Anode Bake Plant Wet Air Pollution Control (Tunnel Kiln)

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (1b/million lbs) of anodes baked	
Benzo(a)pyrene	0.038	0.018
* * * * *		
* * * * *		
* * * * *		
Fluoride	67.710	30.050

(g) Subpart B—Cathode Reprocessing (Operated With Dry Potline Scrubbing and Not Commingled With Other Process or Nonprocess Waters)

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (1b/million lbs) of cryolite recovered	
Benzo(a)pyrene	1.181	0.547
* * * * *		
* * * * *		
* * * * *		
* * * * *		

(h) Subpart B—Cathode Reprocessing (Operated With Dry Potline Scrubbing and Commingled With Other Process or Nonprocess Waters)

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of cryolite recovered	
Benzo(a)pyrene	1.181	0.547
* * * * *		
* * * * *		
* * * * *		
Fluoride	2,084,000	924.800

* * * * *

(j) Subpart B—Potline Wet Air Pollution Control (Operated Without Cathode Reprocessing)

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (1b/million lbs) of aluminum produced from electrolytic reduction	
Benzo(a)pyrene	0.028	0.013
* * * * *		
* * * * *		
* * * * *		
Fluoride	49.860	22.130

(k) Subpart B—Potline Wet Air Pollution Control (Operated With Cathode Reprocessing and Not Commingled With Other Process or Nonprocess Waters)

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (1b/million lbs) of aluminum produced from electrolytic reduction	
Benzo(a)pyrene	0.028	0.013
* * * * *		
* * * * *		
* * * * *		
* * * * *		

(l) Subpart B—Potline Wet Air Pollution Control (Operated With Cathode Reprocessing and Commingled With Other Process or Nonprocess Waters)

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (1b/million lbs) of aluminum produced from electrolytic reduction	
Benzo(a)pyrene	0.028	0.013
* * * * *		
* * * * *		
* * * * *		
Fluoride	49.860	22.130

(m) Subpart B—Potroom Wet Air Pollution Control

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum produced from electrolytic reduction	
Benzo(a)pyrene	0.056	0.026
* * * * *		
* * * * *		
* * * * *		
Fluoride	98.770	43.830

(n) Subpart B—Potline So_2 Emissions Wet Air Pollution Control

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum produced from electrolytic reduction	
Benzo(a)pyrene	0.045	0.021
* * * * *		
* * * * *		
* * * * *		
Fluoride	79.790	35.400

(o) Subpart B—Degassing Wet Air Pollution Control

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum produced from electrolytic reduction	
Benzo(a)pyrene	(1)	(1)
* * * * *		
* * * * *		
* * * * *		
Fluoride	155.300	68.880

[1] There shall be no discharge allowance for this pollutant.

* * * * *

(q) Subpart B—Direct Chill Casting Contact Cooling

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum produced from direct chill casting	
Benzo(a)pyrene	(1)	(1)
* * * * *		
* * * * *		
* * * * *		
Fluoride	79.080	35.090

[1] There shall be no discharge allowance for this pollutant.

(r) Subpart B—Continuous Rod Casting Contact Cooling

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum product from rod casting	
Benzo(a)pyrene	(1)	(1)
Fluoride	6.188	2.746

[1] There shall be no discharge allowance for this pollutant.

* * * * *

4. Section 421.24 is amended by revising the entries for benzo(a)pyrene, fluoride and pH (if listed below) in paragraphs (b), (d), (e), (h), (k) and (l) to read as follows:

§ 421.24 Standards of performance for new sources.

* * * * *

(b) Subpart B—Anode Contact Cooling and Briquette Quenching

NSPS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of anodes cast	
Benzo(a)pyrene	0.007	0.003
Fluoride	12.440	5.518

(d) Subpart B—Cathode Reprocessing (Operated With Dry Potline Scrubbing and Not Commingled With Other Process or Nonprocess Waters)

NSPS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of cryolite recovered	
Benzo(a)pyrene	1.181	0.547

(e) Subpart B—Cathode Reprocessing (Operated With Dry Potline Scrubbing and Commingled With Other Process or Nonprocess Waters

NSPS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of cryolite recovered	
Benzo(a)pyrene	1.181	0.547
Fluoride	2,084.000	924.800

(h) Supbart B—Potline SO_2 Emissions Wet Air Pollution Control

NSPS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of aluminum produced from electrolytic reduction	
Bonzo(a)pyrene	0.045	0.021
Fluoride	79.790	35.400

* * * * *

(k) Subpart B—Direct Chill Casting Contact Cooling

NSPS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of aluminum produced from direct chill casting	
Benzo(a)pyrene	(1)	(1)
Fluoride	79.080	35.090
pH	(2)	(2)

[1] There shall be no discharge allowance for this pollutant.
[2] The pH shall be maintained within the range of 7.0 to 10.0 at all times except for those situations when this waste is discharged separately and without commingling with any other wastewater in which case the pH shall be within the range of 6.0 to 10.0 at all times.

(l) Subpart B—Continuous Rod Casting Contact Cooling

NSPS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of aluminum produced from rod casting	
Benzo(a)pyrene	(1)	(1)
Fluoride	6.188	2.746

NSPS—Continued

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average

[1] There shall be no discharge allowance for this pollutant.

5. Section 421.26 is amended by revising the entries for benzo(a)pyrene and flouride (if listed below) for paragraphs (b), (d), (e), (h), (k), (l) to read as follows:

§ 421.26 Pretreatment standards for new sources.

* * * * *

(b) Subpart B—Anode Contact Cooling and Briquette Quenching.

PSNS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of anodes cast	
Benzo(a)pyrene	0.007	0.003
Fluoride	12.440	5.518

* * * * *

(d) Subpart B—Cathode Reprocessing (Operated With Dry Potline Scrubbing and Not Commingled With Other Process or Nonprocess Waters).

PSNS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of cryolite recovered	
Benzo(a)pyrene	1.181	0.547

(e) Subpart B—Cathode Reprocessing (Operated With Dry Potline Scrubbing and Commingled With Other Process or Nonprocess Waters).

PSNS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of cryolite recovered	
Benzo(a)pyrene	1.181	0.547
Fluoride	2,084.000	924.800

* * * * *

(h) Subpart B—Potline SO_2 Emissions Wet Air Pollution Control.

PSNS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum produced from electrolytic reduction	
Benzo(a)pyrene	0.045	0.021
* * *	*	*
Fluoride	79.790	35.400

* * * * *

(k) Subpart B—Direct Chill Casting Contact Cooling.

PSNS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum produced from direct chill casting	
Benzo(a)pyrene	(1)	(1)
* * *	*	*
Fluoride	79.080	35.090

[1] There shall be no discharge allowance for this pollutant.

(l) Subpart B—Continuous Rod Casting Contact Cooling.

PSNS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (1b/million lbs) of aluminum produced from rod casting	
Benzo(a)pyrene	(1)	(1)
* * *	*	*
Fluoride	6.188	2.746

[1] There shall be no discharge allowance for this pollutant.

* * * * *

6. Section 421.33 is amended by revising paragraphs (d) and (g) to read as follows:

§ 421.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(d) Subpart C—Demagging Wet Air Pollution Control

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum demagged	
Lead	0.216	0.100
Zinc	0.786	0.324
Aluminum	4.711	2.090
Ammonia (as N)	102.800	45.180

* * * * *

(g) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging Wet Air Pollution Control is Not Practiced On-Site).

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (1b/million lbs) of aluminum cast	
Lead	0.019	0.009
Zinc	0.068	0.028
Aluminum	0.409	0.182
Ammonia (as N)	8.931	3.926

* * * * *

7. Section 421.34 is amended by revising paragraphs (d) and (g) to read as follows:

§ 421.34 Standards of performance for new sources.

* * * * *

(d) Subpart C—Demagging Wet Air Pollution Control

NSPS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum demagged	
Lead	0.216	0.100
Zinc	0.786	0.324
Aluminum	4.711	2.090
Ammonia (as N)	102.800	45.180
Total suspended solids	11.570	9.252
Oil and grease	7.710	7.710
pH	(1)	(1)

[1] Within the range of 7.0 to 10.0 at all times.

* * * * *

(g) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging Wet Air Pollution Control is Not Practiced On-Site).

NSPS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum cast	
Lead	0.019	0.009
Zinc	0.068	0.028
Aluminum	0.409	0.182
Ammonia (as N)	8.931	3.926
Total suspended solids	1.005	0.804
Oil and grease	0.670	0.670
pH	(1)	(1)

[1] Within the range of 7.0 to 10.0 at all times.

* * * * *

8. Section 421.35 is amended by revising paragraphs (d) and (g) to read as follows:

§ 421.35 Pretreatment standards for existing sources.

* * * * *

(d) Subpart C—Demagging Wet Air Pollution Control.

PSES

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	mg/kg (lb/million lbs) of aluminum demagged	
Lead	0.216	0.100
Zinc	0.786	0.324
Ammonia (as N)	102.800	45.180

* * * * *

(g) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging Wet Air Pollution Control is Not Practiced On-Site).

PSES

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of aluminum cast	
Lead	0.019	0.009
Zinc	0.068	0.028
Ammonia (as N)	8.931	3.926

* * * * *

9. Section 421.36 is amended by revising paragraphs (d) and (g) to read as follows:

§ 421.36 Pretreatment standards for new sources.

* * * * *

(d) Subpart C—Demagging Wet Air Pollution Control.

PSNS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of aluminum demagged	
Lead	0.216	0.100
Zinc	0.786	0.324
Ammonia (as N)	102.800	45.180

(g) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging Wet Air Pollution Control is Not Practiced On-Site).

PSNS

Pollutant or pollutant property	Maximum for any one day	Maximum for monthly average
	Mg/kg (lb/million lbs) of aluminum cast	
Lead	0.019	0.009
Zinc	0.068	0.028
Ammonia (as N)	8.931	3.926

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[FR Doc. 86-10449 Filed 5-19-86; 8:45 am]
BILLING CODE 6560-50-M

Federal Register

Tuesday
May 20, 1986

Part III

Environmental Protection Agency

40 CFR Part 60

Review and Amendment of Standards of Performance for New Stationary Sources; Kraft Pulp Mills; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2915-4]

Review and Amendment of Standards of Performance for New Stationary Sources; Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Standards of performance for kraft pulp mills were proposed on September 24, 1976 (41 FR 42012), and promulgated on February 23, 1978 (43 FR 7568). On January 19, 1984, revisions to the standards of performance for kraft pulp mills were proposed in the **Federal Register** (49 FR 2448). Today's action promulgates these revisions and announces the Agency's decision on other elements of the standard which were reviewed. The revised standards apply to new, modified, and reconstructed kraft pulp mills, for which construction was commenced after September 24, 1976. These standards implement Section 111 of the Clean Air Act and are based on the Administrator's determination that kraft pulp mills cause, or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed kraft pulp mills to achieve emission levels reflecting the best demonstrated system of continous emission reduction, considering costs, nonair quality health, and environmental and energy impact.

EFFECTIVE DATE: May 20, 1986.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Background Information Document.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Kraft Pulp Mills—Background Information for Promulgated Revisions to Standards" [EPA 450/3-85-020]. The BID contains: (1) A summary of all the public comments made on the proposed standards and the Administrator's response to the comments, (2) a summary of the changes made to the standards since proposal, and (3) the final Environmental Impact Statement which summarizes the impacts of the revisions.

Docket. A docket, number A-82-36, containing information considered by EPA in development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

For Policy Questions: Mr. Doug Bell, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5578.

For Technical Questions: Mr. Kenneth Durkee or Mr. James Eddinger, Industrial Studies Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5601.

SUPPLEMENTARY INFORMATION:

I. The Standards

Standards of performance for new sources established under section 111 of the Clean Air Act reflect:

> . . . application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

On September 24, 1976, new source performance standards (NSPS) were proposed for kraft pulp mills under section 111 of the Clean Air Act (41 FR 42012). These regulations were promulgated on February 23, 1978 (43 FR 7568). The standards limit emissions of particulate matter (PM) and total reduced sulfur (TRS) from new or modified recovery furnaces, smelt dissolving tanks, lime kilns, digester systems, multiple effect evaporator systems, black liquor oxidation systems, brown stock washer systems, and condensate stripper systems that have been constructed, modified, or reconstructed after September 24, 1976.

The PM emission limits are: 0.10 grams per dry standard cubic meter (g/dscm) at 8 percent oxygen for recovery furnaces: 0.10 grams per kilogram of black liquor solids (dry weight) (g/kg BLS) for smelt dissolving tanks; 0.15 g/dscm at 10 percent oxygen for lime kilns burning gas; and 0.30 g/dscm at 10 percent oxygen for lime kilns burning oil. Visible emissions from recovery furnaces are limited to 35 percent opacity.

The TRS emission limits are: 5 parts per million by volume (ppmv) at 8 percent oxygen from straight kraft recovery furnaces; 25 ppmv at 8 percent oxygen from cross recovery furnaces; 8 ppmv at 10 percent oxygen from lime kilns; and 5 ppmv at the actual oxygen content of the untreated gas stream from digester systems, multiple-effect evaporator systems, brown stock washer systems, black liquor oxidation systems, and condensate stripper systems. The TRS emissions from smelt dissolving tanks are limited to 0.0084 g/kg BLS.

The standards also require continuous monitoring, recordkeeping, and excess emission reporting. The opacity of recovery furnace exhaust gases must be monitored continuously, and a record of these measurements must be maintained. The concentration of TRS emissions from recovery boilers and lime kilns must be monitored continuously and a record of these measurements must be maintained. The incineration temperature of effluent gases from digesters, brown stock washers, multiple-effect evaporators, black liquor oxidizers, or condensate strippers must be monitored. Finally, the gas stream pressure drop and liquid supply pressure for any scrubber controlling emissions from lime kilns or smelt dissolving tanks must be continuously monitored. Records of 12-hour average TRS concentrations and 12-hour oxygen concentrations must be maintained on a daily basis. Quarterly reports of excess TRS emissions, excess opacities, and inadequate incineration temperatures are required as well.

Today's rulemaking promulgates six revisions and two corrections to the standards. These revisions will: (1) Exempt black liquor oxidation systems from the standards; (2) revise the existing TRS standard for smelt dissolving tanks from 0.0084 g TRS per kg of black liquor solids (g TRS/kg BLS) to 0.016 g TRS/kg BLS; (3) revise the units of the TRS standard for smelt dissolving tanks; (4) delete the requirement to monitor the combustion

temperature in lime kilns, power boilers, or recovery furnaces; (5) change the frequency of excess emission reports from quarterly to semiannually; and (6) exempt diffusion washers from the TRS standard for brown stock washer systems. The corrections would: (1) Require measurements of temperature, pressure drops and liquid feed rates for control devices which must be monitored must also be recorded; and (2) correct the reference in § 60.284(d)(3)(ii) from § 60.283(a)(1)(ii) to § 60.283(a)(1)(iii). In this second instance, the original standard erroneously referred to reporting of excess emissions when recovery boilers are used as incineration devices. The corrected standard refers to facilities where incineration devices not subject to Subpart BB are used for incineration of TRS emissions from facilities subject to the standard.

In the overall context of this source category, all of the changes to the existing standards of performance are minor. Nevertheless, they are appropriate because they change the numerical emission limit for smelt dissolving tanks to reflect the performance of BDT, improve the overall cost effectiveness of the existing standards with little increase in TRS emissions, and reduce reporting and recordkeeping requirements.

II. Summary of Environmental, Energy, and Economic Impacts

The revisions will not significantly affect nationwide particulate matter emissions, solid waste generation, water quality, or energy consumption. Deleting the TRS standard for black liquor oxidation (BLO) tanks may increase TRS emissions from the only affected kraft pulp mill by up to 16 tons per year in the fifth year following proposal. The full increase of 16 tons would be equivalent to 42 percent of the mill's controlled TRS emissions, or about 0.5 percent of its uncontrolled emissions. The exemption of diffusion washers from the TRS standard for brown stock washers will cause no increase in TRS emissions. Changing the smelt tank TRS standard will increase TRS emissions by about 6 tons annually in the fifth year following proposal. This projection is based on the assumptions that the affected facility which failed previous tests for compliance with the original NSPS will continue to perform as it has in the past and that one similar affected facility will be constructed in the future. This increase represents 8 percent of a mill's controlled TRS emissions, or about 0.2 percent of its uncontrolled TRS emissions.

There will be a maximum cost savings of $500,000 associated with the removal of the TRS standard for BLO tanks. This projection is based on our finding that one mill may stop controlling TRS emissions from its BLO tank at promulgation of the revised standards. The savings is in operating costs, and has no capital component. The savings in annual costs which will result from exempting diffusion washers from the NSPS is estimated to be $610,000 in the fifth year. There will be no significant cost impacts associated with any of the other revisions to the NSPS.

The environmental, energy, and economic impacts are discussed in greater detail in the BID for the promulgated standards, "Kraft Pulp Mills—Backgound Information for Promulgated Revisions to Standards" [EPA 450/3–85–020].

III. Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the **Federal Register** (48 FR 12825, March 28, 1983) of a meeting of the National Air Pollution Control Techniques Advisory Committee to discuss the revisions recommended for proposal. This meeting was held on April 27, 1983. The meeting was open to the public and each attendee was given an opportunity to comment on the revisions recommended for proposal. The proposed revisions were published in the **Federal Register** on January 19, 1984 (49 FR 2448). The preamble to the proposed revisions discussed the availability of the BID, "Review of New Source Performance Standards for Kraft Pulp Mills" [EPA 450/3–83–017], which described in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at the time of proposal and, when requested, copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was scheduled for February 21, 1984, at Research Triangle Park, North Carolina. A hearing was not held becasue one was not requested. The public comment period was from January 20, 1984, to March 9, 1984.

Twenty-eight (28) comment letters were received relative to the proposed standards of performance for kraft pulp mills. The comments have been carefully considered and, where determined to be appropriate by the Administrator, changes have been made in the proposed standards.

IV. Significant Comments and Changes to the Proposed Standards

Comments on the proposed standards were received from industry, Federal agencies, State and local air pollution control agencies, and trade associations. A detailed discussion of these comments and responses can be found in the BID, which is referred to in the **ADDRESSES** section of this preamble. The summary of comments and responses in the BID serve as the basis for the revisions which have been made to the standards between proposal and promulgation. The major comments and responses are summarized in this preamble. Most of the comment letters contained multiple comments. The comments have been divided into the following areas: Emission Control Technology and Selection of Emission Limits.

Emission Control Technology

Diffusion Washers

Two comments contain the findings and resulting recommendations of a study performed by an industry council to quantify TRS emissions from diffusion washers. That study examined 9 diffusion washer vents and the mean mass emission rate was found to be 0.001 lb., or less, TRS per ton of air dried pulp (TADP). Such emission levels are two orders of magnitude less than those from uncontrolled vacuum drum washer systems. Using the same cost estimating procedures employed by EPA for the case of vacuum drum washer systems, the industry calculated the cost effectiveness (C/E) of further controlling these emissions to be $240,000 per ton of TRS removed. Three commenters said that those findings preclude EPA from reasonably supporting the need to control diffusion washer vent gases on an emission significance or economic basis. They note that there would be no advantage to setting mass emission limits and that imposing measurement and reporting requirements would be burdensome. Too commenters support the above findings and conclusions. One commenter noted that diffusion washers may meet the existing standards without a control device.

One commenter disagrees with the others and says that diffusion washers should not be exempted outright from having TRS controls. This commenter believes each individual source should be required to demonstrate that emissions from its uncontrolled diffusion washers can meet the same TRS standards as controlled vacuum washers.

The study submitted on TRS emissions from diffusion washers has

been reviewed by the Agency. The Agency agrees that uncontrolled TRS emissions from diffusion washers are less than 0.001 lb TRS/TADP. This level is orders of magnitude less than that of uncontrolled vacuum drum washers (0.3 lb TRS/TADP) and is also many times lower than the mass equivalent of the NSPS. The equivalent mass emission rate for the 5 ppm NSPS, based on the vacuum drum washer, is about 0.09 lb TRS/TADP. Because of the low mass of TRS emissions controlled and the low air volumes treated, requiring control of TRS emissions from diffusion washers to the 5 ppm TRS level would result in a C/E in the range of $240,000 per ton of TRS removed. Therefore, the Agency has determined that requiring diffusion washers to meet the 5 ppmv TRS standard would be unreasonable.

For several reasons, revision of the NSPS to a mass equivalent TRS standard would also be unreasonable. As the available data indicated, uncontrolled TRS emissions from diffusion washers are many times lower than the mass equivalent of the NSPS. As such, requiring diffusion washers to demonstrate compliance with a mass equivalent NSPS would impose unnecessary costs for testing and reporting requirements. In addition, an EPA reference sampling method would have to be developed and promulgated since the present EPA Reference Method 1 is insufficient for sampling the low velocity, low volume, and cyclic gas stream emitted from a diffusion washer.

Development of a separate standard for TRS emissions from diffusion washers would require a major commitment of Agency resources to study a process which produces very low mass emissions. Such a standard would have to include a control technology which, in this case, would undoubtedly be incineration and the cost has been estimated to be in the range of $240,000 per ton TRS removed. Because projected control costs are high and potential benefits are negligible, the Agency has concluded that development of an NSPS for TRS emissions from diffusion washers is not appropriate.

Noncontact Recovery Furnaces With Wet-Bottom Electrostatic Precipitators (ESP's)

At the time the NSPS were developed, use of the direct contact furnace system was prevalent in the industry and available information indicated that the contacting of furnace flue gases with unoxidized black liquor in direct contact evaporators was causing high levels of TRS emissions. Therefore, the Agency tested direct contact furnaces equipped with BLO systems. Particulate emissions from these sources were controlled by wet-bottom ESP's through which the oxidized black liquor was passed. Also, the Agency tested a noncontact recovery furnace system, which eliminates the contact of flue gas and black liquor altogether, which in turn eliminates the need for BLO equipment. This furnace system had a dry-bottom ESP for control of particulate emissions. As a result of these tests, the BDT for control of TRS emissions from noncontact furnace systems was determined to be maintenance of proper combustion conditions and black liquor firing rates and, for direct contact furnace systems, was determined to be maintenance of proper combustion conditions and oxidation of black liquor. For both furnace types, ESP's were determined to be BDT for achieving the required limits for PM emissions.

Since the development of the NSPS, the paper industry's National Council for Air and Stream Improvement (NCASI) in 1978 investigated the possible use of unoxidized black liquor in wet-bottom ESP's and concluded that use of unoxidized black liquor in wet-bottom ESP's would not cause violations of the TRS emission limit. In 1979, another industry study concluded the wet-bottom ESP's were more reliable and less costly to operate than dry-bottom ESP's that were in use at that time. Following these studies, wet-bottom ESP's utilizing unoxidized black liquor were installed on ten noncontact recovery furnaces subject to the NSPS. In 1982 it became apparent that some of them were having difficulty in achieving the 5 ppmv TRS standard. During the same time period, four noncontact recovery furnaces were installed with dry-bottom ESP's. Two recovery furnaces of the direct contact design were equipped with wet-bottom ESP's which used oxidized black liquor in the bottoms. All six recovery furnaces which installed the technology upon which the NSPS were based have achieved those standards.

In early 1984, when the revisions resulting from the 4-year review were proposed, the extent of the problems with the wet-bottom ESP's and potential corrective measures were not fully understood. The NCASI was then in the midst of a major study which was conducted to identify the causes of TRS release from unoxidized black liquor and to develop means of eliminating excess emissions from the ESP's. In the proposal, the Agency stated that it was reasonable to delay completion of the review of the TRS standard for recovery furnaces long enough to allow NCASI sufficient time to perform its study.

Seven different commenters agreed with the EPA proposal to delay review of the existing TRS standards for recovery furnace systems as they pertain to facilities which have installed wet-bottom ESP's. All agreed that any possible changes which would take into consideration the performance of noncontact recovery furnaces equipped with wet-bottom ESP's using unoxidized black liquor should be delayed until NCASI completed its studies of these systems. One commenter noted that it has been demonstrated that wet-bottom ESP's can achieve the existing TRS standard. They conclude that any changes to the current TRS standard should pertain only to wet-bottom ESP's and that any possible changes should be delayed only until the NCASI study is complete. One commenter said that EPA should resist any change in the existing standards and that EPA should explore the use of non-TRS bearing water in the wet-bottom ESP's.

Since proposal, much work has been done by NCASI and by individual affected firms in an attempt to fully understand and correct the problem. The NCASI study has identified several factors which are contributing to the problem. These include inlet baffling design, liquor temperature, liquor level, degree of agitation, and liquor chemistry. To date, modifications to mitigate the first four factors have been made in most instances where they appeared feasible. The results of the modifications differed from mill to mill and were not always successful for reducing TRS emissions. Similarly, efforts by individual mills to control or modify the chemistry of liquors used in the wet ESP's have given mixed results. After making various combinations of modifications, some facilities have achieved, or have come very close to achieving, the 5 ppmv TRS standard. However, according to industry assessments, several furnaces appear unable to consistently achieve better than 15 ppmv and some appear unable to consistently achieve better than 25 ppmv while using unoxidized black liquor in the ESP.

The EPA has reviewed available data and the steps which industry have taken. It is clear from this that NCASI and individual firms have expended considerable resources in their attempts to identify and correct the causes of TRS release from unoxidized black liquor used in wet-bottom ESP's. The Agency agrees that the recovery furnace TRS standard is probably not consistently achievable at all sources when such liquor is used in the ESP's. However, based on its review of the industry

studies, the factors which are causing excess emissions, and of potential remedies, EPA has concluded that the standard for recovery furnace TRS emissions should not be revised. In reaching this conclusion, the Agency recognizes that the decisions to install the wet-bottom precipitators were made based on the available industry data which indicated that the TRS emission limit would not be violated. But, there were other options available and those options were employed at other facilities. Furthermore, retrofit options are available which will allow the sources with wet-bottom ESP's to achieve compliance with the TRS emission limit. For example, two mills have made piping changes which allow them to use fresh water in wet-bottom ESP's and the level of the NSPS for TRS has been achieved. In addition, mills have the option of converting the bottoms of their ESP's from the wet to the dry design. Although each of these options entails a retrofit with annualized costs ranging from $85,000 to $275,000 per mill and the associated TRS reduction could be small, EPA believes the costs of the retrofits are reasonable. When the annualized cost of installing and retrofitting a wet-bottom ESP are compared to the annualized costs of initially installing a dry-bottom ESP, the net difference in estimated annualized costs of retrofitting the wet-bottom ESP are reasonable and range from a savings of $40,000 to a cost of $100,000.

In conclusion, therefore, the Agency believes that changes to the NSPS for kraft recovery furnaces would be inappropriate and that those mills now out of compliance with the TRS standard should take the necessary steps to achieve compliance.

Degradation of Performance of ESP's

Three commenters disagree with the Agency's conclusion in the BID (EPA 450/3–83–017) that data from a 9-year-old ESP show that ESP's can reduce recovery furnace particulate emissions to NSPS levels over a long period of time when they are properly maintained. One commenter operates the ESP to which the three referred and this commenter says the data show that, even with maintenance, the ESP is not capable of achieving NSPS consistently. The commenter also said that it is inappropriate to draw conclusions about long-term performance of ESP's from data obtained from only one ESP.

A second commenter said that the data provided by the previous commenter clearly show an upward trend in emissions of PM with increasing age of the ESP and that EPA's judgment concerning the ability of ESP's to meet NSPS for particulate emissions over the long term is an inappropriate interpretation of data from a single location. The commenter presented long-term data from two other sources with ESP's designed to achieve emission levels similar or NSPS and said the data from all three sources showed an upward trend in particulate emissions with increasing age of the ESP's. The data from all three ESP's also showed that measured emissions, following major rebuilds of the ESP's were significantly higher than those achieved when the precipitators were new. The commenter attributed the increased emissions to such factors as buildups and corrosion in duct work, plenums and turning vanes, which can cause flow maldistributions.

The second commenter maintains that EPA has not thoroughly investigated the ESP degradation issue in its NSPS review. They also say that the Agency has not considered the costs of major rebuilds or lost production due to unscheduled repairs in the cost-effectiveness calculations.

The problem of gradual deterioration of ESP performance was investigated during the NSPS development and again during the NSPS review. During the NSPS development, the ESP vendors indicated that a properly maintained ESP should not deteriorate over the expected life of the unit. Problems encountered are usually due to operating the equipment at conditions for which it was not designed (i.e., higher gas volumes, higher inlet loadings, or lower inlet temperature). The main problem areas are corrosion and wire breakage.

The unit for which EPA obtained long-term particulate data, at the time it was installed, employed a new design which minimized wire breakage. This unit was tested by EPA as part of the data base for the NSPS. Additional data supplied by the State agency during the NSPS development indicated that the unit consistently achieved the NSPS level. During the NSPS review, the operator of this unit was again contacted to obtain information on maintenance costs and ESP performance. The maintenance costs for this unit had increased from 240 man-hours per year to an average of 913 manhours per year. These maintenance costs are higher than the estimate used by the Agency. If it could be shown that all of these costs are attributable to the NSPS, the incremental C/E of the NSPS is $200–$300 per ton, which is still reasonable. However, as noted, it is not clear that the increased maintenance costs are in fact due to the NSPS. The data indicated that after 10 years of operation, the unit was still capable of achieving the NSPS level. It is true, as the one commenter pointed out, that test data indicate that at times the unit has had emissions above the NSPS level. It must be pointed out that this unit is not subject to the NSPS and is only required to achieve a State regulation which is double the NSPS level. Therefore, this unit is maintained to achieve the State level as opposed to the NSPS level. It is the Agency's judgment that this unit could consistently achieve the NSPS if the frequency of maintenance were increased. The Agency's judgment is supported by the data supplied by one commenter which shows the performance of an ESP which is not subject to the NSPS but which is subject to a State standard about 25 percent lower than the NSPS. This latter unit has been operating for 10 years and has consistently achieved the NSPS levels.

The Agency's cost estimates do not include the cost of major rebuilds as was suggested by the commenters. The ESP's were widely used in the kraft pulp industry for recovery of process chemicals prior to establishment of NSPS and none of the information which has been reviewed indicates that major rebuilds are needed more frequently because of NSPS for PM. As a result of NSPS, new ESP's are designed with more plate area and additional maintenance costs for such items as replacement of broken wires would be possible. However, the need for major rebuilds, to repair corrosion damage, for example, is most likely attributable to process parameters, such as the flue gas temperature, and not related to the sizing of the EPS's. Since the NSPS does not affect the frequency of major rebuilds, it would be inappropriate to include the costs of rebuilds in the calculation of control costs.

Selection of Emission Limits

Smelt Dissolving Tanks (SDT)

Five different commenters were in agreement with EPA's decision to raise the TRS standard for SDT. However, they said that the increase should be greater than the one which was proposed. One commenter said that preliminary data from a new mill indicated that the proposed level needed to be doubled. In a follow-up letter, the commenter described the liquids being used in their scrubbers and noted that they planned to try and redirect sulfide-containing recycle streams from the SDT and scrubbers. In a third letter, the commenter said that efforts to modify their piping system to redirect sulfide

bearing liquids away from the smelt tanks had been successful and that they had passed compliance tests. Thus, they withdrew their request for a higher TRS limit than that which was proposed.

A second commenter sent two letters describing experience at two of its mills. The commenter said that selection of the scrubbing liquid is the only known method of modifying TRS emissions associated with smelt tank vent gases. The commenter has examined the use of alternative scrubbing liquids and said that TRS emissions exceeded the standard even when fresh water was used in the scrubbers at one of the mills. They said their best results at the other mill were obtained when both the smelt tank scrubber and the lime kiln mud washer showers were operated on fresh water, which the commenter considers an artificial condition for that particular mill. The commenter submitted additional continuous monitoring data and said the new data showed variations similar to those in previously submitted information.

A third commenter said the proposed TRS level is a move in the right direction, but that two of its facilities cannot meet that level on a consistent basis. The commenter said that various scrubbing media had been tried but that no controllable process or control technology operating conditions had been identified which could limit TRS emissions from smelt tank vents. This commenter said its data (from 50 hours of continuous monitoring) supported a TRS limit well above the proposed level. Two comments by industry trade associations supported the first three commenters' observations and comments.

Emissions of TRS compounds are governed by the concentration of reduced sulfur compounds either in the smelt from the recovery furnace or in the water in the smelt tank. Additional TRS may be introduced if liquids contaminated with TRS compounds are introduced to the scrubbers used for control of PM. There is no means of controlling the introduction of reduced sulfur compounds via the smelt from the recovery furnace. However, the introduction of additional TRS compounds to the vent gases can be prevented, substantially reduced, by the selection of liquids to be used in the tanks and scrubbers. Preventing the introduction of TRS-contaminated liquids to the SDT system is the basis of BDT, which is, "to use a liquid that is low in sulfides and TRS compounds—such as fresh water or recycled water from the lime mud washer—in the smelt tank and particulate control device" (49 FR 2448). The date base used in the review to revise NSPS for TRS from 0.0084 g/kg BLS to 0.016 g/kg BLS includes two test reports from one mill which failed to comply with the 0.0084 g/kg emission limit. The operators of the mill indicated that they had used fresh water in their mud washers and that the weak wash had been used in both the smelt tank and scrubbers. Use of these types of liquids is considered to be BDT for reducing TRS emissions. They then experimented with various liquids in the scrubber, including fresh water. Since no reasons for the higher TRS emissions could be identified, and since the sources were applying BDT, the emission limit for TRS emissions was proposed to be raised to 0.016 g/kg BLS to reflect the results of these compliance tests.

Information supplied by the first commenter showed that relatively small flows of TRS-contaminated recycle streams were being introduced to the weak wash storage tanks and subsequently to the SDT's and scrubbers. The operators of the mill were reluctant to remove the recycle streams because they did not want to increase either water usage or the amount of wastewater to be treated. When the mill used BDT and removed the TRS contaminated liquids from the smelt dissolving system, they did pass tests for compliance with the current TRS standard. After passing the test, the commenter withdrew his initial comment that the TRS limit should be greater than 0.016 g/kg BLS.

The data supplied by the second commenter for one of their mills showed that they had been using contaminated condensate in their SDT scrubber recycle system. When the condensate was replaced with fresh water, TRS emissions began to drop. Later data from the same source showed that use of boiler blowdown (which is very low in residual sulfides) in the system reduced TRS emissions to NSPS levels. The commenter said that the best results were obtained when lime mud shower (which produces the weak wash used in the SDT) and SDT scrubber were operated on fresh water, but that this represents an artificial condition established solely to minimize TRS emissions. They say that operating in this manner causes an unusually high hydraulic loading on the effluent treatment system. The artificial condition described for the plant is what the Agency considers to be BDT. While the plant may not operate this way now, the Agency has concluded that using fresh water, or other liquids low in TRS compounds, to reduce TRS emissions is technically feasible and reasonable from a cost standpoint. The Agency continues to believe that if BDT is implemented, the TRS limit of 0.016 g TRS/kg BLS can be met.

The EPA disagrees with the second commenter's statement that selection of scrubbing liquid is the only known method of modifying TRS emissions associated with SDT vent gases. The mill which they were discussing had problems with excess TRS emissions and began testing different scrubbing liquids. Initially, they had been using weak white liquor, which is known to remove some polar compounds, such as H_2S. Thus, it is not surprising that TRS emissions increased when water, and various other liquids were substituted. However, the scrubber was installed for removal of PM, not TRS. The key point is that BDT for TRS is aimed at preventing introduction of TRS to vent gases by the dissolving liquid or scrubbing medium.

Both the second and third commenters said that the ranges in their TRS monitoring data were indicative that the proposed standard cannot be met on a consistent basis. The third commenter did not submit enough information for the Agency to draw any conclusions. It is noted that the two tanks to which they referred are not subject to NSPS and the comment letter suggested that water used in the SDT's was not of the quality required by BDT. The second commenter's data showed variation in TRS concentrations for individual samples, but when the data points were averaged, as they would be for a compliance test report, the emission levels were below the proposed TRS limitations.

Two commenters object to relaxing the existing TRS standard for SDT because of one or two failures to achieve compliance. One commenter suggests an alternative of allowing exemptions based upon site-specific studies and a requirement that Best Available Control Technology be employed.

These suggestions are inconsistent with the basis of the NSPS. An emission limit must be set at such a level that any facility which employs BDT can achieve that emission level during a performance test. A facility which was employing BDT failed two performance tests. In selecting an emission limit, variability of available test data must be taken into consideration. The Agency proposed to revise the TRS standard from 0.0084 g/kg BLS to 0.016 g/kg BLS in order that all facilities using BDT can meet the TRS standard.

Lime Kilns

Five different commenters suggest the current TRS standard for lime kilns needs to be revised to reflect the results of continuous monitoring. One commenter says the monitoring data from two of its NSPS facilities indicate that the standard needs to be revised to allow for exceedance of the TRS limit 3 percent of the reporting time to allow for normal variations in operating conditions. The commenter lists four factors which can influence TRS emissions from the kiln stack: (1) Kiln firing conditions; (2) treatment of noncondensable gases; (3) source of water used at the particulate scrubber; and (4) porosity of the mud at the filter (which controls oxidation of the residual sulfide content). This commenter stated that TRS emissions associated with the first three factors are straightforward and the control options are understood, but that the control of mud porosity at the filter is not completely understood.

One commenter stated that the current TRS standard can be met when the kiln and associated systems are operating normally, but that the nature of the process is such that unavoidable irregularities which can affect TRS emissions will occur 10 percent or less of the total operating time. He says that short-term "blips" or "spikes" are adequately reckoned by the averaging time, but that a 4 percent allowance for excess emissions appears reasonable for those infrequent, medium-term TRS excursions which are beyond the control of the operators. The commenter stated he is unaware of any evidence that the use of caustic soda (to control excess emissions) is effective and/or cost effective. He also doubts that lime mud oxidation is a cost-effective technique for controlling excess TRS emissions.

One commenter has been unable to explain variations in data from a certified continuous monitoring system. The commenter stated that 12-hour averages from this particular facility range from 2 to 30 ppmv TRS and the commenter is concerned that it may not be possible to meet the 8 ppmv limit continuously.

One commenter says that as more TRS monitoring systems come on-line, there will be additional information which will be useful in determining whether or not the current standard is appropriate. The commenter suggests that EPA should evaluate available continuous monitoring data from lime kilns equipped with wet scrubbers before making any final decisions on an NSPS.

Many of the comments were prompted by the requirement that lime kilns subject to the NSPS install and operate continuous emission monitors (CEM's) to measure TRS emission by July 20, 1984. After considering the comments, the Agency determined that it would be appropriate to obtain additional data. Subsequently, the first 6 months' CEM data for all 19 lime kilns subject to the NSPS were requested along with associated operational data and design parameters for the lime kilns and lime mud washing systems. The Agency has received additional information for 14 of the 19 lime kilns subject to the NSPS. Of the 14 submitting data, 3 were judged to be using BDT and had CEM data which were accompanied by information needed to ascertain the accuracy of the certification reports. The data from these 3 facilities indicate that the NSPS can be achieved when BDT is implemented.

During the data period, one of the three mills had only one excess emission and the excursion occurred when the addition of caustic was discontinued for testing of the CEM. A second mill, which previously achieved the NSPS TRS limit a high percentage of the time through good mud washing and process contol, began using caustic in recent months. The most recent excess emission reports show no excess emissions. The Agency considers this information to be indicative that caustic addition reduces excess TRS emissions.

Approximately half of the remaining data could not be used in making a decision because either data needed to determine if the CEM's had been properly certified was missing or the information provided showed that the CEM's had histories indicative of maintenance problems. The data from the rest of the mills were suggestive of failure to follow all of the practices which constitute BDT.

In general, the mills that have employed CEM'S on lime kilns for an extended period have been the most successful in continually achieving the NSPS. The EPA believes this shows that the ability to reliably operate CEM's and use the CEM's for process control plays a central role in identifying and preventing those process variations and upsets that cause excess emissions and that such ability is learned over time. The learning time is necessary to allow the owner/operator to identify the process variables that are leading to the periods of excess emissions. These process variables and their impacts on periods of excess emissions will be specific to each mill. The industry continues to believe it is possible in some cases that, even with experience and the use of BDT, there could continue to be periods of excess emissions. Although such a possibility may not be ruled out, the Agency has not received any data which would indicate that such is the case. The Agency expects that, as the operators of these facilities learn to use their CEM's to aid in controlling their processes, the periods of excess emissions caused by process upsets should be significantly reduced when BDT is fully implemented.

Industry representatives have expressed concern that reported excess emissions may be construed as violations of the Clean Air Act. Compliance or noncompliance with the Act is determined by performance testing. A detailed description of the Agency's intended use of CEM data was previously published in the **Federal Register** (43 FR 7568). The overall intent of the requirement to continuously monitor TRS emissions is to provide enforcement agencies with an instrument to determine that BDT has been implemented and is being practiced.

Two comments were received concerning the lime kiln controlled with an ESP which was described in the Proposed Rules. The commenters emphasized the uniqueness of this particular facility, at which an ESP was installed to meet local and State particulate limits that are site specific, and that an exemption should be granted for this facility. One commenter requested that the NSPS TRS limit be revised to require this particular facility to meet a TRS emission limit of 20 ppmv corrected to 10 percent oxygen, on a 12-hour basis, and not to be exceeded more than 2 percent of the time on a quarterly basis. The commenter also said that the stack gases from the ESP would disperse better than those from a venturi scrubber because the gases from the ESP are approximately 180° hotter.

The Agency has reviewed information on the lime kiln which is controlled with an ESP instead of a wet scrubber. Information reviewed by the Agency suggests that this particular facility can control TRS emissions to NSPS levels by making additional improvements in process controls and by raising the temperature of the cold end of the lime kiln by 100° F. During the review, the costs of implementing BDT were examined. These costs included the costs to increase cold end temperatures, and the Agency continues to believe these costs are reasonable.

V. Administrative

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a

dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review [section 307(d)(7)(A)].

The effective date of this regulation is May 20, 1986. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation.

As prescribed by Section 111, the promulgation of these standards was preceded by the Administrator's determination (41 FR 42028, dated September 24, 1976) that kraft pulp mills contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements. The reporting requirements in this regulation will be reviewed as required under EPA's sunset policy for reporting requirements in regulations.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standards to insure that cost was carefully considered in determining BDT.

This review was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291 (OMB Control No. 2060-0021). Any comments from OMB to EPA and any EPA response to those comments are available for inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and therefore subject to the requirements of a regulatory impact analysis (RIA). The Agency has determined that this regulation would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule." The Agency has, therefore, concluded that this regulation is not a "major rule" under Executive Order 12291.

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Since it is possible that some kraft pulp mills qualify as small businesses, the impacts of the standards on small businesses were considered. None of the four criteria which would signify significant impact were met. Because these standards impose no adverse economic impacts, a Regulatory Flexibility Analysis has not been conducted.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Reporting and recordkeeping requirements, Incorporation by reference, Intergovernmental relations, and Paper and paper products industry.

Dated: May 9, 1986.

Lee M. Thomas,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 301(a), Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. In § 60.280, paragraphs (a) and (b) are revised to read as follows:

§ 60.280 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities in kraft pulp mills: Digester system, brown stock washer system, multiple-effect evaporator system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In pulp mills where kraft pulping is combined with neutral sulfite semichemical pulping, the provisions of this subpart are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

(b) Except as noted in § 60.283(a)(1)(iv), any facility under paragraph (a) of this section that commences construction or modification after September 24, 1976, is subject to the requirements of this subpart.

* * * * *

3. In § 60.281, paragraph (e) is revised to read as follows:

§ 60.281 Definitions.

* * * * *

(e) "Brown stock washer system" means brown stock washers and associated knotters, vacuum pumps, and filtrate tanks used to wash the pulp following the digestion system. Diffusion washers are excluded from this definition.

* * * * *

4. In § 60.283, the introductory text of paragraph (a)(1) is revised and paragraphs (a)(1)(iv), (a)(1)(v), and (a)(4) are revised to read as indicated below:

§ 60.283 Standard for total reduced sulfur (TRS).

(a) * * *

(1) From any digester system, brown stock washer system, multiple-effect evaporator system, or condensate stripper system any gases which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to 10 percent oxygen, unless the following conditions are met:

* * * * *

(iv) It has been demonstrated to the Administrator's satisfaction by the owner or operator that incinerating the exhaust gases from a new, modified, or reconstructed brown stock washer system is technologically or economically unfeasible. Any exempt system will become subject to the provisions of this subpart if the facility is changed so that the gases can be incinerated.

(v) The gases from the digester system, brown stock washer system, or condensate stripper system are controlled by a means other than combustion. In this case, this system shall not discharge any gases to the atmosphere which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to the actual oxygen content of the untreated gas stream.

* * * * *

(4) From any smelt dissolving tank any gases which contain TRS in excess

of 0.016 g/kg black liquor solids as H_2S (0.033 lb/ton black liquor solids as H_2S).

* * * * *

5. In § 60.284, both the introductory text of paragraph (a)(2) and (b)(1) are revised to read as indicated below and paragraph (c)(4) is added. Additionally, the introductory text of paragraph (d) is revised, paragraph (d)(3) is revised, and paragraph (d)(3)(ii) is revised and add OMB number at the end of the section to read as follows:

§ 60.284 Monitoring of emissions and operations.

(a) * * *

(2) Continuous monitoring systems to monitor and record the concentration of TRS emissions on a dry basis and the percent of oxygen by volume on a dry basis in the gases discharged into the atmosphere from any lime kiln, recovery furnace, digester system, brown stock washer system, multiple-effect evaporator system, or condensate stripper system, except where the provisions of § 60.283(a)(1) (iii) or (iv) apply. These systems shall be located downstream of the control device(s) and the spans of these continuous monitoring system(s) shall be set:

* * * * *

(b) * * *

(1) For any incinerator, a monitoring device which measures and records the combustion temperature at the point of incineration of effluent gases which are emitted from any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system where the provisions of § 60.283(a)(1)(iii) apply. The monitoring device is to be certified by the manufacturer to be accurate within ±1 percent of the temperature being measured.

* * * * *

(c) * * *

(4) Record once per shift measurements obtained from the continuous monitoring devices installed under paragraph (b)(2) of this section.

* * * * *

(d) For the purpose of reports required under § 60.7(c), any owner or operator subject to the provisions of this subpart shall report semiannually periods of excess emissions as follows:

* * * * *

(3) For emissions from any digester system, brown stock washer system, multiple-effect evaporator system, or condensate stripper system periods of excess emissions are:

(i) * * *

(ii) All periods in excess of 5 minutes and their duration during which the combustion temperature at the point of incineration is less than 1200 °F, where the provisions of § 60.283(a)(1)(iii) apply.

* * * * *

[Reporting and recordkeeping requirements are approved by the Office of Management and Budget under Control No. 2060-0021]

[FR Doc. 86-11293 Filed 5-19-86; 8:45 am]
BILLING CODE 6560-50-M

Federal Register

Tuesday
May 20, 1986

Part IV

Department of Education

Rehabilitative Long-term Training Program; Funding Priorities; Notice

Register

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitation Services

Rehabilitation Long-Term Training Program

AGENCY: Department of Education.

ACTION: Notice of Proposed Funding Priority for Fiscal Year 1986.

SUMMARY: The Secretary proposes an annual funding priority for long-term training grants in the field of Rehabilitation Workshop and Facility Personnel in order to ensure effective use of program funds and to direct funds to areas of identified need during fiscal year 1986. The Secretary will give an absolute preference to applications that meet the terms of the proposed priority.

DATE: Comments must be received on or before May 20, 1986.

ADDRESS: All written comments and suggestions should be sent to Delores L. Watkins, Office of Developmental Programs, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, Department of Education, 400 Maryland Avenue, SW., (Switzer Building, Room 3324–M/S 2312), Washington, DC 20202.

FOR FURTHER INFORMATION: Delores L. Watkins, Office of Developmental Programs, Rehabilitation Services Administration. Telephone: (202) 732–1332.

SUPPLEMENTARY INFORMATION: Grants for the Rehabilitation Training Program are authorized by Title III, section 304 of the Rehabilitation Act of 1973, as amended. Program regulations for the Rehabilitation Long-term Training Program are established at 34 CFR Part 386. The purpose of the Rehabilitation Long-term Training Program is to support projects designed to train personnel for employment in public and private agencies involved in the rehabilitation of physically and mentally disabled individuals, especially those who are severely disabled.

Proposed Priority

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to long-term training applications submitted in the field of Rehabilitation Workshop and Facility Personnel in fiscal year 1986 that respond to the priority described below. An absolute preference is one which permits the Secretary to select only those applications that meet the described priority.

All applications submitted in the long-term training field of Rehabilitation Workshop and Facility Personnel must address the training of personnel who are employed by and provide direct rehabilitation services in vocationally oriented workshops and facilities. The training must focus on the development and upgrading of skills of such categorical types of workshop and facility personnel as vocational instructors, production supervisors and resident supervisors. The training must develop and upgrade the skills of such direct service delivery personnel to use new and innovative methods and techniques in the vocational training of physically and mentally disabled individuals and their placement into competitive employment. The training must increase the skills of those trained to provide transitional employment and supported employment services to disabled individuals.

Invitation to comment

Interested persons are invited to submit comments and recommendations regarding the proposed priority. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 30th day after publication of this document will be considered before the Secretary issues the final priority. All comments submitted in response to the proposed priority will be available for public inspection, during and after the comment period, in Room 3324, Mary E. Switzer Building, 330 C Street, SW, Washington, DC between the hours of 8:30 a.m. and 4:00 p.m. (local time), Monday through Friday of each week, except Federal holidays.

(29 U.S.C. 774)

(Catalog of Federal Domestic Assistance No. 84.129, Rehabilitation Training Program)

Dated: May 16, 1986.

William J. Bennett,

Secretary of Education.

FR Doc. 86–11457 Filed 5–19–86; 8:45 am]

BILLING CODE 4000–01–M

federal register

Tuesday
May 20, 1986

Part V

Department of Agriculture

Commodity Credit Corporation

7 CFR Part 1476

Special Disaster Payments for the 1983–1985 Crops of Rice, Upland Cotton, Feed Grains, and Wheat; Proposed Rule

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1476

Special Disaster Payments for the 1983–1985 Crops of Rice, Upland Cotton, Feed Grains, and Wheat

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations found at 7 CFR Part 1476 applicable to the Commodity Credit Corporation's ("CCC") established criteria with respect to special disaster payments which may be made available to eligible producers of the 1983 through 1985 crops of rice, upland cotton, feed grains, and wheat.

DATE: Comments must be received on or before May 27, 1986 in order to be assured of consideration.

ADDRESSES: Send comments on this proposed rule to Director, Emergency Operations and Livestock Programs Division, ASCS, Department of Agriculture P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this rule will be available for further inspection in Room 4095 South Building, USDA, between the hours of 8:15 AM and 4:45 PM, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Telephone (202) 447–5621.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 1476) have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Chapter 35.

This proposed rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Executive Order 12291 by Departmental Regulation No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this proposed rule applies are: Title—Commodity Loans and Purchases; Number 10.051; as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

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

Background

On August 15, 1985, the United States Court of Appeals for the Eighth Circuit issued an opinion in *The State of Iowa, et al.* v. *John R. Block, Secretary of Agriculture, et al.*, 771 F.2d 347, (8th Cir. 1985) which directed the Secretary of Agriculture to take certain actions with respect to discretionary disaster payments authorized to be made to producers participating in Commodity Credit Corporation ("CCC") price support and production adjustment programs. The case was remanded to the United District Court for the Southern District of Iowa and, on January 27, 1986, the District Court issued an order and judgment remanding " . . . this matter to the Secretary of Agriculture to promulgate and implement regulations consistent with the intent of Congress in enacting the Special Disaster Payment Program ("SDPP"), 7 U.S.C. 1444d(b)(2)(1982)." This proposed rule would establish the criteria for determining when CCC would make such discretionary disaster payments to eligible producers participating in the CCC price support and production adjustment programs established for the 1983 through 1985 crops.

Proposed Rule

The statutory authorization for this proposed rule is found at sections 101(i)(3)(D), 103(g)(4)(D), 105B(b)(2)(D), and 107B(b)(2)(D) of the Agricultural Act of 1949, as amended (the "1949 Act") (7 U.S.C. 1444(i)(3)(D), 1444(g)(4)(D), 1444d(b)(2)(D), and 14445b–1(b)(2)(D)), for rice, upland cotton, feed grains, and wheat, respectively. These sections provide:

Notwithstanding the provisions of subparagraph (C) of this paragraph, the Secretary may make disaster payments to producers on a farm under this paragraph whenever the Secretary determines that—

(i) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, producers on a farm have suffered substantial losses of production either from being prevented from planting [rice, upland cotton, feed grain, or wheat,] or other nonconserving crop or from reduced yields, and that such losses have created an economic emergency for the producers;

(ii) Federal crop insurance indemnity payments and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency, or no crop insurance covered the loss because of transitional problems attendant to the Federal crop insurance program; and

(iii) additional assistance must be made available to such producers to alleviate the economic emergency.

The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to individual farms so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

The proposed rule provides that these payments would be made only to producers who are in a county in which a natural disaster or other similar condition has created an economic emergency and such producers have also incurred an economic emergency as the result of the natural disaster or similar occurrence. Section 1476.120(b) of the proposed rule sets forth definitions applicable to these discretionary disaster payments. A "natural disaster or other condition beyond the control of the producers" ("natural disaster") would be defined as an adverse weather condition or other similar occurrence which results in at least a 60 percent reduction in the yield of the applicable program crop on the farm and throughout a county, as applicable. An "economic emergency" would be defined as a loss of 60 percent or more of the value of all crop production, including hay and pasture on a farm and throughout a county, as applicable. "Insufficient assistance to alleviate the economic emergency"

would be defined as a situation in which an economic loss of 60 percent or more exists after taking into consideration the value of agricultural commodities produced and Federal assistance made available to producers on a farm and to producers throughout a county, as applicable.

Section 1476.123 of the proposed rule provides that an economic emergency would be determined to exist on a farm and in a county, as applicable, when a natural disaster has created an economic loss of 60 percent or more. By providing that such discretionary disaster payments would be made only after the occurrence of an economic emergency, a determination of economic necessity would not be subject solely to noneconomic events. For example, reductions in program crop yields due to seasonal fluctuations in productivity of 20 to 30 percent or more are not uncommon. Accordingly, the proposed rule provides for making a determination with respect to the availability of these payments by considering the crop yields produced in a county and on individual farms as well as the prices received for these crops and all forms of Federal assistance made available as the result of the natural disaster.

Section 1476.123 of the proposed rule also sets forth the criteria to be used to determine whether an economic emergency exists on a farm and in a county as the result of a natural disaster. Such a determination would be based upon a determination of the agricultural economic base of the farm and county in a normal year as compared to the year in which the natural disaster occurred. Accordingly, a normal year's and disaster year's yields, crop acreages, and price data for agricultural commodities would be determined by ASCS based upon, to the extent practicable, data furnished by the Statistical Reporting Service ("SRS"), USDA. However, if available, a disaster year's yield and prices would be the actual yield of the farm and the higher of the actual prices received by the producer or the average price received by producers in the county. A situation in which insufficient assistance to alleviate an economic emergency would be determined to exist in the county if the disaster year's "gross income" (crop yields times prices of the agricultural commodities produced in the county, plus Federal assistance made available in the county) is 40 percent or less than a normal year's "gross income" (crop yields times prices of agricultural commodities produced in the county). Section 1471.120 of the proposed rule provides that all forms of Federal assistance made available to producers shall be considered in making determinations of economic emergencies in a county or on a farm.

The unlimited availability of discretionary disaster payments would severely jeopardize the Federal Crop Insurance Corporation ("CCC") insurance program since producers would not have an incentive to purchase such insurance if "free crop insurance" in the form of discretionary disaster payments is available. Such a result would affect adversely the actuarial soundness of the FCIC insurance program. Accordingly, in order to assure the viability of an actuarially sound FCIC crop insurance program, while providing adequate assistance to producers who have been subjected to natural disasters which have created an economic situation for which FCIC insurance and other forms of Federal assistance are insufficient, § 1476.124 of the proposed rule provides that producers must have crop insurance on at least a portion of the affected program crop acreage if crop insurance is available to the producer. Similarly, § 1476.123 includes the availability of crop insurance as one of the criteria used to determine if an economic emergency exists.

Section 1471.122 of the proposed rule provides that with respect to the determination of the availability of the crop insurance CCC shall consider insurance offered at the highest indemnity for which Federal subsidation of insurance policy premiums exist. Thus, to the benefit of the producer, any insurance indemnities in excess of this amount will not be included in the determination of an economic loss which may have been incurred by a producer.

The respective provisions of the 1949 Act provide that these discretionary disaster payments be made in a manner "so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved." In order to assure the equitable allotment of these discretionary disaster payments among eligible producers, it is proposed that such producers must be in a county which the Secretary has determined has suffered an economic emergency as the result of a natural disaster. As noted by the Court of Appeals, the legislative history of these payments also speaks in terms of " . . . the *area* affected by the disaster . . . " (emphasis supplied) *See* S.Rep. No. 126, 97th Cong., 1st Sess. 78, *reprinted in* 1981 Code Long. Ad. News 1965, 2042–43.

The determination that discretionary disaster payments would be made only in a county in which an economic emergency as the result of a natural disaster has occurred also is consistent with the historical administration of virtually all CCC price support and production adjustment programs. These CCC programs are administered at the local level by producer-elected members of a county Agricultural Stabilization and Conservation ("ASC") committee which are established in accordance with the Soil Conservation and Domestic Allotment Act, as amended. In addition, CCC emergency haying and grazing and emergency feed and livestock programs are established on the occurrence of a natural disaster in a county.

Similarly, FCIC insurance rates and indemnity levels also are based upon the historical production of a commodity in a county. Further, Farmers Home Administration ("FmHA") emergency and disaster loans are made available to producers based upon the financial condition existing in a county as well as on a farm. Since CCC, FCIC, and FmHA are the primary agencies which provide assistance to producers, it is proposed that these discretionary disaster payments also be administered on a county basis in a manner similar to current practices.

These discretionary disaster payments are a benefit, such as deficiency, diversion and mandatory disaster payments and nonrecourse price support loans, which CCC makes available to producers who are otherwise eligible to receive benefits as a result of participation in the respective CCC price support and production adjustment programs. Section 1476.124 of the proposed rule provides that a producer in a county which has met the economic emergency requirements would be eligible to apply for these discretionary disaster payments if the producer was participating in, and in compliance with, the commodity price support and production adjustment programs set forth at 7 CFR Parts 713 and 770 which were in effect for the applicable crop years 1983–1985.

Section 1476.125 provides that if an eligible producer has experienced an economic emergency, discretionary disaster payments would be made to the producer. Section 1476.126 would provide that the payment rate for these discretionary disaster payments would be based upon the same rate established for mandatory prevented planting and reduced yield disaster payments.

Accordingly, Part 1476 of Title 7 of the Code of Federal Regulations is amended by adding a new subpart as follows:

PART 1476—[AMENDED]

Subpart—Special Disaster Payments for the 1983 Crops of Rice, Upland Cotton, Feed Grains, and Wheat

Sec.

Authority: Secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070, 1072, as amended (15 U.S.C. 714b and 714c); Sec 101, 103, 105B, and 107B of the Agricultural Act of 1949, as amended, 63 Stat. 1051, as amended, 95 Stat. 1234, as amended, 1242 as amended (7 U.S.C. 1441, 1444, 1444d, and 1445b–1).

§ 1476.120 Special disaster payments.

(a) If special disaster payments are available to producers participating in the 1983 through 1985 price support and production adjustment programs authorized by this title, in accordance with Part 795 of this title, the total amount of disaster payments which a person shall be entitled to receive annually under the rice, upland cotton, corn, grain sorghum, oats, barley, and wheat programs shall not exceed $100,000.

(b) For purposes of §§ 1476.120–1476.127:

(1) "Economic emergency" means a loss of 60 percent or more of the value of all crop producton, including hay and pasture, of producers on the farm and in the county, respectively;

(2) "Insufficient assistance to alleviate the economic emergency" means an economic loss of 60 percent or more on the farm and in the county, respectively, after taking into consideration:

(i) The value of agricultural commodities produced on the farm and in the county, respectively, during the applicable crop year; and

(ii) Any Federal assistance provided to producers on the farm and in the county, respectively, including, but not limited to, the value of any Federal crop insurance indemnity coverage available to producers in the county, land diversion payments, deficiency payments, and noncash payments including in kind compensation; and

(3) "Natural disaster or other conditions beyond the control of the producers" means an occurence which results in a yield reduction of at least 60 percent as the result of adverse weather or other similar condition.

(c) References to the Administrator and the Secretary include such individual and any individual who has been delegated the authority to perform the duties of the Administrator and Secretary in implementing the provisions of this subpart.

§ 1476.121 Availability of special disaster payments in a county.

(a) Disaster payments may be made to producers on a farm when the Administrator determines that:

(1) As the result of drought, flood, or other natural disaster, or other conditions beyond the control of the producers in a county, such producers have suffered substantial losses of production for the crop year:

(i) Because the producers were prevented from planting applicable program crops or other nonconserving crops; or

(ii) Due to reduced program crop yields.

(2) Such losses have created an economic emergency in the county;

(3) Federal crop insurance indemnity payments and other forms of assistance made available by the Federal Government to producers in the county for such losses provided insufficient assistance to alleviate the economic emergency; and

(4) In accordance with paragraph (b) of this section, additional assistance must be made available to such producers to alleviate the economic emergency in the county.

(b) Producers in a county shall be eligible for payments made in accordance with §§ 1476.124–1476.126 if:

(1) A natural disaster or other condition beyond the control of the producers in the county has substantially and adversely affected producers in the county;

(2) A written request from the State Governor for a special disaster designation has been received by the Secretary within 90 days of the last day of the occurrence of the natural disaster; and

(3) The Administrator determines that unusual and adverse weather conditions or other causes beyond the control of producers, excluding flooding within flood plains or in flowage easement areas, have resulted in substantial crop production losses resulting in an economic emergency.

§ 1476.122 Designation by the Secretary of Agriculture.

(a) The Secretary of Agriculture may designate a county as a county eligible to receive special disaster payments when the requirements of § 1476.121 are met.

(b) Upon receipt of the Governor's request made in accordance with § 1476.121(b)(2), the Governor's request shall be acknowledged, and if any delay is anticipated in processing the request, the acknowledgment shall state the reasons for such delay and when action will be taken.

(c) The State Executive Director, ASCS, in the role of the Food and Agriculture Council ("FAC") Vice Chairperson, Emergency Programs will immediately:

(1) Notify the FAC to prepare a Damage Assessment Report ("DAR") in accordance with the Emergency Operations Handbook ("EOH") for the requested county; and

(2) Review each DAR and forward such DAR to the Deputy Administrator with a transmittal memorandum containing views, comments, and recommendations concerning the need or lack of need for special disaster payments to be made available.

(d) The local FAC Chairperson of an affected county shall forward DAR's to the FAC, Vice Chairperson, Emergency Programs. The DAR's shall be completed in accordance with instructions issued by the Deputy Administrator.

(e) Reports submitted in accordance with this section and any other evidence determined by the Administrator to be relevant shall be used to determine whether the requirements of § 1476.123 have been met. Such a determination shall take into consideration, but not be limited to, the value of all crops, including hay and pasture, in the affected county, the value of crop insurance available in the county (determined by multiplying the greater of (1) the acreage planted for harvest, or if a production adjustment program is in effect for the commodity, (2) the total permitted acreage for the commodity for the county, by the highest indemnity available for each commodity in the county at the 65 percent coverage level made available in accordance with section 508(b) of the Federal Crop Insurance Act), and other Federal assistance available in the county.

(f) The Manager of the Federal Crop Insurance Corporation shall determine whether crop insurance offered under the Federal Crop Insurance Act is available to producers in the affected county and whether the coverage afforded by the insurance which is

available is adequate to indemnify the producers in such county for the damage incurred as a result of the disaster.

(g) The Administrator will review DAR's, all other pertinent data, the State Executive Director's recommendations, and the determinations made in accordance with paragraph (f) of this section. Based upon this data, a determination of whether an economic emergency exists shall be made in accordance with § 1476.123.

§ 1476.123 Determination of economic emergency.

(a) In determining whether an economic emergency exists in a county, the total value of all crops, including hay and pasture, grown in the county shall be taken into consideration. The total value of such crops shall be determined by converting yield losses into dollar losses in the manner specified in this section. In making such a determination, the following criteria shall be used:

(1) The value of crops produced in the county during normal years shall be determined by multiplying a normal year's yield for each commodity by a normal year's price for each such commodity.

(2) The normal year's yield for each commodity shall be the average yield in the county for such commodity based upon each of the 5 years immediately preceding the year in which the disaster occurred.

(3) The normal year's price for each commodity shall be the average of the market prices for each such commodity based upon the 3 years immediately preceding the year in which the disaster occurred.

(4) Yields, crop acreage, and price data used to establish the normal year's production shall be determined by the Administrator and, to the extent practicable, shall be obtained from the Statistical Reporting Service ("SRS"), USDA.

(5) Yields, crop acreages, and price data used to establish the disaster year's production shall be determined by the Administrator and may be obtained from the DAR's submitted in accordance with § 1476.122 or, if available, the actual production data for such year as determined by SRS except as otherwise provided in §§ 1476.120–1476.126.

(b) (1) The gross income for each commodity for the year in which the disaster occurred shall be determined by multiplying the total acres of the crop of each commodity planted in the county in the disaster year by the price of the commodity by the disaster year's yield for the crop. The gross income for the county will be the total of the individual commodity computations.

(2) The gross income for each commodity for the normal year shall be determined by multiplying the total acres planted and intended to be planted in the county in the disaster year by the price of the commodity by the normal year's yield for the crop. The gross income for the county will be the total of the individual commodity computations.

(3) A gross income gain will exclude the county from consideration. The gross income loss experienced in the county in the disaster year shall be determined by subtracting the disaster year's gross income from the normal year's gross income.

(4) The gross income loss determined in accordance with paragraph (b)(3) of this section shall be adjusted by the following:

(i) The total value of the Federal crop insurance available in the county (determined by multiplying the greater of (A) the acreage planted for harvest or, if a production adjustment program is in effect for the commodity, (B) the total permitted acreage for the commodity for the county, by the highest indemnity available for the commodity in the county at the 65 percent coverage level made available in accordance with section 508(b) of the Federal Crop Insurance Act). The total FCIC adjustment will be the total for all commodities for which crop insurance is available in the county;

(ii) The value of all noncash payments, including in kind compensation, provided in the county;

(iii) The total value of Farmers Home Administration loans made available for the same disaster losses of crop production;

(iv) The value of any special emergency haying or grazing of acreage diverted to the acreage conservation reserve under the commodity production adjustment programs, or acreage subject to a contract under the Water Bank Program;

(v) The value of any emergency livestock feed made available in the county;

(vi) The value of any land diversion payments and deficiency payments made with respect to the crop; and

(vii) The value of any other forms of assistance made available by the Federal Government to such producers in a county for the same disaster losses of crop production.

(c) To determine whether a sufficient percentage of loss exists to constitute insufficient assistance to alleviate the economic emergency in the county, as defined in § 1476.120 to make a county eligible for special disaster payments, the adjusted gross income loss shall be divided by the normal year's gross income.

§ 1476.124 Producer eligibility.

(a) If the Secretary determines that the county has met the conditions set forth in §§ 1476.122 and 1476.123, the county committee may be authorized to make payments available to only those producers on a farm for which the operator of the farm:

(1) Submits a Form ASCS–574, Application for Disaster Credit, in the case of a reduced yield application or a Form ASCS–574–1, Prevented Planting Claim, in the case of a prevented planting application, in accordance with instructions issued by the Deputy Administrator;

(2) Submits a report in accordance with the provisions in § 1476.125;

(3) Meets the economic emergency requirements in § 1476.125; and

(4) Applies for payment on a form prescribed by the Deputy Administrator.

(b) Special disaster payments are authorized to be made to producers of wheat, corn, grain sorghum, oats, barley, upland cotton, and rice only if:

(1) For a crop of a commodity for which a production adjustment program has been established, such producer is in compliance with the regulations set forth as parts 713 and 770 of this title.

(2) The producer had a Federal Crop Insurance policy in effect on at least a part of the affected program crop acreage if such insurance is available for purchase by producers in the county; and

(3) The operator of the farm has complied with the requirements in paragraph (a) of this section; and

(4) The producer submits a report of any indemnity payments received for crops produced on the farm, and any other assistance made available by the Federal Government to such producers for such losses.

(c) In addition to the requirements of paragraph (b) of this section, the county committee must also determine that the operator and other producers were prevented from planting an eligible commodity or other nonconserving crop, or that the production of an eligible commodity on an acreage resulted in a reduced yield of such commodity, because of a drought, flood, other natural disaster or other condition beyond the control of the producers.

§ 1476.125 Determination of economic emergency for a producer.

(a) In determining whether a producer has suffered a loss which constitutes an

economic emergency, the total value of all crops produced on the farm, including hay and pasture, will be taken into consideration. The total value of such crops shall be determined by converting yield losses into dollar losses in accordance with this section.

(b)(1) The value of crops produced on the farm during normal years shall be determined by multiplying a normal year's yield for each commodity by a normal year's price for each such commodity.

(i) The normal year's yield for each commodity shall be the farm program payment yield established for program crops and, with respect to other crops, the yield established by the county committee in accordance with instructions issued by the Deputy Administrator taking into consideration actual production on the farm in the five years immediately preceding the disaster year and the average yields of such crops in the county for such years.

(ii) The normal year's price for each commodity shall be the average of the market prices for each such commodity based upon the 3 years immediately preceding the year in which the disaster occurred.

(2) The value of production from any acreage for the disaster year shall be determined as follows:

(i) The production from acreage which is not harvested shall be appraised in accordance with instructions issued by the Deputy Administrator and shall be added to the actual production.

(ii) The production from acreage which is harvested shall be the actual production of the farm. The farm program payment yield established in accordance with § 713.6 of this title shall be used with respect to any acreage for which production cannot be determined. If the county committee determines that the acreage of a farm was affected by a natural disaster, the farm yield with respect to such acreage shall be the larger of 60 percent (75 percent for upland cotton and rice) of the farm program payment yield established in accordance with § 713.6 or the actual yield from the harvested acreage of the crop.

(iii) Producers shall report the production and disposition of all crops produced on the farm, including hay and pasture, in accordance with instructions issued by the Deputy Administrator.

(A) If there has been a disposition of crop production through commercial channels, the producer must furnish documentary evidence of such disposition in order to verify the information provided on the report. Acceptable evidence shall include such items as the original or copy of commercial receipts, gin records, CCC loan documents, settlement sheets, warehouse ledger sheets, elevator receipts or load summaries.

(B) If there has been disposition of crop production other than through commercial channels, the producer must furnish such documentary evidence as the county committee determines to be necessary in order to verify the information provided on the report. If the producer utilized any of the crops produced on the farm as feed, the producer must provide the number and type of livestock fed, the duration of the feeding period, the type of feed, and other documentation to substantiate the production on the farm in the disaster year.

(iv) Prices of commodities used to establish the disaster year's production will be the higher of the price the producer actually received for the crop or the average of the prices received by producers in the county as determined in accordance with instructions issued by the Deputy Administrator.

(3) (i) The gross income for each commodity for the year in which the disaster occurred shall be determined by multiplying the total acres of each commodity planted or intended to be planted which were affected by the disaster by the price of the commodity for the disaster year by the disaster year's yield for each crop. The gross income for the farm will be the total of the individual commodity components.

(ii) The gross income for each commodity in the normal year shall be determined by multiplying the total acres planted and intended to be planted in the county in the disaster year by the price of the commodity by the normal year's yield for the commodity. The gross income for the farm will be the total of the individual commodity components.

(iii) A gross income gain will exclude the producer from consideration. The gross income loss experienced by the producers on the farm shall be determined by subtracting the disaster year gross income from the normal year's gross income.

(iv) The gross income loss determined in accordance with paragraph (a)(3)(iii) of this section shall be adjusted to the following:

(A) The total value of the Federal crop insurance available for the farm (determined by multiplying the greater of (i) the acreage planted for harvest or, if a production adjustment program is in effect for the commodity, (ii) the total permitted acreage for the commodity on the farm, by the highest indemnity available for the commodity in the county at the 65 percent coverage level made available in accordance with section 508(b) of the Federal Crop Insurance Act). The total FCIC adjustment will be the total for all commodities for which crop insurance is available on the farm whether or not the producer elected to purchase such crop;

(B) The value of all noncash payments, including in kind payments, received by such producer;

(C) The total value of Farmers Home Administration loans made available for the same disaster losses of crop production;

(D) The value of any special emergency haying or grazing of acreage diverted to the Acreage Conservation Reserve under the commodity production adjustment programs, or acreage subject to a contract under the Water Bank Program;

(E) The value of emergency livestock feed made available to such producers;

(F) The value of any land diversion payments and deficiency payments made with respect to the crop; and

(G) The value of any other forms of assistance made available by the Federal Government to the producer for the same disaster losses of crop production.

§ 1476.126 Special disaster payments to producers.

(a) *Applicability.* Special disaster payments may be made to eligible producers as soon as practicable after the extent of the crop loss is determined and payment is approved. Special disaster payments shall not exceed the amount necessary to alleviate the economic emergency of the producer on the farm, as defined in § 1476.120.

(b) *Prevented planting.* Producers who were prevented from planting a program crop shall receive special disaster payments in accordance with this section.

(1) *Payment rate.* The prevented payment rate is one-third of the established (target) price as provided for in § 713.105.

(2) *Acreage Eligible for Payment.* Acreage in flood plans or flowage easement areas is ineligible acreage for special disaster payment purposes. The acreage eligible for payment shall equal the smaller of the following:

(i) The acreage of the crop intended for harvest, but which could not be planted to the crop or other nonconserving crops because of a drought, flood or other natural disaster or other condition beyond the producer's control;

(ii) The result obtained by subtracting the acreage of the crop planted in the current year from the acreage of the

crop that was planted or prevented from being planted in the previous year;

(iii) For crops for which an acreage reduction or set-aside requirement is in effect or on farms participating in a land diversion or wheat grazing and hay program, the amount by which the permitted acreage of the crop for the current year exceeds the acreage of the crop planted in the current year; or

(iv) The acreage for which crop insurance under the Federal Crop Insurance Act is not available.

(3) *Payment Computation.* Prevented planting payments for each crop shall be the result of multiplying the acreage eligible for payment times 75 percent of the farm program payment yield as determined in accordance with § 713.6 by the prevented planting payment rate.

(c) *Reduced Yield.* Producers on farms on which the yield of the program crop planted for harvest is reduced shall receive payments in accordance with this paragraph.

(1) *Payment rate.* The reduced yield payment rate is one-third of the established (target) price for upland cotton and rice and one-half of the established (target) price for barley, corn, grain sorghum, oats, and wheat as provided for in § 713.106.

(2) *Payment Computation.* Reduced yield payments shall be determined for each crop by multiplying the reduced yield payment rate times the smaller of the result of the following computations:

(i) The result determined by multiplying the acreage of the crop on the farm by 60 percent (75 percent for upland cotton and rice) of the farm yield as provided in § 713.6, and subtracting the determined production for the farm therefrom; or

(ii) The result determined by multiplying the acreage of the crop on the farm for which crop insurance under the Federal Crop Insurance Act was not available by 60 percent (75 percent for upland cotton and rice) of the farm yield as provided in § 713.6, and subtracting the determined production for the eligible acreage therefrom.

§ 1476.127 OMB Control Numbers Assigned Pursuant to the Paperwork Reduction Act.

The information collection requirements contained in these regulations (7 CFR Part 1476) have been approved by the office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35.

Signed at Washington, DC, on May 16, 1986.

Milton J. Hertz,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 86-11469 Filed 5-16-86; 5:14 pm]

BILLING CODE 3410-05-M

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S. 1818 / Pub. L. 99–303

To amend section 1153 of title 18, United States Code, to make felonious sexual molestation of a minor an offense within Indian country. (May 15, 1986; 100 Stat. 438; 1 page) Price: $1.00

S.J. Res. 289 / Pub. L. 99–304

To designate 1988 as the "Year of New Sweden" and to recognize the New Sweden 1988 American Committee. (May 15, 1986; 100 Stat. 439; 2 pages) Price: $1.00

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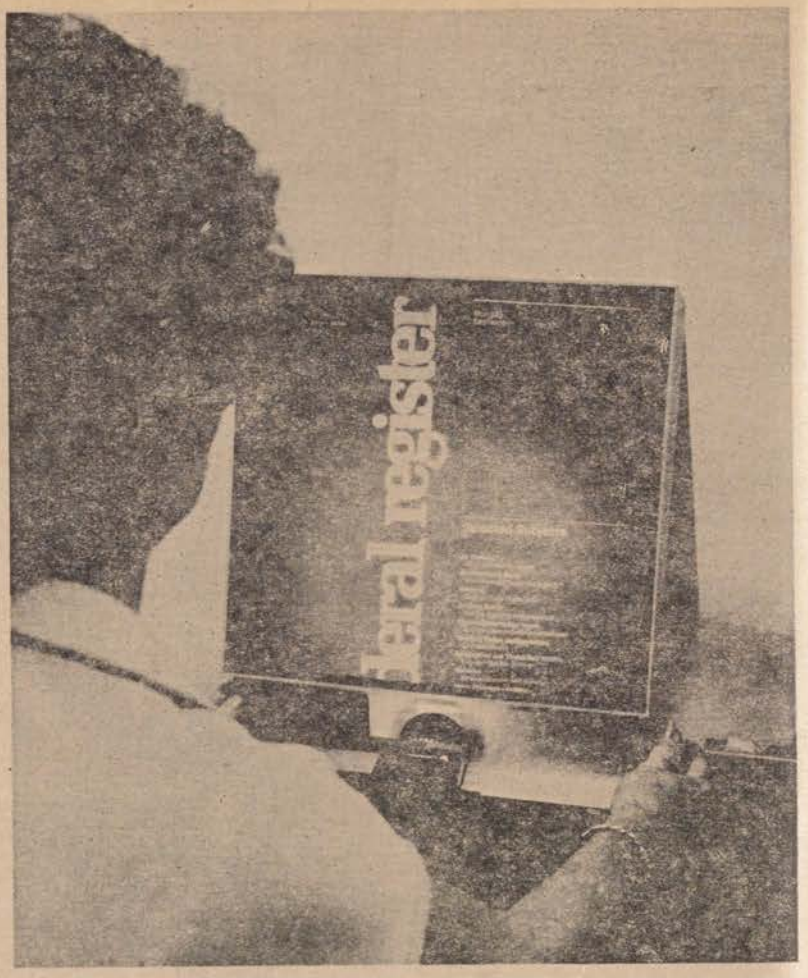

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Charge orders may be telephoned to GPO order desk at (202)783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

24x MICROFICHE FORMAT:

_____ **Federal Register:** ___ One year as issued: $145 domestic; $181.25 foreign ___ Six months: $72.50 domestic; $90.65 foreign

_____ **Code of Federal Regulations:** ___ Current year: $185 domestic; $231.25 foreign ___ Previous year's full set (single shipment): $125 domestic; $156.25 foreign

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

For Office Use Only

Quantity	Charges
_____ Publications	
_____ Subscriptions	
Special Shipping Charges	
International Handling	
Special Charges	
OPNR	
_____ UPNS	
_____ Balance Due	
_____ Discount	
_____ Refund	

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(Rev. 7.22.85)