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Wednesday
July 2, 1986

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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: July 11; at 9 am.

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

RESERVATIONS: Abram Primus 202-523-3419
Ina Masters 202-523-3419

SEATTLE, WA

WHEN: July 22; at 1:30 pm.

WHERE: North Auditorium, Fourth Floor, Federal Building, 915 2nd Avenue, Seattle, WA.

RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:
Seattle 206-442-0570
Tacoma 206-383-5230
Portland 503-221-2222

SAN FRANCISCO, CA

WHEN: July 24; at 1:30 pm.

WHERE: Room 2007, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

RESERVATIONS: Call the San Francisco Federal Information Center, 415-556-6600

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 950

Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations

Correction

In FR Doc. 86-7329 beginning on page 11668 in the issue of Friday, April 4, 1986, make the following corrections:

§ 950.303 [Corrected]

1. On page 11677, first column, in § 950.303(b)(1)(iii), first line, insert "the" before "laws". In the third column, in § 950.303(b)(3)(ii), fifth line, insert "therein" after "substituted". In the same column, in § 950.303 (b)(4) introductory text, second line from the bottom, remove "(A), (B), and (C)".

§ 950.305 [Corrected]

2. On page 11679, second column, in § 950.305(b), thirteenth line, "CFR" should have read "CFC".

3. On page 11680, first column, in § 950.305, Appendix A, the following should have been the fourth line under "Supporting Services:":

Total expenses ———

§ 950.401 [Corrected]

4. On page 11680, second column, in § 950.401(b), ninth line, insert "be" after "shall".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 86-046]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Nevada from Class B to Class A. This rule is necessary because it has been determined that this State meets the standards for Class A status. The rule relieves certain restrictions on the interstate movement of cattle from the State of Nevada.

EFFECTIVE DATE: July 2, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. H.E. Metcalf, Program Planning Staff, VS, APHIS, USDA, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Background

A document published in the **Federal Register** on February 13, 1986 (51 FR 5309-3111), amended the brucellosis regulations in 9 CFR Part 78 by changing the classification of the State of Nevada from Class B to Class A. The amendment, which was made effective February 13, 1986, relieves certain restrictions on the interstate movement of cattle from Nevada.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of February 13, 1986, still provides a basis for the amendment.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any 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.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the State of Nevada reduces certain requirements on the interstate movement of these cattle. Cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the change in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, the interim rule amending 9 CFR Part 78 which was published at 51 FR 5309-5311 on February 12, 1986, is adopted as a final rule without change.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, DC., this 27th day of June 1986.

A.E. Hall,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-14964 Filed 7-1-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-ASW-30; Amdt. 39-5332]

Airworthiness Directives; Sikorsky Model S-76A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires frequent repetitive inspections of the vertical pylon on Sikorsky Model S-76A helicopters beginning at 2,400 hours' time in service except for those helicopters which have been modified to strengthen the vertical pylon. This amendment is needed to require more frequent repetitive inspections of the vertical pylon for additional helicopters and for the helicopters with a modified vertical pylon. It is prompted by cracking of the pylon forward spar which has been found in the modified vertical pylons.

DATE: Effective—July 10, 1986.

Compliance schedule—As prescribed in the body of AD.

ADDRESSES: The applicable maintenance manuals and overhaul and repair instructions may be obtained from:

Sikorsky Aircraft Division, United Technologies Corporation, North Main Street, Stratford, Connecticut 06601.

A copy of the pertinent section of the maintenance manuals and overhaul and repair instructions is contained in the Rules Docket, Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Richard B. Noll, Airframe Section, ANE-152, Boston Aircraft Certification Office, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7111.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-4711 (46 FR 39052), AD 83-17-07 which requires a repetitive inspection for cracks in the vertical pylon front spar caps and web on Sikorsky Model S-76A helicopters that have attained 2,400 hours' time in service. The AD was initially amendment by Amendment 39-5017 (50 FR 15099), which excluded from the repetitive inspections those helicopters modified in accordance with Sikorsky Customer Service Notice No. 76-141B, vertical stabilizer forward and aft spar reinforcement kits. Since issuing that Amendment, the FAA has determined that cracks in the forward spar cap have also occurred in modified vertical pylons, and that crack initiation time, based on service history, is less than that originally determined for the AD. Therefore, the FAA is further amending the AD by requiring repetitive inspections, at 50-hour intervals, of the vertical pylon front spar caps and web, whether modified or not, after attaining 100 hours' total time in service on all Sikorsky Model S-76A helicopters. The inspection interval of 50 hours is also consistent with Sikorsky Maintenance Manual SA 4047-76-2, section 5-20-00, Item 7B, dated September 30, 1985. An additional 42 S-76A helicopters are also affected by revising the applicability statement.

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

Conclusion: The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA amends § 39.13 of Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation continues to read as follows:

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

2. By amending Amendment 39-4711 (46 FR 39052), AD 83-17-07, as amended by Amendment 39-5017 (50 FR 15099), as follows:

(A) In the applicability paragraph, first sentence, change "760001, through 760263," to "760001 through 760309, except 760262, 760269, 760299, 760303"; replace period after "doubler" with a comma; and add "and, with or without repair per Sikorsky Overhaul and Repair Instructions (O & RI) 76200-014B or Reinforcement Kit 76070-20070 per Sikorsky Customer Service Notice No. 76-141 or Revision A or Revision B."

(B) In paragraph (a), replace "2400" with "100" and change "hours' " to "hours" in four places.

(C) In paragraph (b), replace "2400 hours' " with "100 hours" in two places.

(D) In paragraph (c) after "web doubler", add "and in repairs and reinforcements."

(E) In paragraph (c)(3), delete comma between "spar" and "web."

(F) Replace paragraph (c)(5) with: "(5) If cracks are found in the spar web or spar web doubler, or in their repair or reinforcement parts, accomplish the following:"

(G) In paragraph (c)(5)(i), insert "if not previously repaired or reinforced," between "or" and "incorporate."

(H) Replace paragraph (c)(7) with: "(7) If either no cracks are found, or paragraphs (c)(5) and (c)(6) are completed, reinstall tail rotor drive shaft fairings."

(I) Remove paragraph (f).

This amendment becomes effective on July 10, 1986.

This amendment amends Amendment 39-4711 (46 FR 39052), AD 83-17-07, as amended by Amendment 39-5017 (50 FR 15099).

Issued in Fort Worth, Texas, on June 6, 1986.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 86-14867 Filed 7-1-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-NM-108-AD; Amdt. 39-5351]

Airworthiness Directives: British Aerospace Model BAe 125-800A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) that

requires incorporation of a modification to the Electronic Flight Instrument System (EFIS) power supply on certain British Aerospace Model BAe 125–800A series airplanes. This action is prompted by a report of overheating in the EFIS power supply. This condition, if not corrected, can lead to loss of electrical power to the EFIS, which can result in loss of certain critical flight instruments.

DATES: Effective August 8, 1986.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, DC 20041. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires a modification to the EFIS power supply on certain BAe 125–800A series airplanes to prevent overheating, was published in the **Federal Register** on December 26, 1985 (50 FR 52793).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received.

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

The following table lists the number of U.S. registered airplanes that will be affected by this AD and it gives an estimate of the manhours per airplane that it will take to accomplish each of the actions. "Case (a)" airplanes are those requiring replacement of the existing heat-sink with a new subassembly, which will provide better heat dissipation for certain airplanes. "Case (b)" airplanes are those requiring replacement of the existing heat-sink subassembly and certain associated power supply cabling.

Case	No. of airplanes	Manhours/ airplane
(a)	2	6
(b)	12	1

Based on an average labor cost of $40 per manhour and the table above, the total cost impact of this AD to U.S. operators is estimated to be $960.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance (average of $70 per airplane). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—AMENDED

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

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

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

2. By adding the following new airworthiness directive:

British Aerospace: Applies to Model BAe 125–800A series airplanes with manufacturer serial numbers listed in British Aerospace 125 Service Bulletin 24–248–(3024), dated March 8, 1985, certificated in any category. To prevent complete loss of power to the Electronic Flight Instrument System (EFIS), accomplish the following within the next 60 days after the effective date of this AD, unless previously accomplished:

A. Perform the following actions as applicable:

1. For airplanes with manufacturer serial numbers 258003 and 258010, and for airplanes which have utilized power supplies HN1/HP1, the existing heat-sink must be replaced with a new sub-assembly, as described in Part A of the accomplishment instructions of British Aerospace Service Bulletin 24–248–(3024), dated March 8, 1985; or

2. If power supplies HN1/HP1 have not been utilized, the existing heat-sink assembly and associated power supply cabling from ground supply contactor "E" on panel GA must be replaced in accordance with Part B of the accomplishment instructions of British Aerospace Service Bulletin 24–248–(3024), dated March 8, 1985.

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

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

All persons affected by this directive, who have not already received the appropriate service document from the manufacturer, may obtain copies upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington DC 20041. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective August 8, 1986.

Issued in Seattle, Washington, on June 25, 1986.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 86–14866 Filed 7–1–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 373

[Docket No. 60606–6106]

Information Collection Control Numbers

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule; notice of OMB approval.

SUMMARY: The Export Administration Regulations (EAR) contain provisions relating to the export of donations of goods to meet basic human needs. The interim rule containing these provisions was published in the **Federal Register** on March 12, 1986 (51 FR 8482). This document adds the Office of Management and Budget (OMB) control number 0625–0167 to the information collection requirements of the rule.

DATE: The regulation became effective on May 12, 1986.

FOR FURTHER INFORMATION CONTACT: John Black or Patricia Muldonian, Export Administration, Department of Commerce, Washington, DC 20230, Telephone (202) 377–2440.

SUPPLEMENTARY INFORMATION: OMB control number 0625–0167.

As required by the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., Export Administration submitted this regulation on reporting of certain information. The information required under this regulation is necessary to monitor the shipment and distribution of donations to meet basic human needs to embargoed destinations. As stated in the rule, the approval of this reporting requirement was pending with OMB. On April 8, 1986, OMB approved this collection of information and assigned control number 0625–0167.

List of Subjects in 15 CFR Part 373

Exports, Reporting and recordkeeping requirements.

Accordingly, Part 373 of the Export Administration Regulations (15 CFR 368–399) is amended as follows:

1. The authority for 15 CFR Part 373 continues to read as follows:

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

2. A sentence with OMB control number 0625–0167 is added to the end of § 373.5 to read as follows:

§ 373.5 Humanitarian license procedure.

* * * * *

(Approved by the Office of Management and Budget under control number 0625–0167)

Dated: June 27, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86–14868 Filed 7–1–86; 8:45 am]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Dkt. 9192]

Decorating Products Dealers Association of Greater New York, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Bayside, N.Y. local affiliate of a wallcovering industry trade association to cease any conduct having the effect of fixing prices, terms or conditions of sale of wallcoverings. Further, respondent is prohibited from: (1) Coercing any seller or supplier of wallcovering to use or not use any prices, terms or conditions of sale, distribution methods or policy of choosing customers, and (2) assisting any affiliate or member who use any of the prohibited practices.

DATE: Complaint issued April 29, 1985. Decision issued June 11, 1986.[1]

FOR FURTHER INFORMATION CONTACT: FTC/L–502, Edward F. Glynn, Jr., Washington, DC 20580. (202) 634–6608.

SUPPLEMENTARY INFORMATION: On Tuesday, March 25, 1986, there was published in the **Federal Register**, 51 FR 10229, a proposed consent agreement with analysis In the Matter of Decorating Products Dealers Association of Greater New York, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.370 Suppliers and sellers: § 13.367 Members. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; Subpart—Corrective Actions and/or Requirements: S 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records.

List of Subjects in 16 CFR Part 13

Trade practices, Wallcoverings.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 86–14871 Filed 7–1–86; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order are available for inspection at the Commission's Public Reference Branch, Room H–130, 6th St. & Pa. Ave., NW., Washington, DC 20580.

16 CFR Part 13

[Dkt. 9192]

National Decorating Products Association, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a St. Louis, Mo. wallcovering industry trade association and its New England regional affiliate based in Westport, Conn., to cease any conduct having the effect of fixing prices, terms or conditions of sale of wallcoverings. Further, respondents are prohibited from: (1) Coercing any seller or supplier of wallcovering to use or not use any prices, terms or conditions of sale, distribution methods or policy of choosing customers, and (2) assisting any affiliate or member who uses any of the prohibited practices.

DATE: Complaint issued April 29, 1985. Decision issued June 11, 1986.[1]

FOR FURTHER INFORMATION CONTACT: FTC/L–502, Edward Glynn, Jr., Washington, DC 20580. (202) 634–6608.

SUPPLEMENTARY INFORMATION: On Tuesday, March 25, 1986, there was published in the **Federal Register**, 51 FR 10231, a proposed consent agreement with analysis In the Matter of National Decorating Products Association, Inc., a corporation, and Eastern Decorating Products Association, an unincorporated association, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.370 Suppliers and sellers; § 13.367 Members. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395

[1] Copies of the Complaint and the Decision and Order are available for inspection at the Commission's Public Reference Branch, Room H–130, 6th St. & Pa. Ave., NW., Washington, DC 20580.

To control marketing practices and conditions; Subpart—Corrective Actions and/or Requirements; § 13.553 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records.

List of Subjects in 16 CFR Part 13

Trade practices, Wallcoverings.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 86-14870 Filed 7-1-86; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 305

Rules for Using Energy Costs and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Refrigerators, Refrigerator-Freezers and Freezers

AGENCY: Federal Trade Commission.

ACTION: Publication of ranges of comparability for refrigerators, refrigerator-freezers and freezers.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the **Federal Register** if the upper or lower limits of the range change by 15 percent or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of energy costs for refrigerators, refrigerator-freezers and freezers have not changed by as much as 15 percent since the last publication. Therefore, the ranges published on April 1, 1983, which were based on a representative average cost of 6.75 cents per kilowatt hour for electricity, remain in effect until new ranges are published.

EFFECTIVE DATE: July 2, 1986.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580, (202) 376-8934.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) [1] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifers; (12) central air conditioners; and (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the applicances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [2] covering seven of the thirteen appliance a categories: refrigerators and refrigerators-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces.

The rule requires that energy costs or related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From the information, the Commission complied and published [3] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.8(b) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type.[4] If an analysis of the new data indicates that the upper or lower limits of any of the rages have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new range or ranges. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for refrigerators, refrigerator-freezers and freezers have been received and analyzed and it has been determined that either the upper nor lower limits of the ranges for these product categories have changed by 15% or more since the last publication of the ranges on April 1, 1983.

In consideration of the foregoing, the present ranges for refrigerators, refrigerator-freezers and freezers, which are based on a representative average cost for electricity of 6.75 cents per kilowatt hour, will remain in effect for the next year.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619) (1978), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR. Doc. 86-14869 Filed 7-1-86; 8:45 am]

BILLING CODE 6750-01-M

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[1] Pub. L. 94-163, 89 Stat. 871, 42 U.S.C. 6201 (1975).

[2] 44 FR 66466, 16 CFR Part 305 (November 19, 1979).

[3] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

[4] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerators, refrigerators-freezers and freezers are due by August 1.

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodology

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is amending its regulations for the certification of nonimmigrant aliens for temporary employment in agriculture in the United States. The rule amends the methodology for setting agricultural adverse effect wage rates (AEWRs) for 1986 and years thereafter. AEWRs are minimum wage rates which DOL has determined must be offered and paid by employers proposing to employ nonimmigrant alien agricultural workers temporarily in the United States. The rule bases annual adjustments to the AEWR on movements in the U.S. Department of Agriculture (USDA) annual hourly farm wage rates for field and livestock workers. The hourly rates are derived from the USDA Quarterly Wage Survey. Similar rates were used to adjust AEWRs between 1968 and 1981.

EFFECTIVE DATE: August 1, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Bruening, Telephone: 202–376–6228.

SUPPLEMENTARY INFORMATION:

I. Introduction

On April 16, 1986, the Department of Labor (DOL) published in the **Federal Register**, at 51 FR 12872, a proposed rule to amend the temporary alien agricultural and logging labor certification regulations. The proposed rule provided for amending the methodology for setting agricultural adverse effect wage rates (AEWRs) for 1986 and years thereafter. AEWRs are minimum wage rates which DOL has determined must be offered and paid to U.S. and alien agricultural workers by employers proposing to employ nonimmigrant alien agricultural workers temporarily in the United States. Interested persons were requested to submit written comments, to be received on or before May 16, 1986. This document adopts the proposed rule as the final rule.

II. Temporary Alien Labor Certification Process and Adverse Effect Wage Rates

Whether to grant or deny an employer's petition to import a nonimmigrant alien to the United States for the purpose of temporary employment is solely the decision of the Attorney General and his designee, the Commissioner of the Immigration and Naturalization Service (INS). 8 U.S.C. 1101(a)(15)(H)(ii) and 1184(c); 8 CFR 2.1. Pursuant to the requirement in 8 U.S.C. 1184(c) that the Attorney General consult with appropriate agencies of the government concerning the importation of nonimmigrant (so-called "H–2") workers, INS has determined that prior to granting or denying such a petition, it first will request the Department of Labor (DOL) to advise INS on availability of qualified U.S. workers for the jobs offered to the H–2 aliens, and whether the wages and working conditions attached to such a job offer will adversely affect similarly employed U.S. workers.

Pursuant to the INS regulations, the Employment and Training Administration (ETA) has published regulations at 20 CFR Part 655, Subpart C, for the certification of temporary employment of nonimmigrant aliens in agriculture and logging in the United States. DOL has determined that similarly employed United States workers have been adversely affected by the importation and employment of nonimmigrant aliens in agricultural employment. It has been determined further that employment of those aliens in a number of States at wages below specially computed adverse effect wage rates (AEWRs) would adversely affect the wages of similarly employed United States workers. 20 CFR 655.202(b)(9) and 655.207.

III. AEWR Methodologies Prior to 1986

Between 1968 and 1981 the specially computed AEWRs referenced above had been computed by adjusting the previous year's AEWR for a State by the same percentage change as the annual average wage rates for field and livestock workers, as surveyed by the U.S. Department of Agriculture (USDA). See 41 FR 25018 (June 22, 1976). However, in 1981, USDA substantially reduced its number of surveys and ceased compiling annual average wage rates. Consequently, the methodology established in 1968 for computing AEWRs was no longer adequate. AEWRs for 1981 were published under the then-existing methodology, but due to the diminished USDA data, for 1982 DOL determined that it was necessary to extend the 1981 AEWRs for another year. See 47 FR 37980 (August 27, 1982).

Farmworkers in three States objected to the extension of 1981 AEWRs into 1982, and brought suit in the U.S. District Court for the District of Columbia. The Order in *Bragg* v. *Donovan*, Civil Action No. 82–2361 (D.D.C. August 25, 1982), required DOL to establish a methodology and set 1982 AEWRs for those States. After a full notice and comment period, DOL established by regulation new AEWRs for those three States (Florida sugar cane, Vermont, and Maine), and for West Virginia, the State whose farmworkers were the original plaintiffs in *NAACP, Jefferson County Branch* v. *Donovan*, 554 F. Supp. 715 (D.D.C. 1983). See 20 CFR 655.207(b) (1983); 48 FR 235 (January 4, 1983). The methodology used to set 1982 AEWRs for these States involved a comparison of the historic relationship between the more limited post-1980 USDA data and the data which USDA collected before 1981.

Later in 1983, DOL adopted a new AEWR methodology. 20 CFR 655.207(b) (1985); see 48 FR 40168 (September 2, 1983). Under this methodology, adjustments to the AEWR were made according to movements in average weekly wages for similarly employed workers covered by unemployment insurance (UI) in the State as determined under the ES–202 program.

A final rule establishing the use of ES–202 data for indexing AEWRs was published on September 2, 1983, to provide the new data base needed to determine and establish 1983 AEWRs. 48 FR 40175. Subsequent to the publishing of the rule, agricultural employers of H–2 aliens filed lawsuits in U.S. District Courts in Virginia, Florida, and Vermont seeking to overturn the use of ES–202 data in determining AEWRs. Various rulings by the District Courts were appealed, and, during 1985, three U.S. Courts of Appeals issued rulings upholding DOL's use of ES–202 data. *Virginia Agricultural Growers Association, Inc.* v. *Donovan*, 774 F. 2d 89 (4th Cir. 1985); *Florida Fruit and Vegetable Association* v. *Brock*, 771 F. 2d 1455 (11th Cir. 1985), *cert. denied*, ___ U.S. ___, 106 S. Ct. 1524 (1986); *Shoreham Cooperative Apple Producers Association, Inc.* v. *Donovan*, 764 F. 2d 135 (2d Cir. 1985).

IV. Discretion in Setting AEWRs

The purpose of an AEWR, as described by the U.S. Court of Appeals for the Fifth Circuit, is "to neutralize any adverse effect' resultant from the influx of temporary foreign workers." It is a "method of avoiding wage deflation."

Williams v. *Usery*, 531 F. 2d 305, 306 (5th Cir. 1976), *cert. denied*, 429 U.S. 1000; see *Florida Sugar Cane League, Inc.* v. *Usery*, 531 F. 2d 299 (5th Cir. 1976); see also *Production Farm Management* v. *Brock*, 767 F. 2d 1368 (9th Cir. 1985); *cf.*, *Limoneira Co.* v. *Wirtz*, 225 F. Supp. 961 (S.D. Cal. 1963), *aff'd*, 327 F. 2d 499 (9th Cir. 1964); *and* 20 CFR 655.0.

DOL has "broad discretion" to set AEWRs in accordance with "any of a number of reasonable formulas . . . ." *Florida Sugar Cane League, Inc.* v. *Usery, Supra*, 531 F. 2d at 303–304; *Florida Fruit & Vegetable Association* v. *Donovan*, 583 F. Supp. 268 (S.D. Fla. 1984), *aff'd sub nom. Florida Fruit & Vegetable Association, Inc.* v. *Brock, supra; Shoreham Cooperative Apple Producers Association, Inc.* v. *Donovan, supra;* accord, *Rowland* v. *Marshall*, 650 F. 2d 28 (4th Cir. 1981) (per *curiam*); *Williams* v. *Usery, supra; Dona Ana County Farm & Livestock Bureau, Inc.* v. *Goldberg*, 200 F. Supp. 210 (D.D.C. 1961).

In *Flecha* v. *Quiros*, 567 F. 1145, 1156 (1st Cir. 1977), the U.S. Court of Appeals for the First Circuit recognized two competing statutory purposes, quoting from a Third Circuit decision:

> The common purposes are to assure (employers) an adequate labor force on the one hand and to protect the jobs of citizens on the other. Any statutory scheme with these two purposes must inevitably strike a balance between the two goals. Clearly, citizen-workers would best be protected and assured high wages if no aliens were allowed to enter. Conversely, elimination of all restrictions upon entry would most effectively provide employers with an ample labor force. *Roger* v. *Larson*, 3 Cir. 1977, 563 F. 2d 617, 626.

The First Circuit then capsulized the purpose of the statute and regulations as "to provide a manageable scheme . . . that is fair to both sides." 567 F. 2d at 1156. Thus, the AEWR computation methodology must recognize the need to balance the goals of supplying an adequate labor force and protecting the jobs of U.S. workers.

Employers applying for temporary labor certifications also must agree to comply with all employment-related laws. 20 CFR 655.203(b); see also 8 CFR 214.1(h)(3)(i). If the employment is covered by a higher wage standard applicable under any Federal, State, or local minimum wage law, the employer must comply with that law. See, *e.g.*, 29 U.S.C. 206(a); and 20 CFR 653.501 (d)(4) and (e)(1) and 655.202. If the prevailing wage for the occupation in the labor market is higher, the employer must offer and pay that wage. Thus, a worker in employment under the temporary alien labor certification program must be compensated at the highest of the applicable wage rates, whether that highest rate is the AEWR, the prevailing wage, or the Federal, State, or local statutory minimum wage. *Cf.*, *Limoneira Co.* v. *Wirtz, supra*, 327 F. 2d 499 (9th Cir. 1964), *aff'g*, 225 F. Supp. 961 (S.D. Cal. 1963); see also *Elton Orchards, Inc.* v. *Brennan*, 508 F. 2d 493 (1st Cir. 1974); and *Flecha* v. *Quiros, supra*. These decisions acknowledge DOL's discretion in the area of AEWRs and form the basis for construction of DOL's temporary alien labor certification regulations. See 20 CFR 655.0(e).

V. Consideration of Return to USDA Methodology

An Advance Notice of Proposed Rulemaking was published by DOL on July 27, 1984 (49 FR 30208) requesting comments and suggestions on methodologies for computing AEWRs. A discussion of the comments received was published at 51 FR 12873 (April 16, 1986).

In commenting on the advance notice, USDA suggested that DOL give careful consideration to renewed utilization of its quarterly farm wage survey which had been relied upon for years by DOL for AEWR purposes before the survey activity had been severely curtailed in 1981. This suggestion was adopted by DOL. USDA further stated it was planning to resume the quarterly wage surveys in 1985. However, ample data would not be available for the purpose of adjusting AEWRs in 1985.

In October of 1984, USDA did reinstitute its quarterly wage surveys, and, on August 10, 1985, DOL stated its intention (50 FR 33122) to start a process which could result in the return to the use of USDA data for determining 1986 AEWRs. In the same published notice, DOL stated that the process would involve "informal rulemaking procedures" and the publishing of a proposed rule "with appropriate opportunity for comment by all interested parties." Subsequently, an interagency task force representing a number of USDA and DOL offices was convened to examine the comparative merits of the ES–202 and USDA data series.

VI. Proposed Rule

Building on recommendations presented by the interagency task force, DOL examined the technical and programmatic aspects of the two data series and concluded that the USDA series is most appropriate for adjusting AEWRs for 1986 and beyond. DOL also examined options for utilizing the USDA data series in designing an AEWR methodology for 1986 and beyond. DOL chose to apply the percentage increase in USDA average hourly wage rates between 1980 and 1985 to the 1981 AEWRs, which were the last AEWRs derived from USDA quarterly data, to determine 1986 AEWRs. For subsequent years, DOL chose to use year-to-year changes in USDA calendar year average hourly wage rates. In the proposed rule announcing its intention to return to USDA data for computing AEWRs (published in the **Federal Register** at 51 FR 12872 (April 16, 1986) DOL presented a detailed analysis of the two data series that were considered, their relative merits, the options that were considered and the reasons for choosing its course of action. Pertinent parts of the proposal are summarized, as follows:

A. The U.S. Department of Agriculture (USDA) Farm Wage Data Series

1. Description

The U.S. Department of Agriculture (USDA) publishes annual average hourly wage rates covering field and livestock workers based on its Quarterly Wage Survey. The estimated rates are derived from data collected from a probability survey of farm establishments that are actively involved in the production of crops or livestock. The population of interest consists of all farms and ranches that market or have the potential to market $1,000 of farm products during the calendar year. The probability survey is of multiple frame design where a stratified random sample of farm establishments from a list of potential employers of agricultural workers is supplemented by an area sample to cover establishments that are not on the list frame. The sample, which covers a seven-day period including the twelfth of the month, consists of more than 14,500 establishments in April, July, and October, and 4,000 in January. The April, July, and October surveys are conducted in the 48 contiguous States and Hawaii. The January survey is conducted in seven States (California, Florida, Hawaii, Texas, Oklahoma, Arizona, and New Mexico). The data are collected by personal interview, most often by telephone.

2. Significant Factors

- Yields actual *hourly* rates; relates well to AEWR which is also an hourly rate.
- Yields data specifically on hired farmworkers, which are "similarly employed" with respect to H–2 workers. (Does not include other farm employees such as supervisors).

• Samples *all* sizes and Standard Industrial Classification (SIC) categories of employers of farm labor.

• Would permit publication of AEWRs early in calendar years.

• Peak labor usage months are represented by the survey.

B. The ES–202 Data Series

1. Description

The ES–202 program is a cooperative activity of DOL's Bureau of Labor Statistics (BLS) and State Employment Security Agencies. Since 1978, agricultural labor has been covered broadly under all the States' unemployment insurance (UI) laws. See 26 U.S.C. 3306 (a)(2) and (c)(1); and sections 111 and 114 of Pub. L. 94–566. At minimum, employees of agricultural firms employing at least 10 workers in 20 weeks or having a $20,000 quarterly payroll are covered by UI. Some State UI laws have broader coverage of agricultural labor.

As part of their UI programs, the State Employment Security Agencies receive from each UI-covered employer quarterly reports showing the number of workers on the payroll, total wages, taxable wages, and UI contributions (State UI taxes). The State agencies, in turn, report this information to BLS showing the number of UI-covered establishments, employment during the mid-week of each month, and total wages paid during the quarter. Wages are reported by Standard Industrial Classification (SIC) code, including various categories of agricultural crop producers. Using the ES–202 data, AEWRs for 14 States have been adjusted in 1983, 1984, and 1985 by the annual percentage change in total weekly wages in agricultural jobs in a single State or groups of States.

2. Significant Factors

• Does not yield *hourly* rates, only *aggregate* quarterly wages and monthly employment (a farm payroll period that includes the 12th of the month). Could cause statistical distortions when applied to the AEWR (which is an hourly rate), due to fluctuating nature of agricultural employment.

• Includes employment and wage data for employees other than farm laborers (*e.g.*, supervisory and technical workers); such employees are not "similarly employed" U.S. workers, in relation to H–2 workers.

• Processing time does not permit publication of AEWRs before August or September. Ideally, AEWRs should be published early in the calendar year, to cover most crops currently using H–2s and to permit the new rate to be included on clearance orders, so as to facilitate the recruitment of U.S. workers.

• While data are collected for all SIC codes, selection of SIC codes for AEWR adjustment purposes has proved problematical. Present selection omits a significant category where foreign workers are employed.

C. Option for Utilizing USDA Data

Apply the percentage increase in USDA average hourly wage rates between 1980 and 1985 to the 1981 AEWRs, which were the last AEWRs derived from USDA quarterly data, to determine 1986 AEWRs. For subsequent years, use year-to-year changes in USDA calendar year average hourly wage rates.

Factor Summary

• Utilizes the more technically sound method for determining 1986 AEWRs for all States, old and new.

• Would eliminate any statistical distortions which may have been introduced by ES–202 data.

• Clear application of this approach to new States; would not need to calculate ES–202 AEWRs for new States for the intervening years.

• Would be very timely; could publish 1986 AEWRs early in the year.

This option represents, essentially, a return to the pre-1982 AEWR methodology, and the AEWRs computed under it represent those which would have existed had the ES–202 methodology not been used in the intervening years. Therefore, there is no provision for differing treatment between employment in the current "H–2 user States" versus future H–2 user States. The AEWRs for 1986 and future years will be allowed to rise or fall to the levels set pursuant to adoption of this approach.

VII. Comments Received and DOL Responses

A total of 33 comments on the proposed rule were received by DOL. Twenty-four were from employers and their representatives. Seven were from workers' representatives including legal aid attorneys. Two comments in support of the proposed rule were from State Job Service agencies.

A. Employer Comments

The following is a summary of major comments from employers and employer representatives:

—Final rule should be published, but should apply only to 14 States for which AEWRs are presently published.

—Use prevailing wage rates as adverse effect rates.

—Publish final rule as the USDA data will generate the fairest adverse effect wage rates. The rates would be published earlier in the year.

In reference to employer's suggestions to apply the final rule to the 14 States only, the final rule covers the 14 States listed in 20 CFR 655.207(b)(2) and Florida sugarcane work. Other States may be added only through the rulemaking process.

The use of prevailing wage rates as AEWRs has been considered by DOL and rejected as not being adequate to protect the wages of U.S. workers. A major problem is that prevailing rates tend to remain static, adversely affected, over a long period in areas where H–2 workers are employed. Many of the employers supporting the use of USDA data to adjust AEWRs emphasized that the data are technically sound, timely and represent farms of all sizes.

B. U.S. Worker Comments

The following is a summary of the major comments from worker representatives:

—The proposed rule should not become final because the availability of USDA data to adjust AEWRs in the future is uncertain due to budgetary constraints.

—Growers will start a new round of litigation challenging the AEWR methodology.

—The use of USDA data will result in lower wages for some U.S. workers. Therefore, the 1986 AEWR should be the higher of the 1985 ES–202-based rate or the USDA-based rate.

DOL has considered concerns about the future funding of USDA surveys and balanced them against the advantages of using the technically sound USDA data to adjust AEWRs in 1986 and beyond. There is no indication at present that USDA survey activity will be curtailed to any extent, and DOL believes that the technical superiority of the USDA data outweighs concerns about future budgets.

DOL is not persuaded that the rule will start a new round of litigation by employers, since comments from employers have given strong support for the rule.

With regard to the comments that the rule will lower the wages for U.S. workers, the 1986 AEWR is lower in only three of the fourteen States. Significant increases occur in three or more States. As stated in the proposed rule, DOL considered whether or not

1986 AEWRs should be allowed to drop below 1985 levels. The methodology for 1986 represents, essentially, a return to the pre-1982 AEWR methodology and the USDA-based 1986 AEWRs represent those which would have existed had the ES–202 methodology not been used in the intervening years. Therefore, the rule does not provide for differing treatment between the current H–2 user States and future H–2 user States.

VIII. Additions to List of States and 1986 AEWRs

DOL publishes AEWRS for only those States listed in 20 CFR 655.207(b)(2). For all other States and for logging and sheepherding work the AEWR is the prevailing wage in the area of intended employment. 20 CFR 655.207(a). However, DOL historically had *computed* USDA-based rates for 1981 and earlier years for the 48 contiguous States, according to the methodology then in place. See 20 CFR 655.207 (1981); and 43 FR 10317 (March 10, 1978). The 48–State list was published, at one time, in the regulation in force prior to the promulgation of 20 CFR 655.207. See 20 CFR 602.10(b)(a)(1) (1971); 35 FR 12394 (August 4, 1970).

With the adoption of this rule, the USDA-based "computed" rates for 1981 (set forth in Table I below) are being used to compute 1986 AEWRs for the States listed in 20 CFR 655.207(b)(2) (1985) and for Florida sugarcane work. The computed rate is the AEWR which would have been or was published for a State in 1981 under the methodology then published at 20 CFR 655.207(b)(1), 43 FR 10217 (March 10, 1978). As a State is added to the list in paragraph (b)(2), the "computed" 1981 USDA-based rate will be the base against which the 1980–85 change in USDA wage data and subsequent annual changes in USDA wage data will be applied to compute the applicable AEWR.

TABLE I

State	1981 AEWR (base rate)	1980–1985 USDA date (percent change)	1986 AEWR
Arizona	$3.87	+37	$5.30
Colorado	3.93	+24	4.87
Connecticut	3.35	+31	4.39
Florida (sugarcane only)	4.69	+13	5.30
Florida (except sugarcane)	[1] 3.80	+13	4.29
Maine	3.44	+31	4.51
Maryland	3.80	+21	4.60
Massachusetts	3.35	+31	4.39
New Hampshire	3.59	+31	4.70
New York	3.48	+31	4.56
Rhode Island	3.35	+31	4.39
Texas	3.97	+27	5.04
Vermont	3.54	+31	4.64
Virginia	3.81	+24	4.72
West Virginia	3.62	+24	4.49

[1] Computed, but not published.

IX. 1982–83 AEWRs

The transitional provisions currently in 20 CFR 655.207(b)(3) (1985) relate to AEWRs in various States for 1982 and 1983, and are being removed since they were temporary. Those AEWRs already have been applied, and this rulemaking in no way removes the responsibility of any employer for the payment of applicable wages for covered employment according to the AEWRs set by regulation for 1982 and 1983.

Regulatory Impact

This rule affects only those relatively few employers in the agricultural sector using nonimmigrant alien workers ("H–2 visaholders") in termporary agricultural jobs in the United States. It does not have the financial or other impact to make it a major rule, and, therefore, the preparation of a regulatory impact analysis is not necessary. See Executive Order 12291 (February 17, 1981).

At the time the proposed rule was published, the Department of Labor notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b), that the rule will not have a significant economic impact on a substantial number of small entities. It applies only the relatively small number of employers (and their workers) who employ nonimmigrant alien H–2 visa holders in agriculture in the United States.

Catalogue of Federal Domestic Assistance Number

This program is listed in the *Catalogue of Federal Domestic Assistance* as Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment."

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Agriculture, Aliens, Employment, Employment and Training Administration, Forests and forest products, Guam, Labor, Migrant labor, Wages.

Accordingly, Part 655 of Chapter V of Title 20, Code of Federal Regulations, is amended as follows:

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

1. The authority citation for Part 655 is revised to read as follows and the separate authority citations following all the sections in Part 655 are removed:

Authority: 8 U.S.C. 1101(a)(15)(H)(ii) and 1184(c); 29 U.S.C. 49 *et seq.*, 8 CFR 214.2(h)(3)(i).

§ 655.207 [Amended]

2. Section 655.207 is amended by revising paragraphs (b)(1) and (b)(3) to read as follows:

§ 655.207 Adverse effect rates.

* * * * *

(b)(1) For agricultural employment (except sheepherding) in the States listed in paragraph (b)(2) of this section, and for Florida sugarcane work, the adverse effect rate for each year shall be computed by adjusting the prior year's adverse effect rate by the percentage change (from the second year previous to the prior year) in the U.S. Department of Agriculture's (USDA's) average hourly wage rates for field and livestock workers (combined) based on the USDA Quarterly Wage Survey. The Administrator shall publish, at least once in each calendar year, on a date or dates he shall determine, adverse effect rates calculated pursuant to this paragraph (b) as a notice or notices in the **Federal Register.**

* * * * *

(3) *Transition.* Notwithstanding paragraphs (b) (1) and (2) of this section, the 1986 adverse effect rate for agricultural employment (except sheepherding) in the following States, and for Florida sugarcane work, shall be computed by adjusting the 1981 adverse effect rate (computed pursuant to 20 CFR 655.207(b)(1), FR 10317 (March 10, 1978)) by the percentage change between 1980 and 1985 in the U.S. Department of Agriculture annual average hourly wage rates for field and livestock workers (combined) based on the USDA Quarterly survey: The States listed at 20 CFR 655.207(b)(2) (1985).

* * * * *

Signed at Washington, DC, this 27th day of June, 1986.

William E. Brock,

Secretary of Labor.

[FR Doc. 86–14917 Filed 7–1–86; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a

change of sponsor for a new animal drug application (NADA) from Parke-Davis, Division of Warner-Lambert Co., to A.H. Robins Co.

EFFECTIVE DATE: July 2, 1986.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: A.H. Robins Co., 1407 Cummings Dr., P.O. Box 26609, Richmond, VA 23261-6609, filed a supplement to NADA 106-111 (Telazol® injection, tiletamine hydrochloride and zolazepam hydrochloride, for dogs and cats) providing for a change of sponsor from Parke-Davis, Division of Warner-Lambert Co. Parke-Davis confirmed the change. FDA is amending the regulations to reflect the sponsor change.

List of Subjects in 21 CFR Part 522

Animal drugs.

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

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

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

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

§ 522.2470 [Amended]

2. § 522.2470 *Tiletamine hydrochloride and zolazepam hydrochloride for injection* is amended in paragraph (b) by removing the sponsor number "000071" and inserting in its place "000031."

Dated: June 26, 1986.

Marvin A. Norcross,

Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-14880 Filed 7-1-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-231; Ref. Notice No. 569]

Ozark Mountain Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has decided to establish a viticultural area in Arkansas, Missouri, and Oklahoma to be known as "Ozark Mountain." This decision is the result of a petition submitted by Mr. Al Wiederkehr, a grape grower and winery proprietor in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising enables winemakers to label wines more precisely and helps consumers to better identify the wines they purchase.

EFFECTIVE DATE: August 1, 1986.

FOR FURTHER INFORMATION CONTACT: Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 provide for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Part 9 of 27 CFR provides for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Petition

ATF received a petition from Mr. Al Wiederkehr of Altus, Arkansas, proposing an area in southern Missouri, northern Arkansas, and northeastern Oklahoma as a viticultural area to be known as "Ozark Mountain." The area that was proposed contains about 55,000 square miles. There are about 4,280 acres of grapes planted in the area proposed by Mr. Wiederkehr, and approximately 35 wineries are operating within that area.

Notice of Proposed Rulemaking

In response to the petition, ATF published a notice of proposed rulemaking, Notice No. 569, in the **Federal Register** on Tuesday, September 17, 1985. That notice proposed establishment of the "Ozark Mountain" viticultural area with boundaries generally as stated in the petition. The notice also solicited public comment concerning the proposed viticultural area.

Comments

The principal commenter was Mr. Robert G. Cowie, Secretary-Treasurer of the Arkansas Wine Producers Association and proprietor of a winery located just outside the boundaries proposed in Notice No. 569. Mr. Cowie requested extension of the boundaries in order to include an area south of the Arkansas River, in which his winery is located. This area is generally located between the Arkansas and Petit Jean Rivers and includes Mt. Magazine, the highest mountain in Arkansas. Mr. Cowie presented evidence to show that this area is locally known as being part of the "Ozark Mountain" region and contains the same distinguishing geographical features as the "Ozark Mountain" area proposed by the petitioner. Comments supportive of Mr. Cowie's request were received from two members of the Arkansas legislature, a geologist from the Arkansas Geological Commission, a geography professor at Arkansas Tech University, and eight others who are residents of Mr. Cowie's local area. The additional area proposed by Mr. Cowie contains about 800 square miles, of which about 60 acres are planted to grapes. At one time, as many as seven wineries were operating in that area, but at present the Cowie Wine Cellars is the only one left.

After considering the evidence presented by the commenters, ATF has determined that it would be proper to extend the boundaries of the "Ozark Mountain" area. Accordingly, this document prescribes boundaries for the "Ozark Mountain" viticultural area that include the area advocated by Mr. Cowie.

Name

The following evidence demonstrates that the viticultural area established by this Treasury decision is known by the name of "Ozark Mountain":

(a) Wine labels from Wiederkehr Wine Cellars and others have borne the appellation "Ozark Mountain" since as far back as 1959.

(b) This area has been referred to as the "Ozark Mountain" region in many geographical books, including *Natural Regions of the United States and Canada* by C.B. Hunt (W.H. Freeman & Co., San Francisco, 1974) and *The Ozarks* by Richard Rhodes (Time-Life Books, New York, 1974).

(c) The Ozark Mountain area is well-known as a wine making region, as is shown by this quote: "Like all of the other American wine regions, the Ozarks [Mountains] are quietly seething with new ideas, new personalities, new grape varieties and a new sense of direction." (*Restaurateurs' Guide to American Wines, Part IV: The Wines and Wineries of the Ozarks.* "Dining," April–May 1973, p. 58.)

Geography

The following evidence demonstrates that the viticultural area is distinguished geographically from the surrounding areas:

(a) In his book, *The Ozarks*, Richard Rhodes states (pp. 19, 22), as quoted by the petitioner:

> Stretching from the forests of southern Missouri outside St. Louis through northern Arkansas to the Oklahoma plains near Tulsa, the 55,000 square miles of the Ozarks are bounded by five major rivers: the Mississippi, the Missouri, the Osage, the Neosho, and the Arkansas. The Ozark highlands, the only extensive elevated area in the United States between the Appalachians and the Rocky Mountains, consist of low mountains and hills shaped by springfed streams and rivers . . . cutting their way thorugh the elevated bed rock . . .
>
> . . . These boundaries do not merely locate the Ozarks on the map, but also serve to isolate some of the region's plant and animal life . . .
>
> The Ozarks mark the farthest western extension of the great deciduous forest that once covered the eastern United States. Their western border is the beginning of the prairie that runs from Western Missouri to the Rockies and from Texas to Canada. Their northern border, the Missouri River, is about as far south as the glacier of the ice age came . . . And the hot, lush alluvial lands of the Mississippi begin at the Ozarks' abrupt southeastern edge, in the Missouri bootheel.
>
> With four different climatic regions pressing against them, the Ozarks serve as a sanctuary for a selection of plants and animals from all sides . . .

(b) Geologically, the Ozarks are regarded as an upland plateau, in which mountains and valleys have been carved out by numerous streams and rivers. The land is hilly to mountainous, and the soils are characteristically stony and well-drained. The distinctive soil of the Ozark region is "Clay from deeply weathered, well consolidated sedimentary and deeply weathered volcanic rocks." (Hunt, op. cit., pp. 122–123.) Most of the land remains forested, as it was before the arrival of civilization, in contrast to the neighboring plains country.

(c) The primary effect which the mountainous terrain has on the climate of the Ozarks is to divide the region into innumerable small microclimatic temperature zones. This is demonstrated by the following quote from Milton D. Rafferty in *The Ozarks, Land and Life* (University of Oklahoma Press, Norman, 1980), p. 29:

> Within the Ozarks, temperatures will vary widely with the orientation of slope, nature of surface materials, relief, and presence of water. South and west-facing slopes receive the greatest amount of sunlight and are subject to higher rates of evaporation . . . In winter, perhaps the most noticeable effect of temperature differences within a small area is the duration of snow and icicles on the north-facing slopes.
>
> Air drainage creates the most readily observed temperature differences in summer. Nights are notable for the cool breeze that drains down the slopes, beginning an hour or two before sunset . . .
>
> . . . As a rule, frosts occur in the valleys several weeks earlier in fall and later in spring than they do on the uplands, especially in the case of the larger valleys lying in the hill regions. The margins of the uplands have the best air drainage and are least subject to frosts.

Ozark viticulturists rely on their knowledge of local microclimatic conditions to select the best sites for their vineyards. Such sites possess generally similar conditions of soil and climate, thus giving Ozark viticulture a distinctive character. Favorable conditions for viticulture can be found at locations throughout the Ozarks, from Hermann in the north to Altus and Paris in the south. The reason for this is summarized succinctly by Milton D. Rafferty in the book mentioned above (p. 160): "The growing of grapes is well suited to the climate and soils of the Ozarks."

Boundaries

The boundaries of the viticultural area were proposed by the petitioner to largely follow the five major rivers mentioned above in the quote from Richard Rhodes (the Mississippi, Missouri, Osage, Neosho, and Arkansas). However, for reasons previously stated (under *"COMMENTS"),* these boundaries have been slightly modified, so that the southern boundary of the area established by this Treasury decision follows the Petit Jean River as well as the Arkansas River. These boundaries may be found on 11 U.S.G.S. maps in the scale of 1:250,000 titles St. Louis, Jefferson City, Springfield, Joplin, Tulsa, Fort Smith, Russellville, Memphis, Poplar Bluff, Paducah, and Rolla. The boundaries are as described in § 9.108, as added by this Treasury decision.

The following approved viticultural areas are entirely enclosed within the Ozark Mountain boundaries: Altus (§ 9.77) and Hermann (§ 9.71). In establishing a large viticultural area based on geographical features which affect viticultural features, ATF recognizes that the distinctions between a small area and its surroundings are more refined than the differences between a large area and its surroundings. It is possible for a large viticultural area to contain approved viticultural areas, if each area fulfills the requirements for establishment of a viticultural area.

Miscellaneous

ATF does not want to give the impression by approving "Ozark Mountain" as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct but not better than other areas. By approving this area, ATF allows wine producers to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage can only come from consumer acceptance of "Ozark Mountain" wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule, because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities. Further, the final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on s substantial number of small entitites.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981, the Bureau has determined that this final rule is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete

with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320 do not apply to this final rule, because no requirement to collect information is imposed.

List of Subjects in 27 CFR Part 9

Administrative practice and procedures, Consumer protection, Viticultural areas, Wine.

Drafting information

The principal author of this document is Steve Simon, FAA Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Issuance

Accordingly, 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph A. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205

Par. B. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.108, to read as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.108 Ozark Mountain.

* * * * *

Par. C. Subpart C of 27 CFR Part 9 is amended by adding § 9.108, which reads as follows:

§ 9.108 Ozark Mountain.

(a) *Name.* The name of the viticultural area described in this section is "Ozark Mountain."

(b) *Approved maps.* The appropriate maps for determining the boundaries of Ozark Mountain viticultural area are 11 U.S.G.S. maps in the scale of 1:250,000. They are titled—

(1) St. Louis, Missouri (1963, revised 1969);

(2) Jefferson City, Missouri (1955, revised 1970);

(3) Springfield, Missouri (1954, revised 1969);

(4) Joplin, Missouri; Kansas (1954, revised 1974);

(5) Tulsa, Oklahoma; Arkansas; Missouri; Kansas (1958, revised 1973);

(6) Fort Smith, Arkansas-Oklahoma (1978);

(7) Russellville, Arkansas (compiled in 1954);

(8) Memphis, Tennessee; Arkansas; Missouri (1953, revised 1978);

(9) Poplar Bluff, Missouri; Arkansas (1957, revised 1978);

(10) Paducah, Kentucky; Illinois; Missouri; Indiana (1949, revised 1969); and

(11) Rolla, Missouri; Illinois (1954, revised 1969).

(c) *Boundary*—(1) *General.* The Ozark Mountain viticultural area is located in Missouri, Oklahoma, and Arkansas. The starting point of the following boundary description is the point at which the Missouri River joins the Mississippi River north of St. Louis, Missouri (on the St. Louis map).

(2) *Boundary Description*—(i) The boundary proceeds from the starting point westward along the Missouri River until it meets the Osage River;

(ii) Then further westward along the Osage River (flowing through Lake of the Ozarks and the Harry S. Truman Reservoir) until it passes adjacent to Missouri Highway 82 in Osceola, Missouri (on the Jefferson City map);

(iii) Then southwestward along Missouri Highway 82 until it intersects U.S. Highway 54 in Eldorado Springs, Missouri (on the Joplin map);

(iv) Then westward along U.S. Highway 54 until it intersects U.S. Highway 71 near Nevada, Missouri;

(v) Then southward along U.S. Highway 71 until it intersects Interstate Highway 44, approximately 5 miles south of Carthage, Missouri;

(vi) Then westward and southwestward along Interstate Highway 44 into the State of Oklahoma, and continuing southwestward until Interstate Highway 44 crosses the Neosho River near Miami, Oklahoma (on the Tulsa map);

(vii) Then southward along the Neosho River (flowing through the Lake of the Cherokees, Lake Hudson, and Fort Gibson Lake) until it flows into the Arkansas River, approximately 2 miles west of Fort Gibson, Oklahoma (on the Fort Smith map);

(viii) Then southward and eastward along the Arkansas River (flowing through the Robert S. Kerr Lake) into the State of Arkansas, and continuing eastward until the Arkansas River is joined by Vache Grasse Creek, approximately 4 miles east of Barling, Arkansas;

(ix) Then southeastward and southwestward following Vache Grasse Creek to the place where it is crossed by Arkansas Highway 10, near Greenwood, Arkansas;

(x) Then westward along Highway 10 to U.S. Highway 71

(**Note:** Highway 10 is the primary highway leading from Greenwood to Hackett, Arkansas);

(xi) Then southward and eastward along Highway 71 until it crosses Rock Creek;

(xii) Then northeastward along Rock Creek to Petit Jean Creek;

(xiii) Then generally northeastward and eastward along Petit Jean Creek until it becomes the Petit Jean River (on the Russellville map);

(xiv) Then generally eastward along the Petit Jean River, flowing through Blue Mountain Lake, until the Petit Jean River joins the Arkansas River;

(xv) Then generally eastward along the Arkansas River to Cadron Creek;

(xvi) Then northeastward and eastward along Cadron Creek, for about 2½ miles, until it pases under U.S. Highway 64, approximately 3½ miles west of Conway, Arkansas;

(xvii) Then eastward along U.S. Highway 64 until it intersects U.S. Highway 67, near Beebe, Arkansas (on the Memphis map);

(xviii) Then northeastward along U.S. Highway 67 into the state of Missouri, then northward until U.S. Highway 67 intersects U.S. Highway 60, in Poplar Bluff, Missouri (on the Poplar Bluff map);

(xix) Then eastward along U.S. Highway 60 until it crosses the western boundary of Stoddard County

(**Note:** Here that boundary is the St. Francis River);

(xxx) Then northward, northeastward, and eastward along the boundary of Stoddard County until it joins the southern boundary of Cape Girardeau County (on the Cape Girardeau map);

(xxxi) Then northeastward along the Cape Girardeau County boundary until it meets the Mississippi River south of Cape Girardeau, Missouri;

(xxxii) Then northward along the Mississippi River to the starting point.

Signed: June 10, 1986.

Stephen E. Higgins,

Director.

Approved: June 23, 1986.

Michael H. Lane,

Deputy Assistant Secretary (Regulatory, Trade, and Tariff Enforcement).

[FR Doc. 86-14934 Filed 7-1-86; 8:45 am]

BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2615

Request for Extension of Approval Under the Paperwork Reduction Act of the Information Collection Requirement

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval of extension.

SUMMARY: The Pension Benefit Guaranty Corporation has requested approval by the Office of Management and Budget for an extension of the expiration date of a currently approved information collection requirement (1212-0013) without any change in the substance or in the method of collection. The information collection, which is scheduled to expire on June 30, 1986, is contained in PBGC's regulation on Reporting and Notification Requirements for Reportable Events, 29 CFR Part 2615. The effect of this notice is to advise the public of PBGC's request for OMB approval of this extension.

ADDRESSES: All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, D.C. 20503. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street, NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, Code 35100, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202-956-5050 (202-956-5059 for TTY and TDD). These are not toll-free numbers.

Issued at Washington, D.C. this 26th day of June 1986.

Royal S. Dellinger,

Acting Executive Director.

[FR Doc. 86-14816 Filed 7-1-86; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 16

[FRL-3041-4]

Privacy Act of 1974; Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to sections 3 (j) and (k) of the Privacy Act of 1974, 5 U.S.C. 552a (j) and (k), EPA hereby amends its regulations at 40 CFR Part 16 in two ways. First, EPA is adding a new general exemptions section at 40 CFR Part 16.13 to exempt from compliance with certain provisions of the Privacy Act of 1974 the systems of records called "EPA-4 OIG Criminal Investigative Index and Files—EPA/OIG," maintained by the Office of Investigations of the Office of Inspector General (OIG), and "EPA-17 NEIC Criminal Investigative Index and Files—EPA/NEIC/OCI," maintained by the Office of Criminal Investigations (OCI) of the National Enforcement Investigations Center (NEIC). This amendment is made to maintain the efficiency and integrity of investigations conducted by the OIG and the NEIC.

Second, EPA is revising the specific exemptions section of its regulations at 40 CFR Part 16.14 to exempt from compliance with certain provisions of the Privacy Act of 1874 four systems of records, three of which were in existence and one of which is new. For the three existing systems, this rule clarifies EPA's reasons for claiming exemption; adds an exemption for one of the systems containing some records that are properly classified by other Federal agencies at levels up to and including "secret;" and makes minor technical corrections. In addition, this rule exempts the new system, which is called "EPA-17 NEIC Criminal Investigative Index and Files—EPA/NEIC/OCI," from compliance with certain provisions of the Privacy Act of 1974.

EPA published the proposed rule on April 28, 1986 (51 FR 15797) for a 30-day comment period. No comments were received from the public. This final rule is identical to the proposed rule.

EFFECTIVE DATE: July 2, 1986.

FOR FURTHER INFORMATION CONTACT: Constance L. Tasker, Chief, Information Management Branch, Information Management and Services Division (PM-211D), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone: (202) 475-8675.

SUPPLEMENTARY INFORMATION: As authorized by the general exemption provisions of the Privacy Act of 1974, 5 U.S.C. 552a(j)(2), EPA hereby amends its regulations at 40 CFR Part 16, by adding a new § 16.13 to exempt from compliance with certain provisions of the Privacy Act of 1974 the systems of records called "EPA-4 OIG Criminal Investigative Index and Files—EPA/OIG," maintained by the OIG's Office of Investigations, and "EPA-17 NEIC Criminal Investigative Index and Files—EPA/NEIC/OCI," maintained by the NEIC's Office of Criminal Investigations.

The exemption is consistent with the investigation and law enforcement responsibilities of the OIG's Office of Investigations and the NEIC's Office of Criminal Investigations, components of EPA which perform as their principal function activities pertaining to the enforcement of criminal laws. Authority for the criminal law enforcement activities of the OIG's Office of Investigations is the Inspector General Act of 1978, 5 U.S.C. app. Authority for the criminal law enforcement activities of the NEIC's Office of Criminal Investigations is 28 U.S.C. 533, with appointment letter from Benjamin Civiletti, Attorney General, to Douglas Costle, Administrator, EPA, dated January 16, 1981. Exempting these systems of records from compliance with certain provisions of the Privacy Act of 1974, pursuant to the general exemption provisions of 5 U.S.C. 552a(j)(2), will not only protect investigative information and confidential sources, but will also prevent the subjects of investigations from frustrating the investigative process. The exemption will apply only to information contained in the EPA-4 system of records, which is indexed by the names of individuals and entities that are the subjects of investigations by the OIG's Office of Investigations, and the EPA-17 system of records, which is indexed by the names of individuals and entities that are the subjects of investigations by the NEIC's Office of Criminal Investigations, and only to the extent that these systems of records contain criminal law enforcement material.

EPA is also amending the specific exemptions section of its regulations by revising 40 CFR 16.14. As authorized by the specific exemption provisions of 5 U.S.C. 552a (k)(2) and (k)(5), EPA previously published a final rule in the **Federal Register** of November 19, 1975 (40 FR 53582) exempting from compliance with certain provisions of the Privacy Act of 1974 three systems of records. For these three existing

systems, this rule makes the following revisions. First, this rule clarifies EPA's reasons for claiming exemption for these three systems. Second, as authorized by the specific exemption provisions of 5 U.S.C. 552(k)(1), this rule adds an exemption for the system of records called "EPA–5 OIG Personnel Security Files—EPA/OIG," which contains some records that are classified by other Federal agencies at levels up to and including "secret." Those records are specifically authorized under criteria established by Executive Order 12356 to be secret in the interest of national defense or foreign policy and are in fact properly classified by other Federal agencies pursuant to that Executive order. EPA's notice of revisions to this system of records was published in the **Federal Register** of April 28, 1986 (51 FR 15825). Third, this rule makes minor corrections to the names of two of the systems of records referenced in § 16.14. What was formerly called "EPA–4 Inspection Branch Reports—EPA" is now called "EPA–4 OIG Criminal Investigative Index and Files—EPA/OIG," and what was formerly called "EPA–5 Personnel Security File System—EPA" is now called "EPA–5 OIG Personnel Security Files—EPA/OIG." As corrected, the names of these two systems conform to the information contained in EPA's notice of revisions to these systems of records published in the **Federal Register** of April 28, 1986 (51 FR 15825).

In addition, as authorized by the specific exemption provisions of 5 U.S.C. 552a(k)(2), this rule exempts from certain provisions of the Privacy Act of 1974 the new system of records called "EPA–17 NEIC Criminal Investigative Index and Files—EPA/NEIC/OCI." This system of records consists of investigatory material compiled and maintained by the NEIC's Office of Criminal Investigations for law enforcement purposes. EPA 's notice of this new system of records was published in the **Federal Register** of April 28, 1986 (51 FR 15830).

Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a regulation is "major" and therefore subject to the regulatory impact analysis requirements of the Executive order. Major rules are those which impose a cost on the economy of $100 million a year or more or have certain other economic impacts. EPA has determined that this rule is not "major" and, therefore, is not subject to the Executive Order. This rule was submitted to the Office of Management and Budget (OMB) for review prior to publication, as required by the Executive order.

Environmental Impact Statement

This rule does not affect the environment. An Environmental Impact Statement is not required under section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4332.

Paperwork Reduction Act

This rule does not constitute an information collection request within the meaning of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Therefore, this rule is not subject to the requirements of the Paperwork Reduction Act of 1980.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), it is hereby certified that this rule will not have a significant economic impact on a substantial number of small entities, as defined in section 601 of that Act, 5 U.S.C. 601. This rule, which exempts from certain provisions of the Privacy Act of 1974 four EPA systems of records, will not produce any economic impact on any businesses, large or small.

List of Subjects in 40 CFR Part 16

Privacy.

Dated: June 24, 1986.

Seymour D. Greenstone,

Acting Assistant Administrator for Administration and Resource Management.

PART 16—[AMENDED]

Therefore, 40 CFR Part 16 is amended as follows:

1. The authority citation for Part 16 continues to read as follows:

Authority: 5 U.S.C. 552a.

2. Section 16.13 is added to read as follows:

§ 16.13 General exemptions.

(a) *Systems of records affected.*

¶ EPA–4 OIG Criminal Investigative Index and Files—EPA/OIG.

¶ EPA–17 NEIC Criminal Investigative Index and Files—EPA/NEIC/OCI.

(b) *Authority.* Under 5 U.S.C. 552a(j)(2), the head of any agency may by rule exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the system of records is maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws and which consists of:

(1) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status;

(2) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

(c) *Scope of exemption.* (1) The EPA–4 system of records identified in § 16.13(a) is maintained by the Office of Investigations of the Office of Inspector General (OIG), a component of EPA which performs as its principal function activities pertaining to the enforcement of criminal laws. Authority for the criminal law enforcement activities of the OIG's Office of Investigations is the Inspector General Act of 1978, 5 U.S.C. app.

(2) The EPA–17 system of records identified in § 16.13(a) is maintained by the Office of Criminal Investigations (OCI) of the National Enforcement Investigations Center (NEIC), a component of EPA which performs as its principal function activities pertaining to the enforcement of criminal laws. Authority for the criminal law enforcement activities of the NEIC's Office of Criminal Investigations is 28 U.S.C. 533, with appointment letter from Benjamin Civiletti, Attorney General, to Douglas Costle, Administrator, EPA, dated January 16, 1981.

(3) The systems of records identified in § 16.13(a) are exempted from the following provisions of the Privacy Act of 1974: 5 U.S.C. 552a(c) (3) and (4); (d); (e) (1), (2), (3), (4) (G), (H), and (I), (5), and (8); (f); and (g).

(4) To the extent that the exemption claimed under 5 U.S.C. 552a(j)(2) is held to be invalid for the systems of records identified in § 16.13(a), then an exemption under 5 U.S.C. 552a(k)(2) is claimed for these systems of records.

(d) *Reasons for exemption.* The systems of records identified in § 16.13(a) are exempted from the above provisions of the Privacy Act of 1974 for the following reasons:

(1) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Accounting for

each disclosure would alert the subjects of an investigation to the existence of the investigation and the fact that they are subjects of the investigation. The release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, and could seriously impede or compromise the investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(2) 5 U.S.C. 552a(c)(4) requires an agency to inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of the Act. Since EPA is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, this section is inapplicable and is exempted to the extent that these systems of records are exempted from subsection (d) of the Act.

(3) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting access to records in these systems of records could inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of confidential sources, witnesses, and law enforcement personnel, and could provide information to enable the subject to avoid detection or apprehension. Granting access to such information could seriously impede or compromise an investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony, and disclose investigative techniques and procedures. In addition, granting access to such information could disclose classified, security-sensitive, or confidential business information and could constitute an unwarranted invasion of the personal privacy of others.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair investigations and law enforcement, because it is not always possible to detect the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established. In addition, during the course of the investigation, the investigator may obtain information which is incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated. Furthermore, during the course of the investigation, the investigator may obtain information concerning the violation of laws other than those which are within the scope of his jurisdiction. In the interest of effective law enforcement, the EPA investigators should retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for other law enforcement agencies.

(5) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The application of this provision could impair investigations and law enforcement by alerting the subject of an investigation of the existence of the investigation, enabling the subject to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Moreover, in certain circumstances the subject of an investigation cannot be required to provide information to investigators, and information must be collected from other sources. Furthermore, it is often necessary to collect information from sources other than the subject of the investigation to verify the accuracy of the evidence collected.

(6) 5 U.S.C. 552a(e)(3) requires an agency to inform each person whom it asks to supply information, on a form that can be retained by the person, of the authority under which the information is sought and whether disclosure is mandatory or voluntary; of the principal purposes for which the information is intended to be used; of the routine uses which may be made of the information; and of the effects on the person, if any, of not providing all or any part of the requested information. The application of this provision could provide the subject of an investigation with substantial information about the nature of that investigation, which could interfere with the investigation. Moreover, providing such a notice to the subject of an investigation could seriously impede or compromise on undercover investigation by revealing its existence and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request if the system of records contains a record pertaining to him, how he can gain access to such a record, and how he can contest its content. Since EPA is claiming that these systems of records are exempt from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that these systems of records are exempted from subsections (f) and (d) of the Act. Although EPA is claiming exemption from these requirements, EPA has published such a notice concerning its notification, access, and contest procedures because, under certain circumstances, EPA might decide it is appropriate for an individual to have access to all or a portion of his records in these systems of records.

(8) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy and physical safety of confidential sources and witnesses, and to avoid the disclosure of investigative techniques and procedures. Although EPA is claiming exemption from this requirement, EPA has published such a notice in broad generic terms in the belief that this is all subsection (c)(4)(I) of the Act requires.

(9) 5 U.S.C. 552a(e)(5) requires an agency to maintain its records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual. Since the Act defines "maintain" to include the collection of information, complying with this provision would prevent the collection of any data not shown to be

accurate, relevant, timely, and complete at the moment it is collected. In collecting information for criminal law enforcement purposes, it is not possible to determine in advance what information is accurate, relevant, timely, and complete. Facts are first gathered and then placed into a logical order to prove or disprove objectively the criminal behavior of an individual. Material which may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as the investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, thereby impeding effective law enforcement.

(10) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. Complying with this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

(11) 5 U.S.C. 552a(f)(1) requires an agency to promulgate rules which shall establish procedures whereby on an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him. The application of this provision could impede or compromise an investigation or prosecution if the subject of an investigation was able to use such rules to learn of the existence of an investigation before it could be completed. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since EPA is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f) (2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that these systems of records are exempted from subsection (d) of the Act. Although EPA is claiming exemption from the requirements of subsection (f) of the Act, EPA has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in these systems of records. These procedures are described elsewhere in this Part.

(12) 5 U.S.C. 552a(g) provides for civil remedies if an agency fails to comply with the requirements concerning access to records under subsections (d) (1) and (3) of the Act; maintenance of records under subsection (e)(5) of the Act; and any other provision of the Act, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual. Since EPA is claiming that these systems of records are exempt from subsections (c) (3) and (4), (d), (e) (1), (2), (3), (4) (G), (H), and (I), (5), and (8), and (f) of the Act, the provisions of subsection (g) of the Act are inapplicable and are exempted to the extent that these systems of records are exempted from those subsections of the Act.

(e) *Exempt records provided by another agency.* Individuals may not have access to records maintained by the EPA if such records were provided by another agency which has determined by regulation that such records are subject to general exemption under 5 U.S.C. 552a(j). If an individual requests access to such exempt records, EPA will consult with the source agency.

(f) *Exempt records included in a nonexempt system of records.* All records obtained from a system of records which has been determined by regulation to be subject to general exemption under 5 U.S.C. 552a(j) retain their exempt status even if such records are also included in a system of records for which a general exemption has not been claimed.

3. Section 16.14 is revised to read as follows:

§ 16.14 Specific exemptions.

(a) Exemption under 5 U.S.C. 552a(k)(2)—(1) *Systems of records affected.*

¶ EPA–2 General Personnel Records—EPA.

¶ EPA–4 OIG Criminal Investigative Index and Files—EPA/OIG.

¶ EPA–5 OIG Personnel Security Files—EPA/OIG.

¶ EPA–17 NEIC Criminal Investigative Index and Files— EPA/NEIC/OCI.

(2) *Authority.* Under 5 U.S.C. 552a(k)(2), the head of any agency may by rule exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the system of records is investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2).

(3) *Scope of exemption.* (i) The systems of records identified in § 16.14(a)(1) are exempted from the following provisions of the Privacy Act of 1974, subject to the limitations set forth in 5 U.S.C. 552a(k)(2): 5 U.S.C. 552a (c)(3); (d); (e)(1), (4) (G), (H), and (I); and (f).

(ii) An individual is "denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material," only if the Agency actually uses the material in denying or proposing to deny such right, privilege, or benefit.

(iii) To the extent that records contained in the systems of records identified in § 16.14(a)(1) are maintained by the Office of Investigations of the OIG or by the Office of Criminal Investigations of the NEIC, components of EPA which perform as their principal function activities pertaining to the enforcement of criminal laws, then an exemption under 5 U.S.C. 552a(j)(2) is claimed for these records.

(4) *Reasons for exemption.* The systems of records identified in § 16.14(a)(1) are exempted from the above provisions of the Privacy Act of 1974 for the following reasons:

(i) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Accounting for each disclosure would alert the subjects of an investigation to the existence of the investigation and the fact that they are subjects of the investigation. The release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, and could seriously impede or compromise the investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(ii) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting access to records in these systems of records could inform the subject of an investigation of an actual

or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of confidential sources, witnesses, and law enforcement personnel, and could provide information to enable the subject to avoid detection or apprehension. Granting access to such information could seriously impede or compromise an investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony, and disclose investigative techniques and procedures. In addition, granting access to such information could disclose classified, security-sensitive, or confidential business information and could constitute an unwarranted invasion of the personal privacy of others.

(iii) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair investigations and law enforcement, because it is not always possible to detect the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established. In addition, during the course of the investigation, the investigator may obtain information which is incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated. Furthermore, during the course of the investigation, the investigator may obtain information concerning the violation of laws other than those which are within the scope of his jurisdiction. In the interest of effective law enforcement, EPA investigators should retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for other law enforcement agencies.

(iv) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request if the system of records contains a record pertaining to him, how he can gain access to such a record, and how he can contest its content. Since EPA is claiming that these systems of records are exempt from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that these systems of records are exempted from subsections (f) and (d) of the Act. Although EPA is claiming exemption from these requirements, EPA has published such a notice concerning its notification, access, and contest procedures because, under certain circumstances, EPA might decide it is appropriate for an individual to have access to all or a portion of his records in these systems of records.

(v) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy and physical safety of confidential sources and witnesses, and to avoid the disclosure of investigative techniques and procedures. Although EPA is claiming exemption from this reaquirement, EPA has published such a notice in broad generic terms in the belief that this is all subsection (e)(4)(I) of the Act requires.

(vi) 5 U.S.C. 552a(f)(1) requires an agency to promulgate rules which shall establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him. The application of this provision could impede or compromise an investigation or prosecution if the subject of an investigation was able to use such rules to learn of the existence of an investigation before it could be completed. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since EPA is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f) (2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that these systems of records are exempted from subsection (d) of the Act. Although EPA is claiming exemption from the requirements of subsection (f), EPA has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in these systems of records. These procedures are described elsewhere in this Part.

(b) *Exemption under 5 U.S.C. 552a(k)(5).*—(1) *Systems of records affected.*

¶ EPA–2 General Personnel Records—EPA.

¶ EPA–4 OIG Criminal Investigative Index and Files—EPA/OIG.

¶ EPA–5 OIG Personnel Security Files—EPA/OIG.

(2) *Authority.* Under 5 U.S.C. 552a(k)(5), the head of any agency may by rule exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the system of records is investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity would be held in confidence.

(3) *Scope of exemption.* (i) The systems of records identified in § 16.14(b)(1) are exempted from the following provisions of the Privacy Act of 1974, subject to the limitations of 5 U.S.C. 552a(k)(5): 5 U.S.C. 552a (c)(3); (d); (e)(1), (4) (H) and (I); and (f) (2) through (5).

(ii) To the extent that records contained in the systems of records identified in § 16.14(b)(1) reveal a violation or potential violation of law, then an exemption under 5 U.S.C. 552a(k)(2) is also claimed for these records.

(4) *Reasons for exemption.* The systems of records identified in § 16.14(b)(1) are exempted from the above provisions of the Privacy Act of 1974 for the following reasons:

(i) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Making such an accounting could cause the identity of a confidential source to be revealed.

endangering the physical safety of the confidential source, and could impair the future ability of the EPA to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information.

(ii) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting such access could cause the identity of a confidential source to be revealed, endangering the physical safety of the confidential source, and could impair the future ability of the EPA to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information.

(iii) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair investigations, because it is not always possible to detect the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(iv) 5 U.S.C. 552a(e)(4)(H) requires an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request how he can gain access to any record pertaining to him and how he can contest its content. Since EPA is claiming that these systems of records are exempt from subsections (f) (2) through (5) of the Act, concerning agency rules, and subsection (b) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that these systems of records are exempted from subsections (f) (2) through (5) and (d) of the Act. Although EPA is claiming exemption from these requirements, EPA has published such a notice concerning its access and contest procedures because, under certain circumstances, EPA might decide it is appropriate for an individual to have access to all or a portion of his records in these systems of records.

(v) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy and physical safety of confidential sources, and to avoid the disclosure of investigative techniques and procedures. Although EPA is claiming exemption from this requirement, EPA has published such a notice in broad generic terms in the belief that this is all subsection (e)(4)(I) of the Act requires.

(vi) 5 U.S.C. 552a(f) (2) through (5) require an agency to promulgate rules for obtaining access to records. Since EPA is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f) (2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that this system of records is exempted from subsection (d) of the Act. Although EPA is claiming exemption from the requirements of subsections (f) (2) through (5) of the Act, EPA has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system of records. These procedures are described elsewhere in this part.

(c) *Exemption under 5 U.S.C. 552a(k)(1)*—(1) *System of records affected.*

¶ EPA–5 OIG Personnel Security Files—EPA/OIG.

(2) *Authority.* Under 5 U.S.C. 552a(k)(1), the head of any agency may by rule exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the system of records is subject to the provisions of 5 U.S.C. 552(b)(1). A system of records is subject to the provisions of 5 U.S.C. 552(b)(1) if it contains records that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order. Executive Order 12356 establishes criteria for classifying records which are to be kept secret in the interest of national defense or foreign policy.

(3) *Scope of exemption.* To the extent that the system of records identified in § 16.14(c)(1) contains records provided by other Federal agencies that are specifically authorized under criteria established by Executive Order 12356 to be kept secret in the interest of national defense or foreign policy and are in fact properly classified by other Federal agencies pursuant to that Executive order, the system of records is exempted from the following provisions of the Privacy Act of 1974: 5 U.S.C. 552a (c)(3); (d); (e)(1), (4) (G), (H), and (I); and (f).

(4) *Reasons for exemption.* The system of records identified in § 16.14(c)(1) is exempted from the above provisions of the Privacy Act of 1974 for the following reasons:

(i) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Making such an accounting could result in the release of properly classified information, which would compromise the national defense or disrupt foreign policy.

(ii) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting such access could cause the release of properly classified information, which would compromise the national defense or disrupt foreign policy.

(iii) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair personnel security investigations which use properly classified information, because it is not always possible to know the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(iv) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request if the system of records contains a record pertaining to him, how he can gain access to such a record, and how he can contest its content. Since EPA is claiming that this system of records is exempt from subsection (f) of the Act, concerning agency rules, and

subsection (d) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that this system of records is exempted from subsections (f) and (d) of the Act. Although EPA is claiming exemption fromn these requirements, EPA has published such a notice concerning its notification, access, and contest procedures because, under certain circumstances, EPA might decide it is appropriate for an individual to have access to all or a portion of his records in this system of records.

(v) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to prevent the release of properly classified information, which would compromise the national defense or disrupt foreign policy. Although EPA is claiming exemption from this requirement, EPA has published such a notice in broad generic terms in the belief that this is all subsection (e)(4)(I) of the Act requires.

(vi) 5 U.S.C. 552(a)(f)(1) requires an agency to promulgate rules which shall establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him. The application of this provision could result in the release of properly classified information, which would compromise the national defense or disrupt foreign policy. Since EPA is claiming that this system of records is exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f) (2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that this system of records is exempted from subsection (d) of the Act. Although EPA is claiming exemption from the requirements of subsection (f) of the Act, EPA has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system of records. These procedures are described elsewhere in this Part.

(d) *Exempt records provided by another agency.* Individuals may not have access to records maintained by the EPA if such records were provided by another agency which has determined by regulation that such records are subject to general exemption under 5 U.S.C. 552a(j) or specific exemption under 5 U.S.C. 552a(k). If an individual requests access to such exempt records, EPA will consult with the source agency.

(e) *Exempt records included in a nonexempt system of records.* All records obtained from a system of records which has been determined by regulation to be subject to specific exemption under 5 U.S.C. 552a(k) retain their exempt status even if such records are also included in a system of records for which a specific exemption has not been claimed.

[FR Doc. 86-14905 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility; Income Levels for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Official Poverty Threshold as defined by the Department of Health and Human Services.

EFFECTIVE DATE: July 2, 1986.

FOR FURTHER INFORMATION CONTACT: John H. Bayly, Jr. General Counsel, Legal Services Corporation, 400 Virginia Avenue, SW., Washington, DC 20024-2751; (202) 863-1823.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act, 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that income shall be taken into account along with other specified factors. Section 1611.3(b) of the Corporation's Regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Official Poverty Threshold as defined by the Office of Management and Budget. Responsibility for revision of the Official Poverty Threshold was shifted in 1982, from the Office of Management and Budget to the Department of Health and Human Services. The revised figures for 1986, equivalent to 125% of the current Official Poverty Threshold, are set forth below:

List of Subjects in 45 CFR Part 1611

Legal Services, Eligibility.

PART 1611—ELIGIBILITY

1. The authority citation for Part 1611 continues to read as follows:

Authority: Secs. 1006(b)(1), 1007(a)(1), 1007(a)(2) Legal Services Corporation Act of 1974, as amended (42 U.C.S. 2996e(b)(1), 2996f(a)(1), 299f(a)(2)).

2. Appendix A of Part 1611 is revised to read as follows:

Appendix A of Part 1611—Legal Services Corporation Poverty Guideline

Size of family Unit	All States but Hawaii and Alaska [1]	Alaska [2]	Hawaii [3]
1	6,700	8,375	7,713
2	9,050	11,313	10,413
3	11,400	14,250	13,113
4	13,750	17,188	15,813
5	16,100	20,125	18,513
6	18,450	23,063	21,213
7	20,800	26,000	23,913
8	23,150	28,938	26,613

[1] For family units with more than eight members, add $2,350 for each additional member in a family.
[2] For family units with more than eight members, add $2,938 for each additional member in a family.
[3] For family units with more than eight members, add $2,700 for each additional member in a family.

Dated: June 23, 1986.

John H. Bayly, Jr.,

General Counsel.

[FR Doc. 86-14824 Filed 7-1-86; 8:45 am]

BILLING CODE 6820-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-345; RM-5043, RM-5299]

Radio Broadcasting Services; Solana and West Palm Beach, Florida

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document (1) allots Channel 287A to Solana, Florida, as a first FM service in response to the request to Sunshine Service Broadcasters, Inc.; and (2) substitutes Class C Channel 282 for Channel 283 at West Palm Beach, Florida, and modifies the license for Station WEAT-FM, accordingly, at the request of the licensee, Curt Gowdy Broadcasting Corporation. With this action, this proceeding is terminated.

DATES: Effective July 28, 1986. The window period for filing applications will open on July 29, 1986, and close on August 27, 1986.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85–345, adopted June 9, 1986, and released June 19, 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

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

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

2. § 73.202(b) is amended by adding the following channels and communities:

73.202 Table of allotments.

* * * * *

(b) * * *

Florida	Channel No.
* * * * *	
Solana	287A.
* * * * *	
West Palm Beach	221A, 282, and 300.
* * * * *	

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–14946 Filed 7–1–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81–11; Notice 14]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

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

ACTION: Response to petition for reconsideration; correction.

SUMMARY: This notice responds to a petition for reconsideration of the May 22, 1985 notice amending Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to allow motor vehicles to be equipped with replaceable bulb headlamp systems consisting of either four lamps with single standardized replaceable light sources, or two lamps each with two such light sources.

The petition was filed by Ford Motor Company. Petitioner asked for the deletion of paragraph S4.5.8 which prohibits simultaneous activation of the upper and lower beams of a four lamp system each containing a single standardized replaceable light source, claiming that the agency has shown no safety need for it. The petition is denied because of the potential that combined beam use could result in more than 75,000 candela emission at the H–V test point on each side of the vehicle and more than 5,000 candela at the 4D–V test point. This could cause excess glare down the road to oncoming drivers and excess glare in the foreground.

Petitioner also called attention to duplicative language in paragraph S4.1.1.36(a)(2). Its petition for correction is granted and the standard is amended to remove that language.

EFFECTIVE DATE: July 2, 1986.

FOR FURTHER INFORMATION CONTACT: Richard Van Iderstine, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–426–2720).

SUPPLEMENTARY INFORMATION: On May 22, 1985, NHTSA published a notice amending 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* (50 FR 21052). The amendment allowed motor vehicles to be equipped with replaceable bulb headlamp systems consisting of either four lamps, each with a single standardized replaceable light source, or two lamps each with two such light sources. Included in the amendment was the prohibition against simultaneous activation (except momentarily for temporary signalling use) of the upper and lower beams of a headlighting system consisting of four lamps each with its own single light source.

On June 21, 1985, Ford Motor Company petitioned for reconsideration of the prohibition, claiming it was an "unwarranted new design restrictive requirement." Citing the agency's rationale for the prohibition, as expressed in the preamble to the notice (the photometric requirements of SAE J579c do not contemplate such use), Ford argued that "no data were presented or referenced by NHTSA in support of this claim, nor have any data been presented to suggest that activating the lower beam simultaneously with the upper beam presents any risk to motor vehicle safety." In Ford's opinion, "Such use of combined beams may well improve the overall upper beam performance and therefore contribute to motor vehicle safety (indeed such use is contemplated by NHTSA in its rulemaking for Type F sealed beam headlamps)." Ford observed that "As no vehicle manufacturer, to our knowledge, has ever marketed a vehicle in which the upper and lower beam could be combined, except as part of a "flash to pass" feature, there is no practical evidence that such a system would harm motor vehicle safety." Ford concluded by suggesting "that if the agency wishes to continue rulemaking in this area, the appropriate course of action would be to issue a notice of proposed rulemaking which would provide both detailed reasons and demonstrate a safety need for such a prohibition."

NHTSA believes that the rulemaking history of paragraph S4.5.8 and the discussion in Notice 3 of Docket 84–04, May 13, 1985, for simultaneous beam use in the Type F system, demonstrate the need for such a prohibition and has offered ample opportunity for public comment. As NHTSA noted in the preamble to the final rule (p. 21054) "A second issue of concern to commenters was the proposed prohibition against simultaneous use of upper and lower beams in a four-lamp system if the J579c photometrics were allowed, as contrasted with the lack of such a prohibition for systems with Type F photometrics."

Under Standard No. 108, the maximum candela at the H–V test point of the upper beam cannot exceed 75,000 on each side of the front of the vehicle. Beyond that, as the agency has noted, benefits attributable to increased light output rapidly diminish, and the possibility of glare greatly increases. There are also restrictions on the maximum intensity of upper beam light permitted at the 4D–V test point.

The primary reason for not permitting simultaneous use of upper and lower beams in four-lamp, four-light source systems is the potential for such use to result in situations where the photometric limits are exceeded at these test points. These situations may arise because of the way headlamp units are defined in the standard, and because of the way photometric requirements apply to these units.

The photometric tables, in this case from SAE J579c, pertain to a headlamp unit, not to individual filaments or bulbs that may be a part of the unit. Standard No. 108 applies only Table 1 to replaceable bulb headlamps, which

provides for a single lower beam, and/or a single upper beam to be produced by a headlamp unit. Thus, in the case of the two-lamp, four-light source system, the standard does not place any limitations on how the photometric requirements for each lamp are to be met as long as the lamp provides a lower beam and an upper beam. Manufacturers are allowed to design lamps to produce the required light patterns with one of the light sources or both of the light sources present in the headlamp because they have complete control over lamp design. Manufacturers can determine how much each light source, reflector, and lens component within each headlamp unit will contribute in producing the required lower beam light and the upper beam light.

Such is not the case in the four-lamp, four-light source system. Here, each lamp must be designed to conform with either the lower beam requirements *or* the upper beam requirements of SAE J579c, Table 1. Thus, it is conceivable that when a lower beam lamp from one manufacturer is activated simultaneously with an upper beam lamp from another manufacturer, as could occur with replacement lamps, the combined output might exceed the photometric maximums allowed at certain critical test point locations such as H–V, or 4D–V.

Some vehicle manufacturers might voluntarily equip their products with four lamp systems where the combined output would not exceed maximum limits, but consumers would have no guarantee of this. The potential for mismatch would be even greater when the vehicle owner is required to purchase a replacement lamp in the aftermarket. For lamp units designed to conform with SAE J579c, the only way to prevent the possibility of excessive and potentially unsafe combinations of lamp output, is to prohibit their simultaneous use.

Ford also called the agency's attention to the amendment to S4.1.1.36(a)(2) effectuated on May 22 which added five sentences (not four as the amendatory language mistakenly stated). The first new sentence is redundant with the unamended existing first sentence to the section. Ford recommended removing the second sentence that was added on May 22, i.e., "The lens of each replaceable bulb headlamp shall have three pads which meet the requirements of Figure 4."

The agency agrees that there is a redundancy, and has granted Ford's petition; but it has chosen to remove the existing first sentence, rather than the second sentence added on May 22. The text to be deleted describes the aiming pads, the aiming plane, and the method for determining the settings for the adjustable aiming device locating plate. It states that the aiming pads form the aiming plane which is no longer true. The pads are used for positioning the aimer legs. The aimer legs, having been set to the correct setting as engraved on the lamp lens, determine the aiming plane.

The engineer and lawyer primarily responsible for this rule are Richard Van Iderstine and Taylor Vinson, respectively.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—[AMENDED]

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment,* is amended as follows:

The authority citation for Part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

The first two sentences of paragraph (a)(2) of S4.1.1.36 are removed, and the following sentence is added to read:

(a)(2) The lens of each replaceable bulb headlamp shall have three pads which meet the requirements of Figure 4, *Dimensional Specifications for Location of Aiming Pads on Replaceable Bulb Headlamp Units.*

Issued on June 27, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86–14900 Filed 7–1–86; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 51, No. 127
Wednesday, July 2, 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 92

[Docket No. 86-020]

Deletion of Certain Canadian Border Ports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations concerning ports designated for the importation of animals by removing Ogdensburg and Rooseveltown, New York, from the list of border ports for the entry of animals from Canada. It is proposed to amend the regulations by removing Ogdensburg and Rooseveltown, New York, from this list because it does not appear that there would be sufficient activity at these ports to justify assigning a person to service them.

DATE: Written comments must be received on or before September 2, 1986.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 86-020. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Allan A. Furr, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 806, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8499.

SUPPLEMENTARY INFORMATION:

Background

Regulations in 9 CFR Part 92 (the regulations), with certain exceptions, require animals to be inspected and to be accompanied by certain documentation as a condition of entry into the United States from Canada. The regulations allow these animals to be imported only through designated ports listed in § 92.3 of the regulations, or at ports designated in special cases upon approval by the Deputy Administrator, Veterinary Services, with the concurrence of the Secretary of the Treasury. This is necessary to ensure that the animals are imported at a place serviced by U.S. Customs, and to ensure that the animals are imported only at ports having qualified personnel for performing Veterinary Services inspections and making other determinations concerning whether animals meet specified requirements for entry into the United States.

Twenty-four ports, including Ogdensburg and Rooseveltown, New York, are listed in § 92.3(b) of the regulations as Canadian border ports for the importation of animals from Canada. Departmental records indicate that during fiscal year 1985 inspection services were needed on 68 days at Ogdensburg and on four days at Rooseveltown for the importation of animals from Canada. It does not appear that there will be sufficient activity at these ports to justify assigning a person to service them. It is expected that, if the proposal is adopted, any importers that currently use the ports of Ogdensburg or Rooseveltown will instead use the port at Alexandria Bay, New York (approximately 40 miles from Ogdensburg and 85 miles from Rooseveltown), or the port at Champlain, New York (approximately 115 miles from Ogdensburg and 75 miles from Rooseveltown). Departmental records indicate that during fiscal year 1985 inspection services were needed on 246 days at Alexandria Bay and on 236 days at Champlain for the importation of animals from Canada. It is anticipated that, if the proposed rule is adopted, personnel currently servicing these ports will be able to perform the necessary inspection services for any additional animals that may enter through these ports as a result of closing the ports at Ogdensburg and Rooseveltown.

Under the circumstances referred to above, it is proposed to amend § 92.3(b) of the regulations by removing Ogdensburg and Rooseveltown, New York, from the list of Canadian border ports.

Executive Order 12291 and Regulatory Flexibility Act

This proposed rule has been reviewed in accordance with Executive Order 12291 and has been classified as not a major rule. The Department has determined that this action would not have a significant effect on the economy; would not result in a major increase in costs or prices for consumers, individuals industries Federal, State, or local government agencies, or geographic regions; or 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 rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

It is anticipated that if the proposed rule is adopted, the deletion of Ogdensburg and Rooseveltown, New York, from the list of Canadian border ports for the entry of animals from Canada will cause little, if any, change in the number of animals entering the United States from Canada or in the number of persons importing such animals. As indicated above, it is expected that any importers who use the ports of Ogdensburg or Rooseveltown would instead use the port at Alexandria Bay, New York (approximately 40 miles from Ogdensburg and 85 miles from Rooseveltown), or the port at Champlain, New York (approximately 115 miles from Ogdensburg and 75 miles from Rooseveltown).

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 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, it is proposed to amend the regulations in 9 CFR Part 92 as follows:

1. The authority citation for Part 92 would continue to read as set forth below:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraph (b)(1) of § 92.3 would be revised to read as follows:

§ 92.3 Ports designated for the importation of animals and birds.

* * * * *

(b) *Canadian border ports.* (1) The following land border ports are designated as having the necessary inspection facilities for the entry of animals from Canada: Eastport, Idaho; Houlton and Jackman; Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Opheim, Raymond, and Sweetgrass, Montana; Alexandria Bay, Buffalo, and Champlain, New York; Dunseith, Pembina, and Portal, North Dakota; Derby Line and Highgate Springs, Vermont; Blaine, Lynden, Oroville, and Sumas, Washington.

* * * * *

Done at Washington, DC, this 27th day of June 1986.

A.E. Hall,

Deputy Administrator, Veterinary Services.

[FR Doc. 86–14963 Filed 7–1–86; 8:45 am]

BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Rel. No. 33-6651, 34-23374, 35-24136, 39-2020, IC-15171; S7-15-86]

Rulemaking for Operational Edgar System

AGENCY: Securities and Exchange Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Securities and Exchange Commission ("Commission") requests public comment to assist it in preparation of proposed rules for the operational phase of its electronic disclosure system, Edgar. Comment is sought on changes that need to be made to current rules and new rules needed for the operational system.

DATE: Comments must be received on or before September 5, 1986.

ADDRESS: Comments should be submitted in triplicate to Shirley E. Hollis, Acting Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. All comment letters should refer to File No. S7–15–86. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Mauri L. Osheroff, Deputy Chief Counsel, Division of Corporation Finance, (202) 272–2573, Patricia M. Jayne, Edgar Special Counsel, Division of Corporation Finance, (202) 272–7054, or Thomas S. Harman, Special Counsel, Division of Investment Management, (202) 272–3035, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission today requests public comment on the rulemaking necessary for the operational Edgar system in wich most filings processed by the Divisions of Corporation Finance and Investment Management ("Divisions") will be filed electronically. Currently, in the pilot Edgar system ("Pilot"), electronic filings are made by voluntary participants under temporary rules. Additional rulemaking is necessary to require electronic filing and to revise existing rules to facilitate electronic filing. Accordingly, the Commission is seeking comment on the rulemaking changes necessary to mandate and accommodate electronic filings, as well as to update the rules to take advantage of the efficiencies of electronic filing and processing. In addition to those areas discussed below, commentators are encouraged to suggest other areas where rule and form changes are appropriate due to electronic filing.

I. Executive Summary

A. The Pilot System

Currently, the Commission is operating a pilot electronic disclosure system that was designed to develop and test such a system with live filings.[1] The first filings were received in the Pilot on September 24, 1984. Through May 23, 1986, over 6,200 filings have been submitted in place of paper documents by a group of voluntary participants.[2] They include a wide range of filings under the Securities Act of 1933 ("Securities Act"),[3] the Securities Exchange Act of 1934 ("Exchange Act"),[4] the Public Utility Holding Company Act of 1935 ("PUHCA"),[5] the Trust Indenture Act of 1939 ("Trust Indenture Act") [6] and the Investment Company Act of 1940 ("Investment Company Act").[7] Filings can be accepted in three different media: Direct transmission over telephone lines, diskettes prepared on over eighty-five different types of word processors and personal computers, and magnetic tapes.[8]

To accommodate electronic filing, temporary rules and forms were adopted.[9] These temporary rules modify various procedural rules and facilitate the submission and processing of filings in an electronic format. In view of the developmental nature of the Pilot, they were adopted as separate, additional rules and not as changes to the rules to which they apply.

Experience with the Pilot has been very favorable and has demonstrated the ability of an electronic filing system to provide benefits to both the Commission and the filing community. The Commission, therefore, believes the time has come to expand these benefits by extending electronic filing, processing and dissemination to most filings processed by the Divisions.

B. The Operational System

1. Procurement

The Commission recently issued a Request for Proposals ("RFP") soliciting offers for the operational Edgar system.[10] The RFP describes an

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[1] See Release No. 33–6519 (49 FR 12707) (March 30, 1984), soliciting indications of interest to participate in the Pilot.

[2] Additional volunteers will not be accepted after August 31, 1986.

[3] 15 U.S.C. 77a–77aa.

[4] 15 U.S.C. 78a–78ii.

[5] 15 U.S.C. 79–79z–6.

[6] 15 U.S.C. 77aaa–bbbb.

[7] 15 U.S.C. 80a–1–80a–52.

[8] In most cases, direct transmission filing is the most efficient filing method. It eliminates the cost of delivering filings to Washington, DC and the potential delays that may occur. For example, in case of inclement weather that disrupts flight schedules, it makes possible same-day filing.

[9] Release No. 33–6539 (49 FR 28044) (July 10, 1984); Release No. 35–23704 (50 FR 23287) (June 3, 1985); Release No. IC–14733 (50 FR 40479) (Oct. 4, 1985).

[10] Copies of the RFP are available by written request to: Gary Fontaine, Securities and Exchange

Continued

arrangement between the Commission and the contractor that will provide for electronic receipt, processing and dissemination of most filings made with the Commission. Responses to the RFP are due on September 10, 1986. They then will be evaluated, with the expectation that a contract will be awarded by year-end.

2. Rulemaking Approach

The overall concept of the anticipated rule changes is that the process of filing, rather than the substance of the disclosure, is being changed. Nevertheless, the Commission is examining the purposes of the various filing requirements and forms to determine whether electronic filing makes possible the elimination, or require the revision or addition of, certain requirements.

It is anticipated that the rule revisions to be proposed for the operational system will integrate the changes necessary to facilitate electronic filing throughout the rules. Currently, the Commission does not anticipate proposing any changes to the information required to be disseminated to investors in paper.

The Commission anticipates that there will be at least two separate Edgar-related rulemaking proceedings. One will propose rules requiring electronic filing on Edgar subject to limited exemptions discussed below. The other will propose changes to the existing rules necessary to facilitate electronic filing and will encompass the areas covered in the temporary rules adopted for the Pilot.

II. Policy Issues

A. Mandatory Electronic Filing

The Commission anticipates that all persons filing documents processed by the Divisions under the Securities Act, the Exchange Act, the PUHCA, the Trust Indenture Act and the Investment Company Act will be required to file these documents electronically, with certain limited exceptions. Beginning in 1987, registrants will be phased into the system, in groups, starting with a limited number and increasing as experience is gained. It is expected that the first filings of each group to be phased in will be scheduled so as not to occur during the peak filing period of the responsible Division.[11] The Commission similarly expects that once a registrant is scheduled to begin filing electronically, any paper filing will be rejected unless a hardship exemption has been granted previously. Thus, failure to file a document electronically when required would be treated as failure to file and would subject the filer to the prescribed proceeding or penalty.

The order in which registrants will be phased into the system will be determined by the Commission after consultation with the contractor selected to operate the system. In addition, the order of phase-in will be subject to comment in the mandatory electronic filing rulemaking. Factors that may be considered in determining the phase-in schedule include the registrant's asset size, industry, and the market for the information. Comment is sought on these factors, as well as any others that commentators believe should be considered in determining the order in which the phase-in should be accomplished.

1. Hardship Exemption

Based on its experience in the Pilot and the requirements included in the RFP, the Commission believes that the operational Edgar system will be easily accesible to the filing community. With very few exceptions, persons required to make electronic filings with the Commission will be able to do so with minimal burden, either by themselves or through agents or service bureaus. Nevertheless, the Commission recognizes that there may be some limited circumstances in which electronic filing could be unduly burdensome. Accordingly, the Commission anticipates proposing a hardship exemption that would permit filing on paper in certain limited circumstances.

The Commission believes that any hardship exemption should require that certain conditions be met. For example, a person seeking an exemption might be required to: (1) Represent that it does not have equipment capable of making an electronic filing compatible with Edgar; (2) describe its attempts to comply with the requirements; and (3) represent that it cannot obtain the services of an agent, such as a financial printer, law or accounting firm, service bureau or other intermediary, to make the filing without unreasonable effort or expense. Comment is sought on these conditions and on whether there should be any categorical exemption based on the size of the filing entity.[12]

Comment also is sought on whether a hardship exemption should be granted on a filing-by-filing basis or whether it should be for a specified period of time, such as one year. In addition, the Commission anticipates that some type of expedited exemptive procedure to permit paper filing may be necessary, on a case-by-case basis, for filers who experience temporary technical difficulties. Commentators are requested to suggest appropriate criteria for both types of exemptions and what, if any, steps should be taken to include in the Edgar data base the information filed on paper pursuant to an exemption. The Commission anticipates that it would delegate authority to the staff to grant exemptive requests.

Consideration has been given to the use of optical character readers, which are computers capable of reading typed or printed material on paper and converting it into computerized data. In the Pilot, the feasibility of entering paper filings into the electronic data base using this type of equipment was tested. At this time, it does not appear that these devices provide sufficient accuracy in the transference process, in part because of the variety of typefaces and other print characteristics of documents filed with the Commission. The accuracy of this equipment is improved somewhat if particular formatting (i.e., margins, typeface) is required. Accordingly, the Commission requests comment on whether, if the technology of optical character readers sufficiently improves, filings permitted to be made in paper as a result of an exemption should be required to be filed in a specified format to facilitate their inclusion in the Edgar data base through the use of an optical character reader.

2. Filings Made by Natural Persons

Numerous filings with the Commission are made by natural persons. These include Forms 3, 4 and 144 [13] and many Schedules 13D and 13G.[14] Other Williams Act filings, such as Schedules 14D–1 and 14D–9,[15] may be filed by

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Commission, Procurement and Contracts Branch, 450 5th Street NW., Washington, DC 20549. Issuance of the RFP followed a series of releases requesting comment, as well as public meetings with interested persons. See Release No. 33–6548 (49 FR 35798) (Sept. 12, 1984); Pre-Solicitation Document, Executive Summary and Appendices, issued July 1, 1985; Notice (50 FR 47886) (Nov. 20, 1985); and Release No. 33–6614 (50 FR 51495) (Dec. 17, 1985).

[11] In general, the peak filing period occurs at the end of March for the Division of Corporation Finance and between February and May for the Division of Investment Management.

[12] For example, these might be similar to the criteria specified in the definitions of small entities which the Commission has adopted for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601–612. 17 CFR 230.157, 240.0–10, 250.110, 260.0–7, and 270.0–10.

[13] 17 CFR 249.103, .104 and 239.144 respectively.

[14] 17 CFR 240.13d–101 and .13d–102 respectively. See also discussion of "Investment Advisers and Broker-Dealers," *infra*.

[15] 17 CFR 240.14d–100 and .14d–101 respectively.

individuals who own large holdings of the subject company or who intend to acquire large holdings. Some of these natural persons may not have access to equipment for electronic filing. However, often when a natural person has a reporting obligation, the filing is prepared by a corporate entity or agent with equipment capable of making an electronic filing. In addition, certain of these forms, especially in the context of a tender offer, are filings for which there is great public demand for rapid access. The Commission seeks comment on whether there should be a specific exemptive procedure for natural persons and, if so, what criteria should be used to grant exemptions. In addition, comment is sought on whether any Forms 3, 4 and 144 which are permitted to be filed on paper should be filed in a particular format or typeface so that they may be read into the system by an optical character reader.

3. Exceptions to the Mandatory Filing Rule

While the Commission anticipates that most filings will be made electronically, it expects that a limited number of filings will continue to be filed on paper and that certain forms or groups of registrants will be phased into the electronic system at a later date.

a. *Filings made in Regional Offices.* The Commission anticipates proposing that filings made under Regulation A,[16] and Regulation F,[17] on Form S–18,[18] which are filed in the regional offices, will be required to be filed electronically when the Commission's regional offices are phased into the Edgar system.[19]

b. *Regulation B.* The Commission does not anticipate permitting electronic filing of offerings of fractional undivided interests in oil and gas rights made under Regulation B.[20] They contain extensive graphic materials that would have to be handled differently in the electronic system.[21] In addition, they are few in number [22] and dollar amount, and are filed by small oil and gas operators who might qualify for a hardship exemption. Comment is sought on this approach to Regulation B filings.

c. *Foreign Issuers.* For the first few years of the operational system, the Commission is considering permitting foreign governments and foreign issuers to file either in paper or electronically the following forms, submissions, or documents: F–1, F–2, F–3, F–4, F–6, 20–F, 6–K, 12g3–2b, Schedule B, 18 and 18–K.[23] This will give foreign issuers more time to test for compatible equipment and transmission modes.

d. *Investment Advisers and Broker-Dealers.* The Commission anticipates that investment advisers and broker-dealers will file electronically through either a central registration depository ("CRD") or the operational Edgar system. Broker-dealers registered with the National Association of Securities Dealers ("NASD") currently are filing through a CRD operated by the NASD, and all other broker-dealers may also file eventually through this CRD rather than directly with the Commission. Current plans for investment adviser registration contemplate the use of this or a similar CRD through which advisers would file electronically, although it is possible that advisers would file electronically through Edgar.

e. *Confidential Treatment Material.* Currently, material for which confidential treatment is requested is filed on paper with the Secretary of the Commission.[24] If confidential treatment is denied, no appeal is taken and the material is not withdrawn, the Commission makes the material public.[25] The Commission does not anticipate changing the procedure for filing confidential treatment material on paper in the operational Edgar system. Nevertheless, the Commission is considering alternatives to handling material if a confidential treatment request is denied and the material is not withdrawn. One alternative would be to require that the material be refiled electronically within two days. Another would be to require that the material on paper be accompanied by a diskette containing the material in an electronic format. If confidential treatment is denied, the material would be entered into the system via the diskette. Comment is sought on these approaches, as well as any others that commentators believe would ensure that the material denied confidential treatment would be entered promptly into the data base.

f. *No-action and Other Requests.* At this time, the Commission does not anticipate requiring that no-action requests,[26] requests for interpretive advice, shareholder proposals,[27] and applications for orders of exemption from provisions of the Investment Company Act be submitted electronically.

g. *Correspondence.* In the Pilot, correspondence has been permitted to accompany a filing as part of the electronic submission. In addition, the Commission has utilized a commercial electronic mail service to send correspondence, such as comment letters, to registrants who request that electronic mail be used. Registrants and others have been able to use a commercial electronic mail service to send the Commission correspondence, such as responses to comment letters and requests for acceleration of effectiveness. Beginning in April 1986, registrants and others, such as law and accounting firms and underwriters, have been able to submit correspondence directly via Edgar. The Commission anticipates continuing this practice in the operational system.

Currently, correspondence is considered non-public information. Thus, when a request that encompasses correspondence is made under the Freedom of Information Act ("FOIA"),[28] the staff must review every document. The Commission requests comment on whether particular types of correspondence, such as cover letters, should be made public automatically upon filing or upon passage of a specific period of time. Comment also is sought on whether the sender should designate the correspondence as public or non-public to facilitate the processing of FOIA requests.[29]

4. Paper Copies

During the first six months of the Pilot, the participants were asked to submit a paper printout of each filing. The printout accompanied diskette and magnetic tape filings and was sent to the Commission after a direct transmission filing. The printout was not a duplicate paper filing, but was required solely for quality assurance purposes. The electronic filing and, once produced, the computer-generated microfiche, is the official filing.[30]

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[16] 17 CFR 230.251–.264.

[17] 17 CFR 230.651–.656

[18] 17 CFR 239.28.

[19] This exception would not apply to Form S–18s filed at the Commission's principal office in Washington, D.C.

[20] 17 CFR 230.300–.346.

[21] See "Graphic and Image Material," *infra*.

[22] In fiscal 1985, there were 14 Regulation B filings.

[23] 17 CFR 239.31–.36, 249.220f, 249.306, 240.12g3–2(b), 15 U.S.C. 77aa (Schedule B), 17 CFR 249.218 and .318, respectively.

[24] 17 CFR 230.406 and 240.24b–2.

[25] 17 CFR 230.406(e).

[26] 17 CFR 200.81.

[27] 17 CFR 240.14a–8(d).

[28] 5 U.S.C. 552.

[29] Currently, Rule 83 provides a means for parties submitting supplemental information to the Commission to assert that the information is entitled to an exemption from disclosure under the FOIA. 17 CFR 200.83(c).

[30] This is consistent with the system for paper filings. The microfiche made from the paper filing is the official Commission record.

In the operational system, the Commission anticipates requiring a paper printout for quality assurance purposes until the Commission is assured of the integrity and security of the system. It currently contemplates requiring a paper printout for the first six months that a registrant files electronically. Comment is sought on whether this is necessary and, if so, whether this is the appropriate period. The Commission anticipates an approach similar to that followed in the first six months of the Pilot. Nevertheless, the Commission seeks comment on whether it should revise the method and timing of the printout submitted for direct transmission filings.

During the Pilot, the Commission has sent participants a printout of most filings once accepted. The Commission is considering whether to discontinue this practice due to the high cost of staff time and mailing. Comment is sought on whether this practice should be continued in the operational system and whether it will be necessary once there is widespread electronic access to the Edgar data base.

III. Legal Issues

A. Signatures

1. Background

Many filings made with the Commission are required to be signed manually by at least one person on behalf of the registrant or filing person, and, in certain instances, by officers and directors. Section 6(a) of the Securities Act contains a specific requirement that a registration statement filed with the Commission must be signed by each issuer and certain natural persons. The Trust Indenture Act and Investment Company Act also reference signatures in some sections. The Commission has adopted rules under those Acts, as well as under the exchange Act, requiring signatures on certain filings. For example, under the integrated disclosure system, the Commission requires Form 10–K to be signed by the same persons who sign registration statements under the Securities Act.[31] In addition, section 7 of the Securities Act requires that the consents of persons named as experts be filed with registration statements.

The Commission has long permitted filings to be signed by a power of attorney. However, the power of attorney may not be general, but must be for a specific filing or any amendments thereto.[32] In addition, the power of attorney must be filed as an exhibit.[33]

2. The Pilot

In the Pilot, each registrant or filer is issued a password. This is a unique series of characters that authenticates the filing and allows it to enter the electronic data base. It does not appear in the filing and is in addition to any required signatures.

Two methods of signatures are provided in the Pilot depending on the filing medium used. First, diskette and magnetic tape filings are signed by means of manually signed printouts of the signature pages, opinions and consents. These accompany the diskette or magnetic tape and the electronic filing contains a conformed signature page. Second, direct transmission filings are signed by means of personal identification numbers ("PINs").[34] A PIN is a unique series of characters assigned by the Commission to a natural person or entity, such as a law or accounting firm.[35] The PIN is entered on the signature line of the filing in lieu of a manual signature. Upon receipt of the filing, the Edgar system converts the PIN to the typed name of the signer.

PINs were chosen as the means to sign direct transmission filings in the Pilot because they approximate manual signatures. In addition, PINs require no special equipment on the part of filters.

During the Pilot, some participants and their agents, especially accountants and attorneys, have expressed concerns about administrative problems and security related to PINs. For example, PINs have caused some difficulty when signers are geographically distant from the place of transmission. Security concerns have been expressed because once the PIN is typed on the filing, it is visible to anyone who has access to the filing before transmission. Although the Commission will issue another PIN upon request, this has not satisified some signers, such as experts, who may not be involved with the actual transmission of the filing. In addition, while powers of attorney may be used to sign direct transmission filings either by the entry of a PIN or by submission on paper, concerns continue to be raised.

3. Operational System

The Commission anticipates continuing to issue a password to each filer, as this has worked well in practice.[36] However, in view of the concerns expressed about PINs, the Commission is considering alternative ways for filers, their officers and directors, and experts to sign documents or otherwise preserve their liability. To this end, both technological and rulemaking alternatives to PINs have been studied. Based upon studies in the Pilot, it does not appear that there are any cost-effective technological devices that could be used to sign filings. The Commission, therefore, is seeking convenient and practical rulemaking alternatives which preserve liability under the securities laws. Any alternative would be applicable to all electronic filings, including those submitted on diskette and magnetic tape, to avoid potential problems if a filer wishes to change its method of submission at the last minute.

Numerous rulemaking alternatives are being studied. First, with respect to statutory signature requirements, the following are being considered: (1) PINs, with or without modification; (2) powers of attorney filed in paper or electronically; and (3) types signatures, with or without a representation by the registrant that a manually signed copy is contained in its files which will be made available to the Commission and others upon request. Second, with respect to filings for which there is no statutory signature requirement, the Commission also is considering whether it should amend the various forms and schedules to require a representation that the specified persons have reviewed the filing and caused it to be filed. The Commission solicits comment on these alternatives and any other that would facilitate electronic filing with preserving liability under the securities laws.

Comment also is requested with respect to whether signatures of experts should be handled differently from signatures of officers and directors. The Commission seeks the views of commentators as to whether its rules should provide special methods of verifying signatures of experts, for example, whether PINs should continue to be available for experts, even if not

[31] 17 CFR 249.310. See General Instruction D(2)(a) of the form.

[32] See letter to Allied Corp., July 21, 1982.

[33] See Item 601(25) of Regulation S–K. 17 CFR 229.601(b)(25).

[34] Form ID, 17 CFR 239.63, is used to apply for a PIN, a company password or a company identification number.

[35] See 17 CFR 230.499(b)(7).

[36] Some participants have suggested that each registrant have two passwords so that if the registrant chooses, two different individuals would be necessary to make a filing. The Commission believes that providing for two passwords is unnecessary since, for those filers who believe additional precautions are necessary, the password can be split in two parts by the registrant so that two different persons are necessary to transmit filings.

provided for other parties. To avoid the logistical problem of having the expert present at the submission of the filing, the signed consent, and perhaps the opinion itself, could be transmitted separately by the expert.[37] Alternatively, experts may be able to assure sufficient protection from misuse of their names through arrangements with registrants, and may not require different treatment.

B. The Receipt Process

When a filing is submitted to the Commission on paper, it is checked for such things as required signatures and fees. If these are missing from a Securities Act filing, the filing is rejected. Generally, filings under the other securities laws with such problems are placed in a suspense file or accepted and the registrant is notified of the deficiency and required to correct it. After being checked, the filing is date stamped and considered received. In the Pilot, a similar system is used for electronic filings. When an electronic filing arrives, the data and time that receipt begins are recorded in the system. The filing then passes through the system's validation software which verifies that it is formatted properly. The staff then checks the filing for required signatures and fees. If the filing requirements are met, the filing is accepted and the date and time of acceptance recorded in the system. In the Pilot, the temporary rules define the term "received," as it is used to determine the filing date of an electronic filing, to be the date the filing is accepted, as determined by the Commission.[38]

During the Pilot, participants are able to make direct transmission filings between 7:30 a.m. and 7:00 p.m. eastern time on weekdays, exclusive of holidays. Receipt of diskettes and magnetic tapes and the acceptance of all filings takes place between 8:00 a.m. to 5:30 p.m. eastern time. Direct transmission filings received after the close of business receive the filing date of the next business day.

In the operational system, the Commission anticipates that filers will continue to be able to send direct transmissions beyond normal business hours. The RFP requires that the system be available to filers between 8:00 a.m. and 8:00 p.m. eastern time. The RFP notes that at peak filing periods the hours may need to be extended. Comment is requested on desired hours of operation.

The Commission anticipates that as many as possible of the current acceptance procedures, including checking or required signatures and fees, will be automated in the operational system. Thus, the acceptance process may be completed after the close of the Commission's hours of business. For direct transmission filing submitted or completed after the close of the Commission's hours of business, comment is sought on whether the official filing date should be the date of acceptance or the next business day. The date of filing is important not only for determining whether a required filing is made timely, but also for determining when a specified time period begins to run.[39] This is of particular concern for time-sensitive filings such as tender offer material. Comment also is sought on what filing date should be used for diskettes and tapes—the date of receipt, or, if different, the date of acceptance.

During the Pilot, the Commission delegated authority to the Directors of the Divisions to adjust the filing date of electronic filings where receipts or acceptance of the filing is delayed because of equipment malfunction or technical problems.[40] The Commission anticipates retaining this delegation of authority in the operational system to ensure that filers are not penalized for technical difficulties in making a filing. Nevertheless, the Commission needs to ensure that there is no abuse of filing deadlines and requests comments as to whether specific criteria for adjusting the filing date should be adopted and, if so, what the criteria should be.

To provide filers with immediate information about the status of submissions, the RFP requires that the contractor provides an electronic receipt and acceptance bulletin board to notify filers of the acceptance or rejection of a filing, including error messages for rejected filings. [41]

C. One-Stop Filing

Throghout the Pilot, the Commission has explored how Edgar can be used to reduce the burden of filers of duplicative filing requirements. Accordingly, it has been working with the self-regulatory organizations and the states to determine whether it is possible for a filing on Edgar to meet the filing requirements of all these parties. This would reduce costs and increase efficiency for filers, as well as possibly reducing the time it takes to access the capital markets.

Section 13(a) of the Exchange Act requires issuers of securities listed on a national securities exchange to file copies of information, documents and reports filed under that section with the exchanges on which they are listed. [42] In addition, the National Association of Securities Dealers ("NASD") requires that copies of certain registration statements be filed with it. [43] During the Pilot, the staff has held discussions with the exchanges and the NASD [44] to determine how one filing on Edgar would fulfill these requirements. The Commission anticipates proposing that once the exchanges have access to the Edgar data base, a registrant may fulfill the requirements of section 13(a) by an indication in its Edgar filing.

The Commission also is working with the North American Securities Administration Association ("NASAA") to explore how one filing on Edgar might fulfill the various state filing requirements. NASAA issued resolutions in support of Edgar in September 1984 and March 1986. In addition, it designated three states to participate in the Pilot. The state securities administrators in California, Georgia and Wisconsin have had access to the public filings in the Edgar data base since February 1985. The Commission is continuing to work with NASAA to accommodate the needs of the states, and NASAA is looking into various approaches to funding state participation.

IV. Presentation of Information

A. Incorporation by Reference

In certain cases, the Commission currently permits incorporation by reference to previously filed documents.[45] For example, the basic information package in the annual report to security holders,[46] including the management's discussion and analysis, selected financial data and financial statements, may be incorporated into a registrant's Form 10–

[37] Also see discussion of "Binding," *infra*.

[38] 17 CFR 230.499(b)(5).

[39] *E.g.*, 17 CFR 240.14a–6(a) (requiring that preliminary proxy material be filed at least 10 days prior to its use) and 17 CFR 240.14e–1(a) (establishing a minimum period that a tender offer must remain open).

[40] Release No. 33–6557 [50 FR 45847] (Nov. 21, 1984), codified at 17 CFR 200.30–1(a)(9) and Release No. IC–14733 (50 FR 40749, 40483) (Oct. 4, 1985), codified at 17 CFR 200.30–5(a)(7).

[41] A similar capability recently has been added to the Pilot.

[42] 15 U.S.C. 78m.

[43] Review of Corporate Financing, Interpretation under the NASD Rules of Fair Practice, CCH NASD Manual ¶ 2151.

[44] In addition, the NASD will soon have access to the public filings in the data base as part of the Pilot.

[45] 17 CFR 201.24, 230.411, 240.12b–23, 250.22(b), 260.7a–28 and –29, and 270.8b–23.

[46] 17 CFR 240.14a–3(b).

K,[47] and into Securities Act registration statements in certain cases. Many registrants do, in fact, incorporate this information from their annual report to security holders into their Form 10–K. In the Pilot, no change was made to these rules even though, in most cases, the annual report to security holders could not be submitted electronically.[48] The annual report to security holders generally is not prepared in an electronic format and typically may be "cut and pasted" before printing. It also may contain pictures, graphs and other image material. In the Pilot, the annual report has been submitted on paper, either filed under cover of Form SE [49] or provided to the Commission.[50] This has resulted in an incomplete electronic data base.

In the operational system, the data base must be as complete as possible. Thus, the Commission is exploring alternative methods of ensuring that the basic information package is contained in the Edgar data base. The Commission could require that registrants submit in an electronic format all material incorporated by reference, including information from documents that cannot be filed electronically, such as some annual reports to security holders. This information could be filed as part of the Form 10–K or as a separate submission. The Commission solicits specific comment on these alternatives and invites suggestions as to other ways of ensuring a complete Edgar data base.

Other changes to the rules on incorporation by reference are being considered. For example, certain rules requiring refiling of previously filed material may be modified if the material can be easily located in the Edgar data base.[51] Comment is requested on changes to particular rules dealing with incorporation by reference that should be considered in the operational system.

B. Data Tagging

In the Pilot, filings are submitted in free-form textual format, just as filings made on paper. Because of this, it is not possible to select individual data items for analysis without manual re-keying of the data. The system has full-text search capabilities that permit inquiries of the Edgar data base for particular words or phrases. This capability is extremely useful for many purposes, including financial analysis; however, to provide the flexibility to perform complex financial calculations, it is necessary to have some type of data tagging—the identification of specific information in such a way that it may be readily extracted and analyzed by the system.

In the Pilot, several approaches to data tagging are being tested. first, in the most promising experiment, Pilot participants have been asked to submit voluntarily a formatted disclosure schedule that lists certain of the items required to be presented in financial statements pursuant to Article 5 of regulation S–X [52] and the amounts included in their financial statements responding to the requirements. Edgar automatically extracts data from this schedule and computes predetermined ratios to facilitate financial analysis. This is not a standardized financial statement, but rather an additional schedule. Initial filer response has been positive. Filers have indicated that it takes less than one hour to prepare the schedule. Evaluation of this approach is continuing.

Second, a prototype artifical intelligence ("AI") project was undertaken. The AI data tagging project, called the Financial Statement Analyzer, was developed to compute standard ratios from financial statements and footnotes.[53] Based on a sample of 30 balance sheets, 30 income statements and 35 footnotes, ina controlled environment, it successfully computed 89 to 95 ratios—a 94% success rate. The feasibility of integrating the system capabilities of such AI applications into the operational phase of Edgar is being explored. However, in view of the significant technological difficulties, the application of AI as a means of automatically identifying specific financial information will take longer to achieve than the other data tagging methods being tested.

The RFP requires each bidder to propose an approach to data tagging based on the use of Regulation S–X. The RFP states that the Commission "anticipates taking whatever reasonable and necessary steps are required with respect to rulemaking" in this area.

Comments regarding data tagging and the voluntary disclosure schedule are encouraged. In addition, comment is requested on whether additional information, such as that presented in financial statement footnotes, should be tagged.

C. Graphic and Image Material

While most information filed with the Commission is textual material, a limited amount of graphic and image material is contained in Commission filings. Throughout the Pilot, the staff has tested various equipment for handling digitized graphic and image material. The staff has determined that, at this time, no cost-effective technology is available to handle graphic and image material. Thus, the Commission currently does not anticipate proposing any requirement to file graphic and image material electronically.

In the Pilot, graphic and image material has been handled in two ways. First, certain rules, such as Rule 424(C),[54] require that a document be filed in the form in which it was circulated. This requirement is satisfied by a description in the electronically filed document of any differences between the circulated document and the filed document. The explanation must include such items as color, type size, type style, and a description of photographs or other images. Second, when a graph or chart presents substantive discolsure, a narrative description of the information presented is required. For example, a description of a pie-shaped chart would indicate the percentages in each of its wedges, their titles and other descriptive information.

The Commission anticipates proposing similar requirements for the operational system, calling for a description in the electronically filed document of differences between it and the circulated document and a description of charts and graphs. Comment is sought on whether the Commission also should require a paper copy of such graphs or charts.

D. Exhibits

In the Pilot, many exhibits are filed electronically as part of the filing to which they relate. The Commission recognized, however, that some exhibits are not created in an electronic format.[55] It therefore adopted Form SE[56] and permitted certain exhibits to be filed in paper where, in the judgment of the registrant, it is impracticable to file them in an electronic format.

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[47] 17 CFR 249.310.

[48] For example, of the 114 Form 10–Ks filed in February and March 1986 by participants in the Pilot, approximately 75% incorporated financial statement information from the annual report to security holders.

[49] 17 CFR 239.64.

[50] In cases where information from the annual report to security hoders is not incorporated by reference, it does not have to be filed, but merely provided to the Commission for information purposes. 17 CFR 240.14a–3(c).

[51] *E.g.*, 17 CFR 240.12b–23(a)(3) requires that certain information incorporated by reference into a registration statement or report be filed as an exhibit to the statement or report.

[52] 17 CFR 210.5–02 and –03.

[53] See Financial Statement Analyzer Report, available in the Commission's Public Reference Room.

[54] 17 CFR 230.424(c).

[55] See Release No. 33–6539 [49 FR 28044, 28047] (July 10, 1984).

[56] 17 CFR 239.64.

Nevertheless, the Commission encouraged the submission of exhibits in an electronic format and anticipated that, over time, most exhibits would be prepared in an electronic format. Indeed, in the Pilot, an increasing percentage of exhibits are being filed electronically.

The Commission believes that it is essential that the electronic data base be as complete as possible, while minimizing the burden on filers. To provide a transition from paper to electronic filing, the Commission anticipates retaining Form SE and permitting previously prepared exhibits to be filed on paper where the registrant determines that it is impracticable to submit them electronically. However, with respect to exhibits prepared after the registrant's phase-in date, the Commission anticipates proposing that they must be filed in an electronic format. The Commission also anticipates proposing a cutoff date several years after the beginning of the operational system, after which only exhibits filed electronically will be accepted. Comment is sought on this approach. Comment is also sought on whether, at some time in the future, the ability to incorporate by reference exhibits previously field on paper should be discontinued.

In view of the capability of Edgar to access all electronically filed information, the Commission is considering a totally new approach to exhibits—a registrant exhibit file.[57] This file would contain a registrant's exhibits that could be accessed at any time. This also would permit exhibits to be submitted separately from the filings to which they relate. Comment is requested on this concept, as well as any other suggestions for the filing of exhibits.

E. Amendments and Supplements to Filings

The rules under the Secrurities Act require that when a filing is amended, it must be re-submitted in its entirety.[58] Filings under the Exchange Act, on the other hand, may be amended by submitting only those pages in which information is changed.[59] The Commission is considering whether a similar approach should be used for Securities Act filings under Edgar—only the changed pages of the amendment would need to be filed. Comment is sought on this approach.

Similarly, the Commission is requesting comment on whether to propose a change to the requirements under Rule 424 for prospectus supplements.[60] Currently, the rule requires that the complete prospectus be refiled, not just a prospectus supplement or "sticker."[61] With electronic filing, the Commission is considering whether only the changed information needs to be filed.

In the Pilot, the staff has permitted split filings for pre-effective pricing amendments submitted by direct transmission. In a split filing, all pages, other than pages containing only pricing and distribution information, are transmitted to Edgar the day before the effective date. This part of the filing is held in a suspense file. The other pages are prepared and transmitted the morning of effectiveness. Although not merged together, the two parts of the filing are accepted at the same time and designated as part of the same filing. This procedure addresses participants' conerns that transmission time could delay the effectiveness of an offering at the opening of the market. Comment is sought on the use of this approach for the operational system and on any alternative approaches for improving the efficiency of filing amendments. Comment also is sought on whether the use of this method should be expanded to other types of filings.

The amendment of a filing that was made on paper, and therefore is not part of the Edgar data base, presents special concerns when the amendment does not restate the complete filing. This situation is most likely to arise with respect to Exchange Act filings, such as Forms 13–D and 13–G, which often are amended years after the original filing. The Commission is considering whether to require the electronic filing of some or all of the original paper filing when an amendment to that filing is required, in order to assure access to the complete filing through the Edgar data base. Comment is sought on this approach and any other methods of assuring the completeness of the electronic data base.

V. Format and Paper-Related Concepts

1. Edgar User Manual

In the temporary rules for the Pilot, the Commission authorized the staff to issue a set of directions setting out technical procedures for making an electronic filing. These directions have been issued by the staff as the Edgar User Manual. It has been updated throughout the Pilot based on experience and technological improvements. The User Manual has been sent to participants, law and accounting firms, financial printers, and others interested in the Pilot.

The Commission anticipates a similar approach in the operational system. It would delegate authority to the staff to issue an Edgar User Manual which would be sent to all registrants. To avoid the need to send updates to all registrants, the Commission anticipates that the staff would issue technical bulletins, similar to Staff Accounting Bulletins.[62] These bulletins would contain, for example, any revisions in formatting requirements, equipment specifications or procedural information.

2. Marking Changed Materials (Redlining)

Throughout the Commission's rules are references to marking changed material. In the Pilot, participants indicate changed material by placing an asterisk in a particular space at the end of any line in which changed material occurs. Edgar uses these asterisks to highlight changed lines in red on the internal Commission work stations. In the operational system, the Commission anticipates proposing that an asterisk or a symbol similar to it be substituted for all references to redlining or the marking of changed materials, but invites alternatives that filers or their agents believe would facilitate electronic filing.

3. Binding

Currently, the rules require that filings be bound in one or more parts.[63] Under the temporary rules, this requirement is fulfilled by making a single submission in an electronic format. Thus, a filing, including any exhibits and opinions, generally must be sent in one transmission, or on one diskette or tape.[64] The commission seeks comment

[57] The Commission previously attempted this approach when it adopted the basic document file, Rule 12b-34 Release No. 34–9048 (36 FR 1689) (Feb. 3, 1971), but this rule was ultimately rescinded in connection with a change in the Commission's record retention requirements. Release No. 33–5818 (42 FR 16922) (March 30, 1977).

[58] 17 CFR 230.472.

[59] 17 CFR 240.12b–15. See also Form 8, 17 CFR 249.460.

[60] 17 CFR 230.424.

[61] *Id.*

[62] See Release No. 33–5640 (40 FR 53557) (Nov. 19, 1975).

[63] 17 CFR 230.402(a); 240.12b–11(c); 250.22(d); 260.4c–3(c), .5a–3(c) and .7a–3(c); and 270.0–2(b).

[64] If the length of a filing requires an additional diskette, it must be prepared on the same type of equipment. To facilitate filing, the staff permits parts of certain Investment Company Act filings to be filed on two different types of diskettes if they are filed at the same time and adequately labeled.

on whether to broaden the binding requirement to permit different parts of filings to come from different sources and in different media, particularly whether experts' opinions and consents should be permitted to be filed separately.[65]

4. Bold-Face and Red Ink

The temporary rules provide that the term "bold-face type" includes capital letter in an electronic filing and that any requirment for presenting any legend, statement or caption in red ink is satisfied if the language is in a prominent position and set off by a box made of typed characters or a similar border. The Commission anticipates a similar approach in the oprational system, but invites alternatives that filers or their agents believe would facilitate electronic filing.

5. Notation of Differences Between Filed and Disseminated Documents

As noted above, the requirements to file a copy of any document in the form in which it is circulated have been satisfied in the Pilot by a description in the electronic filing of any differences between the circulated document and the filed document. The Commission anticipates proposing a similar requirement for the oprational system and solicits comment as to whether this is sufficient or whether, in certain cases, it should request a paper copy of the circulated document.

6. Pagination

In the Pilot, the requirements for sequential numbering[66] of filed documents were discontinued, because the required header information provides a means to ensure that the complete document is in the system. The Commission therefore anticipates rescinding the sequential numbering rules in the operational system.

7. Disseminated Documents

The Commission does not anticipate changing the current requirements for type size and other paper-related concepts that aply to disseminated documents. For example, Items 501 and 502 of Regulation S–K[67] give specific instructions for facing pages and front and back covers of prospectuses, which will continue to be applicable to documents disseminated in paper.

[65] Also see discussion of experts' consents in "Signature" section, *supra*.

[66] 17 CFR 230.403(d), 240.0–3(b), 250.22(e), 260.0–4, and 270.0–2(h).

[67] 17 CFR 229.501 and .502.

VI. Request for Comments

The transition to the operational system is a complex undertaking that will require cooperative efforts on the part of the filing community, their agents and the Commission. Therefore, the Commission is publishing this advance notice of proposed rulemaking so that it can receive comment from the public prior to proposing specific rules. In addition to the specific areas discussed above, commentators are welcome to suggest any other changes to facilitate the electronic filing process in the oprational system.

By the Commission.

Shirley E. Hollis,

Acting Secretary.

June 26, 1986.

[FR Doc. 86–14972 Filed 7–1–86; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 3, 5f, 6a, 25 and 514

[LR–189–84]

Income Taxes; Debt Instruments With Original Issue Discount Imputed Interest on Deferred Payment Sales or Exchanges of Property; and Safe Haven Interest Rates for Commonly Controlled Taxpayers; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to: (1) the Tax treatment of debt instruments issued after July 1, 1982, that contain original issue discount, (2) the imputation of and the accounting for interest with respect to sales and exchanges of property occurring after December 31, 1984, and (3) safe haven interest rates for loans or advances between commonly controlled taxpayers and safe haven leases between such taxpayers.

DATES: The public hearing will be held on Monday, November 17, 1986, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Monday, October 27, 1986.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–189–84), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone 202–566–3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 163(e), 446, 482, 483, and 1271 through 1275 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, April 8, 1986 (51 FR 12022). On June 24, 1986, the **Federal Register** published a notice that extended to September 2, 1986, the deadline for submitting written comments (51 FR 22947).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted, or who submit, written comments within the time prescribed in the April 8 notice of proposed rulemaking and the June 24 extension and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Monday, October 27, 1986, an outline of oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Donald E. Osteen,

Director, Legislation and Regulations Division.

[FR Doc. 86–14875 Filed 7–1–86; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 64

[Order No. 1138-86]

Designating Officers and Employees of the United States for Coverage Under Section 1114 of Title 18 of the United States Code

Correction

In FR Doc. 86-14047 appearing on page 22829 in the issue of Monday, June 23, 1986, make the following correction:

In the first column, in the **"DATE"** caption, the comment date should have read "July 23, 1986".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3042-4]

Approval and Promulgation of Implementation Plans; New Hampshire Sulfur-in-Fuel; James River Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan revision submitted by the State of New Hampshire. This revision raises the sulfur-in-oil limit at the James River Corporation (Cascade Mill), Gorham, from 1.0% sulfur by weight to 2.2%. This source was excluded from recent revisions to the statewide sulfur-in-fuel limitation. The intended effect of this revision is to federally approve the state regulation of this source that allows the burning of higher sulfur fuel.

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

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2312, JFK Federal Bldg., Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2312, JFK Federal Bldg., Boston, MA 02203; and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Susan Kulstad, (617) 223-4865, or FTS 223-4865.

SUPPLEMENTARY INFORMATION: On February 11, 1985, the Director of the New Hampshire Air Resources Agency (the New Hampshire Agency) submitted a revision to the New Hampshire State Implementation Plan (SIP). This revision allows an increase in the sulfur-in-oil content at the James River Corporation (James River-Cascade), Gorham, from no more than 1.0% sulfur to no more than 2.2%.

Background

On July 12, 1973 and December 21, 1982, the New Hampshire Agency submitted a revision to its SIP to raise the allowable sulfur content of No. 5 and No. 6 residual oils and crude oil. The revision allows the use of oil with no more than 2.2% sulfur by weight in the New Hampshire portion of the Androscoggin Valley Interstate Air Quality Control Region (Coos County). New Hampshire's regulation of fuel burning sources in Coos County, PART Air 402.02(c)(1), has allowed the continuous burning of higher sulfur oil since 1973.

The SIP revision for Coos County excluded two fuel burning sources, including James River-Cascade. Further technical support was needed for the two excluded sources to ensure no violation of the National Ambient Air Quality Standards (NAAQS). On March 23, 1984 (49 FR 11094), EPA published a notice approving statewide revisions of the sulfur-in-fuel limit, including the revision for Coos County, except for the two sources.

New Technical Support

On February 11, 1985, the State of New Hampshire submitted technical support demonstrating that the NAAQS for SO_2 will not be violated if the Company is regulated under the higher sulfur-in-fuel limitation. James River-Cascade is located in complex terrain, and initial screening modeling performed with the EPA Valley model predicted violations of the NAAQS. New Hampshire and the EPA Regional Office judged these predictions to be unrealistic based on experience with similar sources in similar complex terrain settings. EPA, New Hampshire, and the Company discussed alternative methods of demonstrating attainment and agreed to use monitoring in lieu of modeling. A monitoring program was agreed to by all parties using the Valley model results to locate worst case impact sites. Data were collected from September 1983 to May 1985. Monitored values were rolled up to account for operation at less than full load and use of oil with sulfur-in-fuel levels below 2.2%. EPA has reviewed the State's technical data. The SO_2 monitoring data, adjusted for load and percent sulfur-in-fuel, confirm that the Valley model greatly overpredicted impacts. Reported concentrations are conservatively based on running averages and are below the NAAQS for SO_2.

The Company has burned 2.2% sulfur oil since the adoption of the state regulation in 1973. Therefore, this revision will not result in increases of actual emissions and will not result in the consumption of any Prevention of Significant Deterioration increment. An analysis of interstate impacts also showed that this revision will not interfere with the attainment or maintenance of the NAAQS in any other state. EPA's stack height regulations are not an issue here as the stacks are less than 65 meters in height and the source emits less than 5,000 tons per year of SO_2. For more details on EPA's review, see the technical support document available at the locations listed in the **ADDRESSES** section of this notice.

The monitoring program conducted in support of these revisions does not meet all of the precise requirements set forth in EPA's current guidance on the use of monitored data in lieu of modeled estimates. However, EPA is proposing to accept the attainment demonstration on the basis of the following mitigating factors. First, The source is small (3640 tons per year allowable SO_2), and has been burning the higher sulfur fuel for at least 13 years. Thus, there will be no degradation of the existing air quality, which shows attainment of the NAAQS. Second, the genesis of the agreement on the modeling program predates EPA's guidance on monitoring in lieu of modeling, and the program was later formalized in a Section 114 letter issued to the Company.

Proposed action: EPA is proposing to approve the revision for the James River Corporation's Cascade Mill to burn up to 2.2% sulfur oil submitted on February 11, 1985.

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

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, Sulfur oxides.

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

Dated: February 14, 1986.

Paul Keough,

Acting Regional Administrator, Region I.

[FR Doc. 86-14911 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 60

[AD-FRL-3042-2]

Standards of Performance for New Stationary Sources; Reference Methods; Method 10A for the Determination of Carbon Monoxide Emissions in Certifying Continuous Emission Monitoring Systems at Petroleum Refineries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The purpose of this proposed rule is to add Method 10A to Appendix A of 40 CFR Part 60 for use in the relative accuracy (RA) testing of carbon monoxide (CO) continuous emission monitoring systems (CEMS's) at petroleum refineries. The intended effect is to provide a reference method, which has been lacking, for nondispersive infrared (NDIR) instruments.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed rule.

DATES: *Comments.* Comments must be received on or before September 15, 1986.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by July 23, 1986, a public hearing will be held on August 18, 1986, beginning at 10:00 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by July 23, 1986.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), Attention: Docket Number A-86-04, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Public hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Foston Curtis Emission Measurement Branch (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

Persons interested in attending the hearing should call Foston Curtis at (919) 541-2237 to verify that a hearing will be held.

Docket. Docket No. A-86-04, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FUTHER INFORMATION CONTACT: Foston Curtis or Roger Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

Method 10A prescribes the collection of an integrated bag sample which is analyzed spectrophotometrically following the reaction of carbon monixide with p-sulfaminobenzoic acid.

Performance Specification 4 was promulgated on August 5, 1985 (50 FR 31700), and affected sources were required to install and test CO CEMS's. Method 10, which uses a NDIR, was designated as the reference method for the RA test. To eliminate the redundancy in using Method 10 to test those CEMS's that also employ the NDIR principle, NDIR CEMS's were exempted from the RA test until the Agency could develop a wet-chemical method for this purpose. Method 10A has been developed and will serve as the reference method in the RA test for CEMS's operating by the NDIR principle.

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Rather, the rulemaking would simply add a test method associated with emission measurement requirements that would apply irrespective of this rulemaking.

II. Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the proposed test method in accordance with section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, DC (see **ADDRESSES** section of this preamble).

B. Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principle purposes of the docket are: (1) To allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials) [section 307(d)(7)(A)].

C. Office of Management and Budget Review

Executive Order 12291 Review. Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This rulemaking is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no 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.

This rulemaking was not submitted to the Office of Management and Budget (OMB) for review because it amends a regulation already in place and does not contain cost implications nor impose additional burdens.

D. Regulatory Flexibility Act Compliance

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this attached rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because the costs incurred are similar to those incurred by the current reference method.

List of Subjects in 40 CFR Part 60

Air pollution control, intergovernmental relations, reporting and recordkeeping requirements, and incorporation by reference.

Dated: June 26, 1986.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

PART 60—[AMENDED]

It is proposed that 40 CFR Part 60 be amended as follows:

1. The authority for 40 CFR Part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 116, and 301 of the Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. In Appendix B, Performance Specification 4 is amended by revising Section 3.2 as follows:

Appendix B—Performance Specifications

* * * * *

Performance Specification 4—Specifications and Test Procedures for Carbon Monoxide Continuous Emission Monitoring Systems in Stationary Sources

* * * * *

3. * * *

3.2 Reference Methods. Unless otherwise specified in an applicable subpart of the regulation, Method 10A is the RM for CEM's using nondispersive infrared (NDIR) analyzers, and Method 10 is the RM for those CEM's not using an NDIR.

* * * * *

3. By adding Method 10A to Appendix A as follows:

Appendix A—Reference Methods

* * * * *

Method 10A—Determination of Carbon Monoxide Emissions in Certifying Continuous Emission Monitoring Systems at Petroleum Refineries

1. Applicability and Principle

1.1 Applicability. This method applies to the measurement of carbon monoxide (CO) at petroleum refineries. This method serves as the reference method in the relative accuracy test for nondispersive infared (NDIR) CO continuous emission monitoring systems (CEMS's) that are required to be installed in petroleum refineries on fluid catalytic cracking unit catalyst regenerators [40 CFR Part 60 105(a)(2)].

1.2 Principle. An integrated gas sample is extracted from the stack, passed through an alkaline permanganate solution to remove sulfur and nitrogen oxides, and collected in a Tedlar bag. The CO concentration in the sample is measured spectrophotometrically using the reaction of CO with p-sulfaminobenzoic acid.

1.3 Range and Sensitivity.

1.3.1 Range. Approximately 3 to 1800 ppm CO. Samples having concentration below 400 ppm are analyzed at 425 nm, and samples having concentrations above 400 ppm are analyzed at 600 nm.

1.3.2 Sensitivity. The detection limit is 3 ppm based on a change in concentration equal to three times the standard deviation of the reagent blank solution.

1.4 Interferences. Sulfur oxides, nitric oxide, and other acid gases interfere with the colorimetric reaction. They are removed by passing the sampled gas through an alkaline potassium permangante scrubbing solution. Carbon dioxide (CO_2) does not interfere, but, because it is removed by the scrubbing solution, its concentration must be measured independently and an appropriate volume correction made to the sample gas.

1.5 Precision, Accuracy, and Stability.

1.5.1 Precision. The estimated intralaboratory standard deviation of the method is 3 percent of the mean for gas samples analyzed in duplicate in the concentration range of 39 to 412 ppm. The interlaboratory precision has not been established.

1.5.2 Accuracy. The method contains no significant biases when compared to an NDIR analyzer calibrated with National Bureau of Standards (NBS) standards.

1.5.3 Stability. The individual components of the colorimetric reagent are stable for at least 1 month. The colorimetric reagent must be used within 2 days after preparation to avoid excessive blank corection. The samples in the Tedlar gag should be stable for at least 1 month if the bags are leak-free.

2. Apparatus.

2.1 Sampling. The sampling train is shown in Figure 10A–1, and component parts are discussed below:

2.1.1 Probe. Stainless steel, sheathed Pyrex glass, or equivalent, equipped with a glass wool plug to remove particulate matter.

2.1.2 Sample Conditioning System. Three Greenburg-Smith impingers connected in series with leak-free connections.

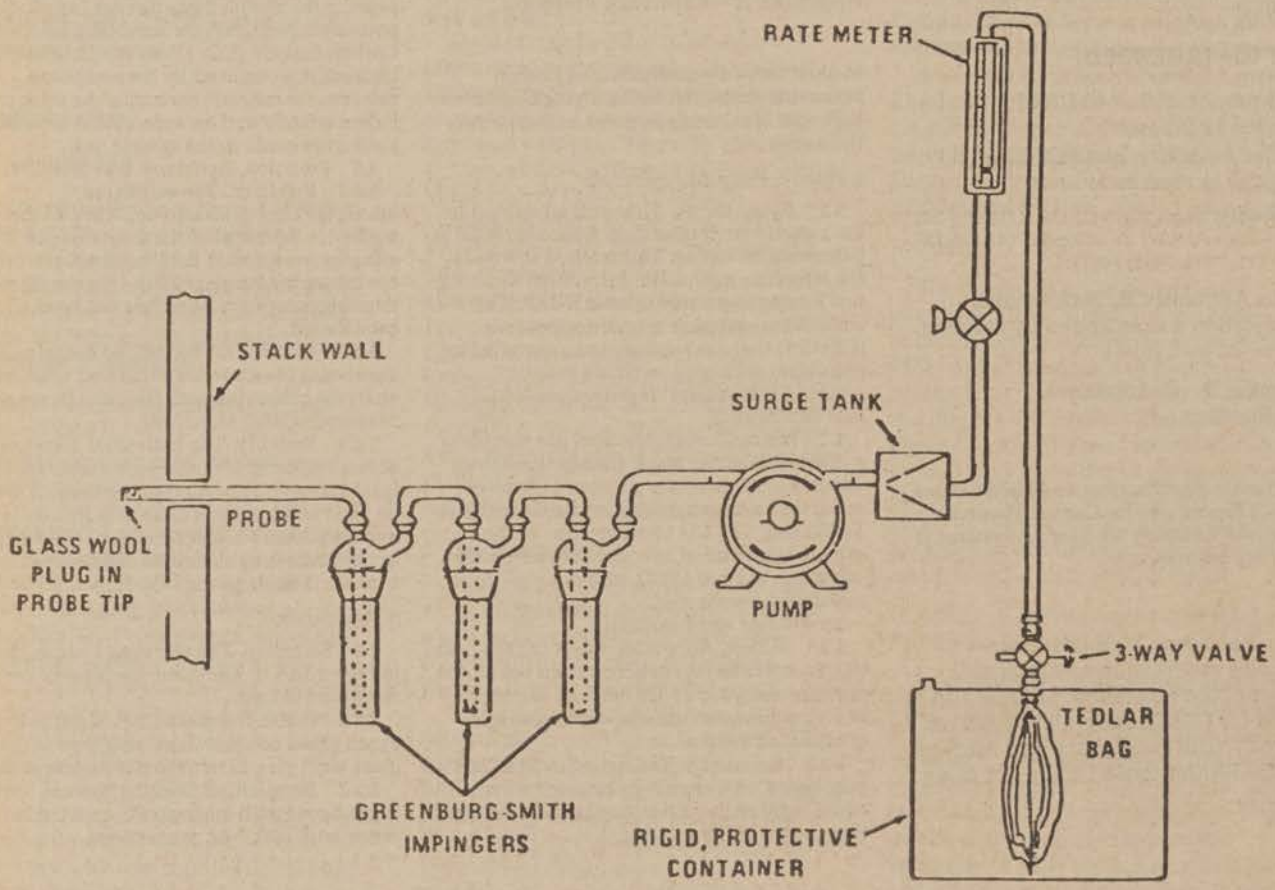


Figure 10A-1. Sampling train.

2.1.3 Pump. Leak-free pump with stainless steel and Teflon parts to transport sample at a flow rate of 300 ml/min to the flexible bag.

2.1.4 Surge Tank. Installed between the pump and the rate meter to eliminate the pulsation effect of the pump on the rate meter.

2.1.5 Rate Meter. Rotameter, or equivalent, to measure flow rate at 300 ml/min. Calibrate accounting to Section 5.2.

2.1.6 Flexible Bag. Tedlar, or equivalent, with a capacity of 10 liters and equipped with a sealing quick-connect plug. The bag must be leak-free according to Section 4.1. For protection, it is recommended that the bag be enclosed within a rigid container.

2.1.7 Valves. Stainless-steel needle valve to adjust flow rate, and stainless-steel three-way valve or equivalent.

2.1.8 CO_2 Analyzer. Fyrite, or equivalent, to measure CO_2 concentration to within 0.5 percent.

2.1.9 Volume Meter. Dry gas meter, capable of measuring the sample volume under calibration conditions of 300 ml/min for 10 minutes.

2.1.10 Pressure Gauge. A water filled U-tube manometer, or equivalent, of about 28 cm (12 in.) to leak-check the flexible bag.

2.2 Analysis.

2.2.1 Spectrophotometer. Single- or double-beam to measure absorbance at 425 and 600 nm. Slit width should not exceed 20 nm.

2.2.2 Spectrophotometer Cells. 1-cm pathlength.

2.2.3 Vacuum Gauge. U-tube mercury manometer, 1 meter (39 in.), with 1-mm divisions, or other gauge capable of measuring pressure to within 1 mm Hg.

2.2.4 Pump. Capable of evacuating the gas reaction bulb to a pressure equal to or less than 40 mm Hg absolute, equipped with coarse and fine flow control valves.

2.2.5 Barometer. Mercury, aneroid, or other barometer capable of measuring atmospheric pressure to within 1 mm Hg.

2.2.6 Reaction Bulbs. Pyrex glass, 100-ml with Teflon Stopcock (Figure 10A–2), leak-free at 40 mm Hg, designed so that 10 ml of the colorimetric reagent can be added and removed easily and accurately. Commercially available gas sample bulbs such as Supelco Catalog No. 2–2161 may also be used.

2.2.7 Manifold. Stainless steel, with connections for three reaction bulbs and the appropriate connections for the manometer and sampling bag as shown in Figure 10A–3.

2.2.8 Pipets. Class A, 10-ml size.

2.2.9 Shaker Table. Reciprocating-stroke type such as Eberach Corporation, Model

6015. A rocking arm or rotary-motion type shaker may also be used. The shaker must be large enough to accommodate at least six gas sample bulbs simultaneously. It may be necessary to construct a table top extension for most commercial shakers to provide sufficient space for the needed bulbs (Figure 10A–4).

2.2.10 Valve. Stainless steel shut-off valve.

2.2.11 Analytical Balance. Capable of weighing to 0.1 mg.

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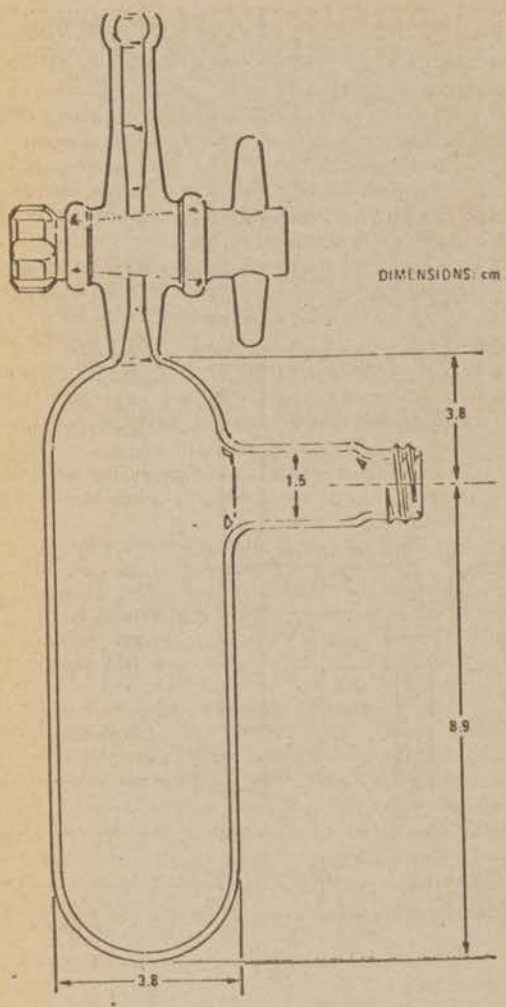


Figure 10A-2. Sample reaction bulbs.

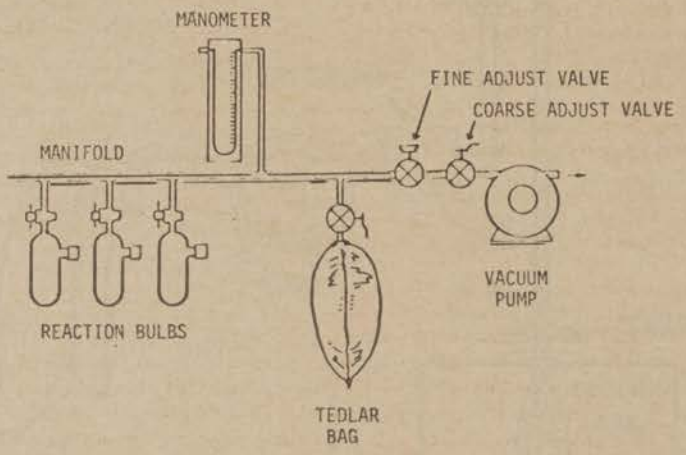


Figure 10A-3. Sample bulb filling system.

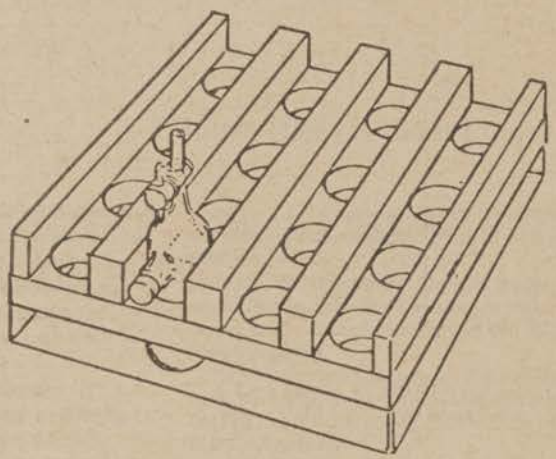


Figure 10A-4. Shaker table adapter.

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3. Reagents

Unless otherwise indicated, all reagents shall conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society, where such specifications are available; otherwise, the best available grade shall be used.

3.1 Sampling.

3.1.1 Water. Deionized distilled, as described in Method 6, Section 3.1.1.

3.1.2 Alkaline Permanganate Solution, 0.25 M $KMnO_4$/1.5 M NaOH. Dissolve 40 g $KMnO_4$ and 60 g NaOH in water, and dilute to 1 liter.

3.2 Analysis.

3.2.1 Water. Same as in Section 3.1.1.

3.2.2 1 M Sodium Hydroxide (NaOH) Solution. Dissolve 40 g NaOH in approximately 900 ml of water, cool, and dilute to 1 liter.

3.2.3 0.1 M Silver Nitrate ($AgNO_3$) Solution. Dissolve 8.5 g $AgNO_3$ in water, and dilute to 500 ml.

3.2.4 0.1 M Para-Sulfaminobenzoic Acid (p-SABA) Solution. Dissolve 10.0 g p-SABA in 0.1 M NaOH, and dilute to 500 ml with 0.1 M NaOH.

3.2.5 Colorimetric Solution. To a flask, add 100 ml of p-SABA solution and 100 ml of $AgNO_3$ solution. Mix, and add 50 ml of 1 M NaOH with shaking. THe resultant solution should be clear and colorless. This solution is acceptable for use for a period of 2 days.

3.2.6 Standard Gas Mixtures. Traceable to NBS standards and containing between 50 and 1000 ppm CO in nitrogen. At least two concentrations are needed to span each calibration range used (Section 5.3). The calibration gases shall be certified by the manufacturer to be within 2 percent of the specified concentration.

4. Procedure

4.1 Sample Bag Leak-checks. While a bag leak-check is required after bag use, it should also be done before the bag is used for sample collection. The bag should be leak-checked in the inflated and deflated condition according to the following procedures.

Connect the bag to a water manometer, and pressurize the bag to 5 to 10 cm H_2O (2 to 4 in. H_2O). Allow the bag to stand for 60 minutes. Any displacement in the water manometer indicates a leak. Now, evacuate the bag with a leakless pump that is connected on the downstream side of a flow indicating device such as a 0-to 100-ml/min rotameter or an impinger containing water. When the bag is completely evacuated, no flow should be evident if the bag is leak-free.

4.2 Sampling. Evacuate the Tedlar bag completely using a vacuum pump. Assemble the apparatus as shown in Figure 10A–1. Loosely pack glass wool in the tip of the probe. Place 400 ml of alkaline permanganate solution in the first two impingers and 250 ml in the third. Connect the pump to the third impinger, and follow this with the surge tank, rate meter, and 3-way valve. Do not connect the Tedlar bag to the system at this time.

Leak-check the sampling system by plugging the probe inlet, opening the 3-way valve, and pulling a vacuum of approximately 250 mm Hg on the system while observing the rate meter for flow. If flow is indicated on the rate meter, do not proceed further until the leak is found and corrected.

Purge the system with sample gas by inserting the probe into the stack and drawing sample through the system at 300 ml/min ± 10 percent for 5 minutes. Connect the evacuated Tedlar bag to the system, record the starting time, and sample at a rate of 300 ml/min for 30 minutes, or until the Tedlar bag is nearly full. Record the sampling time, the barometric pressure, and the ambient temperature. Purge the system as described above immediately before each sample.

The scrubbing solution is adequate for removing sulfur and nitrogen oxides from 50 liters of stack gas when the concentration of each is less than, 1,000 ppm and the CO_2 concentration is less than 15 percent. Replace the scrubber solution after every fifth sample.

4.3 Carbon Dioxide Measurement. Measure the CO_2 content in the stack to the nearest 0.5 percent each time a CO sample is collected. A simultaneous grab sample analyzed by the Fyrite analyzer is acceptable.

TABLE 10A–1.—DATA RECORDING SHEET FOR SAMPLES ANALYZED IN TRIPLICATE

Sample No. 1 type	Room temperature (°C)	Stack, percent CO_2	Bulb No.	Bulb vol. liters	Reagent vol. in Bulb, liter	Partial pressure of gas in bulb mm Hg	P_{bar}, mm Hg	Shaking time, min	Abs versus water	A-A_v	A_v	Average A_v
Blank												
Standard 1												
Standard 2												
Sample 1												
Sample 2												
Sample 3												

4.4 Analysis. Assemble the system shown in Figure 10A–3, and record the information required in Table 10A–1 as it is obtained. Pipet 10.0 ml of the colorimetric reagent into each gas reaction bulb, and attach the bulbs to the system. Open the stopcocks to the reaction bulbs, but leave the valve to the Tedlar bag closed. Turn on the pump, fully open the coarse-adjust flow valve, and slowly open the fine-adjust valve until the pressure is reduced to at least 40 mm Hg. Now close the coarse adjust valve, and observe the manometer to be certain that the system is leak-free. Wait a minimum of 2 minutes. If the pressure has increased less than 1 mm, proceed as described below. If a leak is present, find and correct it before proceeding further.

Record the vaccum pressure (P_v) to the nearest 1 mm Hg, and close the reaction bulb stopcocks. Open the Tedlar bag valve, and allow the system to come to atmospheric pressure. Close the Tedlar bag valve, open the pump coarse adjust valve, and evacuate the system again. Repeat this fill/evacuation procedure at least twice to flush the manifold completely. Close the pump coarse adjust valve, open the Tedlar bag valve, and let the system fill to atmospheric pressure. Open the stopcocks to the reaction bulbs, and let the entire system come to atmospheric pressure. Close the bulb stopcocks, remove the bulbs, record the room temperature and barometric pressure (P_{bar}, to nearest mm Hg), and place the bulbs on the shaker table with their main axis either parallel to or perpendicular to the plane of the table top. Purge the bulb-filling system with ambient air for several minutes between samples. Shake the samples for exactly 2 hours.

Immediately after shaking, measure the absorbance (A) of each bulb sample at 425

nm if the concentration is less than or equal to 400 ppm CO or at 600 nm if the concentration is above 400 ppm. Use a small portion of the sample to rinse a spectrophotometer cell several times before taking an aliquot for analysis. If one cell is used to analyze multiple samples, rinse the cell several times between samples with water. Prepare and analyzes and a reagent blank as described in Section 5.3. Use water as the reference. Reject the analysis if the blank absorbance is greater than 0.1. All conditions should be the same for analysis of samples and standards. Measure the absorbances as soon after shaking is completed as possible. Determine the CO concentration of each bag sample using the calibration curve for the appropriate concentration range as discussed in Section 5.3.

5. Calibration

5.1 Gas Bulb Calibration. Weigh the emply bulb to the nearest 0.1g. Fill the bulb to the stopcock with water, and again weigh to the nearest 0.1g. Subtract the tare weight, and calculate the volume in liters to three significant figures using the desity of water (at the measurement temperature). Record the volume on the bulb; alternatively, mark an identification number on the bulb, and record the volume in a notebook.

5.2 Rate Meter Calibration. Assemble the system as shown in Figure 10A–1 (the impingers may be removed), and attach a volume meter to the probe inlet. Set the rotameter at 300 ml/min, record the volume meter reading, start the pump, and pull gas through the system for 10 minutes. Record the final volume meter reading, and determine the volume of gas that passed through the system.

5.3 Spectrophotometer Calibration Curve. The calibration curve is established by taking at least two sets of three bulbs of known CO through the analysis procedure. Collect the standards as described in Section 4.2. Prepare standards to span the 0– to 400– or 400– to 1000–ppm range. If any samples span both concentration ranges, prepare a calibration curve for each range using separate reagent blanks. A set of three bulbs containing colorimetric reagent but no CO should serve as a reagent blank and be taken through the analysis procedure.

Calculate the average absorbance for each set (3 bulbs) of standards using Equation 10A–1 and Table 10A–1. construct a graph of average absorbance for each standard against its corresponding concentration in ppm. Draw a smooth curve through the points. The curve should be linear over the two concentration ranges discussed in Section 1.3.1.

6. Calculations

Carry out calculations retaining at least one extra decimal figure beyond that of the acquired data. Round off figure after final calculation.

6.1 Nomenclature.

A = Sample absorbance, uncorrected for the reagent blank.
A_r = Absorbance of the reagent blank.
A_s = Average sample absorbance per liter, units/liter.
B_w = Moisture content in the bag sample.
C = CO concentration in the stack gas, dry basis, ppm.
C_b = CO concentration of the bag sample, dry basis, ppm.
C_g = CO concentration from the calibration curve, ppm.
F = Volume fraction of CO_2 in the stack.
n = Number of reaction bulbs used per bag sample.
P_{bar} = Barometric pressure, mm Hg.
P_v = Residual pressure in the sample bulb after evacuation mm Hg.
P_w = Vapor pressure of H_2O in the bag (from Table 10A–2), mm Hg.
V_b = Volume of the sample bulb, liters.
V_r = Volumed of reagent added to the sample bulb, 0.01000 liter.

6.2 Average Sample Absorbance per Liter. Calculate A_s for each gas bulb using Equation 10A–1, and record the value in Table 10A–1. Calculate the average A_s for each bag sample, and compare the three values to the average. If any single value differs by more than 10 percent from the average, reject this value, and calculate a new average using the two remaining values.

$$A_s = \frac{(A - A_r)(P_{bar})}{(V_b - V_r)(P_{bar} - P_v)} \qquad \text{Eq. 10A–1}$$

Note.—A and A_r must be at the same wavelength.

6.3 CO Concentration in the Bag. Calculate C_b using Equations 10A–2 and 10A–3. If condensate is visible in the Tedlar bag, calculate B_w using Table 10A–1 and the temperature and barometric pressure in the analysis room. If condensate is not visible, calculate B_w using the temperature and barometric pressure at the sampling site.

$$B_w = \frac{P_w}{P_{bar}} \qquad \text{Eq. 10A–2}$$

$$C_b = \frac{C_g}{(1 - B_w)} \qquad \text{Eq. 10A–3}$$

6.4 CO Concentration in the Stack.

$C = C_b(1 - F)$ Eq. 10A–4

TABLE 10A–2. MOISTURE CORRECTION

Temperature, °C	Vapor pressure, H_2O mm Hg	Temperature, °C	Vapor pressure, H_2O mm Hg
4	6.1	18	15.5
6	7.0	20	17.5
8	8.0	22	19.8
10	9.2	24	22.4
12	10.5	26	25.2
14	12.0	28	28.3
16	13.6	30	31.8

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[FR Doc. 86–14912 Filed 7–1–86; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 60

[AD–FRL–3042–1]

Review of Standards of Performance for New Stationary Sources; Sewage Treatment Plants

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Extension of public comment period.

SUMMARY: On April 18, 1986, EPA announced (51 FR 13424) that a review of the existing new source performance standards (NSPS) for sewage treatment plants (40 CFR Part 60, Subpart O) had been completed. The Agency proposed to (1) leave unchanged the emission limits established in 1974 for control of particulate emissions and opacity from the incineration of sewage sludge, and (2) require owners and operators of all existing and future sewage sludge incinerators subject to the NSPS, to monitor, record and report several operating parameters of the incinerators. The end of the public comment period has been extended 30 days for the proposed revisions to the NSPS for sewage treatment plants, in response to a request from the Natural Resources Defense Council (NRDC). This request

expressed the need for additional time for NRDC to coordinate their comments on the NSPS review with a petition for rulemaking that NRDC will file by July 15, 1986, regarding emissions from municipal waste combustors.

DATES: Comments must be received on or before July 17, 1986.

ADDRESSES: Send comments (in duplicate if possible) to: Central Docket Section (LE–131), Attention: Docket Number A–84–03, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. James Crowder, Industrial Studies Branch, Emission Standards and Engineering Division (MD–13) U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5601.

SUPPLEMENTARY INFORMATION: The NRDC and the State of New York sued the Agency (No. 84–1472 *et al.*, DC Cir.) concerning the Agency's decision on regulating emissions of polycyclic organic material under sections 108, 111, and 112 of the Clean Air Act. On May 9, 1986, a settlement agreement for this suit was filed with the court. Under one provision of the settlement agreement, the petitioners will file by July 15, 1986, a petition for rulemaking asking the Administrator: (1) To determine that emissions from municipal waste combustors (or specified constituents of such emissions) may reasonably be anticipated to be carcinogenic, mutagenic, developmentally toxic, or otherwise acutely or chronically toxic, and (2) to regulate emissions from municipal waste combustors (or specified constituents of such emissions) under section 112 of the Clean Air Act on a specified schedule. The letter received from NRDC that requests an extension of the comment period cites the close connection between municipal waste combustors, sewage treatment plants, and facilities that coincinerate municipal solid waste and sewage sludge. The NRDC believes that the requested extension of the comment period would enable them to more fully take into account the emissions and performance standards that are at issue in the proposal concerning review of the NSPS for sewage treatment plants and in their future petition regarding municipal waste combustors.

The Agency believes it would benefit from the results of NRDC's comments and is, therefore, extending the comment period to July 17, 1986.

Dated: June 26, 1986.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 86–14910 Filed 7–1–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85–224; RM–4763]

Radio Broadcasting Services; Iron Mountain, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses a petition filed by Edward J. and Alice Mae Slater to allot FM Channel 272A to Iron Mountain, Michigan. The petition is dismissed because no expression of interest has been filed by the petitioner or any other party. With this action, this processing is terminated.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85–224, adopted June 13, 1986, and released June 24, 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 if this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–14937 Filed 7–1–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86–257, RM–5260]

Radio Broadcasting Services; Kalispell, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by William H. Patterson, seeking the allotment of FM Channel 280A to Kalispell, Montana, as that community's third FM broadcast service.

DATES: Comments must be filed on or before August 18, 1986, and reply comments on or before September 2, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: James J. McGillan, Barry Fleishman, Finley, Kumble, Wagner, Heine, Underberg, Manley & Casey, 1120 Connecticut Avenue, NW., Washington, DC 20036 (counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–257, adopted June 13, 1986, and released June 26, 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., Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time of a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–14940 Filed 7–1–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86-254, RM-5267]

Radio Broadcasting Services; Meredith, NH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of Channel 268A to Meredith, New Hampshire, as the community's first local FM service, at the request of Harvest Broadcasting Services.

DATES: Comments must be filed on or before August 18, 1986, and reply comments on or before September 2, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or their counsel or consultant, as follows: Brian Dodge, President, Harvest Broadcasting Services, Box 105 FM, Hinsdale, New Hampshire 03451 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-254, adopted June 13, 1986, and released June 26, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-14943 Filed 7-1-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-253, RM-5271]

Radio Broadcasting Services; Minot, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of Channel 295A to Minot, North Dakota, as the community's fifth commercial FM allocation, at the request of Daryl M. Kasper.

DATES: Comments must be filed on or before August 18, 1986, and reply comments on or before September 2, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or their counsel or consultant, as follows: James E. Rice, Sterling Communications, Inc., 418 Uptain Building, Chattanooga, Tennessee 37411 (Consultant to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-253, adopted June 13, 1986, and released June 26, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-14944 Filed 7-1-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-256, RM-5259]

Radio Broadcasting Services; Sioux Falls, SD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of Channel 270C2 to Sioux Falls, South Dakota, as the community's sixth local service, at the request of Kirkwood Broadcasting, Inc.

DATES: Comments must be filed on or before August 18, 1986, and reply comments on or before September 2, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or their counsel or consultant, as follows: Donald E. Martin, Esq., Suite 200, 2000 L Street, NW., Washington, DC 20036 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-256, adopted June 13, 1986, and released June 26, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-14941 Filed 7-1-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-259, RM-5274]

Radio Broadcasting Services; Cruz Bay, VI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Christopher Zoller proposing the allotment of channel 246B to Cruz Bay, Virgin Islands, as that community's first FM service.

DATES: Comments must be filed on or before August 18, 1986, and reply comments on or before September 2, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Christopher Zoller, P.O. Box 251, Southport, CT 06490.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-259, adopted June 13, 1986, and released June 26, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-14938 Filed 7-1-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-258, RM-5307]

Television Broadcasting Services: Bryan, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by SM Communications proposing the assignment of UHF Television Channel 28 to Bryan, Texas, as that community's second commercial television broadcast service.

DATES: Comments must be filed on or before August 18, 1986, and reply comments on or before September 2, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: William M Barnard, Mark Van Bergh, Kenkel, Barnard & Edmundson, 1220 19th Street, NW., Suite 202, Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-258, adopted ——, 1986, and released ——, 1986. The full text of this Commission decision is available for inspection and copying 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *lex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-14939 Filed 7-1-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-255, RM-5270]

Radio Broadcasting Services; Wahpeton, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of FM Channel 296A to Wahpeton, North Dakota, as the community's first local FM service, at the request of Indian Broadcasting.

DATES: Comments must be filed on or before August 18, 1986, and reply comments on or before September 2, 1986.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or their counsel or consultant, as follows: Samuel Miller, Esq., Miller & Fields, P.C., 1019 19th Street NW., #1030, Washington, DC 20036 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of

Proposed Rule Making, MM Docket No. 86–255, adopted June 13, 1986, and released June 26, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–14942 Filed 7–1–86; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 95

[PR Docket No. 86–38; RM–5058]

Creation of a New Consumer Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extention of time.

SUMMARY: This document extends the time to file reply comments in this proceeding through July 30, 1986. This action is being taken to permit those who may file reply comments additional time to review and evaluate the unusually large number of comments in this matter.

DATE: Reply comments may be filed on or before July 30, 1986.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Washington, DC 20554, (202) 632–4964.

Order

In the Matter of Creation of a New Consumer Radio Service, PR Docket No. 86–38, RM–5058.

Adopted: June 24, 1986.

Released: June 26, 1986.

By the Chief, Private Radio Bureau.

1. The Land Mobile Radio Section and the Personal Communications Section of the Electronic Industries Association (Petitioners) have filed a Request for Extension of Date to File Reply Comments in response to the *Notice of Inquiry*, 51 FR 5212, February 12, 1986, in this proceeding. The *Notice of Inquiry* required that comments be filed on or before May 30, 1986, and that reply comments be filed on or before June 30, 1986.

2. Petitioners seek a sixty day extention of the reply comment period through September 2, 1986. In support of this request Petitioners stated that they "require additional time to research and study the unusually large quantity of comments which the Commission has received."

3. In the interest of a complete record in this matter, the reply comment period will be extended. The bulk of the comments in this proceeding has been from users and user groups. These sections of the Electronic Industries Association will provide the Commission with valuable insight from the perspective of the industry.

4. We believe, however, that review of the comments in the matter need not take an additional sixty days. Thirty more day should be sufficient for this purpose.

5. Therefore, good cause having been shown, it is ordered, That the Request for Extension of Date to File Reply Comments filed by the Land Mobile Radio Section and the Personal Communications Section of the Electronic Industries Association on June 13, 1986, is granted in part. Reply comments in this matter may be filed on or before July 30, 1986.

6. This action is taken pursuant to the authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended (47 U.S.C. 154 (i) and (j) and 303(r)) and pursuant to the provisions of § 0.131(a) and 0.331 of the Commission's rules (47 CFR 0.131(a) and 0.331).

7. For further information about this matter contact John J. Borkowski at (202) 632–4964.

Federal Communications Commission.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 86–14936 Filed 7–1–86; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS–92; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Exceptions From Nondestructive Testing of Welds in Transmission Line Repair

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed amendment would change the codified rule governing nondestructive testing of grith welds made in the replacement of damaged transmission line segments. The amendment would apply to these girth welds the same exceptions from testing as now apply to girth welds made in the replacement of pipe in transmission lines for reasons other than repair or in the replacement of pipe in other types of pipelines. The exceptions would reduce repair costs and speed completion of repairs in transmission lines.

DATE: Interested persons are invited to submit written comments on this proposal by August 18, 1985. Late filed comments will be considered as far as practical. Interested persons should submit as a part of their written comments all the material that is considered relevant to any statement of fact or argument made.

ADDRESS: Comments should be sent to the Dockets Branch, DHM–53, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Please identify the docket and notice numbers. All comments and docket materials will be available in Room 8426 for inspection and copying between the hours of 8:30 a.m. and 5:00 p.m. each working day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant at Seventh and E Streets.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, (202) 426–2392, regarding the content of this notice, or the Dockets Branch, (202) 426–3148, regarding copies of the notice or other information in the docket.

SUPPLEMENTARY INFORMATION:

Part 192 contains two rules that require nondestructive testing of girth welds. One, § 192.719(a)(2), requires that when a segment of transmission line is

repaired by replacing damaged pipe, "all field girth butt welds that are not strength tested must be tested after installation by nondestructive tests meeting the requirements of § 192.243." Section 192.243 sets forth procedures for nondestructive testing and percentages of welds that must be tested. The Part 192 rule governing strength testing of new and replacement pipelines, § 192.505, applies primarily to pipelines intended to operate at 30 percent or more of specified minimum yield strength (SMYS), although pipelines in certain special situations also must be strength tested. Welds used to tie-in a test segment are excepted from strength testing (§ 192.503(d)). Thus, the nondestructive testing rule in § 192.719(a)(2) affects (1) tie-in welds in repaired transmission line segments that are to operate at 30 percent or more of SMYS, and (2) all welds in repaired transmission line segments intended to operate at hoop stresses below 30 percent of SMYS that are not required to be strength tested.

The second nondestructive testing rule, § 192.241(b), requires all newly made girth welds in steel pipelines that are to operate at a hoop stress of 20 percent or more of SMYS, including pipe replacements, to be nondestructively tested in accordance with § 192.243, with certain exceptions The excepted welds are those that are visually inspected and approved by a qualified inspector, and (1) located in a pipeline that is less than 6 inches in nominal diameter, or (2) if the welds are so limited in number that nondestructive testing is impractical, located in a pipline that will be operated at less than 40 percent of SMYS.

By letter of February 7, 1986, the Gas Piping Technology Committee of the American Society of Mechanical Engineers (ASME) petitioned RSPA to exclude from nondestructive testing required by § 192.719(a)(2) the two categories of girth welds that § 192.241(b) excepts from nondestructive testing. The rationale ASME gave for its proposal was that the two exceptions in § 192.241(b) apply to new construction, and there should be "no lessening in safety if they are also applicable to girth welds made during repair." ASME also argued that adding the exceptions would reduce their costs where a nondestructive testing crew is not otherwise needed, although an estimate of potential cost savings was not provided. In addition, ASME pointed out that the latest edition (1982) of the American National Standards Institute B31.8 Code, *Gas Transmission and Distribution Piping Systems*, allows pipeline operators to apply the subject exceptions to nondestructive testing of girth welds made during repair of transmission lines by pipe replacement.

RSPA had previously addressed the matter of the ASME proposal as it relates to tie-in welds in Interpretation 81–4, dated October 2, 1981. This interpretation is set forth below.

Interpretation 81–4

Question: Do the exceptions from the requirement for nondestructive testing of welds under § 192.241(b) also apply to tie-in welds which must be tested under § 192.719(a)(2)?

Interpretation: This question was addressed first by an interpretation issued January 20, 1971, and again by an interpretation published in Advisory Bulletin 75–11 (November 1975), both of which held that the exceptions do not apply. The rationale was that § 192.719(a)(2) established a specific requirement for nondestructive testing because of the greater need to ensure weld quality when a damaged pipeline segment is replaced. This need was based on the difficulties encountered in making tie-in welds under repair conditions as compared to new pipeline construction.

A review of the history of § 192.719(a)(2) shows no evidence in the record for this initial interpretation. In fact, the record creates a strong inference that the § 192.241(b) exceptions apply equally to nondestructive tests of tie-in welds made either as required by § 192.241 for new construction or by § 192.719(a)(2) for repairs to existing transmission lines.

Section 192.241(b) sets forth two exceptions (for pipe less than 6 inches in diameter and pipe operated at less than 40 percent of SMYS where testing is impractical) from the construction requirement that girth welds on pipelines to be operated at 220 percent or more of SMYS must be nondestructively tested under § 192.243. For the excepted conditions, visual inspection alone is sufficient to qualify a girth weld. In general, § 192.243 governs the procedures of testing and the percentage of welds that must be tested. In addition to the testing requirement of § 192.241(b), which apply to new, replaced, or relocated pipelines, § 192.719(a)(2) provides that any field girth butt weld made by replacing a damaged segment of transmission line but not strength tested (paragraph (a)(2) allows preinstallation strength tests for the replacement pipe), must be nondestructively tested under § 192.243.

Since Part 192 contains two rules, §§ 192.241(b) and 192.719(a)(2), that pertain to testing girth welds on replacement pipe, the one, a general requirement with exceptions and the other, a rule without exceptions specifically directed to replacements made in repair situations, absent any other information, the specific rule would have priority. However, the historical development of these two rules clarifies their apparent conflict.

Section 192.719(a)(2) was adopted in final form essentially as it was proposed in Notice 70–5 (35 FR 5482, April 2, 1970). Likewise, the requirements of § 192.241(b) are essentially as they were proposed in Notice 70–1 (35 FR 1112, January 28, 1970). As noted in both Notice 70–1 and Notice 70–5, the proposed versions of §§ 192.719(a)(2) and 192.719(b) were derived from counterpart standards in the USAS B31.8 Code (1968 ed). In Notice 70–1, the major differences between the B31.8 document and the proposed regulations were said to be for purposes of organization and regulatory language (style and enforceability). No substantive differences were noted between the proposed version of § 192.241(b) and its counterpart in the B31.8 document, section 828.2 (a) and (e). In Notice 70–5, although the previous reference to organizational and regulatory differences was not reported, substantive changes between the B31.8 version of proposed rules and the proposed rules were expressly stated. There were no substantive changes discussed between the proposed version of § 192.719(a)(2) and its counterpart in B31.8, section 851.81.

Section 851.81 of B31.8 stated that nondestructive tests meeting the requirements of section 828 were to be made for all field girth but welds on replacement segments for damaged pipelines. The relevant provision of this reference 828 was section 828.2, which specified the standards for nondestructive testing. These standards contained exceptions in paragraph (e) for particular pipe, which Notice 70–1 used as a basis for the proposed version of § 192.241(b). The remaining provisions of section 828.2 served as a basis for § 192.243. Thus, B31.8, the exceptions now provided by § 192.241(b) (originally section 828.2(e)) were applicable to the nondestructive testing requirement for damaged pipe under section 851.81. Since the rulemaking notices, Notice 70–1 and 70–5, did not announce any intent to substantively alter these provisions (i.e., the section 851.81 incorporation of section 828.2 exceptions), we must conclude that the current reference in § 192.719(a)(2) to § 192.243 mistakenly omitted the § 192.241(b) exceptions; and, therefore, they apply under Part 192 as they did under B31.8.

It could be argued in opposition to this view that the proposed verbiage of § 192.719(a)(2) clearly omitted any reference to the § 192.241(b) exceptions, showing an intent that they should not be applied. Support for such an argument is as indicated by the prior interpretation, that tie-in welds in repair situations are difficult to make, and thus there is a greater need to ensure the integrity of the welds by testing. This argument is countered, however, first, by the lack of any discussion of such an intent or welding difficulties, which would have amounted to a substantive change, particularly when other substantive changes were highlighted in Notice 70–5, and secondly, by the historic lack of girth weld problems in the small diameter and low stress level pipe to which the § 192.241(b)

exceptions apply. A better explanation for the failure of the proposed version of § 192.719(a)(2) to include the exceptions is that when Notice 70–1, was prepared, the nondestructive testing requirements of section 828.3 of B31.8 were reorganized into the proposed versions of § 192.241(b) and § 192.243. Later, when § 192.719(a)(2) was proposed by Notice 70–5, the original reference in section 851.81 to section 828 was continued, but as § 192.243, without regard for the prior reorganization of section 828 which relocated the paragraph (e) exceptions to § 192.241(b).

A further reason to support this new interpretation of §§ 192.241(b) and 192.719(a)(2) is that tie-in welds made in the replacement of a damaged segment of transmission line (governed by § 192.719(a)(2)) would not be subject to greater stresses than other girth welds made for new construction or in replacing a pipe segment for any other reason (governed by § 192.241(b)). Moreover, the need for the exceptions stated in § 192.241(b) occurs whether girth welds are made in a repair situation or otherwise. In fact, the need for quick action in repair situations, particularly emergencies, in order to maintain gas flow and the lack of readily available nondestructive testing services make the § 192.241(b) exceptions perhaps more important under the requirements of § 192.719(a)(2).

In view of Interpretation 81–4, the ASME proposal, and the exceptions in the B31.8 Code, RSPA believes it is appropriate to apply the same nondestructive testing exceptions to girth welds made in replacing damaged transmission line segments as Part 192 applies to girth welds in new pipelines, including replacement pipe, in general. Therefore, RSPA proposes to amend § 192.719(a)(2) by deleting the existing reference to "§ 192.243" and adding in its place "§ 192.241(b)", and by making associated editorial changes. This proposed amendment would not only incorporate the exceptions ASME requested but also exclude fron nondestructive testing all welds in repaired segments to be operated at less than 20 percent of SMYS, since § 192.241(b) does not apply to these low stress level welds. This additional exclusion would not be significant, however, because most transmission lines operate above 20 percent of SMYS. With the addition of these exceptions, the nondestructive testing rule in § 192.719(a)(2) would affect (1) tie-in welds in repaired transmission line segments 6 inches or more in nominal diameter that are to operate at 40 percent or more of SMYS, and (2) all welds in repaired transmission line segments 6 inches or more in nominal diameter intended to operate at hoop stresses of at least 20 percent but less than 40 percent of SMYS that are not so limited in number that nondestructive testing is impractical and that are not required to be strength tested.

Classification

Since this proposed rule will have a positive effect on the economy of less that $100 million a year, will result in cost savings to consumers, industry, and government agencies, and no adverse impacts are anticipated, the proposed rule is not "major" under Executive Order 12291. Also, it is not "significant" under Department of Transportation procedures (44 FR 11034). RSPA believes that the proposed rule will reduce the costs of repairing damaged transmission lines by reducing the number of occasions nondestructive testing is required by the current rule. However, this savings is not expected to be large enought to warrant preparation of a Draft Regulatory Evaluation.

Based on the facts available concerning the impact to this rulemaking action, I certify pursuant to section 605 of the Regulatory Flexibility Act that the action will not, if adopted as final, have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 192

Pipeline safety, Welds, Nondestructive testing, Replacement.

PART 192—[AMENDED]

In consideration of the above, RSPA proposes to amend Part 192 of Title 49 of the Code of Federal Regulations as follows:

1. The authority citation for Part 192 continues to read as set forth below:

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

2. Section 192.719(a)(2) would be revised to read as follows:

§ 192.719 Transmission lines: Testing of repairs.

(a) * * *

(2) The test required by paragraph (a)(1) of this section may be made on the pipe before it is installed, but all field girth butt welds that are not strength tested must be nondestructively tested after installation in accordance with § 192.241(b).

* * * * *

Issued in Washington, D.C., on June 27, 1986, under authority delegated by 49 CFR Part 106, Appendix A.

Robert L. Paullin,

Director, Office of Pipeline Safety.

[FR Doc. 86–14919 Filed 7–1–86; 8:45 am]

BILLING CODE 4910–01–M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 86–04; Notice 1]

Federal Motor Vehicle Safety Standards; Seating Systems

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Federal Motor Vehicle Safety Standard No. 207, *Seating Systems*, to remove an unnecessary restriction. The standard requires most folding seats to be equipped with a self-locking device for restraining the hinged or folding seat back and with a specific control, such as a knob, lever, push botton, etc., for releasing that restraining device. The purpose of the latter requirement is to ensure that the restraining device can be released to enable occupants seated behind such seats to exit the vehicle. The requirement is worded so it applies to a folding or hinged seat regardless of whether anyone can sit behind that seat. The agency believes that this requirements is unnecessarily restrictive and is therefore proposing an amendment to make it clear that a specific control would not be required if there are no seats behind the folding seat.

DATE: Comments must be received on or before September 2, 1986. The proposed amendment would become effective 30 days after publication of a final rule in the Federal Register.

ADDRESSES: Comments should refer to the docket and notice numbers and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Guy Hunter, Office of Vehicle Safety Standards, NRN–12, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–426–2264).

SUPPLEMENTARY INFORMATION: Section S4.3 of Standard No. 207 requires hinged or folding occupant seats or occupant seat backs, with some exceptions, to be equipped with a self-locking device for restraining the hinged or folding seat or seat back and a specific control for releasing that restraining device. The purpose of the requirement for the self-locking device is to reduce the forces acting on an occupant of the seat in an accident by preventing the seat or seat

back from folding onto the occupant. The purpose of the requirement for the control to release the restraining device is to ensure that occupants seated behind such seats are able to exit the vehicle. Section S4.3.1 specifies that if there is a designated seating position immediately behind a seat equipped with a restraining device, the control for releasing the device must be readily accessible to the occupant of the seat equipped with the device. That section also specifies that if access to the control is required in order to exit from the vehicle, the control must be readily accessible to the occupant of the designated seating position immediately behind the seat.

NHTSA has received a letter requesting an interpretation of section S4.3 of the standard. The letter asked whether a proposed design would meet that section's requirements. The design was for a folding seat which would be installed between the driver's and assistant's seats in large trucks. When the seat back is folded down, the back of the seat could be used as a console box. When the seat back is raised, the seat back would automatically be locked. To fold the seat back after locking, one must lift the seat back manually, thereby raising a pivot, in order to release the folding seat back. A drawing included with the letter indicated that no seats would be located behind the folding seat, either immediately to the rear or to the sides.

The primary interpretation issue raised by the letter is whether section S4.3 requires a specific control to release the restraining device for a folding seat even if no seats are located behind that folding seat. The current language of section S4.3 is sufficiently broad to require a control in those circumstances. Since the purpose for requiring a specific control is to ensure that occupants in seats located behind folding seats are able to exit the vehicle, however, the agency tentatively concludes that the requirement should not apply if there are no such seats. Accordingly, this notice proposes to amend Standard No. 207 to provide an exception to the requirement that folding seats have a specific control for releasing the required restraining device. Under the proposal, a specific control would not be required if there were no seats, i.e., no designated seating positions or auxiliary seating accommodations, behind the folding seat.

The agency requests comments on whether there should be any other exceptions to the requirement for a control to release the required restraining device. Depending on the comments, and if the agency concludes that there are other designs for which there is no safety need to have a control to release the restraining device, the agency will consider additional exceptions for a final rule.

The proposed amendment would become effective 30 days after publication of a final rule in the **Federal Register.** Since the proposed amendment would not impose any new requirements but instead relieve an unnecessary restriction, the agency finds good cause for an effective date within that time period.

The agency has analyzed this proposal and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation regulatory policies and procedures. The agency has determined that the economic effects of this proposal would be so minimal that a full regulatory evaluation is not required. Since the proposed amendment would relieve a restriction, it is conceivable that it could result in some minor, nonquantifiable cost savings.

In accordance with the Regulatory Flexibility Act, the agency has evaluated the effects of this action on small entities. I certify that the amendment would not have a significant economic impact on a substantial number of small entities. Few, if any, vehicle manufacturers are considered to be small businesses. Therefore, small businesses, small organizations, and small governmental units would generally be affected by the proposed amendment only to the extent that they purchase motor vehicles. For the reasons discussed above, the amendment would not significantly affect vehicle prices. Accordingly, no regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed the effects of this action under the National Environmental Policy Act. The agency has determined that the proposed amendment would not have a significant effect on the quality of the human environment.

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

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

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

All comments received before the close of business on the comment closing date indicated above will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

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

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, § 571.207 would be amended as follows:

The authority section for Part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.207 [Amended]

S4.3 would be revised to read as follows:

S4.3 *Restraining device for hinged or folding seats or seat backs.* Except for a passenger seat in a bus or a seat having a back that is adjustable only for the comfort of its occupants, a hinged or folding occupant seat or occupant seat back shall—

(a) Be equipped with a self-locking device for restraining the hinged or folding seat back, and

(b) If there are any designated seating positions or auxiliary seating accommodations behind the seat, either immediately to the rear or to the sides, be equipped with a control for releasing that restraining device.

Issued on June 27, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-14901 Filed 7-1-86; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Request for a Meeting and Reopening of Comment Period on Proposed Endangered Status and Critical Habitat for the Bay Checkerspot Butterfly (Euphydryas Editha Bayensis)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; announcement of meeting and reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service gives notice that it is requesting a meeting with Dr. Dennis D. Murphy, one of the petitioners, United Technologies Corporation and any other interested party to discuss information submitted to the Service concerning the listing of the bay checkerspot butterfly. These two parties submitted information suggesting that they found additional populations of checkerspot butterflies. There has been no conclusive determination made that these populations are within the subspecies bayensis. The Service believes that, to ensure the accuracy of any final decision concerning the appropriateness of listing this subspecies, a meeting with Dr. Murphy and United Technologies Corporation is needed to clarify this new information. In order to do this, we reopen the comment period on this proposed rule. The Service recognizes that this is an unusual procedure, but it is necessary because the initial comments concerning the existence of these populations must be clarified. The Service's goal is to base its final decision on the best scientific information available.

DATE: The comment period on the proposal is reopened until August 1, 1986.

ADDRESSES: Survey data or other comments concerning these populations must be sent to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232. Materials received will be available for public inspection during normal business hours by appointment, at the Regional Endangered Species Division at the above Regional Office address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231-6131 or FTS: 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The bay checkerspot butterfly (*Euphydryas editha bayensis*) was described by Sternitzky (1937) as a race on the basis of its physical characteristics. Dos Passos (1964) and all subsequent published treatments recognize the bay checkerspot as a distinct subspecies. It has been the subject of extensive research by Dr. Paul R. Ehrlich and his associates at Stanford University and colleagues elsewhere since 1959.

All known habitat of the bay checkerspot butterfly exists as isolated islands of native grassland on shallow serpentine-derived or similar soils that support abundant growth of the butterfly's two larval foodplants, annual plantain (*Plantago erecta*) and the hemiparasitic annual owl's clover (*Orthocarpus densiflorus*). Presence of both foodplants is evidently required for successful completion of the life cycle in nature (Singer 1971, Ehrlich *et al.* 1975).

On October 21, 1980, the Service was petitioned by Drs. Bruce O. Wilcox, Dennis D. Murphy, and Paul R. Ehrlich to list the bay checkerspot butterfly as an endangered species. The petition was later supplemented with a letter and other materials received on December 11, 1980. The Service included the bay checkerspot butterfly in a **Federal Register** Notice of Review on February 13, 1981 (46 FR 43709). A review of its status was made to determine if it should be added to the U.S. List of Endangered and Threatened Wildlife. On October 13, 1983, the Service found the petitioned action to be warranted but precluded by other pending listing actions, and reported this finding in the **Federal Register** on January 20, 1984 (49 FR 2485). On September 11, 1984, the Service published a proposed rule to list the bay checkerspot butterfly as an endangered species and determine its critical habitat (49 FR 35665), which constituted a final petition finding affirming that the petitioned action was warranted.

A public hearing regarding the proposed rule was held on November 13, 1984, in San Mateo County, California. The comment period had been scheduled to close on November 13, 1984, but was extended on October 26, 1984 (49 FR 43076), until November 23, 1984. It was reopened on March 14, 1985 (50 FR 43076), at the request of counsel for United Technologies Corporation, reopened again on August 12, 1985 (50 FR 32455), and reopened a final time on September 13, 1985 (50 FR 37391), because information and reports prepared by Dr. Richard Arnold and formally submitted to the Service on behalf of United Technologies Corporation indicated a substantial scientific disagreement regarding the sufficiency and accuracy of available data supporting the listing. The Service accepted United Technologies Corporation's position as evidence of substantial scientific disagreement in the matter. The Service then convened a panel of four of its own taxonomic specialists to conduct an evaluation of *Euphydryas* systematics as they might effect *E. e. bayensis* on these particular claims.

United Technologies Corporation contacted the Service to present information on an additional population of butterflies discovered in San Luis Obispo County, California. Service biologists met with Dr. Arnold, United Technologies Corporation's representative, on April 8, 1986 to receive a verbal report of its findings. A letter dated May 22, 1986 concerning this information was also submitted to the Service requesting that this information be considered before a final determination on the listing is made.

Dr. Murphy contacted the Service to inform us of a new population of checkerspot butterflies located in southeastern San Benito County, California. He submitted his interpretation of this population to the Service in a letter dated May 7, 1986. The Service requested a review of Dr. Murphy's finding by Dr. Paul Opler, Chair of the taxonomic evaluation panel for the butterfly.

As a result of both of these submissions of information, the Service believes that a clarification is needed. We are reopening the comment period on the proposed rule to be able to meet with Dr. Murphy and United Technologies Corporation. Interested parties who desire to participate in this meeting should immediately contact Mr. Wayne S. White (see **"FOR FURTHER INFORMATION CONTACT"** section of this

notice) for details of the date, time, and location of this meeting. The Service believes that the meeting proposed by this notice will greatly assist it in making an accurate decision in the proposal to list the bay checkerspot butterfly and to determine its critical habitat under section 4 of the ESA.

The Service recognizes that there are no explicit provisions in the Endangered Species Act for this additional evaluation and clarification process. We take very seriously our role in evaluating species for listing and our statutory duty to consider the best available scientific and commercial data. We believe that this additional open comment period will allow a full and fair hearing of all information presented concerning the bay checkerspot butterfly.

Author

The primary author of this notice is Ms. Carolyn Bohan, U.S. Fish and Wildlife Service, 500 NE. Multnomah St., Suite 1692, Portland, Oregon 97232 (503/231–6131 or FTS 429–6131).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: June 26, 1986.

Wally Steveke,

Acting Regional Director.

[FR Doc. 86–14888 Filed 7–1–86; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Refuge-Specific Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to amend certain regulations in 50 CFR Part 32 that pertain to migratory game bird, upland game, and big game hunting on individual national wildife refuges. Refuge hunting programs are reviewed annually to determine whether the regulations governing individual refuge hunts should be modified. Changing environmental conditions, State and Federal regulations, and other factors affecting wildlife populations and habitats may warrant such amendments. The modifications would ensure the continued compatibility of hunting with the purposes for which the individual refuges involved were established and, to the extent practical, make refuge hunting programs consistent with State regulations.

DATE: Comments must be received on or before August 1, 1986.

ADDRESS: Address comments to: Associate Director—Wildlife Resources, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Room 3252, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: James F. Gillett, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Room 2343, Washington, DC 20240; Telephone (202) 343–4311.

SUPPLEMENTARY INFORMATION: 50 CFR Part 32 contains the provisions that govern hunting on national wildlife refuges. Hunting is regulated on refuges to (1) ensure compatibility with refuge purposes, (2) properly manage the wildlife resource, (3) protect other refuge values, and (4) ensure refuge user safety. On many refuges, the Service policy of adopting State hunting regulations is an adequate way of meeting these objectives. On other refuges, it is necessary to supplement State regulations with refuge-specific hunting regulations which will ensure that the Service meets its management responsibilities, as outlined under the section entitled "Conformance with Statutory and Regulatory Authorities." Refuge-specific hunting regulations are issued only after the final publication of the opening of a wildlife refuge to migratory game bird, upland game, or big game hunting. These regulations may list the wildlife species that may be hunted, seasons, bag limits, methods of hunting, descriptions of open areas, and other provisions. The Service previously issued refuge-specific regulations for migratory game bird, upland game, and big game hunting in 49 FR 36736, 49 FR 38642, 49 FR 37093, 49 FR 43549, 49 FR 50049 and 50 FR 35815.

The Service review refuge hunting programs annually to determine if modifications in the regulations governing individual refuge hunts are necessary. Changing environmental conditions, State and Federal regulations, and other factors affecting wildlife populations and habitats may warrant that refuge-specific hunting regulations be modified, relaxed, or made more stringent. This ensures the continued compatibility of hunting with the purposes for which individual refuges were established and, to the extent practical, makes refuge hunting programs consistent with State regulations. This proposed rule would amend and supplement certain refuge-specific regulations in 50 CFR Part 32, §§ 32.12, 32.22, and 32.32, which pertain to migratory game bird, upland game, and big game hunting, respectively. In this rule, swans have been added to the take at Mattamuskeet and Swanquarter NWRs desert bighorn sheep to Imperial NWR. A non-toxic shot regulations has also been added to several refuges.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. It is, therefore, the purpose of this proposed rulemaking to seek public input regarding the proposed amendments to refuge-specific regulations for migratory game bird, upland game, and big game hunting. Accordingly, interested persons may submit written comments, suggestions, or objections concerning this proposal to the Associate Director—Wildlife Resources (address above) by the end of the comment period. All substantive comments will be considered by the Department prior to issuance of a final rule.

Conformance With Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the Refuge Administration Act authorizes the Secretary of the Interior to permit the use of any area within the Refuge System for any purpose, including but not limited to hunting; fishing; and public recreation, accommodations, and access; when he determines that such uses are compatible with the major purposes for which the areas were established.

The Refuge Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purpose for which the areas were established. The Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the proposes of the Act.

Hunting plans are developed for each hunting program on a refuge prior to opening it to hunting. In many cases, refuge-specific hunting regulations are included in the hunting plan to ensure the compatibility of the hunting programs with the purposes for which

the refuge was established. Initial compliance with the Refuge Administration and Refuge Recreation Acts is ensured when the hunting plans are developed, and the determinations required by these acts are made prior to the addition of refuges to the lists of areas open to hunting in 50 CFR. Continued compliance is ensured by annual review of hunting programs and regulations.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The proposed amendments to the codified refuge-specific hunting regulations would make relatively minor adjustments to existing hunting programs. The regulations are not expected to have any gross economic effect and will not cause an increase in costs or prices for consumers, individual industries, Federal, States, or local governments, agencies, or geographic regions. The benefits accruing to the public are expected to exceed by a large margin the costs of administering this rule. Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 and would not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

The Service has received approval from the Office of Management and Budget (OMB) for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). These requirements are presently approved by OMB as cited below:

Type of Information Collection—Economic and Public Use Permits.

OMB Approval No.—1018–0014.

These regulations impose no new reporting or recordkeeping requirements that must be cleared by OMB.

Environmental Considerations

The "Final Environmental Statement for the Operation of the National Wildlife Refuge System" [FES 76–59] was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in the **Federal Register** on November 19, 1976 (41 FR 51131). Compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) is endured when hunting plans are developed, and the determinations required by these acts are made prior to the addition of refuges to the lists of areas open to hunting in 50 CFR. Refuge-specific hunting regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of a particular national wildlife refuge. The changes proposed in this rulemaking would not substantially alter the existing uses of the refuges involved.

Information regarding hunting permits and the conditions that apply to individual refuge hunts and maps of the hunt areas are available at refuge headquarters. This information may also be obtained from the regional offices of the U.S. Fish and Wildlife Service at the addresses listed below:

Region 1—California, Hawaii, Idaho, Nevada, Oregon and Washington

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE Multnomah Street, Portland, Oregon 97232; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; Telephone (505) 766–1829.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin

Assistant regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111; Telephone (612) 725–3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina and Puerto Rico

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, SW, Atlanta, Georgia 30303; Telephone (404) 221–3538.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158; Telephone (617) 965–9222.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225; Telephone (303) 234–8145.

Region 7—Alaska (Hunting on Alaska refuges is in accordance with State hunting regulations. There are no refuge-specific hunting regulations for these refuges.)

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone (907) 786–3538.

Nancy A. Marx, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240, is the primary author of this proposed rulemaking document.

List of Subjects in 50 CFR Part 32

Hunting, National Wildlife Refuge System, Wildlife, Wildlife refuges.

PART 32—[AMENDED]

Accordingly, it is proposed to amend Part 32 of Chapter I of Title 50 of the *Code of Federal Regulations* as set forth below:

1. The authority citation for Part 32 is revised as follows and the authority citation following §32.41 is removed.

Authority: 5 U.S.C. 301, 16 U.S.C. 460k, 664, 668dd, 690d, 715i, 718d, 725, 44 U.S.C. 3501 et seq.

2. Section 32.12 would be amended by revising paragraphs (b) introductory text, (b) (2) and (4); adding paragraph (b)(7); redesignating paragraph (c) as (c)(1); revising newly redesignated (c)(1); and adding paragraph (c)(2); adding paragraphs (e)(1)(viii), (e)(3)(viii), (e)(4)(vii), (f)(4)(v) and (f)(5)(iv); revising paragraphs (f)(7) introductory text and (ii); adding paragraph (f)(12)(iv); redesignating paragraphs (f) (13) through

(14) as (f) (14) and (15); adding paragraph (f)(13); revising paragraphs (i)(2)(ii); adding paragraph (k)(3)(iv); revising paragraphs (l)(2) (i), (ii) and (iv); redesignating paragraph (m) as (m)(1), (i), (ii), (iii) and (iv); and revising the introductory text of (m)(1); and adding paragraph (m)(2); adding paragraph (n)(5); redesignating paragraphs (p) (1) and (2) as (p) (2) and (3); and revising newly redesignated paragraph (p)(2); and adding paragraph (p)(1); adding paragraph (q)(1)(iv); revising paragraphs (q)(2) (i) and (ii); adding paragraph (q)(2)(iii); revising paragraph (q)(3)(iv); adding paragraph (q)(3)(v); revising paragraphs (v)(2)(iii), (v)(3)(iii), (v)(4)(iii) and (v)(6)(iii); adding paragraph (x))(1)(iii); revising paragraphs (x)(10), (y), and (z) (1) (i) and (2); redesignating paragraphs (dd) (1) through (4) as (dd) (2) through (5); and revising newly redesignated paragraphs (dd) (3) and (5); and adding paragraph (dd)(1); adding paragraph (gg)(3)(vii); redesignating paragraphs (hh) (2) through (12) as (hh) (3) through (13); and revising newly designated paragraph (hh)(7); and adding paragraph (hh)(2); redesignating paragraphs (ll) (1) through (3) as (ii) (2) through (4); and revising newly redesignated paragraph (ii) (2)(iii); adding paragraph (ll)(1); and revising paragraph (rr)(3) as follows:

§ 32.12 Refuge-specific regulations; migratory game birds.

* * * * *

(b) *Alabama and Georgia-Eufaula National Wildlife Refuge.* Hunting of mourning doves, geese, ducks, coots, snipe and woodcock is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(2) Hunting of Canada geese, ducks and coots is permitted only on Mondays, Wednesdays and Saturdays until noon.

* * * * *

(4) Waterfowl and coot hunters shall possess and use, while in the field, only non-toxic shot.

* * * * *

(7) Canada geese may be harvested only until the refuge harvest quota is reached.

* * * * *

(c) *Arizona*—(1) *Buenos Aires National Wildlife Refuge.* Hunting of mourning and white-winged doves, geese, ducks and coots is permitted on designated areas of the refuge.

(2) *San Bernardino National Wildlife Refuge.* Hunting of mourning and white-winged doves is permitted on designated areas of the refuge.

* * * * *

(e) * * *

(1) * * *

(viii) Hunting of woodcock is permitted beginning with the State season through January 31.

* * * * *

(3) * * *

(viii) Hunting of woodcock is permitted beginning with the State season through January 31.

(4) * * *

(vii) Duck and coot hunters shall possess and use, while in the field, only non-toxic shot.

(f) * * *

(4) * * *

(v) Only nonmotorized boards are permitted.

(5) * * *

(iv) Hunters may not possess more than 25 shells after leaving their assigned parking lot.

* * * * *

(7) *Merced National Wildlife Refuge.* Hunting of geese, ducks, coots and gallinules is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(ii) Hunters may not possess more than 25 shells after leaving their assigned parking lot.

* * * * *

(12) * * *

(iv) Hunters may not possess more than 25 shells after leaving their assigned parking lot.

(13) *San Pablo Bay National Wildlife Refuge.* Hunting of ducks, geese, and coots is permitted on designated areas of the refuge subject to the following conditions:

(i) All personal property except floating blinds must be removed from the refuge at the end of the hunting day. Floating blinds may be left overnight, but must be removed from the refuge at the end of the waterfowl hunting season.

(ii) The construction and use of permanent blinds is prohibited. Hunters may use portable blinds and temporary or floating blinds constructed primarily of biodegradable materials.

(iii) Blinds may be used by any hunter on a first-come basis each day.

(iv) Digging into leaves is prohibited.

* * * * *

(1) * * *

(2) * * *

(ii) Hunting of ducks and coots is permitted on the Levy County portion of the refuge.

* * * * *

(k) * * *

(3) * * *

(iv) Nonmotorized boats are restricted to the area bounded by the water's edge and extending to a point 200 yards lakeward in hunting area 1 on the Lake Lowell sector.

* * * * *

(1) * * *

(2) * * *

(i) Waterfowl hunting is permitted on the controlled areas of Grassy Point, Carterville and Greenbrier land areas, plus Orchard, Turkey, Sawmill and Grassy Islands, from sunrise to 12:00 noon each day during the goose season. Goose hunting on those areas, including lake shorlines, is permitted only from existing refuge blinds. Only selected hunters are allowed on the islands during the goose hunting season.

(ii) Goose hunters must use or possess only 15 shells per hunter.

* * * * *

(iv) Only portable or temporary blinds may be used. Blinds may not be located beyond the shoreline of refuge waters.

* * * * *

(m) *Iowa*-(1) *Desoto National Wildlife Refuge.* Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(2) *Union Slough National Wildlife Refuge.* Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters shall possess and use, while in the field, only non-toxic shot.

(n) * * *

(5) Waterfowl and coot hunters shall possess and use, while in the field, only non-toxic shot in those portions of the refuge in Iowa and Missouri.

* * * * *

(p) *Kansas*-(1) *Flint Hills National Wildlife Refuge.* Hunting of mourning doves, geese, ducks, coots and snipe is permitted on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters shall possess and use, while in the field, only non-toxic shot.

(2) *Kirwin National Wildlife Refuge.* Hunting of mourning doves, geese, ducks, coots and snipe is permitted on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters shall possess and use, while in the field, only non-toxic shot.

* * * * *

(q) * * *

(1) * * *

(iv) Retrievers are permitted.

(2) * * *

(i) Hunting of ducks and coots is permitted until noon each day.

(ii) Boats, decoys and blinds must be removed from the refuge following each day's hunt.

(iii) Hunting is not permitted during the special teal season.

(3) * * *

(iv) When in season, snipe, rails and gallinules may be taken during the waterfowl hunt.

(v) Retrievers are permitted.

* * * * *

(v) * * *

(2) * * *

(iii) Duck and coot hunters shall possess and use, while in the field, only non-toxic shot.

(3) * * *

(iii) Duck and coot hunters shall possess and use, while in the field, only non-toxic shot.

(4) * * *

(iii) Duck and coot hunters shall possess and use, while in the field, only non-toxic shot.

* * * * *

(6) * * *

(iii) Duck and coot hunters shall possess and use, while in the field, only non-toxic shot.

* * * * *

(x) * * *

(1) * * *

(iii) Hunters shall possess and use, while in the field, only non-toxic shot.

* * * * *

(10) *Red Rock Lakes National Wildlife Refuge.* Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters shall possess and use, while in the field, only non-toxic shot.

(y) *Nebraska-Valentine National Wildlife Refuge.* Hunting of mourning doves, geese, ducks and coots is permitted on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters shall possess and use, while in the field only non-toxic shot.

(z) * * *

(1) * * *

(i) Permits are required for dove hunting from opening day through the following Monday.

* * * * *

(2) *Ruby Lake National Wildlife Refuge.* Hunting of geese, ducks, coots, gallinules and snipe is permitted on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters shall possess and use, while in the field, only non-toxic shot.

* * * * *

(dd) *North Carolina*-(1) *Alligator River National Wildlife Refuge.* Hunting of mourning doves, geese, swans, ducks, coots, snipe and woodcock is permitted on designated areas of the refuge subject to the following condition: The use of hunting dogs is permitted on designated areas of the refuge.

* * * * *

(3) *Mattamuskeet National Wildlife Refuge.* Hunting of swans, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(5) *Swanquarter National Wildlife Refuge.* Hunting of swans, ducks, geese and coots is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(gg) * * *

(3) * * *

(vii) Waterfowl hunters shall possess and use, while in the field, only non-toxic shot.

* * * * *

(hh) * * *

(2) *Bandon Marsh National Wildlife Refuge.* Hunting of geese, ducks, coots, snipe, doves and pigeons is permitted on designated areas of the refuge.

* * * * *

(7) *Lewis and Clark National Wildlife Refuge.* Hunting of geese, ducks, coots an snipe is permitted on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters shall possess and use, while in the field, only non-toxic shot.

* * * * *

(ll) *Tennessee*-(1) *Chickasaw National Wildlife Refuge.* Hunting of ducks, geese, and coots is permitted on designated areas of the refuge subject to the following conditions:

(i) Hunting of waterfowl is permitted until noon each day.

(ii) Only portable blinds and blinds made of native vegetation are permitted.

(iii) Decoys and blinds must be removed after each day's hunt.

(2) * * *

(ii) Hunting is permitted on Saturdays and Sundays beginning with the State's December duck season through the last day of the State goose season.

* * * * *

(rr) * * *

(3) *Trempealeau National Wildlife Refuge.* Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

3. Section 32.22 would be amended by revising paragraphs (a)(2)(ii) and (4)(ii) and (iii); adding paragraphs (a)(4)(v), (b)(3) and (c)(1) (iv) and (v); revising paragraph (c)(2)(i); adding paragraph (c)(2)(iv); revising paragraph (c)(3); revising paragraphs (d)(2)(iii), (d)(3) introductory text and (d)(4)(iii); adding paragraphs (d)(6) (v) and (vi); redesignating paragraphs (e)(8) and (9) as (e)(9) and (10); adding paragraph (e)(8); revising paragraphs (h)(3)(ii), (i) (2) introductory text, (l) (1) and (2), and (q)(1)(ii) and (2); adding paragraphs (q)(3)(iii) and (6)(iii); revising paragraphs (t) and (z)(1); redesignating paragraphs (cc) (1) and (2) as (cc) (2) and (3); and revising newly redesignated (cc) (3)(i) and (iv); adding paragraph (cc)(1); revising paragraph (hh)(4) introductory text; redesignating paragraphs (jj) (1) through (4) as (jj) (2) through (5); adding paragraphs (jj)(1); and revising newly redesignated (jj) (2) and (5) as follows:

§ 32.22 Refuge-specific regulations; upland game.

(a) * * *

(2) * * *

(ii) Hunting of squirrel and rabbit is permitted during the State season only through December 15.

* * * * *

(4) * * *

(ii) Hunting of squirrel is permitted beginning with the opening of the State season through October 31.

(iii) Hunting of raccoon and opossum is permitted during the month of February.

* * * * *

(v) Dogs are permitted for raccoon, opossum and rabbit hunts only.

(b) * * *

(3) *San Bernardino National Wildlife Refuge.* Hunting of quail and cottontail rabbits is permitted on designated areas of the refuge subject to the following conditions:

(i) Only shotguns are permitted.

(ii) Cottontail rabbit season shall open on September 1 and close on the last day of the State quail season.

(c) * * *

(1) * * *

(iv) Hunting is permitted from ½ hour before sunrise to sunset only.

(v) Only shotguns and bows and arrows are permitted.

(2) * * *

(i) Hunting is not permitted on Pintail Slough.

* * * * *

(iv) Hunting is permitted from ½ hour before sunrise to sunset only.

(3) *Imperial National Wildlife Refuge.* Hunting of quail, cottontail rabbit, coyote, fox and bobcat is permitted on designated areas of the refuge subject to the following conditions:

(i) Only shotguns and bows and arrows are permitted.

(ii) Hunting of cottontail rabbit is permitted from September 1 through the last day of the State quail season.

(iii) Hunting is permitted from ½ hour before sunrise to sunset only.

(d) * * *

(2) * * *

(iii) Hunting of raccoon and opossum is permitted from December 1–5 and January 26–30 during the hours of darkness only. Daily bag limit for raccoon is 2 per hunter or 4 per party per night.

(3) *Holla Bend National Wildlife Refuge.* Hunting of raccoon, opossum, squirrel, rabbit, beaver and coyote is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(4) * * *

(iii) Hunting of raccoon and opossum is permitted from December 1–5 and January 26–30 during the hours of darkness only. Daily bag limit for raccoon is 2 per hunter or 4 per party per night.

* * * * *

(6) * * *

(v) Hunters may camp in designated areas.

(vi) Loaded firearms are not permitted within 100 yards of a campground.

* * * * *

(e) * * *

(8) *San Pablo Bay National Wildlife Refuge.* Hunting of pheasants is permitted on designated areas of the refuge subject to the following condition:

An advance hunting reservation/permit is required for the first weekend only.

* * * * *

(h) * * *

(3) * * *

(ii) Hunting is permitted beginning the second Friday in December through the last Sunday in January.

* * * * *

(i) * * *

(2) *Savannah National Wildlife Refuge.* Hunting of squirrel is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(l) * * *

(1) Hunting is permitted on the Big Timber Division and Turkey and Otter Islands.

(2) Hunting of squirrel is permitted on the Keithburg Division from the opening of the State season until the start of the Illinois waterfowl hunting season. Hunting of squirrel is permitted on the Gardner Division from the opening of the State season through September 30.

* * * * *

(q) * * *

(1) * * *

(ii) Hunting of raccoon and opossum is permitted beginning the last day of the State deer season to the end of the State trapping season.

(2) *Catahoula National Wildlife Refuge.* Hunting of squirrel and rabbit is permitted on designated areas of the refuge subject to the following conditions:

(i) Hunting is permitted from the opening day of the State season through October 31.

(ii) Daily permits are required.

(3) * * *

(iii) Daily bag limit for raccoon is 2 per hunter or 4 per party per night.

* * * * *

(6) * * *

(iii) Daily bag limit for raccoon is 2 per hunter or 4 per party per night.

* * * * *

(t) *Michigan—Seney National Wildlife Refuge.* Hunting of grouse and snowshoe hare is permitted on designated areas of the refuge.

* * * * *

(z) *Nevada—(1) Pahranagat National Wildlife Refuge.* Hunting of quail and rabbit is permitted on designated areas of the refuge subject to the following condition: Hunting of jackrabbit is permitted only during the regular State season for cottontail rabbit.

* * * * *

(cc) *North Carolina—(1) Alligator River National Wildlife Refuge.* Hunting of squirrel, rabbit, quail, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: The use of hunting dogs is permitted on designated areas of the refuge.

* * * * *

(3) * * *

(i) Hunting of squirrel is permitted for 14 consecutive days beginning Monday following the third Saturday in November.

* * * * *

(iv) Hunting of raccoon and opossum is permitted the first day of the State season through the third Saturday in November.

* * * * *

(hh) * * *

(4) *Savannah National Wildlife Refuge.* Hunting of squirrel is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(jj) *Tennessee*—(1) *Chickasaw National Wildlife Refuge.* Hunting of squirrel, rabbit, quail, raccoon, and opossum is permitted on designated areas of the refuge subject to the following conditions:

(i) Seasons and bag limits are in accordance with State regulations for the Upper Anderson-Tully Wildlife Management Area.

(ii) Hunting of upland game, except raccoon, is not permitted during firearm deer hunts.

(2) *Cross Creeks National Wildlife Refuge.* Hunting of squirrel is permitted on designated areas of the refuge subject to the following conditions:

(i) Permits are required.

(ii) Hunting is permitted during the first 14 days of October.

* * * * *

(5) *Tennessee National Wildlife Refuge.* Hunting of squirrel and raccoon is permitted on designated areas of the refuge subject to the following conditions:

(i) Hunting of squirrel is permitted during the first four weeks of the State season.

(ii) Hunting of raccoon is permitted during the first ten days of the State season.

4. Section 32.32 would be amended by revising paragraphs (a)(1)(iii) and (2)(i) and (ii); adding paragraphs (a)(2)(iv), (v) and (vi); removing paragraph (c)(1)(ii); revising paragraphs (a)(3) (ii) and (iii) and (c)(2); adding paragraphs (d)(1)(iv) and (v); revising paragraphs (d)(2) introductory text, (d)(2) (ii), (iv) and (vi); adding paragraphs (d)(2)(vii) and (viii); revising paragraphs (d)(4) introductory text, (d)(4)(ii) and (vi); removing paragraphs (d)(4)(iii) and (iv); redesignating paragraphs (d)(4)(v) and (vi) as (d)(4)(iii) and (iv); revising paragraphs (d)(5)(ii), (iii), (v) and (vi) and (h)(3)(ii); adding paragraph (h)(3)(v); revising paragraphs (h)(5)(ii), (iii) and (iv); removing paragraphs (h)(5)(v) and (vi); redesignating paragraphs (h)(5)(vii) through (x) as (h)(5)(v) through (viii); and revising newly redesignated paragraph (h)(5)(vi) and (vii); revising paragraph (h)(6)(ii); adding (h)(6)(ix); redesignating paragraphs (i)(2) through (5) as (i)(3) through (6), adding paragraph (i)(2); adding paragraphs (i)(5)(ix) and (x); revising paragraph (o)(1); revising paragraphs (r)(1) introductory text, (r)(1)(ii) and (iv); revising paragraphs (r)(2) (i), (ii) and (iii); adding paragraphs (r)(2)(iv), (v) and (vi); revising paragraph (r)(3); revising paragraph (r)(4)(i); adding paragraph (r)(5)(iii); revising paragraph (r)(7); adding paragraph (s)(5); revising paragraphs (v)(2) and (3); revising paragraphs (x)(1)(ii) and (iii); adding paragraph (x)(1)(iv); revising paragraphs (x)(2)(ii), (iii), (iv) and (v); revising paragraph (x)(6)(v); adding paragraphs

(x)(6)(vi), (vii) and (viii); revising paragraphs (x)(7)(iv) and (v); redesignating paragraphs (ff)(1) through (4) as (ff)(2) through (5); and revising newly redesignated paragraphs (ff)(4)(ii), (iv), (v) and (vi); adding paragraph (ff)(1); redesignating paragraphs (ii)(1) through (5) as (ii)(2) through (6); adding paragraph (ii)(1); revising paragraph (kk)(3)(ii); redesignating paragraphs (mm)(1) through (4) as (mm)(2) through (5); and revising newly redesignated paragraphs (mm)(2)(i) and (ii) and (3)(iii) and (iv); adding paragraphs (mm)(1), (2)(iii), and (3)(v) as follows:

§ 32.32 Refuge-specific regulations; big game.

(a) * * *

(1) * * *

(iii) Hunting is permitted from the opening day of the State season through December 15.

(2) * * *

(i) Permits are required.

(ii) Archery hunting is permitted on the Alabama portion of the refuge during the entire State archery season except during scheduled youth hunts.

* * * * *

(iv) A two-day youth hunt is permitted during the Alabama and Georgia either-sex firearm season.

(v) Only persons age 16 or younger are permitted to hunt with, carry, handle or discharge a firearm.

(vi) Youth hunters are required to check in and out of the refuge during the youth hunt.

(3) * * *

(ii) Archery hunting is permitted beginning November 1 through the end of the State season.

(iii) Hunting with flintlock firearms is permitted beginning January 15 through the end of the State season.

* * * * *

(c) * * *

(2) *Imperial National Wildlife Refuge.* Hunting of mule deer and desert bighorn sheep is permitted on designated areas of the refuge.

(d) * * *

(1) * * *

(iv) Hunters must check out of the refuge after each day's hunt.

(v) Only portable deer stands are permitted and must be removed after each day's hunt.

(2) *Felsenthal National Wildlife Refuge.* Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(ii) Archery hunting is permitted only during the months of October and December except by special permit during quota deer gun hunts.

* * * * *

(iv) Modern gun hunting is permitted during the second Friday and Saturday of November and the Friday and Saturday following Thanksgiving.

* * * * *

(vi) Feral hogs may be taken during daylight hours of any refuge hunt with weapons legal for that hunt and with dogs during the last five days of January.

(vii) Possession of deer without a valid quota deer hunt permit during the modern gun hunt is prohibited.

(viii) All deer must be checked at designated check stations.

* * * * *

(4) *Overflow National Wildlife Refuge.* Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

(ii) Archery hunting is permitted during the months of October and December.

* * * * *

(iv) Feral hogs may be taken during daylight hours of any refuge hunt with weapons legal for that hunt and with dogs during the last five days of January.

(5) * * *

(ii) Hunters may camp in designated areas only.

(iii) Possessing a loaded firearm within 100 yards of a campground is prohibited.

* * * * *

(v) Muzzleloader hunting is permitted the first two days of the State's first muzzleloader deer season.

(vi) Hunting of deer with modern guns is permitted the first three days of the first State deer gun season.

* * * * *

(h) * * *

(3) * * *

(ii) Archery and muzzleloading gun hunting of deer and feral hogs is permitted on the Levy County portion of the refuge in accordance with State seasons.

* * * * *

(v) Modern gun hunting of deer and feral hogs is permitted on the Levy County portion of the refuge beginning the opening day of the State's general gun deer season for four consecutive weeks excluding Thanksgiving Day.

* * * * *

(5) * * *

(ii) Archery hunting is permitted for deer (either sex), turkey and hogs for ten consecutive days beginning the first Friday in October.

(iii) Deer (either sex), turkey and hog hunting using bows and/or muzzleloaders is permitted for three consecutive days beginning the second Friday in November.

(iv) Deer, turkey (bearded only) and hog hunting is permitted for two, three consecutive day hunts beginning the third and fourth Fridays in November.

* * * * *

(vi) A hog-only hunt is permitted for three consecutive days beginning the first Friday in December.

(vii) Hunting of turkey (bearded only) is permitted for ten consecutive days beginning the fourth Friday in March.

* * * * *

(6) * * *

(ii) A primitive weapons hunt is permitted for three consecutive days beginning the second Thursday in December and for three consecutive days beginning the second Thursday in January.

(ix) Only still and stalk hunting are permitted.

(i) * * *

(2) *Eufaula National Wildlife Refuge.* See Paragraph (a)(2) of this section.

* * * * *

(5) * * *

(ix) Buckshot is prohibited.

(x) Only persons 12 years of age or older are permitted to hunt.

* * * * *

(o) * * *

(1) Permits are required during the second State muzzleloader season. Archery hunting is permitted following the second muzzleloader season.

* * * * *

(r) * * *

(1) Hunting of white-tailed deer, turkey and feral hogs is permitted on designated areas of the refuge subject to the following conditions.

* * * * *

(ii) Feral hogs may be taken during all refuge hunts.

* * * * *

(iv) Either-sex deer gun hunting is permitted for two consecutive days beginning the Friday following Thanksgiving.

(2) * * *

(i) Daily permits are required.

(ii) Muzzleloader hunting is permitted the first and second weekends in January. Either sex may be taken.

(iii) Checking of bagged game at an official check station is required.

(iv) Youth gun hunting is permitted the first and second Saturdays of November. Either sex may be taken.

(v) Only still and stalk hunting are permitted.

(vi) Feral hogs may be taken during all refuge hunts.

(3) *D'Arbonne National Wildlife Refuge.* Hunting of white-tailed deer and feral hogs is permitted on designed areas of the refuge subject to the following conditions:

(i) Buck-only deer hunting is permitted during the first first seven days of the State season.

(ii) Either-sex deer hunting is permitted the first Friday and Saturday following Thanksgiving.

(iii) Feral hogs may be taken during any refuge deer hunt.

(4) * * *

(i) Only still and stalk hunting are permitted.

* * * * *

(5) * * *

(iii) Only portable tree stands may be used and must be removed from the refuge after each day's hunt.

* * * * *

(7) *Upper Ouachita National Wildlife Refuge.* Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following conditions:

(i) Bucks-only deer hunting is permitted during the first seven days of the State season.

(ii) Either-sex deer hunting is permitted the first Friday and Saturday following Thanksgiving.

(iii) Feral hogs may be taken during any refuge deer hunting.

(s) * * *

(5) Archery hunting is permitted for five consecutive days beginning the third Saturday in October.

* * * * *

(v) * * *

(2) *Seney National Wildlife Refuge.* Hunting of deer and bear is permitted on designated areas of the refuge subject to the following condition: The use of dogs while bear hunting is not permitted.

(3) *Shiawassee National Wildlife Refuge.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits may be required.

* * * * *

(x) * * *

(1) * * *

(ii) Bucks-only deer gun hunting is permitted for six consecutive days beginning the fourth Saturday in November.

* * * * *

(iii) Either-sex deer gun hunting is permitted for two consecutive days beginning the Friday following Thanksgiving.

(iv) A shotgun only turkey hunt is permitted during the State season.

(2) * * *

(ii) Checking of bagged game at an official check station is required.

(iii) General gun deer (either sex) hunting is permitted for two consecutive days beginning the third Tuesday in December.

(iv) Only still and stalk hunting are permitted.

(v) Two muzzleloader hunts are permitted beginning the first and second Tuesday of the State season.

* * * * *

(6) * * *

(v) General gun deer hunting (either sex) is permitted the first Saturday of the State season and for three consecutive days beginning the third Thursday of the State season.

(vi) An eight consecutive day bucks-only hunt is permitted beginning the second day of the State season.

(vii) A shotgun only turkey hunt is permitted during the State season.

(viii) Checking of bagged game at an official check station is required.

(7) * * *

(iv) Muzzleloader deer hunting is permitted for five consecutive days beginning the second Tuesday in December.

(v) A general gun hunt is permitted the first day of the State's either-sex season.

* * * * *

(ff) *North Carolina*-(1) *Alligator River National Wildlife Refuge.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: The use of hunting dogs is permitted on designated areas of the refuge.

* * * * *

(4) * * *

(ii) Muzzleloader hunting is permitted the Wednesday following the first Saturday in November.

* * * * *

(iv) Archery hunting is permitted during the month of October.

(v) Youth gun hunting is permitted the first Saturday in November. Only persons age 15 or younger are permitted to carry, handle or discharge a firearm.

(vi) Two consecutive day gun hunts are permitted starting the first and second Friday in November.

* * * * *

(ii) *Oregon*—(1) *Bear Valley National Wildlife Refuge.* Hunting of deer only is permitted on designated areas of the refuge subject to the following conditions: Hunting opens concurrent with the State season and closes October 31. No hunting or public entry of any kind is permitted from November 1 to March 31.

* * * * *

(kk) * * *

(3) * * *

(ii) Hunting is permitted the third Saturday in November.

* * * * *

(mm) *Tennessee*—(1) *Chickasaw National Wildlife Refuge.* Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following conditions:

(i) State permits for the Upper Anderson-Tully Wildlife Management Area are required for the turkey hunt.

(ii) Muzzleloader, gun and archery deer hunting is permitted in accordance with State regulations for the Upper Anderson-Tully Wildlife Management Area.

(2) * * *

(i) Archery hunting is permitted during the last 14 days of the State archery season.

(ii) Tagging and checking of deer at a State check station is required.

(iii) Permits are required.

(3) * * *

(iii) Firearm deer hunting is permitted during two one-day hunts the third and fourth Saturdays in October. One deer, either sex, may be taken.

(iv) Archery hunting is permitted for the first 16 days of the State season. Two deer, either sex, may be taken.

(v) Turkey hunting is permitted during two of the three-day hunts, beginning the second and fourth Fridays of the State season. One bearded turkey may be taken.

* * * * *

Dated: June 9, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-14771 Filed 7-1-86; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 51, No. 127
Wednesday, July 2, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement Regarding Management of Historic Railroad Systems Affected by Undertaking on the Wallowa-Whitman National Forest, Oregon

AGENCY: Advisory Council on Historic Preservation.

ACTION: Proposed Programmatic Memorandum of Agreement.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties (36 CFR Part 800), with the Forest Service, U.S. Department of Agriculture, and the Oregon State Historic Preservation Officer, providing for the management of historic railroad systems affected by undertakings on the Wallowa-Whitman National Forest in Oregon. The proposed Programmatic Memorandum of Agreement will establish a program for the identification, evaluation, mapping and recordation, partial protection, and management of these historic railroad systems, including the Sumpter Valley Railroad, in order to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Comments due: August 1, 1986.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, Room 450, 730 Simms Street, Golden, Colorado 80401.

Dated: June 26, 1986.

John M. Fowler,

Acting Executive Director.

[FR Doc. 86-14927 Filed 7-1-86; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meat Import Limitations; Third Quarterly Estimate

Public Law 88-482, enacted August 22, 1964, as amended by Pub. L. 96-177 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lambs, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62) which may be imported into the United States in any calendar year. Such limitations are to be imposed when the Secretary of Agriculture estimate that imports of articles provided for in TSUS 106.10, 106.22, 106.25, and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1986 by section 2(c) as adjusted under section 2(d) of the Act.

As published on January 2, 1986 (51 FR 44), the estimated aggregate quantity of meat articles prescribed by section 2(c), as adjusted by section 2(d) of the Act, for calendar year 1986 is 1,309 million pounds.

In accordance with the requirements of the Act, I have determined that the third quarterly estimate for 1986 of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1986 is 1,395 million pounds.

Done at Washington, DC, this 27th day of June, 1986.

Richard E. Lyng,

Secretary.

[FR Doc. 86-14926 Filed 7-1-86; 8:45 am]

BILLING CODE 3410-10-M

Forms Under Review by Office of Management and Budget

June 27, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatments. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Animal and Plant Health Inspection Service

7 CFR Part 322 Honeybees and Honeybee Semen
PPQ-368
On occasion
Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 40 responses; 5 hours; not applicable under 3504(h)
Philip Lima, (301) 436-8393

- Forest Service

36 CFR Part 228 Subpart A—Locatable Minerals (National Forests Surface use under U.S. Mining Laws)
On occasion
Individuals or households; Businesses or other for-profits; Small business or organizations; 7,632 responses; 15,264 hours; not applicable under 3504(h)

Norman F. Day, (703) 235–9784

• Packers and Stockyard Administration

Regulations and Related Reporting and Recordkeeping Requirements—Packers and Stockyards Act

P&SA–5,–116, –116–1, –122, –124, –124–1, –125, –130, –131, –132, –134, –135, –202, –202, –212, –215, –216, –218, –315, and – 316

On occasion; Semi-annually; Annually

Businesses or other for-profit; 30,603 responses; 360,024 hours; not applicable under 3504(h)

Merle E. Paulsen, (202) 477–4366

New

• Food Safety and Inspection Service

Questionnaire for Hotline Callers

Quarterly

Individuals or households; State or local governments; Farms; Business or other for-profit; Non-profit institutions; 400 responses; 33 hours; not applicable under 3504(h)

Roy Purdie, Jr., (202) 447–5372

Revision

• Report of Acreage and the Highly Erodible Land and Wetland Conservation Certification

AD–1026 and ASCS–578

Annually

Farms; 3,000,000 responses; 1,600,000 hours; not applicable under 3504(h)

Alexander King, (202) 447–4542.

Donald E. Hulcher,

Acting Departmental Clearance Officer.

[FR Doc. 86–14962 Filed 7–1–86; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census

Title: 1987 Test Census of North Central North Dakota

Form number: Agency—DF–1, DF–2, etc., OMB—NA

Type of request: New collection

Burden: 30,000 respondents; 10,000 reporting hours

Needs and uses: This fall-scale population and housing census, to be conducted in FY87, will allow the Census Bureau to examine and refine census methods in rural areas and small towns and cities.

Affected public: Individuals or households

Frequency: One time

Respondent's obligation: Mandatory

OMB desk officer: Timothy Sprehe, 395–4814

Agency: Bureau of the Census

Title: Annual Survey of Government Employment

Form number: Agency—E–1, E–2, E–3, E–4, E–6, E–7, E–9; OMB—0607–0452

Type of request: Revision of a currently approved collection

Burden: 27,642 respondents; 16,368 reporting hours

Needs and uses: This survey provides data on government employment and payrolls by state, type of government, and governmental functions. Results are used for other Federal statistical programs, for determining Federal grant allocations, for legislative research, and for general statistical purposes.

Affected public: State or local governments

Frequency: Annually

Respondent's obligation: Voluntary

OMB desk officer: Timothy Sprehe, 395–4814

Agency: Bureau of the Census

Title: Current Population Survey

Form number: Agency—CPS–1, CPS–260, CPS–262; OMB—0607–0049

Type of request: Extension of a currently approved collection

Burden: 57,000 respondents; 96,680 reporting hours

Needs and uses: The Current Population Survey is the primary source of estimates of employment, unemployment, and other characteristics of the civilian noninstitutional population and various subgroups of that population. Government policymakers and legislators use these results as important indicators of our Nation's economic situation and for planning and evaluating many Government programs.

Affected public: Individuals or households

Frequency: Monthly

Respondent's obligation: Voluntary

OMB desk officer: Timothy Sprehe, 395–4814

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: June 26, 1986.

Edward Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86–14892 Filed 7–1–86; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Office of the Secretary

Title: Contract Clauses and Solicitation Provisions for Ship Construction, Ship Alteration, and Ship Repair

Form No.: Agency—NA; OMB—NA

Type of request: New collection

Burden: 179 respondents; 3,803 reporting hours

Needs and uses: These clauses will be used in negotiated solicitations and contracts for ship construction, ship alteration, and ship repair

Affected public: Businesses or other for-profit institutions, small businesses or organizations

Frequency: On occasion

Respondent's obligation: Required to obtain or retain a benefit

OMB desk officer: Timothy Sprehe, 395–4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edwards Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: June 26, 1986.

Edward Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86–14954 Filed 7–1–86; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the

provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Survey of Income and Program Participation—1985 Panel Wave 7 and 1986 Panel Wave 4
Form No.: Agency—SIPP-5700, 6400, 57/6403, 57/6405(L); OMB—0607-0425
Type of request: Revision of a currently approved collection
Burden: 47,040 respondents; 23,520 reporting hours
Needs and uses: The results of this survey provide the executive and legislative branches with improved statistics on income distribution and data not previously available on eligibility for and participation in government programs.
Affected public: Individuals or households
Frequency: One time only
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395-4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: June 27, 1986.

Edward Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86-14955 Filed 7-1-86; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 21-86]

Foreign-Trade Zone 87—Lake Charles, LA; Application for Subzone Conoco Refinery, Lake Charles Area

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Lake Charles Harbor and Terminal District, grantee of Foreign-Trade Zone 87, requesting special-purpose subzone status for the oil refinery of Conoco, Inc., a Du Pont subsidiary, in Calcasieu Parish, Louisiana, adjacent to the Lake Charles Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 17, 1986.

The Conoco complex, which employs some 900 persons, covers 1300 acres, consisting of a crude oil refinery (Highway 379, Westlake), and 4 storage/distribution sites located along the Calcasieu River, Southwest of Lake Charles. The facilities are used to produce gasoline, jet fuel, and petroleum coke. Most of the crude oil is of foreign origin, and most of the coke and a portion of the other refined products will be exported.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On its domestic sales, duties would be deferred. The savings from zone procedures would help the company improve its international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Joel Mish, District Director, U.S. Customs Service, South Central Region, 423 Canal St., New Orleans, LA 70130; and Colonel Eugene S. Witherspoon, District Engineer, U.S. Army Engineer District New Orleans, P.O. Box 60267, New Orleans, LA 70160.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before July 30, 1986.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 150 Marine Street, P.O. Box 1466, Lake Charles, LA 70602
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th And Pennsylvania, NW., Washington, D.C. 20230

Dated: June 26, 1986.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-14958 Filed 7-1-86; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Electronic Instrumentation Technical Advisory Committee; Closed Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held Wednesday, July 23, 1986, 9:00 a.m., the Herbert Hoover Building, Room B841, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Committee will meet only in Executive Session to discus matters properly classified under Executive Order 12356, dealing with the U.S. And COCOM program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Sessions will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377-4217. For further information, contact Margaret A. Cornejo, 202/377-2583.

Dated: June 27, 1986.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 86-14956 Filed 7-1-86; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held July 22, 1986, 9:00 am, Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment or technology.

Agenda:

Open Session:

1. introduction of members and attendees.

2. Review and approval of the minutes of June 3, 1986 meeting.

3. Presentation of papers or comments by the public.

4. Briefing on TAC Chairmen's Meeting of June 20, 1986.

5. Final Review and Action on reply to Harris Corp. questions on Advisory notes to 1567 for PRC sales.

6. Discussions and Recommendations for G–COM inclusions.

7. Discussion and Recommendation on Motorola proposal for ECCN 1531.

8. Subcommittee concerns and reports.

9. General Discussion and Adjourn.

Executive Session:

1. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377–4217. For further information or copies of the minutes, call (202) 377–4959.

Dated: June 27, 1986.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 86–14957 Filed 7–1–86; 8:45 am]

BILLING CODE 3510-DT-M

The MCTL Implementation Technical Advisory Committee and the Special Licensing Working Group of the President's Export Council Subcommittee on Export Administration; Closed Meeting

A meeting of the MCTL Implementation Technical Advisory Committee and the Special Licensing Working Group of the President's Export Council Subcommittee on Export Administration will be held Thursday, July 10, 1986, 9:30 a.m., Herbert C. Hoover Building, Room 1092, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises and assists the Office of Export Administration in the implementation of the Militarily Critical Technologies List (MCTL) into the Export Administration Regulations and provides for continuing review to update the Regulations as needed. This meeting was called on short notice as a follow-up to the meeting of June 24, 1986. As there was unfinished business from that meeting, another session is necessary to meet completion deadlines assigned to the Committee.

The Committees will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 19, 1985, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377–4217. For further information or copies of the minutes contact Margaret A. Cornejo, 202–377–2583.

Dated: June 26, 1986.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 86–14891 Filed 7–1–86; 8:45 am]

BILLING CODE 3510-DT-M

[A-412-501]

Termination of Antidumping Duty Investigation; Anhydrous Sodium Metasilicate (ASM) from the United Kingdom

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On June 11, 1986, PQ Corporation withdrew its antidumping duty petition, filed on September 16, 1985, on ASM from the United Kingdom. Based on the withdrawal, we are terminating the investigation.

EFFECTIVE DATE: July 2, 1986.

FOR FUTHER INFORMATION CONTACT: Paul Tambakis, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC. 20230; telephone: (202) 377–4136.

SUPPLEMENTARY INFORMATION:

Case History

On September 16, 1985, we received a petition from PQ Corporation filed on behalf of the U.S. industry producing ASM. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the International Trade Commission (ITC) of our action and initiated the investigation on October 10, 1985 (50 FR 41920). On October 31, 1985, the ITC found that there was a reasonable indication that imports of ASM from the United Kingdom materially injure, or threaten material injury to, a United States industry. On February 24, 1986, we made a preliminary determination that ASM from the United Kingdom was being, or was likely to be, sold in the United States at less than fair value (51 FR 7306).

Product Under Investigation

The product covered by this investigation is anhydrous sodium metasilicate, currently classified under item number 421.3400 of the *Tariff Schedules of the United States Annotated* (TSUSA). *Withdrawal of Petition.*

On June 11, 1986, petitioner notified us that it was withdrawing its petition, and requested that the investigation be terminated. Under section 734(a) of the Tariff Act of 1930, as amended by section 604 of the Trade and Tariff Act of 1984 (the Act), upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation.

As required by 19 CFR 353.41(a), we have consulted with the ITC. We have also determined that termination is in the public interest.

We have notified all parties to the investigation and the ITC of petitioner's withdrawal and our intention to terminate.

For these reasons, we are terminating our investigation.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

June 25, 1986.

Attachment 1

Steven R. Sosnov, 410 Lafayette Building, Philadelphia, PA 19106, (215) 627–1500.

June 10, 1986

Hon. Malcolm Baldrige,

Secretary of Commerce, Attention: Import Administration, Central Records-Unit, Room B–099, U.S. Department of Commerce, Pennsylvania Ave. and 14th Street, NW., Washington, DC 20230.

Re: Case No. A–412–501, Antidumping Investigation, Anhydrous Sodium, Metasilicate from the United Kingdom.

Dear Mr. Secretary: As counsel for PQ Corporation, the Petitioner in the above matter, I am authorized to submit this letter withdrawing the antidumping petition on which the investigation was initiated.

By letter dated June 9, 1986, counsel for Joseph Crosfield & Son, Ltd., the sole exporter of this product from the United Kingdom wrote to you and stated, inter alia: "In the future, [Crosfield] will continue to abide by all U.S. laws and regulations, will monitor its prices, and will not knowingly sell ASM to the U.S. at less than fair value."

We accept the above statement as Crosfield's intention to eliminate completely any amount by which the foreign market value of the merchandise which is the subject of the proceeding exceeds the United States price of that merchandise.

Accordingly, pursuant to 19 CFR 353.41(a), PQ Corporation hereby withdraws its petition in this matter. However, we shall continue to monitor importations of this product to determine if it appears that a pattern of sales at less than fair value are taking place such that this industry is injured or threatened with injury by reason of such sales. If such occurs, we reserve our right to return to the Department of Commerce for appropriate redress of our new grievance.

Thank you for your continuing courtesy in this matter. It is our belief that this termination is in the public interest.

Very truly yours,

Steven R. Sosnov,

Attorney for Petitioner, PQ Corporation.

Certificate of Service

I certify that on June 10, 1986, I served by Federal Express a copy of the foregoing letter on behalf of PQ Corporation, on the following parties: Richard J. Wertheimer and Ellen K. Reisman, Arnold & Porter, 1200 New Hampshire Avenue, NW., Washington, DC 20036.

Steven R. Sosnov,

Esquire, Attorney for PQ Corporation, 410 Lafayette Building, Philadelphia, PA 19106, (215) 627–1500.

Attachment 2

ARNOLD & PORTER, 1200 New Hampshire Avenue, N.W., Washington, D.C. 20036, (202) 872–6700.

June 9, 1986

Honorable Malcolm Baldrige,

Secretary of Commerce, Attn.: Import Administration Central Records Unit, Room B–099, U.S. Department of Commerce, Pennsylvania Ave. & 14th St., NW., Washington, D.C. 20230.

Re: Case No. A–412–501, Antidumping Investigation, Anhydrous Sodium Metasilicate from the United Kingdom.

Dear Mr. Secretary: On behalf of Joseph Crosfield & Son, Ltd. ("Crosfield"), we submit the following statement.

As a matter of corporate policy, Crosfield observes the laws and regulations of each country in which it does business. Crosfield recognizes that U.S. law provides for the imposition of additional duties on imports which are found to be sold at less than fair value and which cause, or threaten to cause, injury to a domestic industry.

When Petitioner PQ Corporation filed its antidumping petition on September 6, 1985, Crosfield did not believe that its sales of anhydrous sodium metasilicate ("ASM") to the United States were at less than fair value.

On March 3, 1986, the Department preliminarily determined that during the period of investigation, Crosfield sold ASM to the United States at 3.93 percent below fair value. Crosfield does not believe that the Department's final determination should result in a finding of sales below fair value.

Crosfield has always endeavored to price the products it sells to the United States at or above fair value. In the future, it will continue to abide by all U.S. laws and regulations, will monitor its prices, and will not knowingly sell ASM to the U.S. at less than fair value.

Accordingly, Crosfield requests that the Department promptly terminate its investigation into this matter.

Sincerely,

Richard J. Wertheimer

[FR Doc. 86–14890 Filed 7–1–86; 8:45 am]

BILLING CODE 3510–DS–M

CONSUMER PRODUCT SAFETY COMMISSION

Request for Extension of Approval for Information Collection Requirements—Non-Full-Size Baby Cribs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (CPSC) has submitted to the Office of Management and Budget a request for extension of approval, through May 30, 1989, of information collection requirements in a regulation applicable to non-full-size baby cribs. The regulation, published at 16 CFR 1500.18(a)(14) and Part 1509, is intended to reduce or eliminate unreasonable risks of death or injury to children from mechanical hazards. The regulation bans from sale and distribution non-full-size cribs that fail to meet established criteria and requires certain labeling, under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*). Additionally, § 1509.12 of this regulation requires manufacturers and importers of the cribs subject to its provisions to make and maintain records of sale and distribution for three years after production or importation of each lot or other identifying unit of non-full-size baby cribs.

Additional Details About the Request for Extension of Collection of Information

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, DC 20207.

Title of information collection: Non-full-size baby cribs, 16 CFR 1500.18(a)(14) and Part 1509.

Type of request: Extension of approval of information collection requirements contained in regulations.

Frequency of collection: Varies depending upon volume of products manufactured, imported, or sold.

General description of respondents: Manufacturers and importers of non-full-size baby cribs.

Estimated number of respondents: 13.

Estimated number of recordkeepers: 50.

Estimated number of hours for all respondents/recordkeepers: 226.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Andy Velez-Rivera, Desk

Officer, Office of Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, telephone: (202) 395–7340. Copies of the request for extension of approval of information collection requirements are available from Francine Shacter, Office of Budget, Program Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207, telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: June 27, 1986.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 86–14915 Filed 7–1–86; 8:45 am]

BILLING CODE 6355–01–M

Request for Extension of Approval for Information Collection Requirements—Full-Size Baby Cribs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (CPSC) has submitted to the Office of Management and Budget a request for extension of approval, through May 30, 1989, of information collection requirements in a regulation applicable to full-size baby cribs. The regulation, published at 16 CFR 1500.18(a)(13) and Part 1508, is intended to reduce or eliminate unreasonable risks of death or injury to children from mechanical hazards. The regulation bans from sale and distribution full-size cribs that fail to meet established criteria and requires certain labeling, under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*). Additionally, § 1508.10 of this regulation requires manufacturers and importers of the cribs subject to its provisions to make and maintain records of sale, distribution, inspections, and tests for three years after production or importation of each lot or other identifying unit of full-size baby cribs.

Additional Details About the Request for Extension of Collection of Information

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, DC 20207.

Title of information collection: Full-size baby cribs, 16 CFR 1500.18(a)(13) and Part 1508.

Type of request: Extension of approval of information collection requirements contained in regulations.

Frequency of collection: Varies depending upon volume of products manufactured, imported, tested, or sold.

General description of respondents: Manufacturers and importers of full-size baby cribs.

Estimated number of respondents: 13.

Estimated number of recordkeepers: 55.

Estimated number of hours for all respondents/recordkeepers: 256.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Andy Velez-Rivera, Desk Officer, Office of Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, telephone: (202) 395–7340. Copies of the request for extension of approval of information collection requirements are available from Francine Shacter, Office of Budget, Program Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207, telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: June 27, 1986.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 86–14916 Filed 7–1–86; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Activities for Conversion to Contract

ACTION: Notice.

The Air Force recenily determined that the Commissary Warehousing, Shelf Stocking, Custodial, Order Writing, and Pulling functions at Keesler AFB, MS will be reviewed for conversion to contract.

For further information contact Mr. Jack Flenner, HQ AFCOMS/XPMO, Kelly AFB, TX, telephone (512) 925–6692.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–14882 Filed 7–1–86; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Intent To Prepare an Environmental Impact Statement for Ground Based Free Electron Laser Technology Integration Experiment, White Sands Missile Range, NM

AGENCY: U.S. Army Strategic Defense Command, DOD.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: An Environmental Impact Statement will be prepared to support planning and decision making for a research project at White Sands Missile Range, N.M.

1. The primary purpose of the research project is to generate at a ground test facility a beam of laser energy directed towards experimental ground and space targets. To carry out this research, facilities will be constructed to generate and direct laser beams. Plans & designs for this project are still being developed. An initial (Tier I) EIS is being prepared to provide input to the initial development of this project. Later environmental analyses will provide input to later phases of this research project.

2. Reasonable Alternatives. The alternatives to be evaluated, in addition to no action, include three alternative sites on White Sands Missile Range, New Mexico.

3. Scoping Process:

Government agencies will be consulted as to the EIS Scope by means of one or more agency meetings and by continuing communication.

The general public will be asked for input by means of public scoping meetings to be held in Alamogordo, Socorro and Las Cruces, N.M. These meetings will be held approximately 2–3 weeks after publication of this notice; specific meeting times and places will be published in the local newspapers.

4. Potentially Significant Issues So Far Identified include: safety, water resources, noise, socio-economic effects, archaeological and historic resources and Native American concerns, wildlife concerns, & land use.

5. The draft environmental impact statement is expected to be available to the public in October, 1986.

ADDRESS: Person to contact for additional information is Mr. Paul M. Hathorn, Fort Worth District U.S. Army Corps of Engineers, (817) 334–2095.

Dated: June 17, 1986.

Lt. Col. Frank J. Chapuran, Jr.,

Research and Development Coordinator, GBL Project Office.

[FR Doc. 86-14716 Filed 7-1-86; 8:45 am]

BILLING CODE 3710-FR-M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a) of the Federal Advisory Committee Act.

DATE: July 31, 1986 at 5:00 p.m. through August 2, 1986 at 3:00 p.m.

ADDRESS: The Omni Shoreham, 2500 Calvert Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles H. Karelis, Director, Fund for the Improvement of Postsecondary Education, 7th and D Streets, SW., Washington, DC 20202 (202-245-8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Section 1001 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a-1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board is closed to the public. The meeting is for the sole purpose of reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program.

The meeting of the National Board of the Fund will be closed to the public from 5:00 p.m., July 31 until the conclusion of the agenda, approximately 3:00 p.m., August 2 for review, discussion or consideration of proposals submitted to the Fund for grant awards. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix 2) and under subsections (4) and (6) of 5 U.S.C. 522b(c) (Pub. L. 94-409). Discussions of the applications and the qualifications of proposed staff may disclose commercial or financial information which is privileged or confidential and will touch upon matters that would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for the Improvement of Postsecondary Education, Room 3100, Regional Office Building, 7th and D Streets, SW., Washington, DC 20202 from the hours of 8:00 a.m. to 4:30 p.m.

Dated: June 16, 1986.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 86-14873 Filed 7-1-86; 8:45 am]

BILLING CODE 4000-01-M

Grants for Handicapped Research and Demonstration Projects; Funding Priority for Fiscal Year 1987

AGENCY: Department of Education.

ACTION: Notice of proposed funding priority for research and demonstration projects in research training for fiscal year 1987.

SUMMARY: The Secretary of Education proposes a funding priority for rehabilitation research training to be supported by the National Institute of Handicapped Research (NIHR) in fiscal year 1987. NIHR is required under the Rehabilitation Act of 1973, as amended, to develop a long range research plan identifying rehabilitation research needs and determining funding priorities to facilitate the support of these activities within available resources. This proposed priority is derived from the NIHR Long-Range Plan.

DATE: Interested persons are invited to submit comments or suggestions regarding the proposed priority on or before [August 1, 1986.

ADDRESSES: All written comments and suggestions should be sent to Betty Jo Berland, National Institute of Handicapped Research, Department of Education, 400 Maryland Avenue SW., Mailstop 2304, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute of Handicapped Research. Telephone (202) 732-1139; deaf and hearing impaired individuals may call (202) 732-1198 for TTY services.

SUPPLEMENTARY INFORMATION: Authority for this research training activity is contained in section 204(a) of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 and by Pub. L. 98-221 (29 USC 762(a))

The Secretary plans to make awards under section 204(a) of the Rehabilitation Act to public or private agencies and organizations, including institutions of higher education, to develop, conduct, and evaluate programs of advanced training in rehabilitation research.

The purpose of these programs is to produce highly qualified researchers in rehabilitation disciplines. Selected individuals will be provided with research training and with opportunities to conduct rehabilitation research, to participate in individual programs of academic and professional development in rehabilitation, and to collaborate with recognized experts in rehabilitation research. This activity is intended to prepare future leaders in the field of rehabilitation research.

In Fiscal Year 1986, NIHR announced a priority for training in rehabilitation research and initiated several projects in this area. The Secretary believes there is a need to continue to build capacity in the field through support for additional projects to train clinicians and applied scientists to conduct rehabilitation research.

NIHR is authorized to support research and related activities in a variety of areas and through several program authorities. The priority proposed in this notice is for training in rehabilitation research, to be supported under the Research and Demonstration Program. Under this program, NIHR may support research, demonstrations, development, or related activities in areas related to rehabilitation of disabled individuals. NIHR is proposing a priority for one or more projects to train qualified individuals in selected areas of rehabilitation research.

NIHR regulations authorize the Secretary to establish research priorities by reserving funds to support particular research activities.

The Secretary invites public comment on the merits of the proposed priority, including suggested modifications to the proposed priority. Comments can include factors which discuss the importance of the priority to handicapped individuals, or which discuss the appropriateness of the

activities to be carried out under the priority.

This notice does not solicit application proposals or concept papers. Any final priority will be selected based on public comment and the availability of funds. Any final priority will be announced in a Notice of Final Funding Priority to be published in the **Federal Register.**

This proposed priority represents only one area in which NIHR proposes to support research, training and related activities through grants or cooperative agreements. NIHR anticipates that this research training priority will be supported through the mechanism of a cooperative agreement. Other research or related activities which NIHR expects to support in fiscal year 1987 will be announced through separate priority announcements, or through announcements of investigator-initiated research competitions. Research and other activities which NIHR intends to procure through contracts will be announced by Requests for Proposals published in the *Commerce Business Daily.*

The publication of this proposed priority does not bind the Department to fund projects in this or any other area. Funding of particular projects depends on the availability of funds, responses to this notice, and other Departmental considerations.

Priority for Rehabilitation Research Training

NIHR is the lead Federal agency responsible for addressing national needs in rehabilitation through research by fostering opportunities for the pursuit of scientific inquiry and development of knowledge relevant to the problems of disability. As such NIHR is concerned with developing a cadre of scientists trained in research related to rehabilitation. The reports of the House and Senate Committees on Appropriations accompanying the NIHR fiscal year 1985 appropriation recommended that NIHR establish a rehabilitation research training program.

There is a particular need to increase the number of qualified researchers in medicine and allied health fields. Terminal degrees awarded in medicine, and in some related health professions, are basically clinical degrees, and generally do not include the intensive research training necessary to support excellent scientific investigation. The Association of American Medical Colleges, on the basis of a 1984 survey of recent graduates, reported that 56 percent of respondents believed they had been inadequately prepared in research techniques.

There are many medical specialties which bear directly on the rehabilitation of disabled individuals, including neurology, orthopedics, psychiatry, internal medicine, cardiology, physical medicine, and others. Related fields such as physical, speech, and occupational therapy, nursing, psychology, and engineering are also involved in clinical rehabilitation services. In many areas of medicine, there is ongoing basic research which may not directly advance the application of medical science to rehabilitation. Moreover, there are relatively few physicians or other clinicians engaged in applied research related to rehabilitation, and there is a need to build capacity by attracting additional individuals to rehabilitation research as well as by enhancing the research credentials of those already interested or active in the field.

The purpose of this proposed priority is to prepare individuals with advanced clinical training for research careers in fields related to rehabilitation. The intent of the program is to expand capability in the field of rehabilitation research by providing advanced research training to individuals with advanced clinical and applied science training. The program is intended to support qualified individuals as trainees, and also to provide for the costs of scientific mentorship and research supervision, direct costs of research, and costs of participation in professional conferences or other activities of collaboration with scientists in the field of rehabilitation research. A research and Demonstration Project, to be called a Rehabilitation Research Career Development Project, is proposed to:

- Establish individualized programs to train individuals with advanced clinical degrees in medicine, allied health professions, or engineering in rehabilitation research within an environment suitable for advanced training in rehabilitation research; these programs are encouraged to include didactic instruction, exposure to new developments and outstanding researchers and practitioners, scientific research experience, scientific mentorship, collegial and collabrative investigations, participation in joint programs involving more than one institution, and participation in meetings and conferences directly related to appropriate rehabilitation research topics;
- Establish such training programs utilizing available facilities, staff, and other resources of existing programs which are demonstrated to be adequate and suitable environments for the conduct of advanced training in rehabilitation research;
- Develop and conduct recruitment programs, including provisions for opportunities for handicapped individuals, minorities, women, and other traditionally under represented groups, to identify, recruit, and train individuals not currently employed in or qualified for positions in advanced or independent research;
- Provide individual support to one or more trainees who are qualified clinicians from among the following eligible categories: individuals licensed to practice medicine, including osteopathic medicine and podiatry, in one or more States; individuals with advanced degrees in clinical health-related fields (e.g., nursing, physical therapy, or other allied health professions); and enginees and other applied scientists whose overall combination of training, experience, and achievement demonstrates a potential to attain leadership roles in rehabilitation research;
- Provide a research training program which significantly involves the trainees in clinical research at the doctoral or postdoctoral level in an area of interest to the rehabilitation field, and to which the trainee commits at least three-quarters of his or her time;
- Provide a career development program of up to three years of training and direct experience in clinical rehabilitation research, preferably including activities which contribute to meeting the requirements of advanced degrees and credentials in relevant academic fields, ensuring that this program is of sufficient duration and intensity as to assure that trainees exit from the program with the skills and knowledge to conceptualize, design, conduct, analyze, and interpret research on an independent basis; and
- Assess the research training program through careful documentation of the process, including recruitment, training, and research experiences, as well a through evaluation of the outcomes.

Invitation to Comment

Interested persons are invited to submit comments and recommendatons regarding this priority. Written comments and recommedations may be sent to the address given at the beginning of this document. All comments received on or before August 1, 1986 will be considered before the Secretary issues final priorities. All comments submitted in response to this proposed priority will be available for public inspection during and after the

comment period in Room 3070, Mary E. Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: June 27, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86-14945 Filed 7-1-86; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Intent To Repay to the West Virginia State Department of Education Funds Recovered as a Result of a Final Audit Determination

AGENCY: Department of Education.

ACTION: Intent to award grantback funds.

SUMMARY: Notice is given that, under section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education (Secretary) intends to repay under a grantback arrangement to the West Virginia State Department of Education an amount equal to 75 percent of the funds recovered by the U.S. Department of Education (Department) as a result of a final audit determination issued by the Assistant Secretary for Elementary and Secondary Education on July 29, 1981. This notice describes the State educational agency's (SEA's) plan, submitted on behalf of the Wyoming County School District, for the use of the repaid funds and the terms and conditions under which the Secretary intends to make these funds available.

DATE: All written comments must be received on or before August 1, 1986.

ADDRESS: All written comments should be submitted to Dr. James Spillane, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 5004, ROB-3), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Dr. James Spillane, Telephone: (202) 245-9846.

SUPPLEMENTARY INFORMATION:

A. Background

On July 29, 1981, the Assistant Secretary for Elementary and Secondary Education issued a final audit determination against the SEA, finding that the Wyoming County local educational agency (LEA) had improperly spent $109,201 in funds provided under Title I of the Elementary and Secondary Education Act of 1965 (Title I). This final audit determination was based on an audit of the Title I program in the SEA for the period July 1, 1976 through June 30, 1979 conducted by the Office of Inspector General. The audit report disclosed that the LEA submitted erroneously compiled comparability reports to the SEA and expended Title I funds which met the general needs of schools rather than the identified special needs of educationally deprived children.

The Assistant Secretary concluded in his final audit determination that an amount of $78,146 was expended by the LEA in noncomparable schools in violation of the comparability requirements in 20 U.S.C. 241e(a)(3)(C) (1976) and 45 CFR 116a.26 (1976). The SEA did not detect and take required action to correct errors in comparability data compiled and reported by the LEA. As a result, Title I funds were spent in four project schools that did not receive comparable State and local services in school years 1977-78 and 1978-79.

It was further concluded by the Assistant Secretary that the LEA expended $31,055 to meet the general needs of schools during fiscal years 1977 through 1979. This was a violation of 20 U.S.C. 241e(a)(1)(A) (1976) and 45 CFR 116a.22 (1977) which required that Title I funds had to be used solely to ". . . meet the special educational needs of educationally deprived children. . . ." Title I funds were expended by the LEA for general purpose textbooks, general program personnel, and for general program travel.

The SEA conceded portions of the audit findings and on July 29, 1983, refunded $34,090 for the undisputed portion of the final audit determination and an additional $1,472.68 in interest. On December 5, 1983, the SEA requested a repayment of $25,567 (75 percent of the $34,090 returned to the Department) under a grantback arrangement. A notice of the Secretary's intent to repay these funds to the SEA was published in the **Federal Register** on April 9, 1984 (49 FR 13899), and a grant award in the amount of $25,567 was issued to the SEA on May 24, 1984.

In an application for review filed with the Education Appeal Board (EAB) on August 28, 1981 and amended on October 2, 1981, the SEA challenged the remaining $75,111 of the Assistant Secretary's final audit determination. In an initial decision issued April 30, 1985, a panel of the EAB recommended that the SEA be required to repay $67,977 of the $75,111. The Secretary affirmed the panel's decision on July 17, 1985. On November 12, 1985, the SEA repaid the $67,977 plus $509.83 in interest, to the Department.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA (20 U.S.C. 1234e(a)) provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available to that program and may arrange to repay to the SEA or LEA affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that—

(1) The practices and procedures of the SEA or LEA that resulted in the audit determinations have been corrected, and that the SEA or LEA is in all other respects in compliance with the requirements of the applicable program;

(2) The SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the applicable program and, to the extent possible, benefits the population that was affected by the misexpenditures that resulted in the audit exceptions; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the program under which the funds were originally granted.

C. Request for Repayment of Funds Awarded Under a Grantback Arrangement

On January 2, 1986, the SEA formally requested in writing repayment of $50,982 (75 percent of the $67,977 returned to the Department as a result of the final audit determination) under a grantback arrangement. With its request, the SEA provided assurances that the practices and procedures of the LEA that resulted in the final audit determination have been corrected and that the LEA is in all other respects in compliance with the requirements of the program. A detailed budget prepared by the LEA for the expenditure of the funds to be awarded under the grantback arrangement was also included with the SEA's request.

D. Plan for Use of Funds Awarded Under a Grantback Arrangement

In accordance with section 456(a)(2) of GEPA, the SEA submitted a plan on behalf of the LEA outlining the LEA's intent to use the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1) (20 U.S.C. 3801 *et seq.*). The final audit determination against the SEA resulted from improper expenditures of Title I funds. However, since Chapter 1 has superseded Title I, the SEA's proposal reflects the requirements in Chapter 1—a program similar to Title I, designed to serve educationally deprived children in low-income areas.

The LEA is currently conducting a Chapter 1 program to provide remedial instruction in reading and mathematics for approximately 850 eligible students in grades 1–8. In light of the Balanced Budget and Emergency Deficit Control Act of 1985 (Pub. L. 99–177), the Chapter 1 funding for Wyoming County for school year 1986–87 was reduced from the amount that would have been provided by the appropriation act for that year. According to the SEA's plan for the use of funds awarded under the grantback arrangement, the LEA will use the funds to augment its school year 1986–87 Chapter 1 program so that the same level of services can be provided to eligible children as was provided in school year 1985–86. Eight reading teachers, eight mathematics teachers, and 19 aides will provide Chapter 1 services to the educationally deprived children. The LEA will use the grantback funds to pay the salaries and related costs of three of these teachers and two of the aides.

There are no children attending private schools who are eligible to receive Chapter 1 services from the LEA.

E. The Secretary's Determinations

Based upon a thorough review of the SEA's request for the repayment of funds under section 456 of GEPA, including the SEA's discharge of its payment obligations to the Department in November 1985, the SEA's assurances described in Part C of this notice, and the plan and budget describing the use of funds, the Secretary makes the following determinations:

(1) The LEA has corrected the practices and procedures that resulted in the final audit determination, and the LEA is in all other respects in compliance with the requirements of the Chapter 1 program;

(2) The SEA has submitted a plan on behalf of the LEA for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the Chapter 1 program and, to the extent possible, benefits the Chapter 1 children who were affected by the misexpenditures that resulted in the audit exceptions; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the Chapter 1 program.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

F. Notice of the Secretary's Intent to Enter a Grantback Arrangement

Section 456(d) of GEPA requires, at least 30 days prior to entering into an arrangement to award funds under a grantback, that the Secretary publish in the **Federal Register** a notice of his intent to do so, and the terms and conditions under which the payment will be made.

In accordance with this requirement, notice is given that the Secretary intends to make available under a grantback arrangment to the SEA an amount of $50,982, which is 75 percent of the funds the Department has recovered as a result of the final audit determination. The Secretary bases his intention to enter int a grantback arrangement under Section 456 of GEPA on his determinations outline in Part E of this notice, and payment by the SEA to the Department of $67,977, plus $509.83 in interest, as a result of the final audit determination.

G. Terms and Conditions Under Which Payment Under the Grantback Arrangement Will Be Made

Section 456(b) of GEPA provides that any payments made under a grantback arrangement shall be subject to the terms and conditions that the Secretary deems necessary to accomplish the purposes of the affected program. The SEA and LEA agree to comply with the following terms and conditions under which payment under the grantback arrangement will be made:

(1) Funds awarded under the grantback will be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan that are approved by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that ae approved by the Secretary.

(2) In accordance with section 456(c) of GEPA and the SEA's plan, all funds received under the grantback arrangement will be obligated by August 31, 1987.

(3) the SEA, on behalf of the LEA, will, not later than January 1, 1988, submit a report to the Secretary which indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and approved budget.

(4) Separate accounting records will be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Invitation to Comment.

The Secretary invites public comments on this notice of intent to award funds under a grantback arrangement to the West Virginia SEA on behalf of the Wyoming County LEA. Interested persons may send written comments to Dr. James Spillane at the address at the beginning of this notice. All comments must be received on or before August 1, 1986.

(Catalog of Federal Domestic Assistance No: 84.010, Educationally deprived Children—Local Educatonal Agencies)

Dated: June 27, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86–14952 Filed 7–1–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Richland Operations Office; Cooperative Agreements; Demonstration Commodity Irradiator; Hawaii

AGENCY: Department of Energy, Richland Operations Office.

ACTION: Notice of restriction of eligibility for cooperative agreement.

SUMMARY: The Department of Energy, Richland Operations Office, announces that it intends to issue a solicitation for proposal (SCAP) to establish a demonstration commodity irradiator in the state of Hawaii.

Solicitation for Proposal: DE–SC06–86RL10931

Scope of Project: The Congress provided $5,000,000 to the DOE in the FY 1986 appropriations and directed the DOE to provide for a civilian integrated

byproducts program with a primary emphasis of food irradiation.

Although many agricultral commodities can be beneficially treated with radiation, due to funding limitations DOE has selected six of the most promising agricultural commodities.

One of the products selected was papaya and other tropical and subtropical commodities.

The performance of this cooperative agreement is being limited to the confines of the state of Hawaii because the state is the primary U.S. producer of tropical and subtropical commodities, such as papaya. The papaya export industry has been severely hampered by the ban on ethylene dibromide for fumigation. Development of an alternate process is a major need. Irradiation has proven to be an effective means of meeting quarantine requirements and also has the potential for shelf life extension. In addition the demonstration irradiator is intended for investigating the use of irradiation for treating other local commodities such as mangoes. This demonstration facility is important to the effective commercialization of irradiation in Hawaii.

This cooperative agreement will provide funding for an organization to act as a regional sponsor to establish a commodity irradiation facility in the state of Hawaii. The facility will enable research on the benefit and overall effects of irradiating tropical and subtropical commodities; irradiation of sufficient quantities of these commodities to test marketability; evaluation and demonstration of irradiator design concepts for commercial scale use of the irradiation process in Hawaii; and technology transfer, including training, for the tropical and subtropical commodity industry both in Hawaii and worldwide. The facility will be designed in accordance with all applicable regulatory criteria and will be licensed by the appropriate regulatory authority as a facility using nuclear byproduct material. In order to establish the facility, DOE and the regional sponsor will assume various roles and responsibilities with regard to design, construction and operation (up to three years) of the facility.

These roles and responsibilities will be defined in detail when the cooperative agreement between DOE and the regional sponsor is proposed by the regional sponsor, evaluated by DOE and negotiated.

It is anticipated that this agreement will be phased over a period of several years as the irradiator is designed, built and operated. The FY 1986 allocation is for $200,000. The total estimated cost of this project is $3.0M—$4.5M. The SCAP will be issued July 9, 1986. Proposals are due August 29, 1986. The preproposal conference will be held in the Richland Federal Building, Richland, WA on July 31, 1986. Solicitations are available upon request.

FOR FURTHER INFORMATION CONTACT: Jo Laughlin, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, WA 99352 (509) 376–6227.

Issued in Richland, WA.

Dated: June 17, 1986.

Robert D. Larson,

Director, Procurement Division.

[FR Doc. 86–14986 Filed 7–1–86; 8:45 am]

BILLING CODE 6450–01–M

Richland Operations Office; Cooperative Agreements; Demonstration Commodity, Irradiation; Washington

AGENCY: Department of Energy, Richland Operations Office.

ACTION: Notice of restriction of eligibility for cooperative agreement.

SUMMARY: The Department of Energy, Richland Operations Office, announces that it intends to issue a solicitation for cooperative agreement proposal (SCAP) to establish a demonstration commodity irradiator in the state of Washington.

Solicitation for Proposal Number: DE–SC06–86RL10932

Scope of Project: The Congress provided $5,000,000 to the DOE in the FY 1986 appropriations and directed the DOE to provide for a civilian integrated byproducts program with a primary emphasis on food irradiation. Although many agricultural commodities can be beneficially treated with Radiation, due to funding limitations DOE has selected six of the most promising agricultural commodities. One of the products selected was apples and other Northwest fruits and vegetables.

The performance of this cooperative agreement is being limited to the state of Washington because the state is a major producer of a variety of commodities that could benefit from irradiation treatment. Washington is the leading apple producing state, accounting for about 30% of the apples produced and approximately two-thirds of fresh apple exports. In addition, many of the commodities raised in this region require immediate treatment and special handling. The demonstration irradiator will be built in this area to enable treatment without unnecessary handling or shipping. Apples are of primary interest for irradiation treatment demonstration.

Additional commodities of interest include cherries, asparagus, and other fruits and vegetables. This cooperative agreement will provide funding for an organization to act as a regional sponsor to establish a commodity irradiation facility in the state of Washington. The facility will enable research on the benefit and overall effects of irradiating Northwest agricultural commodities; irradiation of sufficient quantities of these commodities to test marketability; evaluation and demonstration of irradiator design concepts for commercial scale use of the irradiation process in Washington; and technology transfer, including training, for the Northwest agricultural commodities industry both in the Northwestern U.S. and for similar commodities worldwide. The facility will be designed in accordance with all applicable regulatory criteria and will be licensed by the appropriate regulatory authority as a facility using nuclear byproduct material. In order to establish the facility, DOE and the regional sponsor will assume various roles and responsibilities with regard to design, construction and operation (up to three years) of the facility. These roles and responsibilities will be defined in detail when the cooperative agreement between DOE and the regional sponsor is proposed by the regional sponsor, evaluated by DOE and negotiated. It is anticipated that this agreement will be phased over a period of several years as the irradiator is designed, built and operated. The FY 1986 allocation is for $200,000. The total estimated cost of this project is $3 to $4.5 million. The SCAP will be issued July 9, 1986. Proposals are due September 15, 1986. The preproposal conference will be held in the Richland Federal Building, Richland, Washington, on July 31, 1986. Solcitations available upon request.

FOR FURTHER INFORMATION CONTACT: Melanie Fletcher, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, Washington 99352 (509) 376–4828.

Issued in Richland, Washington.

Dated: June 17, 1986.

Robert D. Larson,

Director, Procurement Division.

[FR Doc. 86–14987 Filed 7–1–86; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. 86-12436]

Nomination of Five Sites For the First High-Level Nuclear Waste Repository and Availability of Accompanying Environmental Assessments; Correction

AGENCY: Office of Civilian Radioactive Waste Management, DOE.

ACTION: Correction.

SUMMARY: This document corrects a notice of the nomination of five sites for the first high-level nuclear waste repository that appeared at page 19784 in the **Federal Register** of Monday, June 2, 1986, (51 FR 19783). The action is necessary to correct errors in the days and times the Department of Energy Public Reading Room is open for public inspection in Richland, Washington, and in a sentence appearing in Section IV Nomination and Recommendation.

FOR FURTHER INFORMATION CONTACT: O. Lee Olson, Project Manager, Basalt Waste Isolation Project, Richland Operations Office, U.S. Department of Energy, P.O. Box 550, Richland, Washington 99352. Phone: (509) 376-7334.

Issued at Washington, DC on June 25, 1986.

Ben C. Rusche,

Director, Office of Civilian Radioactive Waste Management.

Accordingly, the Office of Civilian Radioactive Waste Management is making the following corrections in FR Doc. 86-12436 appearing on 19784 in the issue of June 2, 1986:

1. On page 19784 at the top of column three "Sunday 1:00 p.m. to 5:00 p.m., Monday through Saturday 9:00 to 500 p.m." is corrected to read "Monday through Friday, 8:00 a.m. to noon and 1:00 p.m. to 4:30 p.m. and on Saturday, 9:00 a.m. to noon and 1:00 p.m. to 4:30 p.m."

2. On page 19784 at the top of column one, first paragraph, line 5 "based." is corrected to read "based on the siting guidelines."

[FR Doc. 86-14976 Filed 7-1-86; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Proposed IP-PF Rate Link and Opportunity for Public Review and Comment

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice. *BPA File No.:* IP-PF-86. BPA requests that all comments and documents submitted as part of the Official Record compiled in the process of developing a link between the Industrial Firm Power and Priority Firm Power rates contain the file number designation IP-PF-86.

SUMMARY: BPA proposes to develop a long-term relationship between the rates charged to BPA's direct-service industrial (DSI) customers and the rates charged to BPA's public body and cooperative (preference) customers. BPA sells power to the DSIs under the Industrial Firm Power (IP) rate schedule, and, for those aluminum smelters electing to participate, the Variable Industrial Power (VI) rate schedule, pending interim approval by the Federal Energy Regulatory Commission (FERC). The charges contained in the VI rate schedule are tied to the IP rate schedule. The IP-85 rate schedule contains three rate options: The IP Standard rate, the IP Premium rate, and an Incentive rate option which is available at the Administrator's discretion. BPA's preference customers purchase power under the Priority Firm Power (PF) rate schedule and, potentially, under the New Resource Firm Power (NR) rate schedule. The functional relationship BPA is proposing between the rates to these two customer groups is referred to as the IP-PF rate link. The IP-PF rate link is proposed as a long-term rate methodology that would be used in future wholesale rate adjustment proceedings as part of the determination of the level of the IP Standard rate and IP Premium rate.

Responsible Official: Ms. Shirley R. Melton, Director, Division of Rates, is the official responsible for developing the long-term rate methodology linking the IP and PF rates.

DATES: Persons wishing to become a party to the proceedings must submit a written petition to intervene. The notification must be received by July 9, 1986, and should be addressed as follows: Hearing Officer (IP-PF-86)-APR, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

BPA's direct case will be available on July 2, 1986. A prehearing conference will be held before the hearing officer at 9 a.m. on July 9, 1986, at the Jackson High School Cafeteria, 10625 SW. 35th Avenue, Portland, Oregon. Registration for the prehearing conference will begin at 8:30 a.m.

The Administrator has determined to conduct this hearing under BPA's rules governing expedited proceedings. 51 FR 7611 (March 5, 1986) (Rule 1010.10). BPA is developing the IP-PF rate link under an expedited proceeding that will coincide to a certain extent with BPA's offering of the DSI Variable rate (VI-86) to the aluminum smelting DSIs. BPA expects that the Variable rate will be in effect beginning August 1, 1986. The IP-PF rate link, which will apply to all DSIs, together with the Variable rate, will reduce rate uncertainty perceived by the DSIs. This could help stabilize the DSI load and, therefore, BPA revenues. The Administrator's Record of Decision will be issued within 90 days from the day this notice is published in the **Federal Register.**

Two of BPA's customer groups, the DSIs and the Public Power Council (PPC), have agreed to a method of determining an IP-PF rate link. BPA's rate link proposal is based on this agreement. It is anticipated that the proceeding therefore might be completed quickly. If all parties to the IP-PF rate link case desire to bypass the presentation of direct cases, rebuttal cases, and cross-examination, the Draft Administrator's Record of Decision (ROD) will be presented on July 21, 1986. If these procedures are bypassed, then the Final ROD will be issued by the Administrator by July 30, 1986. In any event, comments by participants should be received by BPA by 5 p.m., July 21, 1986.

ADDRESSES: Written comments should be submitted to Ms. Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen S. Johnson, Public Involvement office, at the address above. Telephone numbers, voice/TTY, for the Public Involvement office are: 503-230-3478 in Portland; toll-free 800-452-8429 for Oregon outside of Portland; 800-547-6048 for Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6959

Mr. Wayne R. Lee, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518

Mr. George E. Eskridge, Montana District Manager, 800 Kensington Missoula, Montana 59801, 406-329-3060

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379

Mr. Terence G. Esvelt, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130

Mr. Thomas V. Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-522-6226.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706
Mr. Frederic D. Rettenmund, Boise District Manager, 550 West Fort Street, Room 376/Box 035, Boise, Idaho 83724, 208–334–9137

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I. Background

A. Relevant Statutory Provisions

Rates for the DSIs are to be set according to provisions contained in section 7(c) of the Pacific Northwest Electric Power Planning and Conservation Act (Pacific Northwest Power Act). Section 7(c)(2) of the Pacific Northwest Power Act provides that, beginning July 1, 1985, rates that apply to DSI customers

> . . . shall be based upon the Administrator's applicable whosesale rates to . . . . public body and cooperative customers and the typical margins included by such body and cooperative customers in their retail rates. . . .

Section 7(c)(2) further provides that the rate determination must take into account

> . . . (a) the comparative size and character of the loads served; (b) the relative costs of electric capacity, energy, transmission, and related delivery facilities, provided and other service provisions; and (c) direct and indirect overhead costs, all as related to the delivery of power to industrial customers . . . .

Section 7(c)(3) provides that DSI rates must be adjusted

> . . . to take into account the value of power system reserves made available to the Administrator through his rights to interrupt or curtail service to such direct service industrial customers.

B. Development of the IP–85 Rates

For the 1985 rate proposal, BPA developed methodologies for determining the IP rate according to the post-1985 rate directives contained in the Pacific Northwest Power Act. In prior rate filings, BPA based the IP rate on costs allocated to the DSI customer class as directed in section 7(c)(1) of the Pacific Northwest Power Act, then credited the DSIs with the value of system reserves they provide by allowing BPA to interrupt portions of their loads. The post-1985 rate directives provide for the IP rate to be derived by adding a margin, as adjusted, to an average rate based on the applicable wholesale rates to BPA's public body and cooperative customers. The value of reserves credit is then subtracted.

The determinants of the IP margin-based rate are the applicable wholesale rate, the margin, and the value of reserves.

1. Applicable Wholesale Rate

To determine the applicable wholesale rate in the 1985 rate proceeding, BPA applied the PF–85 rate charges (prior to any floor rate or scaling adjustments) to the forecasted DSI demand and energy billing determinants. Had public body and cooperative customers been expected to purchase power under the NR rate to serve any new large single loads, the NR–85 rate would also have been factored into the "applicable wholesale rate."

2. Calculation of the Margin

To determine the section 7(c)(2) margin for the 1985 final wholesale power rate proposal, BPA first derived a FY 1987 unadjusted margin for public agencies and cooperatives. The calculation used historical and prospective cost of service data for 19 utilities with 49 retail industrial consumers having a minimum of 3.5 megawatts of peak demand per consumer.

A size of load adjustment to the FY 1987 unadjusted margin was then made to derive the Premium margin. The size of load adjustment accounts for the lower per-kilowatthour costs of delivery (distribution) facilities installed to serve the larger DSI loads.

The Premium margin, when added to the applicable wholesale rate less the value of reserves credit, resulted in an IP Premium margin-based rate. The IP Premium rate is a rate level that would be applicable to firm service to all four quartiles of the DSI load.

Under the IP Standard rate, however, a portion of service to the DSI first quartile is dependent on the availability of nonfirm energy. Therefore, BPA made a character of service adjustment to the Premium margin to reflect the risks of interruption to the DSI first quartile.

The Standard margin is the result of subtracting the character of service adjustment from the Premium margin.

3. Value of Reserves

BPA's power sales contracts with the DSIs grant PGA the right to restrict the DSI loads under the certain specified conditions. As a result, the Federal generation system can use the restriction rights as part of its system reserve requirement. The Federal system reserves provided by the DSI restriction rights are categorized into forced outage reserves, stability reserves, and plant delay reserves. A value of reserves (VOR) analysis has been prepared for each BPA rate filing. The VOR analysis quantifies the benefit resulting from BPA's contractual rights to restrict the DSI load by examining the most feasible, least-cost alternatives to providing these reserves.

The actual amount of the VOR credit to the DSIs is calculated using a share-the-savings concept. The sum of the alternative cost of providing system reserves and the cost of a restriction to the DSI is divided by two. To determine the actual unit credits applied to the demand and energy charges, the total credit is divided by the appropriate kilowatt and kilowatthour billing determinants.

4. Summary of Results

The Premium margin derived for BPA's final 1985 Wholesale Rate Proposal was 2.82 mills per kilowatthour. The Standard margin was 2.28 mills per kilowatthour. The VOR credit was 1.90 mills per kilowatthour. Therefore, the net Premium margin is .92 mills per kilowatthour (2.82 mills per kilowatthour less 1.90 mills per kilowatthour). The net Standard margin is .38 mills per kilowatthour (2.28 mills per kilowatthour less 1.90 mills per kilowatthour).

For the current rate period, the IP rate level defined by the floor rate provisions of section 7(c)(2) of the Pacific Northwest Power Act was higher than the margin-based rate level defined by the applicable wholesale rate and the margin. Therefore, the current IP rates are defined by the floor rate.

C. The IP–PF Rate Link

In the 1985 wholesale rate proceeding, the DSIs proposed that the IP Standard rate be set equal to the PF rate on a long-term basis in order to provide the DSIs with rate stability for long-term planning. The Administrator strongly supported linking the IP and PF rates in some formal, long-term fashion to provide the DSIs with rate certainty for planning future investments and to reduce the contentiousness of future BPA rate cases. Such a long-term link was not established in the 1985 rate proceeding, but the Administrator pledged "to facilitate the development and adoption of a long-term policy" to link the two rates. 1985 Administrator's Record of Decision, WP–85–A–02, 245.

In general, in recent years the amount of electric power used by the DSIs, particularly the aluminum plants, has fluctuated and declined significantly. The changing demand for power has resulted in uncertainty about BPA's future resource planning, financial strength, and rate stability. Reductions in the operation of Pacific Northwest aluminum smelters also have harmed the region's economy as a whole.

BPA recently concluded an analysis of mid- to long-term policy and rate options available to the administrator to address the problems caused by fluctuations in DSI demand for electricity. The analysis resulted in the publication of the final DSI Options Study in June 1985. Five options for BPA to assist the DSIs in maintaining their load levels were examined: (1) A variable DSI rate tied to the price of aluminum; (2) a reduction in current DSI rates in return for increased BPA rights to interrupt DSI loads in the future; (3) an amendment to the DSI power sales contracts allowing the DSIs to purchase electricity from other suppliers that could provide more attractive rates than could BPA; (4) financial support to encourage conservation and modernization investments in aluminum smelters; and (5) "no action," that is, pursuing a status quo course. Based on the results of the study and public comments received on the study, BPA concluded in the final DSI Options Study that two of the options should be pursued further: (1) A variable power rate linked to the price of aluminum to be offered to the aluminum DSIs; and (2) limited BPA financial support for conservation and modernization of aluminum smelters. In addition, the DSI Options Study announced BPA's decision to initiate a formal rate hearing process to consider the design of a long-term link between the rates to the DSIs and the rates to preference utilities.

In August and September 1985, BPA met with members of interested customer groups and other organizations to explore alternate ways to develop the IP–PF rate link. Several proposals were discussed at the meetings. BPA's proposed IP–PF rate link is based on a proposal developed by two of BPA's customer groups.

II. Procedures Governing Rate Adjustments and Public Participation

Section 7(i) of the Pacific Northwest Power Act, 16 U.S.C. 839e(i), requires that rates be set according to certain procedures. These procedures include issuance of a **Federal Register** notice announcing the proposed rates; one or more hearings; the opportunity to submit written views, supporting information, questions, and arguments; and a decision by the administrator based on the record developed during the hearing process. This proceeding will be governed by BPA's "Procedures Governing Bonneville Power Administration Rate Hearings," 51 FR 7611 (March 5, 1986) (Rule 1010.10), which implement these statutory requirements.

Rule 1010.10 allows the Administrator to proceed on an expedited basis. The procedures require that the Administrator specify in the **Federal Register** notice whether expedited procedures will be used. When expedited procedures are used, the hearings process will conclude with issuance of a ROD adopting the final rates not later than 90 days from the publication of the **Federal Register** notice. The Administrator has determined and hereby gives notice that expedited rules of procedure will apply to this proceeding.

A prehearing conference has been scheduled before an independent hearing officer on July 9, 1986, at 9 a.m. at Jackson High School. Issues for discussion at the prehearing conference may include intervention of parties, discovery, the scope of cross-examination, hearing schedules, and other pertinent matters. The hearing officer will act on all intervention petitions and oppositions to intervention petitions, establish additional procedures, establish a service list, establish a procedural schedule, and consolidate parties with like interests into groups for purposes of jointly sponsoring testimony.

A method for determining an IP–PF rate link has been agreed to by two of BPA's customer groups, the DSIs and PPC, and BPA's proposal is based on that agreement. Thus, there maybe no opposition to the proposal. The hearing officer therefore also will entertain motions to waive discovery, cross-examination, and other procedures.

The prefiled testimony of BPA witnesses will be available on July 2, 1986, in BPA's Public Reference Room 1002 NE. Holladay, Portland, Oregon 97232. The telephone number for the Public Reference Room is 503–230–3478. During the rate proceeding, copies of exhibits, studies, qualifications, attachments, and other relevant documents will be available to any interested person for review in the Public Reference Room.

BPA distinguishes between "participants in" and "parties to" the hearings. Apart from the formal hearing process, BPA will receive comments, views, opinions, and information from "participants," who are defined in the procedures as any person who may express views but who does not intervene as a party. Participants' written comments will be made part of the Official Record. The participants' category gives the public the opportunity to participate and have its views considered without assuming the obligations incumbent upon "parties." Participants are not entitled to cross-examine parties' witnesses, seek discovery, or serve or be served with documents and are not subject to the same procedural requirements as parties.

BPA customers and customer groups whose rates may be affected as a result of decisions in the hearing may intervene and gain party status upon request. Other intervenors who wish party status must have a relevant interest in the proceeding, and must explain their interests in sufficient detail to enable the hearing officer to rule on an intervention petition. All petitions must specify the issue or issues the petitioner intends to raise at the hearing. Intervention petitions must be filed with the Hearing Officer (IP–PF–86)—APR, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, and served on BPA's Office of General Counsel—APR, c/o C. Clark, Leone, at the above address. Petitions, for intervention in this proceeding must be filed and served by July 9, 1986. Pursuant to Rule 1010.1(d) of BPA's procedures, BPA waives the requirement in Rule 1010.4(d) that an opposition to an intervention petition be filed and served 24 hours before the prehearing conference. Opposition to an intervention petition may instead be made at the prehearing conference. Anyone seeking party status, including BPA, may oppose a petition for intervention.

Parties may participate in the prehearing conference, may call and cross-examine witnesses, and are entitled to service of documents from all other parties. Parties may also be cross-examined and be required to serve documents on the other parties. To avoid unnecessary delay, cross-examination by parties may be limited by the hearing officer. Where two or more parties have substantially like interest and positions, the hearing officer, to expedite the hearing, may order appropriate limitations on the number of attorneys (or parties appearing *pro se*) who will be permitted to cross-examine witnesses and file motions and objections on behalf of such parties.

Persons need not attend the hearings in order to have their views included in the record. Comments submitted by 5 p.m., July 21, 1986, will be included in the record. Procedures for submitting comments to BPA's Public Involvement office are detailed elsewhere in this notice. The record will include, among other things, transcripts of the hearings, written material submitted by the parties and participants, documents developed by the BPA staff, and other material accepted into the record by the hearing officer. The hearing officer will then review the record and certify the record to the BPA Administrator for decision.

The Administrator will develop the final proposed IP–PF rate link formulas based on the entire record. The basis for the final proposed formula rates will be expressed in the Administrator's ROD. The Administrator will serve copies of the ROD on all parties and will file the final proposed formula rates and record with the FERC for approval.

III. Scope

The methodology developed in this rate proceeding will be used in future general rate proceedings to determine the IP Standard margin-based rate and IP Premium margin-based rate. The level of the IP Standard margin-based rate and the IP Premium margin-based rate may change in each general proceeding based on changes in the rates charged preference customers (the applicable wholesale rate). The IP margin-based Premium and Standard rates resulting from the proposed IP–PF rate link methodology would be subject to the floor rate test described in section 7(c)(2) of the Pacific Northwest Power Act. The IP–PF rate link also does not incorporate treatment of any charges or payments that may result from implementation of sections 7(b)(2) or 7(b)(3) of the Pacific Northwest Power Act.

BPA does not expect to change the proposed formulas before July 1, 1990. BPA will examine the formulas to determine if changed circumstances require a revised methodology. Revisions to the methdology would be determined by means of a section 7(i) rate hearing process.

IV. Proposed IP–PF Rate Link Methodology

BPA proposes an IP–PF link based upon the suggestions made by the DSIs and the PRC in a letter to BPA of June 6, 1986.

A. *Terms of Definitions*—1. *Applicable Wholesale Rate.* As referred to in section 7(c)(2) of the Pacific Northwest Power Act, the BPA rates developed for power purchases by BPA's public body and cooperative customers, adjusted for DSI load shape.

2. *Premium Margin.* The typical margin referred to in section 7(c)(2) of the Pacific Northwest Power Act, adjusted for the size of DSI loads. As determined in the 1985 Administrator's Record of Decision for BPA's rate adjustment proceeding, calculation of the Premium margin recognizes that, in the test for which those rates were set, none of the service to the DSI first quartile under the IP Premium rate was dependent on the availability of nonfirm energy.

3. *Standard Margin.* The typical margin referred to in section 7(C)(2) of the Pacific Northwest Power Act adjusted for the size of load and the character of service to the first quartile. As determined in the 1985 Administrator's Record of Decision, calculation of the Standard margin recognizes that, in the test year for which those rates were set, service to a portion of the first DSI quartile under the IP Standard rate was dependent on the availability of nonfirm energy.

4. *Value of Reserves Credit.* The credit granted the DSIs for BPA's contractual rights to restrict their load under certain conditions.

5. *Net Premium Margin.* The Premium margin less the value of Reserves Credit.

6. *Net Standard Margin.* The Standard margin less the Value of Reserves Credit.

7. *IP–PF Rate Link.* The methodology for linking the rates for BPA's DSI customers to the rates for BPA's preference customers on a long-term basis.

8. *IP Premium Jargin-Based Rate.* The rate level defined by the following components: The applicable wholesale rate, the premium margin, and the value of reserves credit.

8. *IP Standard Margin-Based Rate.* The rate level defined by the following components: The applicable wholesale rate, the standard margin, and the value of reserves credit.

10. *IP Premium Rate.* The rate option contained in the IP rate schedule which includes first quartile service with Surplus Firm Energy Load Carrying Capability (FELCC). The level of the IP Premium rate contained in the IP rate schedule may not necessarily equal the level of the IP Premium rate contained in the IP rate schedule may not necessarily equal the level of the IP Premium margin-based rate. The IP Premium rate is subject to the floor rate test. Further, the IP Premium margin-based rate may be subject to further adjustments, specifically any section 7(b)(2) and section 7(b)(3) adjustments or scaling to adjust for the rate period extending beyond the test year, to determine the IP Premium rate.

11. *IP Standard Rate.* The rate option contained in the IP rate schedule which includes first quartile service with nonfirm energy and/or provisional drafts. The level of the IP Standard rate contained in the IP rate schedule may not necessarily equal the level of the IP Standard margin-based rate. The IP Standard rate is subject to the floor rate test. Further, the IP Standard margin-based rate may be subject to further adjustments, specifically any section 7(b)(2) and/or section 7(b)(3) adjustments, or scaling adjust to for the rate period extending beyond the test year, to determine the IP Standard rate.

12. *Floor Rate.* The rate determined in BPA's 1985 wholesale rate case that forms the basis for computing a minimum DSI rate level that meets the requirements of section 7(c)(2) of the Pacific Northwest Power Act.

B. *Formulas.* The proposed IP–PF rate link incorporates the following formulas:

$$\text{1. a. } IP_P = AWR + \left[\frac{.92 \times \text{GNP Deflator (year)}}{\text{GNP deflator (1987)}}\right]$$

$$\text{b. } IP_S = AWR + \left[\frac{.38 \times \text{GNP deflator (year)}}{\text{GNP deflator (1987)}}\right]$$

Where:

"IP_P" is the IP Premium margin-based rate (mills per kilowatthour) or its successor, as determined by the link.

"IP_S" is the IP Standard margin-based rate (Mills per kilowatthour) or its successor, as determined by the link.

"AWR" is the Applicable Wholesale Rate, as referred to in section 7(c)(2) of the Pacific Northwest Power Act, to BPA's public body and cooperative customers. The AWR is the weighted average of the PF demand and energy charges in the rates charged for firm

power for the combined general requirements of public body and cooperative customers (weighted by PF energy sales to the public agencies) and NR demand and energy charges in the rates charged public body and cooperative customers applicable to their new large single loads (weighted by energy sales to public agencies for resale to new large single loads) applied to the DSIs' demand and energy billing determinants as forecasted in the section 7(i) proceeding in which the link is applied.

".92" is the Fiscal Year (FY) 1987 net Premium margin, based on 100 percent service to the first quartile, none of which is dependent on the availability of nonfirm energy, as determined in the 1985 Record of Decision.

".38" is the FY 1987 net Standard margin, based on service to the first quartile, a portion of which is dependent on the availability of nonfirm energy, as determined in the 1985 Record of Decision.

"GNP deflator (1987)" is the Gross Natonal Product (GNP) deflator Index for 1987.

"GNP deflator (year) is the GNP deflator Index for the test year in subsequent section 7(i) proceedings where the IP rates are to be determined by the link.

C. *Other Terms and Conditions of the IP–PF Rate Link.* 1. Except as required by the floor rate provision of the Pacific Northwest Power Act, the IP test year rates shall be determined in any section 7(i) proceeding to establish rates effective on or before July 1, 1990, by the formulas in paragraph IV.B. of this notice. The purpose of the formulas is to eliminate the need to recalculate during the term of the link the value of reserves (including the VOR credit) and the "typical margin," net of adjustments as set forth in sections 7(c)(2)(A), (B), and (C) of the Pacific Northwest Power Act. The only variables in the formulas are "AWR" and "GNP deflator (year)." That is, for each section 7(i) proceeding in which the link is applied, "AWR" shall be calculated from the PF and NR rates determined in the proceeding and "GNP deflator (year)" shall be the GNP Index for the test year for all other purposes in that proceeding.

If the test year is a prospective period, then "GNP deflator (year)" will be the forecasted GNP deflator index used for all other purposes in the rate proceeding. Further, if the IP rates determined by the link will be effective for periods other than the test year, then these rates may be scaled upward or downward to those future periods as appropriate.

2. In the event that the rates established as described in paragraph IV.B. of this notice rather than the section 7(c)(2) floor rate govern the applicable IP rates, then, in addition to any potential section 7(b)(3) obligations on the part of the DSIs, including surcharges arising form the "triggering" of the section 7(b)(2) rate test, the DSIs, except for those purchases under the VI–86 rate schedule, shall also be subject during the term of the link to adjustment clauses, surcharges, or credits uniformly applicable to the PF rate schedule. Such adjustments would include the Exchange and Supply System adjustment clauses applicable to the PF rate for firm power for the general requirements of public body and cooperative customers, or uniformly applicable to the NR rate schedules. For purposes of the prior sentence, the Low Density Discount available to some public body and cooperative customers and any surcharge for noncompliance with model conservation standards shall be considered "uniformly applicable."

3. For the duration of the link, BPA will continue to make available to the DSIs power of the quality to which the DSIs are entitled under their Power Sales Contracts with BPA, at the rates established as described in paragraphs IV.B.1.a. and IV.C.1. of this notice. BPA will also make available to the DSIs, on an optional basis, service, the quality of which shall be specified by the Variable Rate Contract and which shall remain unchanged during the duration of the link, at the rates established as described in paragraphs IV.B.1.b. and IV.C.1. of this notice.

Issued in Portland, Oregon, on June 24, 1986.

Peter T. Johnson,

Administrator, Bonneville Power Administration.

[FR Doc. 86–14902 Filed 6–27–86; 12:54 pm]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 86–35–NG]

Hadson Canada, Inc.; Application To Import and Export Natural Gas

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application for Blanket Authorization to Import and Export Natural Gas for Short-Term and Spot Sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on May 23, 1986, of an application filed by Hadson Canada, Inc. (Hadson), a wholly-owned subsidiary of Hadson Gas Systems, Inc., for blanket authorization to import from Canada up to 50 Bcf of natural gas for spot market sales over a two-year period beginning on date of first import. Hadson also seeks authorization to export up to 20 Bcf of natural gas for spot sales over a similar two-year period beginning on date of first export. Some of the gas exported may be Canadian gas for which import authorization is also being requested. The Canadian gas would be purchased from various suppliers and resold to purchasers on a non-discriminatory basis under market-reponsive terms and conditions. Hadson would also act as a broker or agent for a supplier or purchaser. Hadson proposes to file quarterly reports with the ERA within 30 days of each quarter showing contract information on each transaction including: Parties, price, volume, term, special contract price adjustments, transporters, delivery points and markets served.

The application was filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than August 1, 1986.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–9482

Michael T. Skinker, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: The decision on the application to import natural gas will be made consistent with the DOE's gas import policy guidelines, under which competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their reponses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

This export application will be reviewed pursuant to section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order No. 0204–111. The decision on whether the export of natural gas is in the public interest will be based upon the domestic need for the gas and on whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment in their responses on these matters.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to this proceeding and to have written comments considered as a basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–076–A, RG–23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–9478. They must be filed no later than 4:30 p.m., August 1, 1986.

The Administrator intends to develop a decisional record on the application through responses to the notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision on the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based upon the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR § 590.316.

A copy of Hadson's application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076, (202) 252–9478, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, June 26, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–14979 Filed 7–1–86; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 86–22–NG]

ITRP/Kimball Gas Ventures; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to import natural gas from Canada to ITRP/Kimball Gas Ventures, a Joint Venture (Ventures). The order issued in ERA Docket No. 86–22–NG authorizes Ventures to import up to 73 Bcf over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA–706, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, 20585, (202) 252–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., e.d.t., Monday through Friday, except holidays.

Issued in Washington, DC, June 25, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–14977 Filed 7–1–86; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 86–36–NG]

Yankee International Co.; Application To Export Natural Gas

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application for blanket authorization to export natural gas for short-term and spot sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on June 4, 1986, of an application filed by Yankee International Company (Yankee) for a blanket authorization to export up to 200 MMcf of natural gas per day and a maximum of 146 Bcf for a term of two years beginning on the date of first delivery for sales on a short-term or spot bases primarily in Canada. Yankee, a U.S. corporation with its principal place of business in Dublin, Ohio, is a wholly-owned subsidiary of The Yankee Gas Company, which itself is a wholly-owned subsidiary of The Yankee Companies.

Under the proposed export arrangement, the gas would be supplied by numerous domestic suppliers and resold to various purchasers outside the United States, primarily in Canada. Although Yankee states in its application that it presently contemplates exporting primarily domestic natural gas, it may also import Canadian natural gas for ultimate redelivery to Canada. Yankee, acting as an agent on behalf of both producers and purchasers, would market the natural gas supplies to local distribution firms, pipelines, and commercial and industrial end-users, among others. Yankee also states that the proposed gas would be transported through existing pipeline facilities, and proposes filing quarterly sales and price reports to the ERA.

In support of its application, Yankee maintains that its proposed export arrangement is fully consistent with the public interest requirement of section 3 of the Natural Gas Act, and with DOE's announced international gas trade policies. Yankee asserts that the proposed export arrangement would promote competition in the international marketplace, reduce trade barriers, and achieve a more rational competitive

distribution of goods between the U.S. and Canada. Yankee also maintains the proposed export would benefit domestic producers that have been hard hit by the current surplus of natural gas and those gas producing states through increased tax receipts and related revenues.

Yankee has requested expedited treatment of its application stating that prompt approval would serve both a regional and a national public interest by alleviating a severe surplus of gas in the U.S. and reducing the foreign trade deficit.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on August 1, 1986.

FOR FURTHER INFORMATION CONTACT:

John Glynn, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–076, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–9482

Michael T. Skinker, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: This application will be reviewed pursuant to Section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order No. 0204–111. The decision on whether this export of natural gas is in the public interest will be based upon the domestic need for the gas and on whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment in their responses on these matters.

In making its request for expedited treatment of its application to export natural gas, Yankee states that prompt ERA action will serve both the national and regional public interest. Yankee cites two reasons why prompt ERA action is necessary in its request: (1) The export would work to alleviate a severe surplus of gas in the U.S.; and (2) the project would reduce the U.S. foreign trade deficit. The ERA has determined that the reasons cited by Yankee in requesting expedited treatment of its application are insufficient to warrant a reduction in the public comment period; consequently, the request for expedited procedures is denied.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–9478. They must be filed no later than 4:30 p.m., August 1, 1986.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Yankee's application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076–A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, DC, June 24, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–14978 Filed 7–1–86; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP86–75–001]

Northern Natural Gas Co., Division of Enron Corp.; Tariff Revisions

June 27, 1986.

Take notice that on June 23, 1986, Northern Natural Gas Company, Division of Enron Corp. (Northern) tendered for filing the following tariff sheets to be included in its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2:

Third Revised Volume No. 1

Substitute Original Sheet No. 70.1
Substitute Original Sheet No. 70d.2

Original Volume No. 2

Substitute Original Sheet No. 1i.2a
Substitute Original Sheet No. 1i.2b
Original Sheet No. 1i.2c

Northern states that the revised tariff sheets are in compliance with Ordering Paragraph (C) of the Commission's June 6, 1986, order issued in this proceeding.

Copies of the filing were served on Northern's jurisdictional customers, interested state commissions and parties on the official service list in the instant docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before July 7, 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. 86-14932 Filed 7-1-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-68-001]

Northwest Central Pipeline Corp.; Filing of Revised Tariff Sheets

June 27, 1986.

Take notice that Northwest Central Pipeline Corporation (Northwest Central) on June 25, 1986, tendered for filing to become a part of its FERC Gas Tariff:

Original Volume No. 1
Substitute Eighth Revised Sheet No. 6, Superseding Eighth Revised Sheet No. 6
Original Volume No. 2
Substitute Second Revised Sheet No. 2A, Superseding First Revised Sheet No. 2A

These pages are filed in accordance with Ordering Paragraphs (B) and (D) of the Commission's Order Accepting and Suspending Tariff Sheets Subject To Refund and Conditions, Establishing Hearing and Granting Intervention issued May 22, 1986 in this proceeding, 35 FERC ¶61,216. The revised tariffs are proposed to be effective after suspension on October 23, 1986.

Northwest Central states that copies of its filing were served on all 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 §§ 385.211 and 385.214 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 July 7, 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 proceedings. 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. 86-14933 Filed 7-1-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-529-000 et al.]

Natural Gas Certificate Filings; Northwest Pipeline Corp. et al.

June 19, 1986.

Take notice that the following filings have been made with the Commission:

1. Northwest Pipeline Corporation

[Docket No. CP86-529-000]

Take Notice that on June 2, 1986, Northwest Pipeline Corporation (Applicant), 295 Chipeta Way, Salt Lake City, Utah 84108, filed at Docket No. CP-86-529-000, an application pursuant to section 7(b) of the Natural Gas Act and the Federal Energy Regulatory Commission (Commission) Regulations thereunder for an order granting permission and approval to abandon natural gas transportation service under two expired transportation agreements, one with IGC Production Company (IGC) and one with IGC, Thermal Development Inc., and Development Associates, Inc., (Producers) all as more fully set forth in the application.

It is stated that pursuant to a order, September 30, 1980, the Commission issued certificates of public convenience and necessity in Docket Nos. CP78-253 and CP78-254 authorizing Applicant to transport up to 2,500 McF of natural gas per day for the account of the Producers and up to 5,000 McF per day for the account of IGC, pursuant to the Gas Transportation Agreements dated May 13, 1977 and February 21, 1977, respectively.

Applicant states that it was authorized to receive natural gas for the Producers' and IGC's accounts at certain wells located in the East Douglas Creek Field in Rio Blanco County, Colorado, which were connected to Applicant's existing gathering facilities. Applicant was to gather and transport such gas and deliver thermally equivalent volumes, less fuel and shrinkage, for the Producers' and IGC's accounts to the existing market areas served by Washington Natural Gas Company, The Washington Water Power Company and Intermountain Gas Company, the parent companies of the Producers.

Applicant states that it entered into a Gas Purchase Contract (Contract) with IGC dated November 1, 1984 which provided for the purchase by Northwest of IGC's and the Producers' released interest in the East Douglas Creek Field. The Contract provides for the cancellation of the February 21, 1977 Transportation Agreement between IGC and Applicant and the May 13, 1977 Transportation Agreement between Applicant and the Producers.

Comment date: July 10, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Texas Gas Transmission Corporation

[Docket No. CP86-531-000]

Take notice that on June 3, 1986, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP86-531-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Texas Gas to transport nautral gas for certain customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Texas Gas states that the customers (see Appendix) for whom authorization to transport is requested are largely customers for whom Texas Gas is presently transporting gas under section 311 of the Natural Gas Policy Act (NGPA) and for which authority to transport such gas will terminate on June 30, 1986, or are certain customers for whom transportation service has not yet commenced, but who have requested such service from Texas Gas. Texas Gas states that it intends to supplement the list of 108 customers after the filing of this application to include those customers who are being served by Texas Gas on June 30, 1986, but for whom service was not commenced under section 311 of the NGPA as of the date of the filing of this application.[1]

Texas Gas states that it would charge the appropriate rate for each transportation service involved as it may exist from time to time and that for customers receiving service under Texas Gas' GSC program, the currently effective rates can be found in Substitute First Revised Sheet No. 12 of its FERC Gas Tariff, Original Volume No. 1, and for those customers not eligible for TSC service, the appropriate rates can be found in First Revised Sheet No. 11 of that same tariff. Texas Gas also states that the applicable GRI funding unit would also be collected where appropriate.

Texas Gas also requests automatic authorization to add and/or delete receipt points to the transportation agreements since all customers have indicated that they may be purchasing gas from a variety of sources during the term of the transportation service. Texas Gas states that no new facilities are necessary to effect the transportation

[1] An amendment to the application would be required in order to provide transportation to additional customers.

herein. However, Texas Gas states that should new facilities be necessary for the receipt points added pursuant to the automatic authority, such points would be constructed pursuant to Texas Gas' blanket cetificate issued in Docket No. CP82–407 and § 175.208 of the Commission's Regulations.

Texas Gas states that the term of the proposed transportation service for customers who are end-users would be the earlier of one year from the date of initial deliveries after certification in this docket or Texas Gas' acceptance of a final Commission certificate order in Docket No. CP86–521–000, or any other final Commission order authorizing Texas Gas to perform services pursuant to Order No. 436, *et al.* Texas Gas further states that the term of the proposed transportation for system supply customers would be from the date of initial deliveries after certification of this docket and continuing until the acceptance by Texas Gas of a final certificate order in Docket No. CP86–521–000, or any other final Commission order authorizing Texas Gas to perform services pursuant to Order No. 436, *et al.*

Comment date: July 10, 1986, in accordance with Standard Paragraph F at the end of this notice.

Contract No.	Name	ST No.	Contract demand	Rate schedule
1245.01	ANR Gathering	ST86-814	45,000	T
1253.01	EnTrade	ST86-815	50,000	T
1256.01	Louisville/Frito Lay	ST86-870	1,500	TSC
1255.01	Western/Pinkerton	ST86-869	1,500	TSC
1257.01	Western/Ragu	ST86-868	1,400	TSC
1258.01	Sigeco/GE	ST86-884	3,000	TSC
1259.01	Western/GAF	ST86-883	3,100	TSC
1260.01	Western/Sikes	ST86-885	1,500	TSC
1262.01	Citizens Gas	ST86-901	15,000	T
1261.01	Memphis/St. Francis	ST86-899	850	TSC
1263.01	Western/Kendall	ST86-896	750	TSC
1267.01	Jackson/Florida Steel	ST86-900	3,000	TSC
1265.01	Western/Willamette	ST86-898	6,400	TSC
1264.01	Louisville/Heaven Hill	ST86-939	1,000	TSC
1268.01	Western/Commonwealth Aluminum	ST86-937	13,000	TSC
1274.01	Sigeco/Farm Bureau	ST86-935	1,500	TSC
1269.01	Western/Pennwalt	ST86-938	3,900	TSC
1270.01	Central Illinois/Marathon	ST86-934	15,000	TSC
1275.01	Memphis/Taylor Forge	ST86-961	850	TSC
1272.01	Western/Alcan Aluminum	ST86-963	3,000	TSC
1276.01	Western/Borg Warner	ST86-960	600	TSC
1277.01	Baltimore Gas & Electric	ST86-964	60,000	T
1155.01	Dayton Power & Light	ST86-1003	75,000	T
1278.01	Indiana Gas/General Motors	ST86-1009	4,800	TSC
1266.01	Memphis/Cargill	ST86-1006	2,650	TSC
1281.01	Western/Grace	ST86-1007	1,700	TSC
1279.01	Western/Kentucky-Tennessee Clay	ST86-1005	500	TSC
1285.01	Cincinnati Gas & Electric	ST86-1040	37,000	T
1283.01	Louisville/Cargill	ST86-1039	1,800	TSC
1280.01	Louisville/Edible Oil	ST86-1055	1,600	TSC
1289.01	PeopleService	ST86-1072	70,000	T
1290.01	City of Hamilton/Beckett Paper	ST86-1070	2,200	TSC
1294.01	Louisville/United Catalysts	ST86-1071	3,485	TSC
1295.01	TXG Marketing	ST86-1069	50,000	T
1288.01	Boonville/System Supply/End-Users	ST86-1088	5,000	TSC
1296.01	Western/Ohio Valley Aluminum	ST86-1087	2,500	TSC
1292.01	Western/Filtration Sciences	ST86-1085	1,450	TSC
1282.01	Citizens Energy	ST86-1111	90,000	T
1286.01	Miss. Valley/Alumax Extrusions	ST86-1113	600	TSC
1297.01	Western/System Supply—Zone 2	ST86-1116	45,364	TSC
1299.01	Western/System Supply—Zone 3	ST86-1117	90,923	TSC
1271.01	Sigeco/Alcoa	ST86-936	25,000	TSC
1303.01	Ohio River/Indiana Gas/Colgate	ST86-1112	5,000	TSC
1304.01	Indiana Gas/System Supply	ST86-1114	105,522	TSC
1305.01	Memphis/System Supply	ST86-1115	150,000	TSC
1301.01	Henderson/System Supply	ST86-1201	17,751	TSC
1302.01	Louisville/System Supply	ST86-1200	231,753	TSC
1310.01	Sigeco/System Supply	ST86-1195	50,000	TSC
1311.01	Western/Eaton	ST86-1203	1,140	TSC
1313.01	Hadson Gas Systems	ST86-1204	22,500	T
1314.01	New York State Electric & Gas	ST86-1206	37,000	T
1316.01	Indiana Gas/Eli Lilly	ST86-1336	13,000	TSC
1291.01	Louisville/Reynolds Metals	ST86-1333	1,100	TSC
1317.01	Memphis/Fruehauf	ST86-1332	550	TSC
1320.01	Peoples Natural	ST86-1330	30,000	T
1322.01	Reliance Pipeline	ST86-1326	100,000	T
1321.01	EnTrade	ST86-1331	30,000	T
1324.01	United Cities/System Supply/End-User	ST86-1329	6,850	TSC
1306.01	Chandler Natural Gas/System Supply	ST86-1256	1,883	TSC
1319.01	Terre Haute/System Supply	ST86-1337	24,000	TSC
1326.01	Indiana Gas/Cummins	ST86-1324	1,500	TSC
1327.01	Citizens Energy	ST86-1327	70,000	T
1328.01	Central Illinois Public Service/Briggs	ST86-1325	2,000	TSC
1325.01	Mississippi Valley/System Supply	ST86-1328	18,000	TSC
1309.01	Western/Air Products	ST86-1342	400	TSC
1169.01	Indiana Gas/A.E. Staley	ST86-1514	8,000	TSC
1331.01	Jackson Utilities/System Supply	ST86-1495	12,000	TSC
1329.01	Quivira Gas Company	ST86-1370	5,000	T
1337.01	Indiana Gas/Borg Warner	ST86-1527	8,000	TSC
1338.01	Indiana Gas/Chrysler	ST86-1509	9,800	TSC
1335.01	Indiana Gas/RCA	ST86-1526	100	TSC
1340.01	Midcon Marketing	ST86-1564	100,000	T
1343.01	Ohio River/Indiana Gas/Gohmann Asphalt	ST86-1510	1,100	TSC
1339.01	Ohio River/Indiana Gas/Occidental Chem.	ST86-1512	1,500	TSC
1336.01	Western/Barmet	ST86-1511	1,500	TSC
1341.01	Corning Natural Gas Corp.	ST86-1516	3,156	T

Contract No.	Name	ST No.	Contract demand	Rate schedule
1298.01	Olive Branch/Guardian	ST86-1515	350	TSC
1344.01	Hoosier Gas/System Supply	ST86-1524	25,586	TSC
1284.01	Memphis/Kroger	ST86-1513	250	TSC
1307.01	West Ohio Gas	ST86-1525	12,500	T
1342.01	Santa Fe Minerals	ST86-1561	20,000	T
1347.01	Terre Haute/Eli Lilly		7,400	TSC
1349.01	Indiana Gas/Bausback		650	TSC
1350.01	Indiana Gas/Electro Sound		650	TSC
1363.01	Ohio Valley Gas Corp.—Zone 3		1,450	TSC
1362.01	Ohio Valley Gas Corp.—Zone 4		4,550	TSC
1364.01	Dome Gas Company		1,100	TSC
1361.01	Terre Haute/Alcan			TSC
1366.01	Western/North Star Steel			TSC
1370.01	ANR Gathering			T
1354.01	Western/Kroger			TSC
1375.01	Memphis/Celotex			TSC
1374.01	Memphis/Cleo Wraps			TSC
1373.01	Memphis/Lehman Roberts			TSC
1243.01	Memphis/Memphis State University			TSC
Pro Forma	Ohio River Pipeline	N/A	54,407	TSC
Pro Forma	Mountaineer Gas	N/A	40,000	T
Pro Forma	Western/System Supply—Zone 4	N/A	13,402	TSC
Pro Forma	Columbia Gas of New York, Inc.	N/A	5,000	T
Pro Forma	Columbia Gas of Virginia, Inc.	N/A	5,000	T
Pro Forma	Columbia Gas of Kentucky, Inc.	N/A	10,000	T
Pro Forma	Columbia Gas of Pennsylvania, Inc.	N/A	20,000	T
Pro Forma	Columbia Gas of Maryland, Inc.	N/A	5,000	T
Pro Forma	columbia Gas of Ohio, Inc.	N/A	40,000	T
Pro Forma	Kroger	N/A	1,018	T
Pro Forma	Texas Gas Exploration Corp.	N/A	42,000	T
Pro Forma	Bridgeline	N/A	150,000	T
Pro Forma	Ohio Valley Gas, Inc.	N/A	1,200	TSC

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-14931 Filed 7-1-86; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of coments.

SUMMARY: The Ofice of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to eligible claimants a total of $65,700,000 (plus accrued interest) obtained by the DOE under the terms of a consent order entered into with Atlantic Richfield Company. The funds are being held in escrow following the settlement of claims and disputes arising from an Economic Regulatory Administration audit of ARCO, a major integrated refiner marketing crude oil and refined petroleum products throughout the United States.

DATE AND ADDRESS: Comments must be filed by August 1, 1986 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. All comments should conspicuously display a reference to case number HEF-0591.

FOR FURTHER INFORMATION CONTACT: Geoffrey D. Stein *or* Nancy Kestenbaum, Department of Energy, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to eligible claimants $65,700,000 plus accrued interest obtained by the DOE under the terms of a consent order entered into with Atlantic Richfield Company (ARCO) On June 27, 1985. The funds were paid by ARCO toward the settlement of possible violations of the DOE price and allocation regulations relating to transactions by ARCO involving the production, refining, and marketing of crude oil and petroleum products during the period January 1, 1973 through January 28, 1981 (the consent order period).

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to

distribute the contents of the escrow account funded by ARCO. The DOE has tentatively decided that Applications for Refund should be accepted from firms and individuals who purchased refined petroleum products from ARCO during the consent order period. However, Applications for Refund should *not* be filed at this time. Appropriate public notice will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to provide two copies of their submissions. Comments should be submitted by August 1, 1986, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, 1000 Independence Avenue SW., Washington, DC, between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: June 26, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of The Department of Energy

Special Refund Procedures

June 26, 1986.

Name of Firm: Atlantic Richfield Company
Date of Filing: July 30, 1985
Case Number: HEF–0591.

On July 30, 1985, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed with the Office of Hearings and Appeals (OHA) a Petition for the Implementation of Special Refund Procedures to distribute funds received from the Atlantic Richfield Company (ARCO) under the terms of a June 27, 1985 consent order between the DOE and ARCO. ARCO agreed to refund a total of $65,700,000 to settle certain issues regarding the firm's compliance with the federal petroleum price regulations during the period January 1, 1973 through January 8, 1981. In accordance with the provisions of the DOE procedural regulations contained in 10 CFR Part 205, Subpart V, ERA's Petition requests that OHA formulate and implement special procedures to make refunds in order to remedy the effects of the alleged regulatory violations settled in the ARCO consent order.

I. Background

ARCO is a major integrated refiner which produced and sold crude oil and a full range of refined petroleum products during the period of federal price controls. The firm therefore was subject to the Mandatory Petroleum Price and Allocation Regulations set forth at 6 CFR Part 150 and 10 CFR Parts 210, 211, and 212. ERA conducted an extensive audit of ARCO's operations and alleged in the course of several judicial and administrative proceedings that ARCO had violated applicable DOE pricing and allocation regulations in its sales of crude oil and refined petroleum products.

On January 23, 1985, ERA and ARCO signed a proposed consent order settling a comprehensive list of issues pertaining to ARCO's crude oil and refined product operations during the period January 1, 1973 through January 28, 1981 (the consent order period). 50 FR 8366 (March 1, 1985). In the consent order, ARCO agreed to refund a total of $65,700,000 for eventual distribution by the DOE.[1] In addition, ERA agreed not to pursue further its allegations regarding ARCO's compliance with the DOE regulations, with the exception of certain issues enumerated in the consent order.[2] The consent order specifically provided that "[e]xecution of this Consent Order constitutes neither an admission by ARCO nor a finding by DOE of any violation by ARCO of any statute or regulation." Consent Order, ¶ 506, 50 FR 8373 (March 1, 1985).

On June 19, 1985, the DOE made final the ARCO consent order, with only minor technical modifications. 50 FR 26603 (June 27, 1985). ARCO deposited the sum of $65,700,000, plus interest accrued since the signing of the proposed consent order, into a DOE escrow account.[3]

II. Jurisdiction to Fashion Refund Procedures

The DOE procedural regulations at 10 CFR Part 205, Subpart V, provide that OHA may, upon petition by ERA, formulate and implement special procedures by which refunds may be made to injured persons in situations where the DOE is unable to either readily identify persons entitled to refunds or ascertain the amounts that such persons should receive. *See* 10 CFR 205.280 *et seq.* ERA has concluded that those circumstances exist in this case and that special refund procedures are warranted. We concur with that determination and will assume jurisdiction over the ARCO consent order fund.

III. Proposed Refund Procedures

The purpose of this Decision is to set forth tentative procedures for distributing the ARCO settlement funds to persons and firms who were injured by ARCO's alleged regulatory violations during the consent order period. As in previous proceedings, we propose that distribution of ARCO refunds take place in two stages. The first stage should provide refunds to identifiable purchasers fo ARCO products who were injured by the firm's pricing and allocation practices during the consent order period. If any funds remain after first-stage claims are paid, a second stage should be commenced for the purpose of indirect restitution. We will not propose second-stage procedures at this time, however. *See Office of Enforcement,* 9 DOE ¶ 82,508 (1981).

The Subpart V refund process may be used by the DOE to identify and compensate persons for injuries incurred as a result of actual or alleged violations of the DOE regulatory program. Accordingly, in refund proceedings based on consent orders, the analysis of refund claims must focus on the question of whether firms were injured as a result of allegedly unlawful regulatory practices, rather than on whether they were "overcharged" in a technical sense. *See Denny Klepper Oil Co.* v. *Department of Energy*, 598 F. Supp. 527 (D.D.C. 1984). Restitution is inherently an inexact process, and in past refund proceedings we have found that approximations of injury are useful. Since the inception of the special refund program, OHA has used a variety of

[1] Upon signing the proposed consent order, ARCO deposited the $65,700,000 sum into escrow pending completion of the public comment period and finalization of the consent order.

[2] The following issues were not covered or affected by the consent order:

(a) issues or claims concerning the subject matter before the courts in:

(i) Atlantic Richfield, et al. v. United States Department of Energy, et al., CA No. 84–190 MMS, (D. Del.);

(ii) Atlantic Richfield Company v. Department of Energy, et al., No. 79–1204 (D. Kan), consolidated in In Re The Department of Energy Stripper Well Exemption Litigation, MDL No. 378 (D. Kan);

(iii) Texaco, et al. v. DOE and 341 Tract Unit of the Citronelle Field, No. 81–99 (D. Del.), and before the OHA in Case No. BEN–0078, et al.; and

(iv) Diamond Shamrock Refining and Marketing Company v. Standard Oil Company, et al. v. The United States Department of Energy, et al., No. C2–84–1432 (S.D. Ohio);

(b) crude oil entitlements obligations that may be modified or imposed in the future; and

(c) possible regulatory violations in certain crude oil transactions.

See Consent Order, ¶ 501, 50 FR 8372 (March 1, 1985).

[3] As of May 31, 1986, the ARCO consent order escrow account contained a total of $72,755,630.29 including accrued interest.

approaches to achieve proper restitution to purchasers of petroleum products. For example, in cases involving consent order firms that are resellers, where the audit record is well developed and includes a list of alleged overcharge purchasers as well as the magnitude of the individual overcharges alleged, we have relied heavily upon the audit information to make preliminary determinations of injury. *See, e.g., Red Triangle Oil Company,* 13 DOE ¶ 85,107 (1985); *Bob's Oil Company,* 12 DOE ¶ 85,024 (1984). In contrast, in cases where little information concerning the alleged violations underlying a consent order is available, we have adopted more flexible methods for determining injury. *See, e.g., Thornton Oil Company,* 12 DOE ¶ 85,112 (1984).

In cases involving large refiners, a more complex and sophisticated approach is warranted. *See Mobil Oil Corporation,* 13 DOE ¶ 85,339 (1985) (hereinafter cited as *Mobil*); *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982) (hereinafter cited as *Amoco*). Throughout the consent order period, ARCO was approximately the eight-largest seller of refined petroleum products in the United States. *International Petroleum Encyclopedia,* 1982. The underlying consent order includes most of ARCO's extensive operations and its nationwide product distribution network. In addition, the total consent order fund is large and there are several thousand potential claimants.[4] Consequently, we began our analysis of possible refund procedures for the ARCO consent order fund by obtaining available and relevant marketing information—including publicly available material and proprietary data collected by the DOE's Energy Information Administration (EIA), and information supplied by ARCO itself—as well as information underlying ERA's audit and the consent order.[5]

A. *Crude Oil Issues.* The record indicates that for matters covered by the consent order, the ERA alleged that ARCO had received a total of $66 million in overcharges. Of this total, it appears that $45 million, or approximately 68.182 percent, was attributable to ARCO's sales of refined products, and the remaining $21 million, or approximately 31.818 percent, was attributable to ARCO's crude oil operations. 50 FR 8370 (March 1, 1985). We believe that those percentages should be applied to the $65,700,000 in settlement funds actually received from ARCO, so that a total of $20,904,426 is related to the crude oil issues settled in the consent order.

According to ERA, the alleged crude oil violations settled in the consent order generally arose from ARCO's misapplication of the "property" definition, improper classification of certain properties as "stripper well" properties, improper use of certain price bulletins to establish posted prices, and clerical errors. 50 FR 8367 (March 1, 1985). As we have discussed in several past decisions pertaining to the disposition of alleged or actual crude oil overcharges, improper classifications and certifications of crude oil such as those alleged against ARCO had an impact which was dispersed among all participants in the DOE Crude Oil Entitlements Program. *See, e.g., Brownlie, Wallace, Armstrong and Bander, Inc.,* 13 DOE ¶ 85,382 (1986). For a more detailed discussion of the dispersal of Entitlements-period crude oil overcharges, *see Report of the Office of Hearings and Appeals, In re The Department of Energy Stripper Well Exemption Litigation,* MDL No. 378 (D. Kan. filed June 21, 1985), Fed. Energy Guidelines ¶ 90,507 (1985) (the OHA Stripper Well Report). In the OHA Stripper Well Report, this Office found that because of the dispersing effect of the Entitlements Program, it is impossible to determine individually the impact of crude oil overcharges on a particular refiner, or on a particular firm in the refiner's marketing system.

The findings of the OHA Stripper Well Report formed the basis for issuance of the DOE's restitutionary policy regarding crude oil overcharges. 50 FR 27400 (July 2, 1985). That statement concluded that based on the OHA Stripper Well Report, a claims process for funds received in settlement of alleged crude oil overcharges was inappropriate. Instead, an indirect restitutionary mechanism would be used, and the DOE would pool all crude oil overcharge funds for future distribution, pending a decision by Congress as to the exact method of indirect restitution. The DOE further stated that should Congress fail to act on the issue by the fall of 1986, the crude oil funds should be paid to the United States Treasury to benefit the public at large. OHA announced that it would follow the DOE crude oil restitutionary policy in special refund proceedings involving Entitlements-period crude oil overcharge funds. 50 FR 27402 (July 2, 1985).

In accordance with Departmental policy, we therefore propose that no individual claims relating to ARCO's alleged crude oil violations will be accepted in this proceeding. Instead, we propose that $20,904,426, the portion of the ARCO consent order fund attributable to alleged crude oil violations (exclusive of interest), be pooled with other crude oil overcharge funds administered by OHA for future indirect restitution. *See Juniper Petroleum Corporation,* 13 DOE ¶ 85,383 (1986); *Amoco Corporation,* 6 Fed. Energy Guidelines ¶ 90,052 (proposed decision).

B. *Refined Products Issues.* The remaining $44,795,574 in the ARCO consent order fund is attributable to alleged violations involving refined products. Firms and individuals that purchased ARCO refined products during the consent order period can file claims in the first stage of this proceeding.

1. *General Presumptions.* Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

[I]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we proposed to adopt in this case will permit claimants to participate in the refund process without incurring disproportionate expenses, and will enable OHA to consider the refund applications in an equitable and

[4] In 1979, ARCO was marketing motor gasoline through 8,487 branded retail outlets in 36 states. National Petroleum News Factbook, 1979, 64–69. The number of ARCO outlets likely was greater in earlier years of the consent order period. In addition, this figure does not inlcude motor gasoline purchasers at other levels of distribution, *e.g.*, wholesalers, and purchasers of other ARCO products.

[5] Most of the information in the ARCO audit files consists of (i) data which may arguably be confidential and proprietary to the firm, (ii) intra-agency memoranda containing recommendations and preliminary findings concerning the ARCO audit, and (iii) investigatory material gathered during the course of ERA's enforcement investigations. These documents are likely to be exempt from disclosure under Exemptions 4, 5, and 7 of the Freedom of Information Act, 5 U.S.C. 552, and any of this exempt material will be protected from disclosure. The ARCO-specific proprietary data obtained from EIA is covered by a disclosure agreement that limits third-party access to the information to firms that enter into a protective order. *See* December 20, 1985 Disclosure Agreement between EIA and OHA.

efficient manner, in view of the limited resources available.

a. *Claims Based on Alleged Pricing Violations.* We first propose to adopt the presumption that ARCO's alleged violations were spread evenly over all of ARCO's sales of DOE-controlled petroleum products during the consent order period. *See, e.g., Amoco* at 88,198. In the absence of better information, this assumption is sound because the DOE price regulations generally required refiners like ARCO to account for their increased costs on a firm-wide basis in determining their prices. *See generally* 10 CFR Part 212, Subpart E.[6] Allocating the alleged violations on a volumetric basis results in a maximum refund amount of $.000710 per gallon (hereinafter referred to as the volumetric refund amount).[7]

In addition to the volumetric presumption, we propose to adopt a rebuttable presumption that any refiner, reseller, or retailer that made only spot purchases from ARCO did not experience injury and thus should not receive a refund for those purchases. The basis for this tentative presumption is that spot purchasers:

> . . . tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Office of Enforcement, 8 DOE ¶ 82,597 at 85,396–97 (1981) (hereinafter cited as *Vickers*). Accordingly, a spot purchaser will not be considered eligible for a refund unless the claimant provides evidence to establish that it was unable to recover the increased prices it paid for ARCO products. *See Amoco* at 88,200. *See also Waller Petroleum Company, Inc./Wooten Oil Company,* 13 DOE ¶ 85,110 at 88,297–98 (1985).

Consignee agents are another type of purchaser which we intend to presume were not injured by ARCO's pricing practices. Consignee agents generally operate in return for a fixed commission or fee which, for example, would have been added to ARCO's wholesale price to establish a resale price. Obviously, with such a compensation arrangement, it is unlikely that a consignee would have absorbed any alleged overcharges. We therefore propose to adopt a rebuttable presumption that claims submitted by consignees based on alleged ARCO pricing violations should not be approved. In unusual circumstances, a consignee may be able to establish injury by presenting specific data detailing the impact of the alleged overcharges on its operations. For example, in some cases a consignee may be able to demonstrate that its sales volumes, and corresponding commission revenues, declined due to the alleged uncompetitiveness of ARCO's pricing practices. *See Amoco* at 88,200. *See also Gulf Oil Corporation/C.F. Canter Oil Company, Inc.,* 13 DOE ¶ 85,388 (1986). *But see Tenneco Oil Co./Kellermyer Inc.,* 12 DOE ¶ 85,141 (1984) (consignee's price violation claim denied).

As in previous cases, we propose to adopt a presumption of injury for small claims filed by resellers and retailers of ARCO products. *See, e.g., Richardson Ayres Jobber, Inc.,* 13 DOE ¶ 85,368 (1986). The presumption that claimants seeking smaller refunds were injured by the pricing practices settled in the ARCO consent order is based on a number of considerations. *See, e.g., Uban Oil Co.,* 9 DOE ¶ 82,541 (1982). An applicant can incur considerable expense in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit factual information regarding the impact of alleged overcharges that occurred many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost to the firm of gathering the information, and the cost to OHA of analyzing it, may far exceed the potential refund amount. Failure to allow simplified application procedures for small claims could therefore effectively deprive injured parties of the opportunity to obtain a refund. In addition, a presumption for small claims allows OHA to process a large number of routine refund claims quickly and to employ its limited resources more efficiently. Finally, smaller claimants did purchase covered products from ARCO and were in the chain of distribution where the alleged overcharges occurred. Therefore, at a minimum they felt the initial impact of the alleged overcharges. The presumption of injury for small claims eliminates the need for a claimant to submit and to analyze detailed information showing what happened downstream of that initial impact.

Under the small claims presumption, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond its purchase volumes of ARCO products if its refund claim is based on a level of purchases below a threshold amount. Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consent order firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.,* 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating payments to applicants seeking relatively small refunds. *Id.* at 88,210. We have followed the "dollar amount" threshold approach in many recent refund proceedings, and believe that it should be adopted in this case as well. As in other cases, we believe that the establishment of a small claims threshold of $5,000, exclusive of interest, is appropriate for refund applications involving ARCO refined products. *Id.*

We also propose to adopt a presumption that regulated industries, such as public utilities, and agricultural cooperatives were injured by the alleged ARCO violations. Any alleged overcharges suffered by these entities would have been channeled to their customers or members under the terms of the regulatory framework or membership agreements. Likewise, any refunds received will automatically be passed through to customers or members. Therefore, as in past cases, applicants in this category need not submit any further evidence of injury beyond purchase volumes to qualify for refunds based on products purchased for their own use or sold to members. However, we will require such applicants to certify that they will pass any refund received through to their members or customers, to provide us with a full explanation of how they plan to accomplish this restitution, and to notify the appropriate regulatory body

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[6] Nevertheless, we recognize that the impact of ARCO's pricing practices on an individual purchaser may have been greater than the apportioned amount. We therefore propose that the volumetric presumption will be rebuttable, and we will allow any purchaser to file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See, e.g.,* Standard Oil Co. (Indiana)/Army and Air Force Exchange Service, 12 DOE ¶ 85,015 (1984).

[7] To compute this figure, we first estimated that ARCO's sales of refined products subject to DOE price and allocation regulations during the consent order period totalled approximately 63,109,256,000 gallons. This figure was obtained from sales data supplied by ARCO and verified in part by data supplied by EIA. Dividing this total volume figure into the portion of the ARCO consent order fund attributable to refined products—$44,795,574—yields a per-gallon refund amount of $.000710, exclusive of interest. Each successful applicant will also receive a pro rata share of interest, which will increase over time and will be computed for each refund at the time of payment. Currently, the pro rata share of interest is $.000075 per gallon. Finally, as in previous cases, we will establish a minimum refund of $15.00, and will not grant claims for less than that amount. In past refund cases, the cost of processing claims for less than $15.00 has outweighted the benefits of restitution. *See, e.g.,* Uban Oil Co., 9 DOE ¶ 82,541 (1982).

of their receipt of the refund money. *See Office of Special Counsel*, 9 DOE ¶ 82,538 at 85,203 (1982) (hereinafter cited as *Tenneco*).

Finally, we propose to make a finding that end-users or ultimate consumers who purchased ARCO products were injured by the alleged overcharges. Those firms and individuals were not subject to the DOE regulations during the consent order period, were not required to keep records which justified their own selling price increases by reference to petroleum product cost increases, and thus are beyond the scope of inquiry regarding passthrough of overcharges. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein. We therefore conclude that end-users of ARCO products need only provide their purchase volumes to establish their eligibility for refunds.

b. *Claims Based on Alleged Allocation Violations.* We propose that the general presumptions outlined above not be applied to claims based on alleged violations of the allocation regulations. Refunds for allocation claims—alleging a failure by ARCO to furnish petroleum products that it was obliged to supply to the claimant under the DOE allocation regulations, 10 CFR Part 211—have been determined in past cases on the basis of monetary damages (if any) caused by the failure to deliver products. *See, e.g., Tenneco Oil Co./ Research Fuels, Inc.*, 10 DOE ¶ 85,012 (1982). An allocation claimant should have been aware of the alleged violation at the time it occurred, and should have taken some contemporaneous action to mitigate the injury. Consequently, we propose that an allocation claimant be required to include with its application an explanation of the contemporaneous action it took to mitigate its injury. *See Tenneco* at 85,210. In addition, an allocation claimant must submit information sufficient to demonstrate that its claim is credible, using the best available evidence of the injury which was sustained. The burden of establishing eligibility for a refund based on an allocation claim will rest with the claimant in accordance with the standards outlined above, and cases will be adjudicated on a case-by-case basis.

2. *Product-Specific Presumptions.* In past refund proceedings involving major integrated refiners, we have utilized "level of distribution" presumptions to estimate the injury suffered by petroleum products purchasers from refiner overcharges. *See, e.g., Marathon Petroleum Company*, 14 DOE ¶ ——, No. KEF–0021, (June 10, 1986); *Mobile; Amoco.* Those presumptions, based on pricing and supply data compiled by the EIA, have been useful in quantifying the refund amounts which certain claimants should receive, thereby eliminating the need for those claimants to assemble individual evidence of injury. We therefore have examined the possibility of employing level of distribution presumptions for distributing the ARCO consent order fund. After analyzing the EIA data available for ARCO's operations during the consent order period, we have determined that a level of distribution presumption is appropriate for reseller and retailer motor gasoline applicants whose claims are too large to qualify for the small claims presumption discussed above.

a. *Motor Gasoline.* Motor gasoline sales accounted for approximately two-thirds of the total volume covered by the ARCO consent order. Only a small portion of those sales was made through ARCO-operated retail outlets. Therefore, almost all motor gasoline sold by ARCO passed through at least one intermediate distributor—generally either a retailer or wholesaler—before being sold to the ultimate consumer. In previous cases involving major refiner consent order funds, *see, e.g., Mobil* and *Amoco*, we have estimated the amount of injury incurred at these intermediate distribution levels by examining the effect of the refiner's price changes on the average profit margins realized at each level. We have noted that motor gasoline marketers at the different distribution levels did not always raise their prices at the same time and by the same amount as did refiners:

> Based on our observation of the change in profit margins realized at each level of distribution, we concluded that as Amoco's refinery prices increased, a portion of that increase was absorbed at the wholesale level, another portion was absorbed at the retail level, and the remaining portion of the increase was absorbed by ultimate consumers.

Amoco, 10 DOE at 88,206. In order to approximate the varying injury suffered at each level, we have calculated the percentage of months in the consent order period during which the profit margins realized at each level declined. We then used those percentages to determine the portion of the volumetric amount which applicants at each level should receive. *See, e.g., Mobil*, 13 DOE at 88,853; *Amoco*, 10 DOE at 88,212.

We propose to use the same methodology to estimate the injury experienced at intermediate distribution levels in ARCO's motor gasoline marketing system. As in other refund proceedings, *see Mobil* and *Amoco*, the record shows that as a result of ARCO's relatively large share of the motor gasoline market, the firm's prices at all levels of distribution closely tracked national average price levels during the consent order period.[8] Since ARCO's selling prices mirrored national average price levels, we are able to utilize that publicly available national data in lieu of the ARCO data, which may arguably be protected from disclosure. *See* text at Note 5, *supra.*

We have analyzed the national average motor gasoline price data for the period July 1975 through January 1981 to determine the percentage of months in which intermediate distributors were injured. Almost all ARCO motor gasoline was distributed in one of two types of marketing systems: (i) In a "two-tier" system, where the product passed from ARCO to an intermediate distributor (either wholesaler or retailer) and then to ultimate consumers; or (ii) in a "three-tier" system, where the product passed from ARCO to a wholesaler, then to a retailer, and finally to ultimate consumers.[9] Our analysis of national average data shows that wholesalers and retailers of motor gasoline in both two- and three-tier systems experienced decreased profit margins in some, but not all, of the 67 months for which figures are available.[10]

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[8] The information concerning ARCO and national average motor gasoline prices was obtained from a statistical data set compiled by EIA during the period July 1975 through January 1981. The DOE required that the information be filed on a monthly basis on Forms FEA–P302–M–1, Petroleum Industry Monthly Report for Product Prices, and EIA–460, Monthly Petroleum Product Price Report. We will assume, in the absence of conflicting data, that market conditions during the 67-month period for which information is available are representative of conditions which existed throughout the entire ARCO consent order period.

[9] According to ARCO, approximately 50 percent of its motor gasoline volume during the consent order period was sold through a two-tier system, while approximately 40 percent was sold directly to ultimate consumers through ARCO-operated retail stations. *See* April 14, 1986 memorandum concerning telephone conversation between Richard Morse, ARCO attorney, and Geoff Stein of OHA.

[10] The following specific results pertained:

(1) Wholesalers in two-tier systems experienced reduced profit margins (reductions greater than $.001 per gallon) in 28 months, and extraordinarily low profit margins (*i.e.*, margins more than one standard deviation below the mean) in two months. The total of 30 months of injury is equal to 45 percent of the studied months.

(2) Wholesalers in three-tier systems experienced reduced profit margins in 25 months and extraordinarily low profit margins in two months.

Continued

The noted outline of our extensive and detailed analysis indicates that wholesalers and retailers of ARCO motor gasoline in both systems absorbed the alleged overcharges between 37 and 45 percent of the consent order period. In order to simplify these procedures for the benefit of claimants and the DOE alike, for purposes of considering refund applications filed by retailers and wholesalers in both systems, we intend to adopt a single presumption of injury of 41 percent. Utilizing this average figure will optimize the scarce resources of the OHA and will benefit claimants by eliminating the need to isolate separately the ARCO products purchased in different-tiered systems or in varying capacities as retailers or wholesalers.

We therefore propose to implement the following procedures for motor gasoline claims. Applicants must submit monthly schedules showing volumes of motor gasoline purchases from ARCO during the price control period, March 6, 1973 through January 28, 1981. The total volume of purchases made by a particular claimant will be multiplied by the volumetric refund amount—$.000710—to determine the claimant's "total volumetric refund eligibility". If that amount is $5,000 or less, the applicant may receive that amount without providing any further documentation. If the claimant's total volumetric refund eligibility is greater than $5,000, the claimant may receive 41 percent of that amount without having to provide further documentation.[11]

Both the "small claims" and "41 percent" presumptions are rebuttable, however, and any claimant may offer additional evidence of injury in an attempt to gain approval of a larger refund amount. Generally, we will require a firm seeking a larger, non-presumption-type refund to submit a "bank" of unrecovered product costs, either compiled during the consent order period or computed from contemporaneous documents. This material will demonstrate the extent to which the firm did not subsequently recoup the alleged overcharges by increasing its own prices. *See Beacon Oil Company*, 14 DOE ¶ 85,011 at 88,024 (1986). In addition, such a claimant must demonstrate that, at the time it purchased motor gasoline from ARCO, market conditions would not permit it to increase its prices to pass through the alleged overcharges. *Id.*

b. *Other Refined Products.* We have reviewed the possibility of similar presumptions of injury for larger purchasers of ARCO's other refined products, and have found that as in previous cases, *see, e.g., Mobil*, we lack enough information at this time to arrive at reasonably accurate conclusions. For example, with respect to middle distillates, ARCO and national average price data are available only for the period from July 1975, the first date for which EIA data is available, through June 1976, when middle distillates were decontrolled. As in *Mobil*, we doubt whether data for twelve out of 40 relevant months constitutes a sufficient sample for constructing presumptions of injury. In addition, we have little or no information regarding the structure of ARCO's marketing system for products other than motor gasoline. Without this basic information, it is difficult to establish a framework for level-of-distribution presumptions.

We therefore propose that resellers and retailers who purchased ARCO products other than motor gasoline and whose total volumetric refund amount exceeds $5,000 must demonstrate injury as described above for non-presumption gasoline applicants, or limit their claims to $5,000.

We solicit from interested parties any marketing and/or price information pertaining to ARCO's sales of products other than motor gasoline. Sufficiently detailed and comprehensive studies may allow us to revise our proposals and establish simplifying presumptions of injury for intermediate distributors who purchased ARCO middle distillates, natural gas liquid products, etc. Information submitted need not cover the entire consent order period, but should be substantial enough to allow us to extrapolate confidentially over the remainder of the period.

C. Summary of Proposed Refund Procedures. We propose that the crude oil portion of the ARCO consent order fund be set aside, in accordance with departmental policy, for future indirect restitution. We propose that with respect to the portion of the consent order fund relevant to refined products, a two-stage refund proceeding be conducted. Our proposals for claims procedures for the first stage are summarized here.

In order to receive a refund based on refined products purchases, an applicant must submit a schedule of its monthly volumes of regulated petroleum products purchased from ARCO during the period March 6, 1973 through January 28, 1981. If the products were not purchased directly from ARCO, the claimant must submit a statement setting forth its reasons for believing the product originated with ARCO. The claimant must give an indication of its place in ARCO's chain of distribution. Ultimate consumers, cooperatives and regulated utilities who purchased ARCO products are eligible to receive the full volumetric refund amount—$.000710 per gallon—on their entire purchase volume of regulated products during the consent order period. Consignee agents and spot purchasers are generally presumed to be ineligible to receive refunds, and applicants in those categories must furnish individual showings of the impact of ARCO's alleged pricing practices to overcome the presumption of non-injury. Resellers and retailers whose ARCO purchase volumes entitle them to volumetric refunds below $5,000 need not demonstrate injury to receive the full volumetric amount. Resellers and retailers whose ARCO *motor gasoline* volumes entitle them to an allocable share of more than $5,000 need not demonstrate injury to receive 41 percent of the full volumetric amount. Resellers and retailers whose volumes of ARCO products *other than motor gasoline* entitle them to an allocable share of more than $5,000 must establish that they absorbed the alleged overcharges and were thereby injured in order to receive their full volumetric amounts. Purchasers of motor gasoline that choose not to base their claims on the 41 percent level-of-distribution presumption also must establish that they were injured.

Although it is possible that funds will remain after all meritorious claims are granted in the first stage, we will not address the distribution of residual funds in a second state at this time. We

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That 27-month period is equal to 40 percent of the studied months.

(3) Retailers in three-tier systems experienced reduced profit margins in 28 months or 42 percent of the studied months.

(4) Retailers in three-tier systems experienced reduced profit margins in 25 months or 37 percent of the studied months.

We note that the results of our analysis differ somewhat from the results obtained from national average data in previous cases. *See, e.g.*, Mobil, 13 DOE at 88,853; Amoco, 10 DOE at 88,212. The differences are attributable to two factors: (1) The EIA's national pricing data set has been altered since 1982, when the Amoco analysis was performed, to include more accurate information and to correct errors; and (2) the Amoco analysis extended only through December 1979, not through January 1981 as in the present case.

[11] However, under the 41 percent presumption, an applicant whose total volumetric refund eligibility is less than $12,195 would receive a refund below $5,000. Clearly such a claimant would receive a larger refund—*i.e.*, $5,000—if it chose to limit its total eligibility to $5,000, since it would then fall into the "small claims presumption" category. We therefore will allow motor gasoline applicants whose volumetric refund eligibility is between $5,000 and $12,195 to receive $5,000 refunds, without imposing the 41 percent presumption.

solicit comments on all aspects of the foregoing Proposed Decision from interested individuals and organizations. All comments must be filed within 30 days of publication of this Proposed Decision in the **Federal Register.**

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Atlantic Richfield Company pursuant to the Consent Order executed on June 27, 1985, will be distributed in accordance with the foregoing Decision.

[FR Doc. 86-14984 Filed 7-1-86; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $93,907.92 obtained as a result of a consent order which the DOE entered into with King and King Enterprises, Inc., a reseller-retailer of refined petroleum products located in Kansas City, Missouri. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of the K&K consent order funds must be filed in duplicate and must be received within 90 days of publication of this notice in the **Federal Register.** All applications should refer to Case Number HEF-0108 and should be addresed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Walter J. Marullo, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision relates to a consent order entered into by the DOE and King and King Enterprises, Inc. (K&K) which settled possible pricing violations in K&K's sales of motor gasoline during the consent order period, March 1, 1979, through June 30, 1979. A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the K&K consent order funds was issued on May 1, 1986, 51 FR 17822 (May 15, 1986).

The Decision sets forth procedures and standards that the DOE has formulated to distribute the contents of an escrow account funded by K&K pursuant to the consent order. The DOE has decided that a portion of the consent order funds should be distributed to ten first purchasers which the DOE's audit of K&K indicated may have been overcharged, provided each files an Application for Refund and adequately demonstrates injury. Applications for Refund will also be accepted from first purchasers and downstream customers not identified by the DOE audit. In order to receive a refund, an unidentified claimant will be required to submit a schedule of its monthly purchases of K&K motor gasoline and to demonstrate that it was injured by K&K's pricing practices. A downstream purchaser must also submit the name of its immediate supplier and indicate why it believes the motor gasoline was originally sold by K&K.

As the accompanying Decision and Order indicates, Applications for Refunds may now be filed by customers that purchased K&K motor gasoline during the consent order period. Applications will be accepted provided they are filed in duplicate and received no later than 90 days after publication of this Decision and Order in the **Federal Register.** The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: June 24, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

June 24, 1986.

Name of Firm: King and King Enterprises, Inc.

Date of Filing: October 13, 1983

Case Number: HEF-0108

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. On October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with King and king Enterprises, Inc. (K&K). This Decision and Order contains the procedures which OHA has formulated to distribute the funds received pursuant to that consent order.

I. Background

K&K is a "reseller-retailer" of refined petroleum products as that term was defined in 10 CFR 212.31 and is located in Kansas City, Missouri. A DOE audit of K&K's records revealed possible violations of the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart F. A Notice of probable Violation (NOPV) issued by ERA on September 29, 1980, alleged that between March 1, 1979, and June 30, 1979, K&K committed possible pricing violations amounting to $507,237.16 with respect to its sales of motor gasoline.

In order to settle all claims and disputes between K&K and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, K&K and the DOE entered into a consent order on August 31, 1981. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. The consent order also states that K&K does not admit that it violated the regulations.

Under the terms of the consent order, K&K was required, in a series of installments, to deposit $81,934.56, plus interest, into an interest-bearing escrow account for ultimate distribution by the DOE. K&K made its final payment on August 18, 1983.[1] This decision concerns the distribution of the funds in the escrow account, including accrued interest.

On May 1, 1986, a Proposed Decision and Order (PD&O) was issued which set forth a tentative plan for the distribution of refunds to parties that were injured by K&K's alleged violations in its sales of motor gasoline. 51 FR 17822 (May 15, 1986). The PD&O stated that in order to recompense parties that were injured by K&K's alleged violations of the DOE regulations, we would rely in part upon the information developed by ERA in its audit of the firm. *See, e.g., Marion Corp.*, 12 DOE ¶ 85,014 (1984) (*Marion*). With this type of material, a reasonably precise determination can be made as to

[1] K&K paid $93,097.92, including installment interest, into the escrow account. This amount represents the principal which will form the basis for refund calculations. As of May 31, 1986, the K&K escrow account contained $132,253.31 including accrued interest.

the identity of possibly overcharged parties as well as the level of any overcharges. At the same time, we recognized that there may have been other purchasers that were allegedly overcharged during the consent order period but which were not identified by the ERA audit. Since these purchasers would also be entitled to a portion of the consent order funds, procedures by which they could establish a claim were also proposed.

A copy of the PD&O was published in the Federal Register and comments were solicited regarding the proposed refund procedures. In addition, a copy of the PD&O was mailed to each purchaser identified in the audit file whose address was available. Copies were also sent to various petroleum dealers associations. Since no comments were received concerning the procedures, they will be adopted as proposed.

II. Refund Procedures

The general guidelines which OHA may use to formulate and implement a plan to distribute funds received as the result of a consent order are set forth in 10 CFR Part 205, Subpart V. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981); and *Office of Enforcement*, 8 DOE ¶ 82.597 (1981) (*Vickers*).

A. *Refunds to Identified Purchasers.* In the PD&O we stated that during the DOE's audit of K&K, ten first purchasers were identified as having been allegedly overcharged. ERA also alleged overcharges to unidentified customers. As in previous cases, the funds in the escrow account will be used to make refunds to (i) the first purchasers identified by the audit which satisfactorily demonstrate that they were injured by the alleged overcharges, (ii) other injured first purchasers, and (iii) subsequent repurchasers that can also show injury. *See, e.g., Bob's Oil Co.*, 12 DOE ¶ 85,024 (1984); *Richards Oil Company*, 12 DOE ¶ 85,150 (1984). The first purchasers identified by the audit, with the share of the settlement allotted to each by ERA, are listed in the Appendix to this Decision.

On the basis of the information in the record at this time, we will distribute a portion of the escrow funds to the firms listed in the Appendix provided that they file refund applications and demonstrate injury in accordance with the presumptions and findings outlined in Section C below.[2] Refunds will be authorized for those firms in the amounts indicated, plus accrued interest to the date they receive refunds.[3] However, we have been unable to directly solicit an application from D&D Oil since its present address is unknown. In an attempt to locate this firm, we will provide K&K and various petroleum dealers associations with copies of this Decision and will publish a notice in the Federal Register. Information regarding the identity and location of D&D Oil will be accepted for a period of 90 days following the date of publication of notice in the Federal Register of this final Decision and Order.[4]

B. *Refunds to Unidentified Purchasers.* As noted above, this Decision concerns the distribution of the entire $93,907.92 that K&K deposited into the escrow account, plus accrued interest to date. Since the refunds tentatively allotted to identified purchasers total only $23,683.59, the remaining portion of the K&K consent order funds may be distributed among first purchasers other than those identified by the ERA audit, as well as to subsequent repurchasers which may have been injured by the alleged overcharges.

Since it was impossible for ERA to assign specific overcharges to unidentified customers and repurchasers, we will use a volumetric method to determine the potential refunds of these applicants. This method presumes that the unassigned alleged overcharges were spread equally over all the gallons of motor gasoline sold by K&K to unidentified purchasers during the consent order period. Under the volumetric method, a previously unidentified claimant that adequately demonstrates injury (*see* Section C below) will be eligible to receive a refund equal to the number of gallons it purchased from K&K times the volumetric factor. The volumetric factor is the average per gallon refund and in this case equals $0.010441.[5] In addition, successful claimants will receive a proportionate share of the accrued interest.

We recognize that a particular unidentified purchaser could have suffered a disproportionate share of the alleged overcharges. Any purchaser who can make a showing of disproportionate overcharge may file a refund application based on such a claim.

C. *Demonstration of Injury.* The assignment of overcharge amounts to both identified and unidentified purchasers is only the first step in the distribution process. We must also determine whether these claimants were injured or were able to pass through the alleged overcharges. In order to be eligible to receive a refund, all claimants will have to file an application and, with the three exceptions discussed below, show the extent to which they were injured by the alleged overcharges. To the extent that any individual or firm can establish injury, it will be eligible for a share of the consent order fund.

In this case we will adopt two rebuttable presumptions as well as two findings regarding injury. These presumptions and findings have been used in many previous special refund cases. We will presume that purchasers of K&K motor gasoline which are claiming small refunds ($5,000 or less, excluding accrued interest) were injured by the alleged overcharges. In the absence of compelling material, we will also presume that spot purchasers were not injured. In addition, we find that end-users or ultimate consumers of K&K motor gasoline whose business operations are unrelated to the petroleum industry were injured by the alleged overcharges. Finally, we will not require a detailed demonstration of injury from regulated utilities or agricultural cooperatives that purchased K&K motor gasoline and passed the alleged overcharges associated with that product through to their end-user members. Prior OHA decisions provide detailed explanations of the base of these presumptions and findings. *E.g., Peterson Petroleum, Inc.*, 13 DOE ¶ 85,191 at 88,508–10 (1985). The rationale for their use was also fully explained in the PD&O. 51 Fed. Reg.

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[2] One of the firms listed in the Appendix is itself involved in an enforcement proceeding with the DOE. On October 29, 1982, the ERA issued a Proposed Remedial Order (PRO) alleging overcharges by Highway Oil, Inc. on its sales of motor gasoline during the period, November 1973 through April 1974. The alleged overcharges specified in the PRO totaled $2,806,430.55, including interest through September 1982. We may delay granting a refund to Highway until the issues underlying that enforcement proceeding are resolved.

[3] The share of the K&K escrow fund allocated to each firm listed in the Appendix represents 16.15 percent of the amount each was allegedly overcharged plus its proportionate share of the installment interest paid by K&K. This is consistent with the terms of the K&K consent order which settled for 16.15 percent of the total amount of overcharges alleged in the NOPV. However, purchasers identified in the ERA audit as having allegedly been overcharged may attempt to show that they should receive refunds larger than those indicated.

[4] If we are unable to locate D&D Oil we will reserve the funds allocated to that firm for distribution in a subsequent proceeding.

[5] This per gallon factor is computed by dividing the $70,244.33 available for distribution to unidentified purchasers by the 6,727,516 gallons of motor gasoline which K&K sold to those customers during the consent order period.

17822 at 17824–25 (May 15, 1986). These presumptions and findings will permit claimants to apply for refunds without incurring disproportionate expenses and will enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a claimant might make such a showing, it is generally required to demonstrate (i) that it maintained a "bank" of unrecovered costs, and (ii) that market conditions did not permit it to pass on the increased costs to its customers in the form of higher prices.[6]

As in previous cases, only claims for at least $15 will be processed. We have found through our experience in prior refund cases that the cost of processing claims for refund of less than $15 outweights the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b). The same principle applies here.

If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

III. Applications for Refund

We have determined that by using the procedures described above, we can distribute the K&K consent order funds as equitably and efficiently as possible. Accordingly, we will not accept Applications for Refund from individuals and firms that purchased K&K motor gasoline between March 1, 1979, and June 30, 1979. As we proposed, a portion of the consent order funds will be distributed to the firms listed in the Appendix provided that they file Applications for Refund and make any necessary demonstrations of injury. We will also grant refunds to any other purchasers or subsequent repurchasers of K&K motor gasoline which apply for refunds and demonstrate injury.

In order to receive a refund, a claimant identified by ERA must submit either a schedule of its monthly purchases of motor gasoline from K&K or a statement verifying that it purchased motor gasoline from K&K and is willing to rely on the data in the audit file. A purchaser not identified by ERA will be required to provide specific information as to the date, place, and volume of K&K motor gasoline purchased as well as the name of the firm from which the purchase was made. All applicants, whether identified or unidentified, must prove injury in accordance with the presumptions and findings outlined above.

In addition, all applications must state:

(1) Whether the applicant has previously recieved a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying this proceeding;

(2) Whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund;

(3) Whether the applicant is or has been involved as a party in any DOE enforcement proceedings or private actions filed under § 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action oand its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d); and

(4) The name and telephone number of a person who may be contacted by this Office for additional information.

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

All applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the information has been deleted. All applications should refer to Case No. HEF–0108 and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

It is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by King and King Enterprises, Inc. pursuant to the Consent Order executed on August 31, 1981, may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: June 24, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX—FIRST PURCHASERS

First purchaser	Share of settlement [1]
D & D Oil	$104.21
EA-ZEE, 408 S. Main, Gardner, KS 66030	895.24
Fisca Oil, Post Office Box 3363, Kansas City, KS 66103	404.99
Graves Truck, 4310 S. Jackson, Tulsa, OK 75222	45.00
Highway Oil, Inc., First National Bank Building, 12th Floor, Topeka, KS 66603	9,013.97
Mica Oil, Post Office Box 2423, Shawnee Mission, KS 66201	580.25
Petroleum Trading and Transport Co., 616 Philtower Building, Tulsa, OK 74103	8,952.39
Quick Trip, Post Office Box 3475, Tulsa, OK 74107	296.05
United Oil, 9405 W. 106th, Overland Park, KS 66212	2,839.66
Walker Oil, 222 W. Gregory, Kansas City, MO 64114	551.83

[1] Not including interest which has accured on the escrow account.

[FR Doc. 86–14985 Filed 7–1–86; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed; Week of May 16 Through May 23, 1986

During the Week of May 16 through May 23, 1986, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

June 24, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

[6] Resellers or retailers that claim a refund in excess of $5,000 but which do not attempt to establish that they did not pass through the price increases will be eligible for a refund of up to $5,000 without being required to submit evidence of injury beyond purchase volumes. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,122 (1982) (Ada).

List of Cases Received by the Office of Hearings and Appeals

[Week of May 16 Through May 23, 1986]

Date	Name and location of applicant	Case No.	Type of submission
May 12, 1986	Coline/Nevada, Carson City, NV	RM2-28	Request for modification/rescission in the Coline second stage refund proceeding. If granted: The Jan. 23, 1986 decision and order (Case No. RQ2-218) issued to Nevada would be modified regarding the State's restitutionary plan submitted in the Coline second stage refund proceeding.
Do	Gulf/Kaye L. Bole, Marshall, MI	RR40-1	Request for modification/rescission in the Gulf refund proceeding. If granted: The Sept. 23, 1985, decision and order (Case No. RF40-3049) issued to Bole Oil Co. would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.
May 13, 1986	Amtel/U.S. Oil Co., Inc., Washington, DC	RR46-1	Request for modification/rescission in the Amtel refund proceeding. If granted: The Apr. 15, 1986 decision and order (Case No. RF46-34) issued to U.S. Oil Co. would be modified regarding the firm's application for refund submitted in the Amtel refund proceeding.
May 15, 1986	Southard Oil Co. et al., Hardin, KY	KQR-0010	Request for modification/rescission. If granted: The Apr. 24, 1986, decision and order (Case No. HQF-0588) issued in the Standard Oil Co. of Indiana second stage refund proceeding would be modified to permit consideration of Southard Oil Company et al.'s first stage refund applications.
May 19, 1986	Belridge/Nevada, Carson City, NV	RM8-27	Request for modification/rescission in the Belridge second stage refund proceeding. If granted: The Apr. 4, 1984 decision and order (Case No. RQ-80) issued to Nevada would be modified regarding the State's restitutionary plan submitted in the Belridge second stage refund proceeding.
Do	Carleton Oil Co., Union, MS	KEE-0048	Exception to the reporting requirements. If granted: Carleton Oil Co. would no longer be required to file form EIA-782B "Resellers/Retailers' Monthly Petroleum Product Sales Report."
Do	Park Corner Oil Co., Lodi, WY	KEE-0017	Exception to the reporting requirements. If granted: Park Corner Oil Co. would no longer be required to file EIA reporting forms—EIA-782B "Resellers/Retailers' Monthly Petroleum Product Sales Report" and EIA-863 "Petroleum Product Sales Identification Survey."
May 19, 1986	Bayou State/E-Z Mart Stores, Inc., Texarkana, TX.	RR117-1	Request for modification/rescission in the Bayou State/Ida gasoline refund proceeding. If granted: The May 6, 1986 decision and order (Case No. RF117-10) issued to E-Z Mart Stores, Inc. would be modified regarding the firm's application for refund submitted in the Bayou State/Ida gasoline refund proceeding.
Do	Plaquemines Oil Sales Corp., Washington, DC.	KEF-0039	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR part 205, subpart V, in connection with the Nov. 1, 1983 settlement with Plaquemines Oil Sales Corp.
Do	Suburban Propane Gas Corp., Washington, DC.	KEF-0038	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR part 205, subpart V, in connection with the Mar. 21, 1986, Consent Order entered into with Suburban Propane Gas Corp.
May 22, 1986	The Herald, Dublin, CA	KFA-0036	Appeal of an information request denial. If granted: The May 13, 1986, freedom of information request denial issued by the Chief of FOI and Privacy Acts would be rescinded and the Herald would receive access to a complete testimony delivered by Don Ofte and Edward Badolato before the House Armed Services Committee on Dec. 5, 1985.
May 23, 1986	Wavaho Oil Co., Lacey's Springs, AL	KEE-0049	Exception to the reporting requirements. If granted: Wavaho Oil Co. would no longer be required to file form EIA-782B "Reseller/Retailers Monthly Petroleum Product Sales Report."

Refund Applications Received

[Week of May 16 to May 23, 1986]

Date received	Name of refund proceeding/Name of refund applicant	Case no.
May 16, 1986	Beacon/Thurman Distributors.	RF238-44
Do	Beacon/G. N. Renn, Inc.	RF238-45
May 19, 1986	Beacon/San Lucas Truck Stop.	RF238-46
Do	Beacon/Frost Oil Co.	RF238-47
Do	Beacon/Redding Petroleum, Inc.	RF238-48
Do	Beacon/Purmax Oil Co.	RF238-49
Do	Beacon/Spartan Tank Lines, Inc.	RF238-50
Do	Beacon/California Fuels.	RF238-51
May 20, 1986	Beacon/L. F. Archer Co.	RF238-52
May 19, 1986	Martin/H. S. & L., Inc.	RF240-15
Do	Power Pak/Webbs Grocery.	RF241-5
May 5, 1986	Bayside/V. Savino Oil & Heating Co.	RF244-1
May 15, 1986	Howell Quintana/Karl Amelung.	RF245-1
May 20, 1986	Conoco/Doyle Bros., Inc.	RF220-372
May 22, 1986	Crystal/Tyler Corp	RF233-39
May 6, 1986	Gulf/Glades Road Gulf.	RF40-3150
May 19, 1986	Gulf/University Gulf	RF40-3149
Do	Gulf/Shrev City Gulf	RF40-3148
May 16, 1986	Gulf/Kieras Oil, Inc	RF40-3147
May 19, 1986	Husky/Dale's Husky Truck Stop.	RF161-92
Do	Armour/Automatic Gasoline System, Inc.	RF167-7
May 5, 1986	Southern Union/McCornick & Sons Oil Co.	RF182-3

Refund Applications Received—Continued

[Week of May 16 to May 23, 1986]

Date received	Name of refund proceeding/Name of refund applicant	Case no.
May 16, 1986	Eastern NJ/Vornado, Inc.	RF232-406
May 19, 1986	Eastern NJ/Hotel New Tremont, Inc.	RF232-405
Do	Eastern NJ/Our Lady Queen of Peace.	RF232-404
Do	Eastern NJ/Grand Furniture.	RF232-403
Do	Eastern NJ/Theordor Leonard Wax Co.	RF232-402
Do	Eastern NJ/Milton Coleman.	RF232-401
Do	Eastern NJ/Chemical Prod. Corp.	RF232-400
Do	Pride/Kent Oil & Tracking Co.	RF235-11
Do	Amoco/Wyoming	RQ21-295
Do	Belridge/Wyoming	RQ8-296
Do	Crystal/Mid-Continent, Inc.	RF233-38
May 21, 1986	Amoco/Kansas City Power & Light Co.	RF21-12610
Do	Amtel/Alvarado Premier Service.	RF46-51
May 22, 1986	Eastern NJ/Don Bosco Technical High.	RF232-408
Do	Eastern NJ/Grey Realty Co.	RF232-407
May 21, 1986	Howell/Quintana/Conoco, Inc.	RF245-2
May 20, 1986	Beacon/Cotta & Son Beacon Dist.	RF238-53
May 22, 1986	Beacon/Reilly's Coin-Op Car Wash.	RF238-54
Do	Beacon/Valley Oil Distributing Co.	RF238-55
Do	Earth/Chevron, U.S.A., Inc.	RF239-15

Refund Applications Received—Continued

[Week of May 16 to May 23, 1986]

Date received	Name of refund proceeding/Name of refund applicant	Case no.
May 23, 1986	Martin/Addison Petroleum Co.	RF240-17
May 22, 1986	Martin/Koch Refining Co.	RF240-16
May 21, 1986	Gulf/Georgia Power Co.	RF40-3151
Do	Gulf/Lay's Gulf Service.	RF40-3152
Do	Gulf/Hill Bros. Gulf	RF40-3153
Do	Gulf/J. O. Avery Grocery.	RF40-3154
Do	Gulf/Roundtree Grocery.	RF40-3155
Do	Gulf/Walter L. Edmonds Service.	RF40-3156
Do	Gulf/Moran's Service Station.	RF40-3157
Do	Gulf/Steuben Park Gulf.	RF40-3158
Do	Gulf/Walker's Gulf	RF40-3159
May 22, 1986	Gulf/South Mississippi Electric Power Association.	RF40-3161
Do	Gulf Foshee Service	RF40-3162
Do	Gulf/Five Points West Gulf.	RF40-3160
Do	Gulf/Rogers Gulf	RF40-3163
Do	Gulf/Wigwam Gulf	RF40-3164
May 19, 1986 thru May 23, 1986.	Mobil refund applications.	RF225-8152 thru RF225-8432

[FR Doc. 86-14980 Filed 7-1-86; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of May 23 Through May 30, 1986

During the Week of May 23 through May 30, 1986, the appeal and the applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 24, 1986.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 23 Through May 30, 1986]

Date	Name and location of applicant	Case No.	Type of submission
May 29, 1986	Lockheed Air Terminal, Inc., Burbank, CA	KEE-0050	Exception to the reporting requirements. If granted: Lockheed Air Terminal, Inc. would not be required to file Form EIA 782B, "Reseller/Retailers' Monthly Petroleum Product Sales Report."
May 28, 1986	Government accountability project, Washington, DC	KFA-0037	Appeal of an information request denial. If granted: Government accountability project would receive access to DOE information conerning the RMI Company's extrusion plant.

REFUND APPLICATIONS RECEIVED

Week of May 23 to May 30, 1986

Date received	Name of refund proceeding/name of refund applicant	Case No.
May 23, 1986	Beacon/L.A. Co.	RF238-56
Do	Pride/Gypsum Transport, Inc.	RF235-15
Do	Pride/Oil Transport Co.	RF235-14
Do	Pride/Merchant's Fast Motor Lines.	RF235-13
Do	Pride/Menard, Inc.	RF235-12
Do	Eastern/John Hopkins University.	RF215-13
Do	Conoco/Harry Charlton Co., Inc.	RF220-373
May 27, 1986	Eastern NJ/ Greyhound Corp.	RF232-413
May 28, 1986	Beacon/R.J. Julien Oil Co.	RF238-59
Do	VGS/South Mississippi Electric.	RF191-5
Apr. 23, 1986	Eastern NJ/Pine Apts., et al.	RF232-410 thru RF232-412
May 23, 1986	E.B. Lynn/Schlosser Bros. Auto.	RF246-2
May 21, 1986	E.B. Lynn/Hill Oil of Pennsylvania.	RF246-1
May 29, 1986	Beacon/V. Ganduglia Trucking.	RF238-60
Do	Eastern NJ/YM-YMHA.	RF232-414
Do	Eastern/Howard Bus Co.	RF215-16
Do	Eastern/Barry E. Christy.	RF215-15
Do	Eastern/B-60 Ranch	RF215-14
Do	Gulf/Union Electric Co.	RF40-3169
Do	Amoco/Union Electric Co.	RF21-12611
Do	Gulf/Plutschak's Gulf	RF40-3168
Do	E.B. Lynn/K-Amoco	RF246-3
Do	Amoco/Thompson's Gas, Inc.	RF21-12614
May 30, 1986	Martin/Dearborn Wheels.	RF240-19
Do	Eastern NJ/Echo Lanes.	RF232-415
Do	Conoco/Monty's Conoco.	RF220-376
Do	Conoco/Wayne's Service.	RF220-375
Do	Conoco/Community Oil Co.	RF20-374
May 27, 1986	Gulf/Joseph A. Eckel	RF40-3170
Do	Vickers/Oklahoma	RQ1-297
Do	Sid Richardson/ Geiger Enterprises.	RF26-37
May 23, 1986	Gulf/Hollywood Gulf Service.	RF40-3165
May 27, 1986	Gulf/Holiday Gulf Service.	RF40-3166

REFUND APPLICATIONS RECEIVED—Continued

Week of May 23 to May 30, 1986

Date received	Name of refund proceeding/name of refund applicant	Case No.
Do	Gulf/Waller Avenue Gulf Gulf.	RF40-3167
May 23, 1986	Apco/Pat's Apco	RF83-147
May 27, 1986	Howell Quintana/ Ashland Petroleum Co.	RF245-3
May 12, 1986	Eastern NJ/New Jersey Realty Co.	RF232-409
May 27, 1986	General Equities/ Story Bros.	RF224-10
May 14, 1986	Sigmor/Cudd Enterprises, Inc.	RF242-15
May 19, 1986	Sigmor/McCoy enterprises.	RF242-14
May 27, 1986	Sigmor/Barbour Brothers, Inc.	RF242-13
Do	Martin/Chief Petroleum Co.	RF240-18
Do	Beacon/Vereschagin Oil Co.	RF238-58
May 23, 1986	Beacon/Mack J. Sylver, Inc.	RF238-57
May 30, 1986	Amoco/Sanders Amoco.	RF21-12612
Do	Amoco/Southard Oil Co.	RF21-12613
May 27, 1986 thru May 30, 1986.	Mobil Oil refund applications.	RF225-8433 thru RF225-8509

[FR Doc. 86-14981 Filed 7-1-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180692; FRL-3024-4]

Emergency Exemptions; Fluazifopbutyl, etc.

Correction

In FR Doc. 86-12377, beginning on page 20340 in the issue of Wednesday, June 4, 1986, make the following corrections on page 20340:

1. In the second column, in **"SUPPLEMENTARY INFORMATION,"** in the fourth line of the paragraph designated 2, the date is corrected to read "March 27, 1986".

2. In the third column, in the third complete paragraph, in the first line, "my" should read "may".

BILLING CODE 1505-01-M

[OPP-50657; FRL-3024-7]

Issuance of Experimental Use Permits; BASF Corp. et al.

Correction

In FR Doc. 86-12376, beginning on page 20341 in the issue of Wednesday, June 4, 1986, make the following corrections in the first column on page 20342:

1. The eighth line of the first complete paragraph should read: "yl]amino]carbonyl]amino]sulfonyl] benzoate on".

2. The tenth line of the second complete paragraph should read: "methoxypyrimidin-2-".

BILLING CODE 1505-01-M

[OPP-240067; FRL-3028-2]

State Registration of Pesticides

Correction

In FR Doc. 86-12893, beginning on page 21237 in the issue of Wednesday, June 11, 1986, make the following corrections:

On page 21239, first column, the first entry under "Utah" should be the last entry under "Tennessee".

BILLING CODE 1505-01-M

[OPP-240068; FRL-3028-3]

State Registrations of Pesticides

Correction

In FR Doc. 86-12894, beginning on page 21235 in the issue of Wednesday, June 11, 1986, make the following corrections:

On page 21236, in the first column, **"SUPPLEMENTARY INFORMATION"**, in the eleventh line, "registrations, none" should read "registrations will be published periodically. Of the following registrations,".

BILLING CODE 1505-01-M

[OPTS-59765; FRL-3017-5]

Toxic and Hazardous Substances Control; Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 86-11077, beginning on page 18040 in the issue of Friday, May 16, 1986, make the following correction:

On page 18041, in the first column, in premanufacture notice Y 86-139, third line, the last two words were run together and should read "alkanediol and".

BILLING CODE 1505-01-M

[OPP-42062A; FRL-3040-4]

Approval of Amendment to Wyoming Pesticide Applicator Certification Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Approval of an Amendment to the Wyoming Pesticide Applicator Certification Plan.

SUMMARY: The Wyoming Department of Agriculture (the Department) submitted to EPA an amendment to its approved plan for the certification of applicators of restricted use pesticides to include applicators of the Livestock Protection Collar (collar). EPA issues a notice, which was published in the **Federal Register** of January 22, 1986 (51 FR 2964), of its intent to approve that amendment and to allow 30 days for public comment. EPA received comments on several parts of the plan. Those comments and the Agency's response to them are discussed below. This notice announces the approval of the amendment to Wyoming's Plan.

EFFECTIVE DATE: July 2, 1986.

FOR FURTHER INFORMATION CONTACT: Edward L. Stearns, Air and Toxics Division (8AT-TS), Region Viii, Environmental Protection Agency, Suite 1300, 999 18th St., Denver, Colorado 80202-2413, (303-293-1745).

SUPPLEMENTARY INFORMATION: Only the Defenders of Wildlife (Defenders) submitted comments on EPA's proposed approval. The Defenders submitted lengthy comments critical of the registration of the Livestock Protection Collar. The Defenders had previously submitted these comments to EPA during the registration of the Livestock Protection Collar, and the comments were considered by EPA at that time. Therefore, no futher response to these comments is being made. The Defenders comments germane to the Wyoming Certification Plan are addressed below.

A comment was made that other State agencies be given a role in enforcing the certification program. The Wyoming Department of Agriculture is the only agency authorized by State law to enforce the certification requirements. EPA enforces the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act in Wyoming. Therefore, EPA will be enforcing the Federal requirements governing the use of collars in Wyoming.

It was commented that written procedure for consultation with the U.S. Fish and Wildlife Service, Office of Endangered Species (OES), by the Wyoming Department of Agriculture should by included in the certification plan. The Wyoming Department of Agriculture is not required to consult with OES. The label lists those counties where the presence of endangered species requires prior written authorization from OES before the collar can be used. It is the responsibility of the user to obtain that written authorization from the OES.

A comment was made that Wyoming law at 35-7-367(c)(iv) did not give Wyoming the authority to investigate complaints of injury to wildlife. Wyoming regulations (Chapter XXVIII, section 2(T)) include "animals" in the definition of "land" and thus provide specific authority to investigate wildlife injury complaints. In addition, Wyoming law at 35-7-367(c)(ii) gives the State authority to inspect anywhere that the collar is reported to be used whether or not a complaint has been filed.

Clarification was requested on the statement that "collars will be made available only from the Department office." Wyoming intends that a certified applicator must complete an order form, including signature, requesting collars for his own use only and enclosing payment for those collars. The collars can be picked up at the Cheyenne Office by anyone who is also certified in collar use or may be delivered by a Department employee. No collars will be shipped by either commercial carrier or by U.S. mail.

A comment was made that the Wyoming plan did not comply with EPA requirements in that the State requires monthly reporting of suspected poisonings, of endangered species, humans, domesic animals, and other non-target wildlife when EPA requires reporting within 3 days. The Wyoming plan has been amended to require reporting within 3 days.

A question was asked as to whether Department employees receiving collars for disposal would be trained. Proper disposal of collars is part of use and therefore requires that the person be certified in collar use.

A question was asked about how the Department made its estimate of number of applicators. The number of commercial applicators is based on a count of the employees of the Department, the U.S. Fish and Wildlife Service, and the Wyoming Game and Fish Commission, who might be involved with collar use. The estimate of private applicators is based on an analysis of crop and livestock reporting statistics. Both numbers may differ from actual numbers, once the program is implemented.

A comment was made that the certification training to be provided does not include information on non-lethal control methods. This is incorrect. Both items B and E in the training material listed in the Wyoming plan include information on non-lethal methods to reduce predation.

A comment was made that the 70 percent passing score required on the examination was too lenient and should be increased to 95 percent. The passing score required on an examination should be an indication that the person understands the material. The passing score assigned should also be an indication of the difficulty of the examination. The Wyoming certification examination has 100 questions covering 14 competency standards (Attachment B to the plan). EPA has determined that this examination with a 70 percent passing score adequately measures a person's comprehension of the required standards.

At the time the plan was submitted to EPA, the use restrictions had not been finalized and the use restrictions then in draft were included in the plan. A comment was made that the draft use restrictions (Attachment C to the plan) included in Wyoming's plan did not include two counties where endangered species clearance is now required by the final use restrictions. On page 3 of the

plan it was noted that Attachment C was not a final version. The final use restrictions with this requirement will be added to the plan. These restrictions also are part of the labeling and therefore take precedence over the Wyoming plan in any enforcement action.

Comments were made concerning the adequacy of the reporting forms that collar users must complete and submit. It was recommended that the form require specific information on the search for lost collars and collared animals, including injuries or death to target and non-target animals. It was also recommended that the form require information on pasture size, terrain, and vegetation type and that the form include space for inspections at intervals more frequent than weekly. The reporting forms are an enforcement tool used to determine general compliance. On-site inspections are used to verify the information contained in the forms and to assure the applicator is in compliance with the use requirements. The applicators will have been trained in how to conduct a search. The forms as they exist will indicate when a search is needed, whether one was conducted, and the results of that search. That is sufficient when used in conjunction with a field enforcement program. The Department has amended the forms to include size of pasture, but it would not be useful for enforcement purposes to require reporting on type of terrain and vegetation. If an applicator inspects collars more frequently than once per week he or she can use more than one line on the monthly report form.

Accordingly, the amendment to the Wyoming Pesticide Applicator Certification Plan is approved.

Dated: June 19, 1986.

John G. Wells,

Regional Administrator, Region VIII.

[FR Doc. 86-14543 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

[PP 4G3152/T522; FRL-3040-3]

E.I. duPont de Nemours and Co., Inc.; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the miticide (*trans*-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) in or on the raw agricultural commodity fresh market applies.

DATE: This temporary tolerance expires May 31, 1987.

FOR FURTHER INFORMATION CONTACT: By mail: George LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 204, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2400).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of May 15, 1985 (50 FR 20285), announcing the establishment of a temporary tolerance for residues of the miticide (*trans*-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) in or on the raw agricultural commodity fresh market apples at 0.05 part per million (ppm). This tolerance was issued in response to pesticide petition PP 4G3152, submitted by E.I. duPont de Nemours and Co., Inc., Agricultural Products Dept., Walker's Mill Building, Barley Mill Plaza, Wilmington, DE 19898. This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit 352-EUP-122, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of this temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. E.I. duPont de Nemours and Co., Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the record available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires May 31, 1987. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

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

Authority: 21 U.S.C. 346a(j).

Dated: June 20, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-14544 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

[PP 5G3167/T523; FRL-3030-2]

Ethephon; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerance for residues of the plant growth regulator ethephon in or on the raw agricultural commodity popcorn.

DATE: This temporary tolerance expires May 23, 1988.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of August 7, 1985 (50 FR 31917), announcing the establishment of a temporary tolerance for residues of the plant growth regulator ethephon (2-chloroethyl)phosphonic acid in or on the raw agricultural commodity popcorn at 0.1 part per million (ppm). This tolerance was issued in response to pesticide

petition PP 5G3167, submitted by Union Carbide Agricultural Products Co., Inc., T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.

This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit 264-EUP-72, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of this temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Union Carbide must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires May 23, 1988. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

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

Authority: 21 U.S.C. 346a(j).

Dated: June 20, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-14545 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

[PP 4G3039/T524; FRL-3040-1]

Renewal of Exemptions From Requirement of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed exemptions from the requirement of tolerances for residues of the plant growth regulator lactic acid in or on certain raw agricultural commodities.

DATE: These temporary exemptions from the requirement of tolerances expire April 3, 1987.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of December 12, 1984 (49 FR 48378) that temporary exemptions from the requirement of tolerances were established for residues of the plant growth regulator lactic acid in or on the raw agricultural commodities grapes, citrus, tomatoes, alfalfa, almonds, cherries, prunes, apples, peaches, nectarines, beans (green and dry), corn (sweet and field), onions, peppers, potatoes, strawberries, sugar beets, cucumbers, squash, melons, barley, and wheat. These exemptions from the requirement of tolerances were renewed in response to pesticide petition PP 4G3039, submitted by Brea Agricultural Services, Inc., Drawer I, Stockton, CA 95201.

The company requested a renewal of the temporary exemptions from the requirement of tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 9018-EUP-1, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the exemptions from the requirement of tolerances will protect the public health. Therefore, the temporary exemptions from the requirement of tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active plant growth regulator to be used must not exceed the quantity authorized by the experimental use permit.

2. Brea Agricultural Services must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary exemptions from the requirement of tolerances expire April 3, 1987. Residues not in excess of these amounts remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemptions from the requirement of tolerances. These temporary exemptions from the requirement of tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

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

Authority: 21 U.S.C. 346a(j).

Dated: June 20, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-14546 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00070; FRL-3041-7]

Biotechnology Science Advisory Committee; Request for Suggestions for List of Candidates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Preparation of a List of Candidates.

SUMMARY: The Environmental Protection Agency is preparing a list of candidates from which nominees will be selected for the Biotechnology Science Advisory Committee (BSAC) and/or its study groups. EPA invites all interested persons to suggest qualified individuals whose names may be added to this list of candidates. The BSAC was established to provide expert scientific advice to the Agency concerning issues relating to applications of modern biotechnology. Elsewhere in today's **Federal Register** the establishment of the BSAC is announced and the text of its Charter is printed.

DATE: Submit suggestions for the list of candidates no later than August 1, 1986.

ADDRESS: Submit suggestions for the list of candidates to: Document Control Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, DC 20460.

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

SUPPLEMENTARY INFORMATION: The Charter for the BSAC, which appears elsewhere in today's **Federal Register** describes the functions of the Committee. Scientists whose names are offered should have backgrounds in one or more of the following disciplines:

Microbiology, Including the Following Subdisciplines

Microbial Ecology
Microbial Physiology
Microbial Genetics
Microbial Systematics
Public Health Microbiology
Industrial Microbiology

Molecular Biology, Genetics, Ecology Including the Following Subdisciplines

Plant
Animal
Microbial
Aquatic
Terrestrial
Ecosystem
Physiological

Plant Pathology Human Health, Including—

Toxicology
Epidemiology
Immunology

Veterinary Medicine

Any interested person or organization may submit the names of qualified persons. Suggestions for the list of the candidates should be identified by name, occupation, position, address, and telephone number; a resume of the individual's background, experience, and qualifications, should be included.

Persons selected for membership on the BSAC and/or its study groups will receive per diem compensation for travel and nominal daily compensation while attending meetings.

Suggestions for the list of candidates should be submitted no later than August 1, 1986. The Agency will not formally acknowledge or respond to suggestions.

Dated: June 24, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86-14906 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3041-81]

Chesapeake Bay Executive Council Meeting; Open Meeting

Under section 10(a)(2) of Pub. L. 92-463, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the Chesapeake Bay Executive Council established in accordance with the Chesapeake Bay Agreement of December 1983, will be held from 10:00 a.m. to 3:00 p.m. on July 17, 1986, in Room 317 at the Blue Plains Waste Treatment Plant, 5000 Overlook Avenue, SW, Washington, DC.

The agenda of the quarterly council meeting will include, but is not limited to:

1. Approve minutes from the April 10th meeting;
2. Citizen Advisory Committee—Quarterly Report to the Executive Council;
3. Announcements—Navy response to TBT letter;
4. Explanation of format for the issue sharing meeting;
5. Discussion of nutrients, toxic chemicals, and financing;
6. New Business.

Comments from the public will be welcomed at the end of the meeting as time permits. Questions about the meeting may be directed to Pat Bonner, U.S. EPA, Chesapeake Bay Liaison Office, Annapolis City Marina, Suite 109-110, Annapolis, Maryland 21403. The telephone number is: Area Code 301 266-6873.

Charles S. Spooner,

Director, Bay Liaison Office.

[FR Doc. 86-14909 Filedf 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3042-5]

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-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 August 19-20, 1986. The meeting will begin at 9:00 a.m. each day, and last until 5:00 p.m. on August 19, and until 3:00 p.m. on August 20.

The purpose of the meeting will be to 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).

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Terry F. Yosie, Director, Science Advisory Board, at (202) 382-4126. Public comment 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 August 15, 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: June 25, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-14913 Filed 7-1-86; 8:45am]

BILLING CODE 6560-50-M

[FRL-3041-9]

Science Advisory Board Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given of a one-day meeting of the Environmental Engineering Committee of the Science Advisory Board will be held at the Environmental Protection Agency, Conference Room 3906/3908M, 401 M Street SW, Washington, DC on July 24, 1986. The meeting will begin at 8:30 a.m. and last until 5:00 p.m. on July 24.

The purpose of the meeting will be to 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).

Any member of the public wishing to attend or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Terry F. Yosie, Director, Science Advisory Board, at (202) 382-4126. Public comment will be accepted at the meeting. Written comments will be accepted in any form, and there will be opportunity for brief oral statement. Anyone wishing to make oral or written comments must contact Mr. Torno prior to July 18, 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: June 25, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-14908 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00069; FRL-3041-6]

Establishment of the Biotechnology Science Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Establishment of the EPA Biotechnology Science Advisory Committee.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. I) 9(c), EPA gives notice of the establishment of a Biotechnology Science Advisory Committee (BSAC). EPA has determined that this action is in the public interest and that the BSAC will assist the Agency in performing its duties under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., as amended, and other statutes administered by EPA. EPA has established the BSAC in response to mandates described by the Office of Science and Technology Policy in its notices published in the **Federal Register** of December 31, 1984 (49 FR 50905) and November 14, 1985 (50 FR 47174). Elsewhere in today's **Federal Register**, the Agency is announcing the formation of a list of candidates from which nominees will be selected.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll-free: (800-424-9065), In Washington, DC: (554-1404), Outside the USA: (Operator-202-544-1404).

SUPPLEMENTARY INFORMATION: The text of the Charter for the BSAC follows:

Biotechnology Science Advisory Committee

1. *Purpose and authority.* This Charter establishes the EPA Biotechnology Science Advisory Committee in accordance with requirements of the Federal Advisory Committee Act, 5 U.S.C. (App. I) 9(c), to meet the needs for specialized support for Agency consideration of biotechnology issues and to respond to the mandate for "agency-based scientific advisory committees" appearing in the Office of Science and Technology Policy announcement of December 31, 1984 (49 FR 50905) and November 14, 1985 (50 FR 47174).

2. *Scope of Activity.* The activities of the Committee will include analyzing problems, conducting reviews, holding meetings, providing reports, making recommendations, forming study groups, and other activities needed to meet the Committee's objectives, including the use of consultants as necesssary.

3. *Objectives and Responsibilities.* The Committee will provide expert scientific advice to the Administrator and Assistant Administrators concerning issues relating to risks and other effects of applications of modern biotechnology. The Committee shall provide reports and recommendations directly to the Administrator and to the Assistant Administrator(s) and will do so in a timely manner. The Committee responsibilities will include:

—Consideration of scientific issues referred by Program Office Directors;

—Comparison of case reviews to evaluate internal scientific consistency among programs;

—Assessment, in participation with the Science Advisory Board, of issues requiring research and referral to appropriate Agency research committees;

—Recommendation of issues to be referred to interagency coordinating committees through appropriate delegates;

—As appropriate, participation in review and evaluation of specific regulatory applications and submissions;

—As appropriate, consultation and coordination with the FIFRA Scientific Advisory Panel established by the Administrator pursuant to section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended;

—As appropriate, consultation and coordination with the Science Advisory Board established by the Administrator pursuant to the Environmental Research, Development and Demonstration Authorization Act of 1978;

—Consultation and coordination with other Agency advisory groups, as requested by the Administrator.

4. *Membership.* The Committee will consist of 11 voting members, including 9 scientists and 2 persons representing the general public. Subcommittees must include at least one member of the full Committee. The Administrator will appoint from the membership a Chairperson of the full Committee. The Administrator or the Administrator's designee will appoint Chairpersons of subcommittees or panels as needed, after consultation with the Chairperson. The Committee will be supplemented by consultants when they are needed to extend the range of expertise and experience of the standing Committee.

Scientist members of the Committee will be selected on the basis of their professional qualifications to examine the questions of hazard, exposure and risk to humans, other non-target organisms and ecosystems or their components due to production and release of organisms for purposes regulable under statutes for which the Environmental Protection Agency has responsibility.

As a minimum, the Committee shall have one scientist member who also serves as a member of the Administrator's Science Advisory Board Executive Committee. Other members can also have joint membership on the Committee and the Science Advisory Board or its various committees or study groups.

As a minimum, the Committee shall have one scientist member who also serves as a member of the Administrator's FIFRA Scientific

Advisory Panel. Other members can also have joint membership on this Committee and the Scientific Advisory Panel or its Subpanels.

In addition, there will be nonvoting representatives from each Federal agency represented on the Biotechnology Science Coordinating Committee on the Federal Coordinating Council for Science, Engineering and Technology.

The Committee is authorized to form subcommittees or panels for any purpose consistent with this charter. The Administrator or the Administrator's designee shall review the need for such subcommittees and panels at least yearly to decide which should be continued. The subcommittees and panels will operate under the direction of the Committee.

5. *Meetings.* The Committee will meet at the request of the Administrator or the Administrator's designee. Meetings will be called, announced, and held in accordance with the EPA Manual on Committee Management. The Manual provides for open meetings of advisory committees; requires that interested persons be permitted to file written statements before or after meetings; and provides for oral statements by interested persons to the extent time permits. Meetings or portions thereof may be closed to comply with statutory restrictions concerning dissemination of proprietary and confidential information; however, the Agency is committed to having open meetings to the greatest extent possible. A full-time salaried officer or employee of the Agency, who will be designated as Executive Secretary, will be present at all meetings and is authorized to adjourn any such meeting whenever it is determined to be in the public interest.

It is anticipated that the full Committee will meet approximately three times per year, supplemented by subcommittee meetings as needed. The estimated annual operating costs for the Committee will be approximately $125,000 which includes 1.0 work-year of staff support. Support for the Committee's activities will be provided by the Office of the Administrator, EPA or other appropriate offices as necessary.

6. *Duration.* The Committee will function for two years, and may continue after the two years if needed. The continuing need for the Committee will be re-evaluated at the end of the first year.

Copies of the Committee charter will be filed with the appropriate committees of the Congress and the Library of Congress.

Dated: June 24, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86-14907 Filed 7-1-86; 8:45 am]

BILLING CODE 6560-58-M

[OPTS-41014A, 41020A, 41021A; FRL-3044-1]

Testing Consent Agreement Development for Chemical Substances Added to TSCA Priority List; Solicitation for Interested Parties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an Interim Final Rule that amends EPA's regulations for the development and implementation of testing requirements under section 4 of the Toxic Substances Control Act (TSCA). These amendments provide for testing consent agreements between EPA and affected manufacturers, processors, and interested parties for the development of testing programs. In this notice, EPA is soliciting interest in public participation in the consent agreement process for five chemical substances. Public meetings are announced to discuss EPA's preliminary testing determinations for four of these chemicals.

DATES: Submit written notice of interest to be designated an interested party on or before July 17, 1986. Public meetings will be held on July 17 and 18, 1986.

ADDRESS: Submit written notices of interest in being designated an "interested party" in triplicate identified by the document control number (OPTS-41021A), except for 3,4-dichlorobenzotrifluoride (OPTS-41014A) and diisodecylphenyl phosphite (OPTS-41020A) to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M. St. SW., Washington, DC 20460;

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, D.C. 20460; Toll Free: (800-424-9065), In Washington, DC: (554-1404), Outside the United States: (Operator-202-554-1404).

Persons interested in attending the public meetings should notify EPA by telephone on or before July 11, 1986.

SUPPLEMENTARY INFORMATION: EPA has issued amendments to the procedural regulations in 40 CFR Part 790, which govern the development and implementation of testing requirements under section 4 of TSCA. These amendments establish procedures for using enforceable consent agreements to develop testing requirements under section 4 of the Act. This notice serves three purposes under those procedures. First, it requests "interested parties" who wish to participate in testing negotiations for five chemicals recommended to EPA by the Interagency Testing Committee (ITC) to identify themselves to EPA. Second, it announces public meetings to initiate testing negotiations for four of the chemicals. Third, it proposes target schedules for implementation of the consent agreement process for three of the chemical substances under consideration.

I. Identification of Interested Parties

Under 40 CFR 790.22, the testing negotiation procedures are initiated by the publication of a **Federal Register** notice which invites persons interested in participating in or monitoring negotiations for the development of a consent agreement to notify the Agency in writing. Those individuals and groups who respond to EPA's notice by the deadline established in the notice will have the status of "interested parties" and will be afforded opportunities to participate in the negotiation process. These "interested parties" will not incur any obligations by being designated "interested parties." The procedures for these negotiations are described in 40 CFR 790.22. Five chemical substances now are being considered for testing consent agreements. These substances are diisodecyl phenyl phosphite (CAS No. 25550-98-5), cyclohexane (CAS No. 110-82-7), 2,6-di-*tert*-butylphenol (CAS No 128-39-2), tributyl phosphate (CAS No. 126-73-8), and 3,4-dichlorobenzotrifluoride (CAS No. 328-84-7). Individuals and groups desiring to have the status of "interested parties" in the development of testing consent agreements for any of these chemicals should submit a written notice of this fact to the Agency at the address given above on or before July 17, 1986.

II. Public Meetings

Public meetings will be held to announce EPA's preliminary testing determinations for four of the chemicals. The date of the public meeting for tributyl phosphate, will be announced later. The public meeting schedule is as follows:

July 17

9:30 a.m.—diisodecyl phenyl phosphite.

11 a.m.—2,6-di-*tert*-butylphenol.
1:30 p.m.—cyclohexane.

July 18

10 a.m.—3,4-dichlorobenzotrifluoride.

All meetings will be held in Rm. 103, Northeast Mall, EPA Headquarters, 401 M St. SW., Washington, DC 20460. Persons interested in attending these meetings should notify the EPA TSCA Assistance Office by telephone at the telephone numbers listed above on or before July 11, 1986.

III. Timetable for Negotiating Test Agreements

In accordance with the procedures for the development of consent agreements established in 40 CFR 790.22, the following target schedule is established for 2,6-di-*tert*-butylphenol and cyclohexane:

July 17, 1986—Public meeting to announce EPA's preliminary testing decisions.

September 29, 1986—Decision by EPA on whether to use consent order or test rule.

November 10, 1986—Draft consent order ready (if EPA decision to use consent order).

February 9, 1987—Issuance of consent order.

May 1, 1987—Statutory deadline for response to ITC's priority designation.

EPA currently plans to proceed on a similar schedule for 3,4-dichlorobenzotrifluoride except that there is no statutory deadline for EPA's response to the ITC's recommendations for this substance because it was not designated by the ITC for response by EPA within 1 year.

In accordance with the procedures for the development of consent agreements established in 40 CFR 790.22, the following target schedule is established for tributyl phosphate:

October 3, 1986—Public meeting to announce EPA's preliminary testing decisions.

December 12, 1986—Decision by EPA on whether to use consent order or test rule.

January 9, 1987—Draft consent order ready (if EPA decision to use consent order).

May 1, 1987—Issue consent order

or

July 10, 1987—Issue notice of proposed rulemaking for test rule.

EPA's schedule for diisodecyl phenyl phosphite, which also has been recommended by the ITC but not designated for response by EPA within 1 year, will be published in a subsequent **Federal Register** notice.

Authority: 15 U.S.C. 2603.

Dated: June 27, 1986.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division.

[FR Doc. 86-15050 File 7-1-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 86-282]

For Authority to Construct, Launch and Operate Space Stations in the Domestic Fixed-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order granting request for modification of application.

SUMMARY: On August 29, 1985 the Commission authorized Martin Marietta Communications Systems, Inc. (Martin Marietta) to construct three, and launch and operate two, space stations in the domestic fixed-satellite service. The Commission concluded, however that Martin Marietta had not provided the information required by Domestic Fixed-Satellite Service Transponder Sales, 90 FCC 2d 1238 (1982) (*Transponder Sales Order), aff'd sub nom.* World Communications, Inc. v. FCC, 735 F.2d 1465 (D.C. Cir. 1984) necessary to grant transponder sales authority. Consequently, the Commission ordered that Martin Marietta could provide service only on a common carrier basis until the appropriate transponder sales authority was applied for and granted. Martin Marietta petitioned the Commission to modify its decision, arguing it had provided sufficient information. The purpose of this *Order* is to relax the information requirements of the *Transponder Sales Order* to reflect the current status of the transponder market and relevant regulatory changes. Moreover, this *Order* grants Martin Marietta authority to provide satellite transponder capacity on a noncommon carrier basis.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Wilbert E. Nixon, Jr., Common Carrier Bureau, Domestic Facilities Division, (202) 634-1624.

Martin Marietta Communication System, Inc. [File Nos. 952/953-DSS-P/LA-84; 954-DSS-P-84].

This is a summary of the commission's memorandum opinion and order, adopted June 4, 1986, and released June 20, 1986.

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

Summary of Memorandum Opinion and Order

1. On August 29, 1985 the Commission released its *Order and Authorization (Order),*[1] FCC 85-416, granting Martin Marietta Communications Systems, Inc. (Martin Marietta) authority to construct three, and launch and operate two, space stations in the domestic fixed-satellite service in accordance with the Commission's decision in *Domestic Fixed-Satellite Service: Assignment of Orbital Locations,* FCC 85-396 (released August 29, 1985) (50 FR 35228; August 30, 1985). In the *Order,* the Commission concluded that Martin Marietta had not provided sufficient information to be authorized to sell several of the transponders, citing *Domestic Fixed-Satellite Service: Transponder Sales,* 90 FCC 2d 1238 (1982) (*Transponder Sales Order*), *aff'd sub nom. Wold Communications, Inc.* v. *FCC, 735* F.2d 1465 (D.C. Cir. 1984) (*Wold*). Consequently, the Commission ordered that Martin Marietta could provide service only on a common carrier basis until the appropriate transponder sales authority was applied for and granted. On September 30, 1985, Martin Marietta petitioned the Commission to modify the *Order* arguing it had in fact provided sufficient information. It urges the Commission to grant the desired transponder sales authority. No comments were filed in response to Martin Marietta's request. For the reasons set forth below, we grant Martin Marietta's request for authority to make available, on a noncommon carrier basis, through sale or long-term lease, 33% of its space segment capacity, on the condition that it supplies the Commission with the exact number of transponders it intends to make available on that basis.

2. In the *Transponder Sales Order,* the Commission that the public interest would be served by authorizing domestic satellite communications system licensees to make a limited part of their transmission capacity available to end users on a noncommon carrier basis by sale. One of the factors

[1] Not published in the **Federal Register.**

considered in authorizing the sales was the percentage transponders offered on a noncommon carrier bais vis-a-vis the total number of transponders authorized. Each authorization was granted only after a Commission finding that the authorization would not result in an unacceptable small percentage of transponders provided on a common carrier basis. *See, e.g., Licensing of Space Stations in the Domestic Fixed-Satellite Service,* 54 Rad. Reg. 2d 577 at 603 (P&F) (1983); *Southern Pacific Satellite Co.,* 92 FCC 2d 666 (1982). Furthermore, we stated that applicants seeking to offer transponders on a noncommon carrier basis should include information as to (1) the proposed disposition of all satellite transponders, particularly as to whether common carriage or noncommon carriage, (2) if transponders are to be made available to other parties, the nature of such offerings (e.g. pursuant to ownership contracts, long or short term leases, etc.) and the principal terms of the offerings (e.g. ownership rights, warranty obligations, lengh of contract, etc.) (3) marketing plans so that the NARUCI [1] test can be applied, and (4) the number of transponders and the name of the purchasing customer for which sale contracts, if any, have been executed. *Transponder Sales Order,* 90 FCC 2d at 1260. Absent such showings, space station licensees must be prepared to offer service on a common carrier basis until noncommon carrier authorization is granted. *See, e.g., Rainbow Satellite, Inc.,* 94 FCC 2d 437,438 n.2 (1983).

3. Although Martin Marietta has addressed each of the information items specified in the *Transponder Sales Order,* the substantive information provided is vague. Nevertheless, we conclude that given the current availability of transponders offered on both a common carrier and noncommon carrier basis, and the lack of harm to consumers flowing from the lessened regulation of satellite offerings since the *Transponder Sales Order,* a relaxation of the information requirements is in order. Martin Marietta's application satisfies the requirements announced herein. Accordingly, we find conditional grant of Martin Marietta's request for transponder sales authority is warranted.

4. We will continue to monitor the effect our transponder sales authorization policy has on the domestic satellite industry. However, we also believe it useful, in light of current developments, to clarify the less stringent justification we will require of domestic staellite licensees requesting noncommon carrier sales authority.

5. Based on these findings, we believe that domestic satellite licensees should be routinely authorized to offer transponders on a noncommon carrier basis absent a showing that it would not be in the public interest by a petitioner.[2] Absent such a showing, we will not view any particular percentage of noncommon carrier transponders as a *prima facie* limit. Parties still must seek authority, and must advise us of the number of noncommon carrier transponders, but need not provide the other information noted in paragraph 2, above. The request still will be placed on public notice for 30 days, but parties opposing the proposal have the burden of proving it is not in the public interest.

Ordering Clauses

6. Accordingly, it is ordered that the Request for Modification of Application File Nos. 952/953-DSS-P/LA-84 and 954-DSS-P-84 is granted and Martin Marietta Communications Systems, Inc. is authorized to make available, on a noncommon carrier basis, transponders on its two space stations provided that Martin Marietta Communications Systems, Inc. submits to the Commission a statement specifying the exact number of transponders it wishes to provide on a noncommon carrier basis within 60 days of the release of this order.

7. Martin Maritta Communications Systems, Inc. is afforded thirty days from the date of release of this *Memorandum Opinion and Order* to decline this authorization as conditioned. Failure to respond within that period of time will constitute formal acceptance of this authorization as conditioned.

Federal Communications Commission,
William J. Tricarico,
Secretary.

[FR Doc. 86-14949 Filed 7-1-86; 8:45 am]
BILLING CODE 6712-01-M

[1] *See* National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630 (D.C. Cir.) *cert. denied,* 425 U.S. 999 (1976) (hereinafter referred to as *NARUC I*). In this case, the D.C. Circuit Court of Appeals held that an "indisciminate holding out" of communication services to the public is an essential element of common carriage.

[2] In light of our finding, we will require that petitions to deny set forth clearly and concisely the facts relied upon, the relief sought, the statutory and/or regulatory provisions (if any) pursuant to which the request is filed and under which relief is sought, and the interest of the person submitting the request. 47 CFR 1.41.

FEDERAL RESERVE SYSTEM

Application To Engage de Novo in Permissible Nonbanking Activities; BancHills Bancorp, Inc.

The company listed in this notice has filed an application under §225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(e)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested pesons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 23, 1986.

A. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vie President) 400 South Akard Street, Dallas, Texas 75222:

1. *BancHills Bancorp, Inc.,* Austin, Texas; to engage *de novo* through its subsidiary, BancHills Brokerage Corporation, Austin, Texas, in providing securities brokerage activities, restricted to buying and selling securities solely as agent for the account of customers and will not include securities underwriting

or dealing or the provision of investment advice or research services pursuant to §225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 27, 1986.

James McAfee,

Association Secretary of the Board.

[FR Doc. 86-14989 Filed 7-1-86; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Coastal Bancorp et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 25, 1986.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Coastal Bancorp*, Portland, Maine; to become a bank holding company by acquiring 100 percent of the voting shares of Coastal Savings Bank, Portland, Maine, a *de novo* bank.

B. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice Presicent) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Sidney Banc Corp.*, Sidney, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank, Sidney, Ohio. Comments on this application must be received not later than July 18, 1986.

Board of Governors of the Federal Reserve System, June 27, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-14990 Filed 7-1-86; 8:45 am]

BILLING CODE 6201-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[FDA 225-86-8400]

Memorandum of Understanding With the University of Mississippi

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the University of Mississippi (UM). The purpose of this understanding is to provide a mechanism for a collaborative program between UM and FDA's National Center for Toxicological Research (NCTR).

EFFECTIVE DATE: The agreement became effective April 28, 1986.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1583.

SUPPLEMENTARY INFORMATION: In accordance with § 20.108(c) (21 CFR 20.108(c)) which states that all agreements and memoranda of understanding between FDA and others shall be published in the Federal Register, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between the University of Mississippi and the Food and Drug Administration National Center for Toxicological Research

I. Purpose

This agreement will provide the mechanism for a collaborative program between the University of Mississippi and the Food and Drug Administration's National Center for Toxicological Research (NCTR).

II. Background

The University of Mississippi is a state-operated University governed by the Board of Trustees of State Institutions of Higher Learning with approximately 9,004 students. Basic to the existence of the University is the development of students who are well prepared and highly motivated to pursue advanced study in the biomedical sciences. The primary resource used to this end is a faculty whose talents are constantly refreshed through the availability of state-of-the-art equipment and scientific techniques.

The National Center for Toxicological Research is a Federal laboratory specializing in biomedical research. A part of NCTR's goal is to assist in developing highly qualified toxicologists who can apply their talents to solving problems facing the FDA and society. The collaborative program with the University of Mississippi provides an opportunity to accomplish this while furthering NCTR's research goals.

III. Substance of Agreement

Through this agreement, NCTR will provide facilities, equipment, materials, and laboratory space for faculty and selected students who will serve as guest workers at the Center. In addition, NCTR will provide, through established FDA personnel procedures, appointments for qualified faculty members to conduct collaborative research. These appointments will be provided during summers, periods of sabbatical leave, or at other mutually agreeable periods, as positions for this purpose become available. Each party will also provide short-term assignments to the other institution for purposes of furthering collaborative research in areas relevant to NCTR's mission.

NCTR and the University of Mississippi will establish a joint guest lecture and seminar program for the benefit of all members of both institutions to promote exchange of information on the latest developments at both institutions. To further accomplish this objective, members of the staffs of NCTR and the University of Mississippi will be granted access to the library facilities of both institutions.

It is also the intention of both parties to work together to explore the feasibility of developing a consortium comprised of schools of pharmacy and other appropriate disciplines from regional institutions and NCTR.

IV. Name and Address of Participating Parties

A. The University of Mississippi, University, MS 38677.

B. Food and Drug Administration, National Center for Toxicological Research, Jefferson, AR 72079.

V. Liaison Officer

A. For the University of Mississippi: Dean, School of Pharmacy (currently

Wallace L. Guess, Ph.D.), 601–232–7265.

B. For the National Center for Toxicological Research: Director, National Center for Toxicological Research (currently Ronald W. Hart, Ph.D.), 501–541–4517.

VI. Period of Agreement

This agreement becomes effective upon acceptance by both parties and will continue indefinitely. It may be modified by mutual consent or terminated by either party upon a 60-day advance written notice to the other.

Approved and accepted for the University of Mississippi:
By: *s/Morris L. Marx, Ph.D.,*
Title: *Vice Chancellor for Academic Affairs,*
Date: *December 20, 1985.*

Approved and accepted for the Food and Drug Administration:
By: *s/ Frank E. Young, M.D.,*
Title: *Commissioner of Food and Drugs,*
Date: *April 28, 1986.*

Dated: June 25, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–14879 Filed 7–1–86; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[BERC–345–FN]

Medicare Program; ESRD Program; Monthly Capitation Payment for Physicians' Outpatient Maintenance Dialysis Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice.

SUMMARY: Under the Medicare program, physicians receive a monthly capitation payment (MCP) for services provided to outpatient maintenance dialysis patients. The ratesetting methodology used to compete the MCP includes a home/facility physician treatment capability ratio which reflects that physicians can care for more home dialysis patients than infacility patients in a given time. The current ration is 10:7 (or about 1.4 to 1). This notice will correct this ratio based on statistically valid physician treatment capability data. The new ratio will be 3.9 to 1.

EFFECTIVE DATE: This final notice is effective August 1, 1986.

FOR FURTHER INFORMATION CONTACT: Robert Niemann, (301) 597–1810.

SUPPLEMENTARY INFORMATION:

I Background

A. General.

Physicians' services to renal dialysis patients are reimbursable if the services are otherwise covered by the Medicare program and if they are reasonable and medically necessary. Before August 1983, the Medicare program reimbursed physicians for services provided to outpatient maintenance dialysis patients under one of two methods—the initial method or the alternative reimbursement method (ARM).

On May 11, 1983, under the authority of section 1881(b)(3)(B) of the Social Security Act (the Act), we published in the **Federal Register** final regulations (48 FR 21254) that, effective August 1983, eliminated the intitial method and the ARM and implemented a new monthly capitation payment (MCP) system.[1] Regulations implementing the MCP system are located at 42 CFR 405.542. Under the MCP system a physician is reimbursed a single predetermined amount per patient per month for the physican's outpatient dialysis services. The same amount is paid for home dialysis patients as for infacility dialysis patients. Because physicians spend much less time with home dialysis patients as compared to infacility dialysis patients, the MCP provides an economic incentive for physicians to promote the use of home dialysis. Until a modified form of the initial method is reinstated in accordance with the court's order, the MCP is the only way that the Medicare program pays for physicians' outpatient maintenance dialysis services.

B. MCP System—Ratesetting Methodology and Current Rates

The current rates for physicians' services to outpatient maintenance dialysis patients set under the May 11, 1983 final rule range from $144 per patient per month to $220 per month, with an average rate of $187.88 per month. (This number represents a weighted average by State ESRD population using the latest figures.) Each locality has an MCP rate, determined as follows:

As a proxy for the physician's involvement with a dialysis patient we assumed a value of one physician/patient contact per dialysis session, and 149 dialysis sessions per patient per year, or 12.4 dialysis sessions per patient month. We used this figure of 12.4 sessions as a base multiplier. We applied this multiplier to the local prevailing charge for a medical specialist's brief follow-up office visit for an established patient (CPT–4 Code 90040). We added to the resulting figure an amount representing a routine monthly examination, based on the prevailing charge for an intermediate follow-up office visit (CPT–4 Code 90060). We weighted this sum for the national averages of patients dialyzing infacility (83 percent) and at home (17 percent). We weighted for the infacility proportion by multiplying the sum based on the medical procedure model by .83. We weighted for the home proportion by multiplying the base sum by .17, and then multiplied that result by .7 which represents the 10:7 home/facility physician treatment capability ratio used under the previous ARM system. A home physician treatment capability ratio of 10:7 means that a physician can care for about 10 home patients for every 7 facility patients, a ratio of about 1.4 to 1. In other words, home patients require about 70 percent as much physician care as facility patients.

Finally, as under the previous ARM system of payment, we set upper and lower limits on physician monthly capitation payments based on a truncated list of national prevailing charges for CPT–4 Codes 90040 and 90060. We set the upper limit based on the ninetieth percentile of charges and the lower limit based on the sixteenth percentile. The sixteenth percentile was chosen because there was only a $1 difference between the tenth and sixteenth percentiles and the resulting lower limit yielded a more reasonable range of payments compared to the previous ARM range.

II. Proposed Notice

On March 19, 1986, we published a proposed notice that would correct the home/facility physician treatment capability ratio based on statistically valid physician treatment capability data (51 FR 9530). Briefly, the major provisions of the proposed notice are as follows:

- Correct the 1.4 to 1 physician treatment capability ratio currently used in the MCP ratesetting methodology to 3.9 to 1.
- As a result of correcting the physician treatment capability ratio to 3.9 to 1, the average MCP rate would become $173.07 per patient per month

[1] In response to a law suit, *National Association of Patients on Hemodialysis and Transplatation, Inc. et al. v. Heckler,* 558 F. Supp. 1108 (D.D.C. 1984), a federal district court has ordered the Secretary to reinstate a modified form of the initial method. The effect of this court decision would essentially provide two options for payment for physician outpatient maintenance dialysis services. We are proceeding to develop a notice of proposed rulemaking to accomplish this end. It will be published in the **Federal Register** shortly.

with upper and lower limit rates of $203.00 and $132.00, respectively.

A detailed explanation of the above changes is contained in the March 19, 1986 proposed notice (51 FR 9530).

III. Analysis of and Responses to Public Comments

We received 89 letters of comments from 82 nephrologists, 3 administrators of dialysis facilities, 2 dialysis nurses, 1 physician association, and 1 individual (the spouse of a nephrologist). The comments and our responses to those comments are discussed below.

A. Reducing the Monthly Capitation Payment (MCP)

Comment: Some commenters objected to reducing nephrologists' Medicare reimbursement and noted that no other physicians' reimbursement will be affected.

Response: The report issued by the General Accounting Office (GAO) on February 1, 1985 (GAO/HRD–85–14), on which the correction of the home/facility physician treatment capability ratio is based, included only physicians' dialysis services. No other physicians' services were surveyed. We are adjusting the MCP based on the best national data available to us with respect to utilization of physicians' dialysis services.

Coment: Commenters gave various reasons against our reducing the MCP. Commenters believe the MCP should not be reduced because:

- A reduction will result in physicians spending less time with patients with end stage renal disease (ESRD), possibly choosing not to care for patients with ESRD and would cause decline in quality of care.
- Treatment for ESRD is more complicated now. Physicians must attend more meetings and read literature to keep informed. More medical conditions are cared for on an outpatient basis now than before, and these services are now covered under the MCP.
- All physicians' rates have been frozen, and the MCP is now being reduced, while operating overhead has been increasing.
- A reduction is unfair. HCFA is expecting that physicians will continue, for ethical reasons, to furnish services no matter what the reimbursement level.

Response: There has been a steady growth in the number of physicians who care for dialysis patients since the beginning of the Medicare ESRD program in 1973. For example, the American Medical Association (*Physicians Characteristics and Distribution in U.S. Cities*) reports the following statistics:

1981—2,438 nephrologists
1982—2,558 nephrologists
1983—2,935 nephrologists

There is no evidence of a shortage of physicians in this area of medicine and no evidence to suggest that an average reduction of 7.88 percent in the MCP will create a shortage. Furthermore, when surveyed on this issue during the December 15, 1983 study, *Physicians Who Care for End-Stage Renal Disease Patients: A National Study of Their Practices, Patients and Patient Care* (Robert E. Mendenhall, Project Director), 35 percent of the nephrologists responded that they believed there was an excess number of nephrologists. In addition, the GAO studied the actual services furnished on an outpatient basis. We are adjusting the MCP to assure that it accurately reflects the physician involvement shown in that study.

Comment: Commenters believe that reducing the MCP encourages physicians to hospitalize patients in order to receive a higher daily payment. These commenters recommend that we consider a reimbursement system that would remove any financial incentive to hospitalize ESRD patients.

Response: Unnecessary hospitalization inconveniences patients and needlessly utilizes patients Part A benefits, thereby raising the possibility of patients not having Part A benefits when they are really needed. This practice also abuses the health care system by expending resources which could be used to finance necessary care. We do not believe that physicians on the whole would intentionally inconvenience their patients and abuse the health care system in order to maximize their income. Furthermore, Peer Review Organizations review Medicare inpatient services for medical necessity and appropriateness. If a pattern of abuse is detected, intensified review would follow and appropriate corrective action would be taken.

Comment: Some commenters believe that physicians treating ESRD patients will stop treating nonrenal-related conditions (for example, colds, joint problems), and will instead refer patients to other physicians causing added patient inconvenience and program expense. Some commenters stated that physicians may stop helping patients with administrative problems, such as filling out claims forms, ordering supplies, and arranging for vacation dialysis. Some commenters objected to the present MCP covering services furnished by other physician specialists, particularly when it is necessary to refer a dialysis patient to another physician for specialized care.

Response: The MCP is not intended to cover nonrenal-related services unless they are furnished at the same time as the dialysis services. It may be medically necessary and appropriate to refer patients to other physicians for nonrenal-related problems, and such services are separately reimbursable. Helping patients with administrative problems is not a covered physician's service and cannot be considered when setting the MCP.

Comment: Some commenters believe that while home dialysis patients require less care and attention because they are healthier and more self-sufficient than infacility patients, the MCP should not depend on the ratio of home to infacility patient visits, or on the ratio of time spent with home patients as compared to infacility patients.

Response: As discussed in the Federal Register on May 11, 1983 (48 FR 21269), we set the MCP as a weighted average between the services required to care for an infacility dialysis patient versus a home dialysis patient. This is consistent with the statutory mandate to promote the use of home dialysis through physician reimbursement (see section 1881(b)(3)(B) of the Act).

Comment: A commenter agrees that treating home patients is less time-consuming for a nephrologist and supports a reduction in payment to physicians for treating them. However, the commenter believes that reimbursement for care furnished to infacility dialysis patients properly reflects the time and effort devoted to their care. Therefore, the commenter recommends not changing the existing MCP for treating infacility patients.

Response: We pay the same rate for both types of patients. The MCP is a weighted average between infacility and home dialysis patients. This is intended to encourage home dialysis as required by section 1881(b)(3)(B) of the Act. To accept this recommendation would instead create an economic incentive for the use of infacility dialysis.

Comment: Commenters believe that much time is spent with home patients at times other than visits; for example, telephone calls, family and patient counselling, consultations with other health care professionals, and paperwork. Also, the physician is called to the patient's home for difficult cases when a nurse cannot handle a problem.

Response: Medically necessary physicians' visits to patients' homes are Medicare covered physicians' services

included in the MCP and were taken into account when we set the rate. (See 48 FR 21269.) The other services listed in this comment are not separately covered under the Medicare program as physicians' services and should be taken into account by physicians in setting their charges for visits and other covered services. Therefore, comparative time differences spent on these activities for home patients versus infacility patients are not recognized in the MCP rate methodology.

Comment: A commenter noted that the MCP does not recognize different patient mix in different dialysis facilities; for example, pediatric, elderly, diabetic.

Response: The commenter is correct in that the MCP paid to an individual physician is not adjusted to accommodate those unusual situations when a physician, for example, may treat only pediatric patients. The MCP is an average prospective capitation payment based on national data and, therefore, represents a cross section of all physicians' practices in the country. This is consistent with section 1881(b)(3)(B) of the Act, which provides for a comprehensive monthly fee for an aggregate of services.

Comment: Commenters noted that the Gramm-Rudman-Hollings legislation enacted December 12, 1985 (Pub. L. 99–177) is reducing physicians' payment amounts by 1 percent and that the proposed MCP reduction would be an additional burden imposed on physicians.

Response: We have set the MCP at its most appropriate level based on the most recent available data on utilization of physicians' dialysis services. The Gramm-Rudman-Hollings legislation (Pub. L. 99–177; December 12, 1985) is a statutory action by Congress that is independent of the MCP and that applies to payment for all Medicare services. It would be inconsistent with our statutory mandate to set the MCP at a rate higher than that warranted by the data to offset any burden occasioned by this law.

Comment: A commenter believes that if we update the treatment capability ratio, we should also update the prevailing charges upon which the MCP is based. Another commenter believes HCFA is not abiding by its regulation at 42 CFR 405.542(c)(3), which states that the MCP "will be related to program experience and to the charging practices of comparable physicians for comparable services."

Response: We are not updating the MCP; we are correcting a factor in the MCP that did not accurately reflect medical practice at the time we published final regulations implementing the MCP (May 11, 1983; 48 FR 21254). We will continue to review the MCP in light of program experience and medical practice and will consider appropriate changes based on our ongoing review.

Comment: One commenter argued that the proposed change represents a change in methodology. The commenter stated that the proposed notice was "far afield from the averaging concept prescribed in the May 11, 1983 **Federal Register**. It would result effectively in the system being based on a per visit methodology."

Response: We are not certain why the commenter believes that our proposal represents a change in methodology. We do not believe that this proposal represents such a change. In our May 11, 1983 final rule we based the monthly payment on 149 dialysis sessions per patient per year, or 12.4 dialysis sessions per patient per month. In addition, we added an amount representing a routine monthly examination. We then weighted this result by a home/facility physician treatment capability ratio. We have not changed this methodology and we are not changing the MCP to reflect the actual number of visits reported in the GAO study. Rather, we are correcting only the factor which reflects the *ratio* of the number of visits furnished to home dialysis patients as compared to that of infacility dialysis patients.

B. 1985 GAO Study.

Comment: Some commenters stated that the GAO study was too early (data were collected in the latter half of 1982) to take into account the prevalence of Continuous Ambulatory Peritoneal Dialysis (CAPD) and that CAPD home dialysis patients require more time than infacility and other home patients.

Response: While it is true that CAPD was not so widespread in 1982 as it has become, the GAO study, nonetheless, presents the best, most recent data on practice patterns. Furthermore, because of the time it takes to conduct a study of this magnitude and to tabulate, analyze, and publish the results, data will always lag behind recent developments to some extent.

Comment: Several commenters stated that the GAO study contradicts the results of the Mendenhall study referred to earlier, which they claimed showed the home/facility physician treatment capability ratio to range from 1.1 to 1 to 1.5 to 1. Also, the Mendenhall study documents that home patient visits are longer in duration and more complex than infacility patient visits.

Response: Our analysis of the GAO study results shows that infacility patient visits are longer in duration than home patient visits by a 12.3 to 7.8 ratio; that is, they are on average about 1.6 times as long. Our analysis of the Mendenhall study results shows that the number of outpatient physician visits for infacility dialysis patients is about four times that for home dialysis patients. Therefore, the Mendenhall study confirms the ratio found in the GAO study (3.9 to 1). We believe the reason for the difference between the commenters' analysis of the Mendenhall study and ours is that when the commenters calculated the ratio of physicians' services furnished to infacility versus home dialysis patients, they included services that are not covered under the MCP, for example, inpatient services.

Comment: Commenters questioned the accuracy of the GAO study for various reasons: they stated that no control group was studied, that the tone of the report suggests it was biased toward a preconceived conclusion, that HCFA never required physicians to document their involvement with the patients' care during dialysis and that is why there was a shortage of documentation; further, commenters believe that the sample of physicians was not statistically selected and physicians were not given a chance to respond to the GAO findings.

Response: The part of the study upon which this notice was based used a questionnaire responded to by physicians. There was no need for a control group, nor was documentation a requirement. The sample of physicians was selected statistically. Because this portion of the GAO report only summarized the physicians' own responses to questions on their own activity, it was neither necessary nor appropriate to solicit their comments on the results.

Comment: Several commenters believe that the GAO study is flawed because the GAO audit only looked at visits and not other care, for example, laboratory analysis. Visits are not always documented (that is, the medical record does not always reflect all services furnished to a patient) and GAO did not take these services into account. Also, GAO did not ascertain the full range of services furnished, only those furnished during the dialysis episode.

Response: This part of the GAO study was not based on an audit; instead it was based on physicians' actual responses to a questionnaire. The GAO questionnaire asked for all encounters between the physician and the patient, both during dialysis and at other times.

However, the only result we used from the GAO study was the *ratio* of visits for infacility versus home dialysis patients. We did not adjust the MCP based on the lower absolute *number* of visits furnished to dialysis patients found by GAO.

Comment: Some physicians commented that their practice was not properly characterized by the GAO study. The physicians claimed to spend more time with home patients than the study showed.

Response: We recognize that there are variations in individual practices and among patients. The GAO study was national in scope and represents a cross section of all physicians' practices in the country. As a prospective capitation reimbursement system, the MCP was similarly intended to be national in scope and based on national averages. There will always be physicians whose practices deviate from the norm, but we believe that a uniform national policy must be set based on average and not individual data.

Comment: A commenter pointed out that the Department of HHS had itself commented on the GAO report that the GAO data were not sufficient to authorize a reduction in the MCP "at this time".

Response: This DHHS comment was made on a preliminary draft of the GAO report. This draft did not contain the complete statistical information provided in the final report. After the final report was pubished with the additional statistical information, DHHS was able to evaluate the accuracy and reliability of the data and concluded that they were sufficient to justify a reduction in the MCP.

C. Effects on Beneficiaries

Comment: Commenters believe that some medically indigent patients who qualify for Medicaid benefits under the current MCP rates might lose their Medicaid eligibility with a reduction in their copayment liability. The commenters believe this would increase the patients' out-of-pocket expenses because physicians may not be able to forgive nonpaying patients their copay obligation.

Response: Copayment is a statutory obligation of the beneficiary. Medicare policy is based on the presumption that copayment is collected and that a reduction in copayment benefits beneficiaries. Furthermore, there is no evidence that the 7.88 percent reduction in the MCP will adversely affect the Medicaid eligibility of a large number of patients.

Comment: Some commenters believe that the number of physicians accepting assignment of claims or participating in the Medicare program may decrease, resulting in hardship on patients whose copayment obligations would thereby increase.

Response: There is no evidence to support this comment. However, there is no requirement that a physician must accept assignment on individual Medicare claims or participate in the Medicare program. Physicians choose whether or not to participate or accept assignment from ESRD patients just as they do for other Medicare patients. Furthermore, HCFA is charged with the duty of setting payment levels which are supported by the data available to us, even if these payment levels affect assignment rates.

D. Continuous Ambulatory Peritoneal Dialysis (CAPD)

Comment: A commenter believes that HCFA should not promote home dialysis on the grounds that it saves program dollars since CAPD (the most popular form of home dialysis) costs as much as or more than infacility hemodialysis. Also, the commenter believes that more physician services are required to train patients to perform CAPD at home than to train patients to perform home hemodialysis.

Response: Sections 1881(b)(3)(B) and 1881(b)(7) of the Act require that HCFA's payment systems promote the use of home dialysis.

E. Other Commenters

Comment: Commenters believe that the Medicare program is unfair in the lower amounts it pays for "cognitive" (medical) services compared to surgical services and in paying less for the same services to physicians in rural practice than to those in cities.

Response: Medicare reasonable charges for medical versus surgical services, and rural versus urban practices are based on physicians' historical changing practices.

Comment: A commenter believes that we should save money by ceasing to support patients with hopelessly terminal illnesses and recommends that we bring back committees that would decide who should receive dialysis. The commenter requests that we maintain present payment rates and achieve program savings instead by rationing health care; that is, by limiting entitlement to select ESRD patients.

Response: This issue is beyond the scope of this notice. The MCP is paid for each dialysis patient under the physician's care without regard to the patient's prognosis.

Comment: HCFA should reinstate a modified form of the "Initial Method" of payment as ordered by the court in *National Association of Patients on Hemodialysis and Transplantation, Inc., et al. v. Heckler*, so that physicians have a choice to be paid fee-for-service instead of under the MCP.

Response: As noted above, we are preparing a proposed rule to comply with the court's decision. It will be published in the near future.

F. Impact Analysis Comments

Comment: One commenter believes that the proposed notice should have been treated as a major rule under Executive Order 12291 because it would raise prices to consumers (as a result of fewer physicians accepting assignment and more physicians raising their charges to the patient), and it would affect the employment of many physicians.

Response: The criteria for identifying major rules are given in full in section IV. below. They include factors such as "a major increase in costs or prices for consumers," and "significant adverse effects on . . . employment." As we stated in the proposed notice, we do not believe this change meets any of these criteria.

It is true that some physicians, not accepting assignment, may increase their charges and thus increase the out-of-pocket expenses for some beneficiaries. However, as we have elsewhere explained, we do not expect this to be such a widespread phenomenon as to result in a major increase in prices for ESRD beneficiaries as a whole. On the contrary, for those beneficiaries served by physicians who continue to take assignment, prices will be decreased.

We voluntarily performed an initial regulatory flexibility analysis in the proposed notice because of the effect it would have on physicians. We did not, however, consider this effect to constitute a significant adverse effect on physicians' employment. Physicians are professionals who work under a variety of compensation arrangements. Their aggregate and individual revenue or compensation may be affected by this change, but we doubt that this will result in physician unemployment. ESRD patients will still need dialysis and physician services and the patient population and our program expenditures may both be expected to continue to increase. Thus, we see no basis for a finding that three will be a significant adverse effect on physician employment as a result of this notice.

Comment: A commenter believes that the analysis contained in the proposed rule was inadequate.

Response: The commenter did not explain what factors other than those discussed in the analysis in the proposed notice should be addressed. We believe that our analysis showed the economic impact on the average physician treating ESRD beneficiaries based on the best national data available to us. See section IV. following for our Regulatory Impact Statement and final Regulatory Flexibility Analysis.

Comment: In the impact analysis to our March 19 proposed notice, we stated that generally a physician who treats dialysis patients spends about 21.3 percent of his or her time performing services covered by the MCP. We used this figure in our estimate that there would be a 1.67 percent reduction in the average physician's overall earnings from patient care.

Some commenters accepted that the average renal physician spends 21.3 percent of his or her time performing services covered under the MCP, but believe that the MCP may represent substantially more than 21.3 percent of a physician's practice income.

Response: There is no evidence to support this commenter's position. We have always set the MCP considering comparable services furnished by comparable physicians (42 CFR 405.542(c)(3)) and we believe that the MCP adequately reflects the services furnished.

Comment: Some physicians commented that their practice was not properly characterized by the impact analysis. These physicians stated that their practices are comprised of a greater percentage of ESRD patients than 21.3 percent.

Response: Again, as we stated earlier with respect to the GAO study, we recognize that there are variations in individual physicians, practices and among patients. The Mendenhall study, upon which the 21.3 percent figure in the impact analysis is based, was national in scope and represents a cross section of all physicians, practices in the country. There will always be physicians whose practices deviate from the norm, but the 21.3 percent figure represents the national average.

IV. Regulatory Impact Statement and Regulatory FLexibility Analysis

A. Introduction

Executive Order 12291 requires that, for any major rule, a regulatory impact analysis be performed and made available to the public. A "major rule" is defined as one that is likely to result in:

- An annual effect on the national; economy of $100 million or more;
- A major increase in costs or prices for consumers, any industries, any government agencies, or any geographic regions; or
- 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 import markets.

In addition, consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), we prepare and publish a regulatory flexibility analysis for notices such as this for which an opportunity for public comment is offered, unless the Secretary certifies that the notice will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat all physicians participating in Medicare as small entities.

In considering whether the change to the MCP requires a regulatory impact analysis or regulatory flexibility analysis, we determined that it will not meet the criteria for a major rule under the Executive Order. However, we determined that the change will have a significant impact on a substantial number of physicians. Therefore, although a regulatory impact analysis is not required, we have voluntarily performed a regulatory flexibility analysis.

In the discussion below, we discuss the expected impact of this change and summarize our expectations of the net effect. This discussion, combined with the rest of this notice, serves as a regulatory flexibility analysis consistent with the requirements of the RFA.

B. Estimated Savings

We estimate the following annualized savings to the program for fiscal years 1986 to 1990:

	Savings (in millions)
Fiscal year:	
1986	[1] 2.1
1987	12.8
1988	13.4
1989	14.0
1990	14.6

[1] Assumes implementation date of August 1, 1986.

C. Impact on Beneficiaries

Assuming that all physicians accept assignment for all patients, we estimate savings to beneficiaries would be as follows:

	Savings (in millions)
Fiscal year:	
1986	[1] 0.5
1987	3.2
1988	3.4
1989	3.5
1990	3.6

[1] Assumes implementation date of August 1, 1986.

However, not all physicians accept assignment, and some who do, accept assignment on a case-by-case basis. The estimated savings have not been adjusted for those factors.

For beneficiaries treated by physicians who do not accept assignment, the reduction of the MCP may result in more out-of-pocket expenses for the beneficiary. Beneficiaries may, as a result, elect to receive services from physicians who accept assignment, if they are available in a given locale. Because there is an ample supply of physicians in the ESRD program, we do not believe there will be an adverse effect on access to care.

Those beneficiaries who receive services from physicians who accept assignment will experience, on the average, a $2.96 decrease in their monthly coinsurance obligation on the MCP.

D. Impact on Physicians

We estimate the average MCP reduction to be 7.88 percent of $187.88, or $14.81 per dialysis patient per month. Generally, a physician who treats dialysis patients spends about 21.3 percent of his or her time performing services covered by the MCP.[2] Assuming that physicians are reimbursed comparably for both the services included under the MCP and their other patient care services, the MCP reduction will represent a 1.67 percent (21.3 percent times 7.88 percent) reduction in overall earnings from patient care. This will not be a substantial reduction in net earnings.

For physicians who accept assignment, payments for services to dialysis patients will be reduced by 7.88 percent. Some physicians may choose not to accept assignment, and to bill beneficiaries for amounts in excess of the MCP. However, we do not expect this notice to affect significantly the rate of assignment or participation. A physician's decision to accept

[2] Based on our analysis of the final report of HCFA Grant Number 95-P-98174-9-01, *Physicians Who Care for End-Stage Renal Disease Patients: A National Study of Their Practices, Patients and Patient Care.* December 15, 1983. Robert E. Mendenhall, Project Director. For further information contact Ed Dean (301) 594-8488.

assignment for some or all of his or her Medicare patients must take into consideration patients' ability to pay, barriers to collection of payments in excess of Medicare reasonable charges, and the willingness and ability of patients to charge physicians. For the two years that participation agreements have been available, the rates of participation for nephrologists have been the highest, almost twice the average for all physicians (46.2 percent versus 27.9 percent). There is an ample supply of physicians in the ESRD program; about one for every 28 patients. Thus, in many localities, patients are able to select a physician who accepts assignment.

E. Conclusion

There will be a benefit to many beneficiaries in cost savings on coinsurance payments. Further, the program savings to the government will be substantial. The costs of this change generally will be borne by physicians treating dialysis patients. Since we anticipate no adverse effect on access to care, we conclude that the benefits to society as a whole outweigh the related costs.

V. Other Required Information

A. Paperwork Burden

This notice does not impose information collection requirements. Consequently, it does not need to be reviewed by the Executive Order of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

(Section 1881 of the Social Security Act (42 U.S.C. 1395rr); 42 CFR 405.542)

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare-Supplementary Medical Insurance).

Dated: June 25, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 86-15049 Filed 7-1-86; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Availability of Funds for Home Health Services and Training

AGENCY: Health Resources and Services Administration, Public Health Services, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that funds are available for (1) grants and loans for the establishment and initial operation of home health services programs, including the expansion of services by existing entities into new geographic areas, and (2) grants to assist in the development of appropriate training programs for paraprofessionals (including homemaker home health aides) to provide home health services. Public Law (Pub. L.) 99-178, the Department of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act of 1986 appropriated, after sequestration, $1.4 million under section 339 of the Public Health Service (PHS) Act (42 U.S.C. 255) for home health services and training.

DATE: To receive consideration as being on time, mailed applications must be postmarked on or prior to July 25, 1986, and received in the HHS regional office (see Appendix) in time for processing. 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 will not be acceptable as proof of timely mailing. Hand-delivered applications must be received by close of business July 25, 1986. Awards will be made in September 1986.

FOR FURTHER INFORMATION CONTACT: Appropriate Regional Health Administrator (see Appendix).

SUPPLEMENTARY INFORMATION: The Orphan Drug Act (Pub. L. 97-414), which was enacted on January 1, 1983, revised title III of the PHS Act (the Act) to establish the Home Health Services Program. This authority was extended through fiscal year 1987 by Pub. L. 98-555. Section 339(a) of the Act provides that the Secretary may make grants to public and private nonprofit entities to meet the initial costs of establishing and operating home health programs and may make loans to proprietary entities for these purposes. Grants and loans may also be awarded to existing entities for expanding home health services to a new geographic service area. Section 339(b) of the Act authorizes the Secretary to award grants and enter into contracts with public and private entities to assist them in developing appropriate training programs for paraprofessionals (including homemaker home health aides) to provide home health services.

HRSA has decided to allocate the $1.4 million as follows: $500,000 for the establishment and initial operation of home health services programs under section 339(a) of the Act and $900,000 for carrying out training programs for home health paraprofessionals under section 339(b) of the Act.

It is anticipated that 10 awards for services under section 339(a) and 18 training assistance awards under section 339(b) will be made under this announcement. The average services award is expected to be $50,000 and the average training award is expected to be $50,000. These awards are for a one-year period. Costs for grants to state and local governments will be determined in accordance with OMB Circular No. A-87. For other grantees, costs will be determined by HHS Regulations 45 CFR Part 74, Subpart Q, and for for-profit grantees, in subpart AA of 45 CFR Part 74 and the applicable cost prinicples described in 45 CFR 74.175. As described in the statute at section 339(a)(3)(B), loans under this program will be made at market rates of interest. Generally, the rate charged on such loans would be determined by the Treasury Current Value of Funds (CVF) rate which is currently 8 percent. Loans under this program must be paid within 10 years of award.

Applications may be made by completing the standard PHS Grant Application (form (PHS-5161) for services grants and loans and for training grants. A competitive review of applications will be the basis for selecting successful proposals for grants and loans.

Grants and Loans for Services Projects (Section 339(a))

In awarding funding under section 339(a) for the establishment and initial operation of home health service programs, including the expansion of existing home health service programs in new goegraphic areas, HRSA will give preference to those applicants which intend to provide services in areas where there is a high percentage of the population componsed of individuals who are elderly (persons over 65 years of age), medically indigent (persons at or below the HHS poverty income guidelines, see 51 FR 5105, February 11, 1986), or disabled (those persons receiving assistance under old age survivors disability insurance and supplemental security income programs). HRSA also intends to give special consideration to those applicants which propose to provide services in areas with inadequate means of transportation to obtain necessary health services.

Applicants are advised that HRSA intends to accept applications for section 339(a) support only as follows: Applications for grants and loans to provide home health services under

section 339(a) will be accepted from entities which are home health agencies, that is, entities which are recognized as providers of home health services by the Health Care Financing Administration (HCFA) and are eligible for reimbursement under the Medicare program, and from entities which intend to become home health agencies.

Applications will also be accepted from entities which are at the present time directly providing or can directly provide one or more of the kinds of services listed in section 1861(m) of the Social Security Act and which propose to provide home health services to an area under a co-applicant arrangement with a home health agency.

HRSA is funding grants and loans for home health service projects. The entity must be a HCFA provider or must have their application for Medicare certification is process; enjoys widespread community support; has an established fee structure; and can demonstrate evidence of the need for home health services in the service area. The training program for any paraprofessional including home health aides (including continuing education for staff members) should satisfy the requirements of section 339(b)(2) of the Public Health Service Act and under section, 1861(m) of Title XVIII of the Social Security Act.

Grants for Training Projects (Section 339(b))

The training curriculum should satisfy the requirements of section 339(b)(2) of the Public Health Service Act and under section 1861(m)(4) of Title XVIII of the Social Security Act.

As provided in the Act, HRSA intends to give special consideration in the award of grants for training paraprofessionals (including homemaker home health aides) to applicants which propose to train persons over 50 years of age. HRSA also intends to give special consideration to applicants which propose to provide a program to train paraprofessionals for an entire State or a geographic area of at least one million persons. Training programs in high technology services provided in the home should be appropriate to the service area. For example, homemaker home health aides must know how to bathe a patient who is receiving intravenous therapy, respiratory therapy (ventilation), or enteric/parenteral feedings through nasogastric or duodenal tubes. Pararofessionals should undertand the complexities of the treatment modalities and precautions to be taken which caring for such patients including those patients with Acquired Immune Deficiency Syndrome (AIDS). The purpose of this training is to assist the paraprofessionals to adapt their services to high technology therapies provided to the homebound patients. It is not intended to train persons to provide these therapies themselves. Continuing education activities may be an allowable cost of the grant in order to assure qualified instructors.

Additional Requirements and Information

State and local governments are subject to the requirements of OMB circular No. A-102. Other nonprofit grantees are subject to OMB Circular No. A-110. This program is subject to coverage under Executive Order 12372, "Intergovernmental Review of Federal Programs." Executive Order 12372 allows State the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice (Standard Form No. 424) will contain a listing of States which have chosen to set up such a review system and will provide a point of contact in the States for the review. Since States are allowed 60 days for this review, applicants are advised to discuss projects with, and provide copies of their applications, to State contact points as early as possible. At the latest, an applicant should provide the application to the State for review at the same time it is submitted to the regional office.

Consultation, technical assistance and additional information regarding applying for these funds are available from the appropriate HHS regional offices listed in the Appendix below. Curriculum content information may be obtained in the document entitled: A Model Curriculum and Teaching Guide for the Instruction of the Homemaker-Home Health Aide. This document is available through the Foundation for Hospice and Home Care, 519 C Street NE., Washington, DC 20002, Telephone (202) 547-6586 or (202) 547-7424.

The Home Health Program is listed as No. 13.888 in the OMB Catalog of Federal Domestic Assistance.

Dated: June 26, 1986.

John J. Kelso,

Acting Administrator.

Appendix—Regional Health Administrators

Edward J. Montminy, Regional Health Administrator, DHHS-Region I., John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-6827.

Vivian Chang, M.D., Regional Health Administrator, DHHS Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-2560.

William Lassek, M.D., Regional Health Administrator, DHHS Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101 (215) 596-6637.

Stephen H. King, M.D., Acting Regional Health Administrator, DHHS Region IV, 101 Marietta Tower, Suite 1202, Atlanta, Georgia 30323, (404) 221-2316.

E. Frank Ellis, M.D., Regional Health Administrator DHHS Region V, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-1385.

John M. Dyer, M.D., Regional Health Administrator, DHHS Region VI, 1200 Main Tower Building, Dallas, Texas 75202, (214) 767-3879.

Mr. Youn Bock Rhee, Regional Health Administrator, DHHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291

Audrey H. Nora, M.D., Regional Health Administrator, DHHS Region VIII, 1961 Stout Street, Denver, Colorado 30294, (303) 844-6163.

Sheridan L. Weinstein, M.D., Regional Health Administrator, DHHS Region IX, 50 United Nations Plaza, San Francisco, California 34102, (415) 556-5810.

Ms. Dorothy H. Mann, Regional Health Administrator, DHHS Region X, 2901 Third Avenue, Mail Stop 405, Seattle, Washington 98121, (206) 442-0430.

[FR Doc. 86-14878 filed 7-1-86; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-86-1619]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, (HUD).

ACTION: Notice of change in debenture interest rates.

SUMMARY: This notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Commissioner under the provisions of the National Housing Act (the "Act"). The interest rate for debentures issued under section 221(g)(4) of the Act during the six-month period beginning July 1, 1986, is 7½ percent. The interest rate for debentures issued under any other provision of the

Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the six-month period beginning July 1, 1986, is 8¼ percent.

FOR FURTHER INFORMATION CONTACT: James B. Mitchell, Financial Policy Division, Room 9132, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 426–4325 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (24 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6) and 220.830. Each of these regulatory provisions states that the applicable rates of interest will be published twice each year as a notice in the **Federal Register.**

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the interest rate determined by the Secretary of the Treasury pursuant to a formula set out in the statute.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of section 224, that the statutory maximum interest rate for the period beginning July 1, 1986, is 8¼ percent and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 8¼ percent for the six-month period beginning July 1, 1986. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4) with an insurance commitment or endorsement date (as applicable) within the last six months of 1986.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since July 1, 1977:

Effective rate (percent)	On or after	Prior to
7 1/4	July 1, 1977	Jan. 1, 1978.
7 1/8	Jan. 1, 1978	July 1, 1978.
7 3/4	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8 1/4	July 1, 1979	Jan. 1, 1980.
9 1/2	Jan. 1, 1980	July 1, 1980.
9 7/8	July 1, 1980	Jan. 1, 1981.
11 3/4	Jan. 1, 1981	July 1, 1981.
12 7/8	July 1, 1981	Jan. 1, 1982.
12 3/4	Jan. 1, 1982	Jan. 1, 1983.
10 1/4	Jan. 1, 1983	July 1, 1983.
10 3/8	July 1, 1983	Jan. 1, 1984.
11 1/2	Jan. 1, 1984	July 1, 1984.
13 3/8	July 1, 1984	Jan. 1, 1985.
11 5/8	Jan. 1, 1985	July 1, 1985.
11 1/8	July 1, 1985	Jan. 1, 1986.
10 1/4	Jan. 1, 1986	July 1, 1986.
8 1/4	July 1, 1986	

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the "going Federal rate" in effect at the time the debentures are issued. The term "going Federal rate", as used in that paragraph, is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a formula set out in the statute, for the six-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the six-month period beginning July 1, 1986, is 7½ percent.

HUD expects to publish its next notice of change in debenture interest rates in January 1987.

The subject matter of this notice falls within the categorical exclusion from HUD's environmental clearance procedures set forth in 24 CFR 50.20(1). For that reason, no environmental finding has been prepared for this notice.

(Secs. 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 17151, 1715o; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Dated: June 26 1986

Silvio J. DeBartolomeis,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc 86–14903 Filed 7–1–86; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. FES 8550]

Suspension of Herbicide Use in the Northwest Area Noxious Weed Control Program

AGENCY: Department of the Interior.

ACTION: Notice of intent to supplement the final environmental impact statement on the Northwest Area Noxious Weed Control Program and to suspend use of herbicides.

SUMMARY: The Department of the Interior announces that the Bureau of Land Management intends to supplement its Final Environmental Impact Statement on the Northwest Area Noxious Weed Control Program. The Department also announces that it is suspending an earlier decision to use herbicides to control noxious weeds in Idaho, Montana, Oregon, Washington and Wyoming.

EFFECTIVE DATE: July 2, 1986.

ADDRESS: Any suggestions or inquiries should be sent to: Director (220), Bureau of Land Management, Room 5626, 1800 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Lewis H. Waters, (202) 653–8864.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management published a notice in the **Federal Register** on January 3, 1986 (51 FR 259) that a final environmental impact statement on the Northwest Noxious Weed Control Program had been prepared and was available for public comment. The final environmental impact statement analyzed a program for controlling noxious weeds on federally-owned lands administered by the agency in the states of Idaho, Montana, Oregon, Washington and Wyoming. The proposed action in the final environmental impact statement called for using four techniques to control noxious weeds. The techniques proposed for use were biological, chemical, manual and mechanical. Under the technique of chemical control, the proposed action called for applying the herbicides dicamba, glyphosate, picloram and 2,4–D. After considering public comment, on April 8, 1986, the Bureau issued a record of decision to proceed with the proposed action. On the same day, the Assistant Secretary of the Interior, Land and Minerals Management concurred in the agency's decision.

On April 10, 1986, the Department of Justice, on behalf of the Secretary of the

Interior, filed a motion to modify an injunction that was issued against him and others in *Northwest Coalition for Alternatives to Pesticides* v. *Block, et al.*, No. 83–6272–E (D. Ore. 1984). Part of the judgment in that case precluded the Secretary from using herbicides to control noxious weeds on public lands in Oregon until a worst case analysis of that action was prepared. Because the final environmental impact statement contained this type of analysis, the Department of Justice asked the court to partially dissolve the injunction through the motion just mentioned. Northwest Coalition for Alternatives to Pesticides responded to the motion by questioning the Bureau's analysis of the impacts to human health from using the herbicides.

After carefully considering the concerns raised in the litigation, the Department of the Interior has decided to supplement the final environmental impact statement. The supplement will discuss the impacts on human health that may arise under the agency's proposal to use dicamba, glyphosate, picloram and 2,4–D to control noxious weeds in the northwestern United States. Also, the decision of April 8, 1986 to use dicamba, glyphosate, picloram and 2,4–D is suspended until the supplement to the final environmental impact statement is completed. The public therefore is notified that no further use of herbicides shall occur under the decision of April 8, 1986 until the supplement to the final environmental impact statement is completed and a new record of decision issued.

Dated: June 26, 1986.

James E. Cason,

Acting Assistant Secretary of the Interior.

[FR Doc. 86–14899 Filed 7–1–86; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Indian Affairs

Winnebago Indian Reservation, Nebraska; Acceptance of Retrocession of Jurisdiction

Pursuant to the authority vested in the Secretary of the Interior by Executive Order No. 11435 of November 21, 1968 (33 FR 17339) and redelegated to the Assistant Secretary—Indian Affairs by 209 DM 8, I hereby accept at 12:01 a.m. CST, the day following publication of this notice in the Federal Register, retrocession to the United States of all criminal jurisdiction exercised by the State of Nebraska over the Winnebago Reservation, which was acquired by the State of Nebraska pursuant to Pub. L. 83–280, 67 Stat. 588, 18 U.S.C. 1162.

The retrocession herein accepted was offered by State of Nebraska by Legislative Resolution No. 57 passed by the Legislature of Nebraska in Eighty-ninth Legislature, Second Session, on the sixteenth day of January, 1986 and transmitted to the Secretary by the Clerk of the Legislature of Nebraska on January 22, 1986. By Resolution No. 86–37 dated January 28, 1986, the Winnebago Tribe of Nebraska acknowledged and endorsed the offer of the State of Nebraska to retrocede criminal jurisdiction to the United States.

Ross O. Swimmer

Assistant Secretary-Indian Affairs.

[FR Doc. 86–14874 Filed 7–1–86; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[UT–060–06–4410–02]

Moab District Advisory Council

June 23, 1986.

AGENCY: Bureau of Land Management, Utah, Interior.

ACTION: Moab district advisory council meeting.

SUMMARY: The Council will conduct a meeting August 7 for the purpose of forming resolutions regarding wilderness, election of officers, and new business.

SUPPLEMENTARY INFORMATION: The meeting will convene at 9:30 a.m. on Thursday, August 7, at the BLM Moab District office, 82 East Dogwood, Moab, according to the following schedule:

9:30 a.m.–10:00 a.m. Welcome, introduction of new members, Election of officers, reformulation of committees.
10:00 a.m.–10:30 a.m. San Juan Resource Management Plan (RMP)
10:30 a.m.–11:00 a.m. Hovenweep National Monument Expansion Proposal
11:00 a.m.–11:30 a.m. Public Comments
11:30 a.m.–12:45 p.m. Lunch
1:00 p.m.–3:00 p.m. Wilderness Draft Environmental Impact Statement (DEIS) Resolutions
3:00 p.m.–5:00 p.m. Other Business, Including:
(1) San Rafael RMP, (2) Interstate 70 Signing Proposal (3) Trough Springs Road, (4) Westwater Wild & Scenic, (5) San Juan Known Geologic Structures, (6) Coal Reserves, (7) Livestock Grazing on Beckwith Plateau.

All Advisory Council meetings are open to the public. Persons wishing to make a comment to the Council must notify the BLM by Tuesday, August 5. Depending on the number of people desiring to make a statement, a per-person time limit may be established. For further information contact: Mary Plumb, Public Affairs Office, P.O. Box 970, Moab, Utah 84532, Telephone: 801–259–6111.

Gene Nodine,

District Manager.

[FR Doc. 86–14885 Filed 7–1–86; 8:45 am]

BILLING CODE 4310–DQ–M

Minerals Management Service

Alaska OCS Region; Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Meeting

AGENCY: Minerals Management Service, Alaska OCS Region, Interior.

ACTION: Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee; Notice for Meeting.

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463.

The Alaska Regional Technical Working Group Committee (RTWG) of the Outer Continental Shelf (OCS) Advisory Board is scheduled to meet from 8:30 a.m. to 4:00 p.m., July 24, 1986, at the Minerals Management Service Alaska OCS Region Office, Room 601, 949 East 36th Avenue, Anchorage, Alaska. The Alaska RTWG is one of six such committees of the OCS Advisory Board that provide advice to the Director, Minerals Management Service, on technical matters of regional concern regarding OCS prelease and postlease sale activities.

Topics which may be addressed at the meeting are:

(a) Status of Alaska OCS Region Oil and Gas Lease Sales, the 5-Year OCS Leasing Program, and Regional Studies Plans.

(b) Minerals Management Service/U.S. Fish and Wildlife Service black brant study in Izembek Lagoon.

(c) State of Alaska Consistency Determinations.

(d) Permitting responsibilities of government agencies with regard to OCS leasing and development.

(e) National Academy of Sciences report regarding procedures for estimating petroleum resources.

(f) Resolving conflicts through mediation.

(g) Section 810 of the Alaska National Interest Lands Conservation Act.

(h) Exception of the seasonal drilling restriction (Stipulation 4) in the Beaufort Sea.

The Alaska RTWG meeting will be open to the public. Public seating may be limited. Interested persons may make oral or written presentations to the committee. A request to make a presentation should be made no later than July 18, 1986, to Alan D. Powers, Regional Director, Alaska OCS Region, P.O. Box 101159, Anchorage, Alaska 99510, (907) 261–4010. A request to make an oral statement should be accompanied by a written summary of the oral statement. Written statements should be submitted by July 18, 1986.

Minutes of the meeting will be available 70 days after the meeting for public inspection and copying at the Minerals Management Service, Alaska OCS Region, 949 East 36th Avenue, Anchorage, Alaska, and at the Office of Offshore Information Services, Minerals Management Service, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Dated: June 23, 1986.

Irven F. Palmer, Jr.,

Acting Regional Director.

[FR Doc. 86–14889 Filed 7–1–86; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

World Heritage Convention Insignia: Prescription

AGENCY: National Park Service, Interior.

ACTION: Public notice.

I hereby prescribe the World Heritage Convention emblems which are depicted below, and the terms "World Heritage Convention" and "World Heritage Committee" as the official insignia and references for designation and identification of World Heritage Sites in the United States and for other purposes officially connected with the implementation of the Convention in the United States.

The World Heritage Convention, ratified by the United States and 89 other nations to date, identifies, recognizes and encourages the protection of natural and cultural sites of outstanding universal value. Under authority of Pub. L. 96–515, the Department of the Interior directs United States participation in the Convention. United States properties are periodically nominated for World Heritage designation according to the procedures contained in 36 CFR 73. World Heritage Sites are designated through mechanisms established under the Convention.

In making this prescription, I give notice that, under section 701 of Title 18 of the United States Code, whoever manufactures, sells, or possesses any badge, identification card, or other insignia of the designs herein prescribed, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print or impression in the likeness of any such badge, identification card, or other insignia or any colorable imitation thereof, or uses the terms "World Heritage Convention" and "World Heritage Committee" except as authorized under regulations made pursuant to law, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

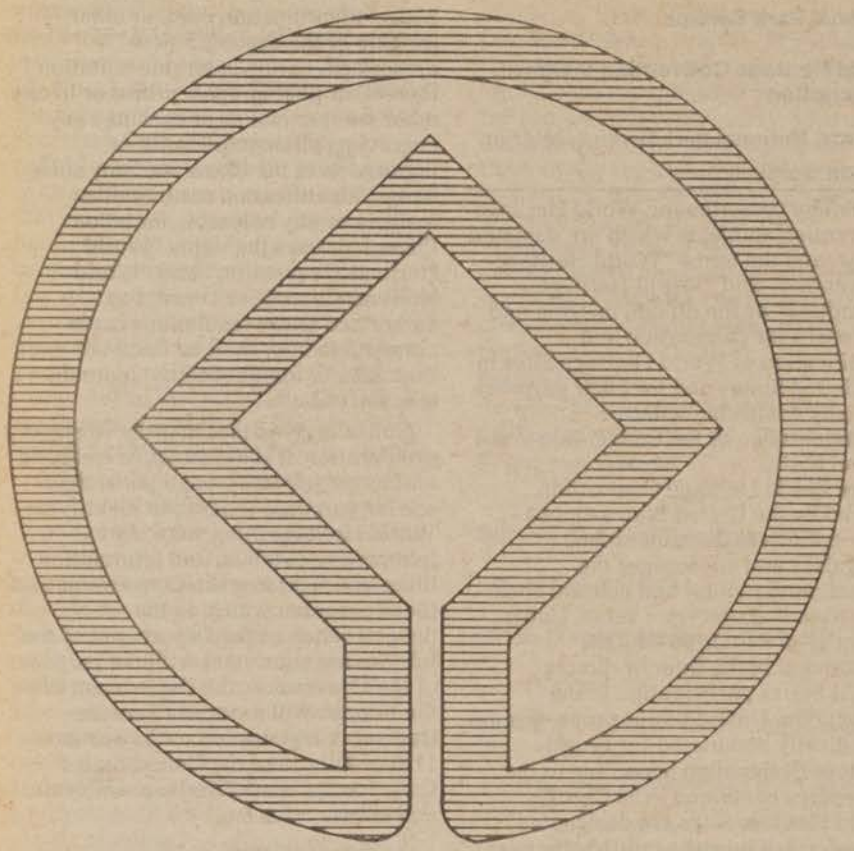
Notice is given that in order to prevent proliferation of the distinctive emblems and terms and to assure against their use for purposes other than identifying World Heritage Sites, marking interpretive exhibits, and information literature regarding the Convention, and those purposes which, in the determination of the Department of the Interior are consistent with the purposes of the Convention, the Department of the Interior will proceed to secure trademark registration under section 1115 of Title 15 of the United States Code for the World Heritage emblems and terms.

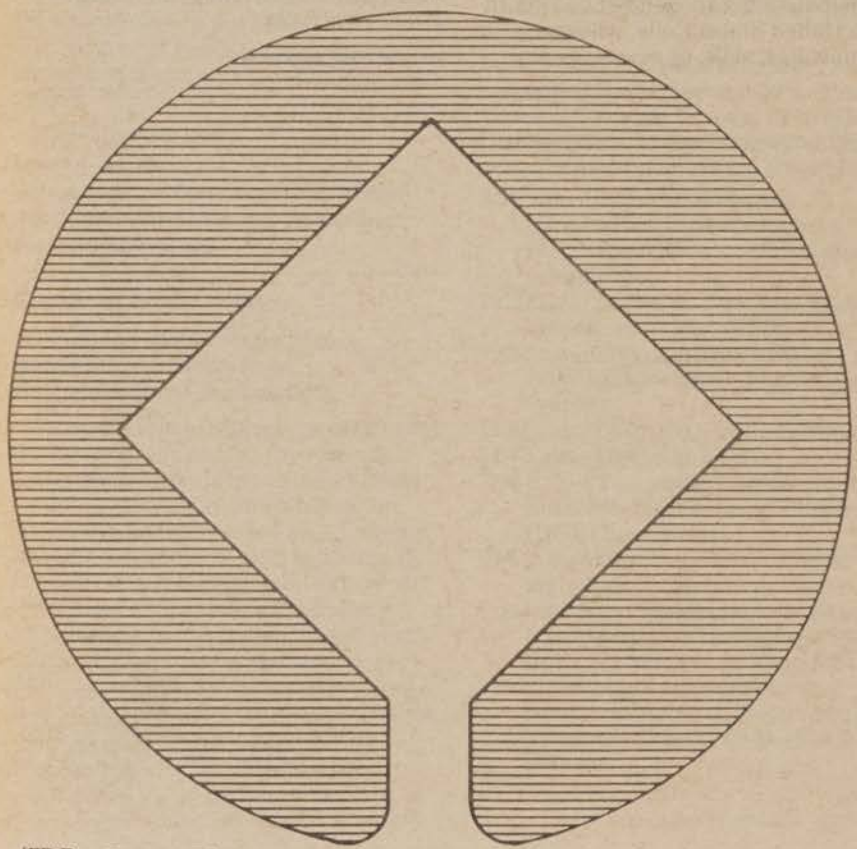
Dated: June 23, 1986.

Susan E. Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

BILLING CODE 4310-70-M





[FR Doc 86–14983 Filed 7–1–86; 8:45 am]
BILLING CODE 4310–70–C

Mining Plan of Operations at Wrangell-St. Elias National Park and Preserve; Availability

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of 36 Code of Federal Regulations Part 9, Subpart A, Kirk Stanley has filed a plan of operations for proposed mining operations on the Sunshine Lode Patented Mining Claim in Wrangell-St. Elias National Park and Preserve, Alaska. This plan is available for public inspection during normal business hours at the Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 110, Anchorage, Alaska and the Office of the Superintendent, Wrangell-St. Elias National Park and Preserve, Glennallen, Alaska.

Robert Peterson,

Acting Regional Director, Alaska Region.

[FR Doc. 86-14982 Filed 7-1-86; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Enlargement of Cachuma Reservoir and Safety Modification of Bradbury Dam Santa Barbara County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Intent To Prepare a Joint Environmental Impact Report and Notice of Meeting.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (as amended) and Section 21002.1 of the California Environmental Quality Act, the Bureau of Reclamation (Bureau), Department of the Interior and the California Department of Water Resources (DWR) intend to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) which will address the environmental impacts of, and the alternatives to enlarging Bradbury Dam from a height of 190 feet to a maximum of 240 feet and modifying its outlet and spillway.

A meeting has been scheduled to solicit public views concerning the project alternatives, potential project environmental impacts, and potential mitigation measures which should be addressed in the EIS/EIR.

DATE: The meeting will be held July 23, 1986, at 7:00 p.m.

ADDRESS: The meeting will be held at: Veterans Memorial Building, 1745 Mission Drive, Solvang, California (across from the Santa Ynez Museum).

FOR FURTHER INFORMATION CONTACT: The Federal contact person for this draft EIS/EIR is Jim Frederick, Environmental Specialist, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978-5130.

The California Department of Water Resources Contact is Stephen Ford, Division of Planning, P.O. Box 942836, Sacramento, CA 94236-0001, telephone (916) 322-2997.

SUPPLEMENTARY INFORMATION: The purposes of the proposed project are (1) to develop additional water supply in Cachuma Reservoir for Santa Barbara County Flood Control and Water Conservation District as an alternative to developing water supplies identified in the previous State Water Project plan, and (2) to bring Bradbury Dam into compliance with the Bureau's safety work with additional work to raise the dam and increase the water capacity from the reservoir. Potential alternatives to the proposed project include taking no action, making only the safety modifications to Bradbury Dam and obtaining additional water supply from other sources.

Dated: June 26, 1986

C. Dale Duvall,

Commissioner.

[FR Doc. 86-14865 Filed 7-1-86; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-270 (Final)]

Certain Brass Sheets and Strips From France

AGENCY: United States International Trade Commission.

ACTION: Institution of a final countervailing duty investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701-TA-270 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France of certain brass sheets and strips (UNS C2000-series), the foregoing not cut, pressed, or stamped to nonrectangular shape, provided for in item 612.39 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be subsidized by the Government of France. The Commission will make its final injury determination by forty-five (45) days after notification of Commerce's final determination (see sections 705(a) and 705(b) of the act (19 U.S.C. 1671d(a) and 1671d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: June 9, 1986.

FOR FURTHER INFORMATION CONTACT: Tedford Briggs (202-523-4612), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202-724-0002. Information may also be obtained via electronic mail by accessing the Office of Investigations' remote bulletin board system for personal computers at 202-523-0103.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 701 of the Act (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Brazil of certain brass sheets and strips. The investigation was requested in a petition filed on March 10, 1986, by counsel on behalf of American Brass, Buffalo, NY; Bridgeport Brass Corp., Indianapolis, IN; Chase Brass & Copper Co., Solon, OH; Hussey Copper Ltd., Leetsdale, PA; The Miller Co., Meriden, CT; Olin Corp. (Brass Group), East Alton, IL; and Revere Copper Products, Inc., Rome, NY. The following trade unions are also petitioners: The International Association of Machinists and Aerospace Workers; the International Union, Allied Industrial Workers of America (AFL-CIO); Mechanics Educational Society of America, Local 56; and the United Steelworkers of America (AFL-CIO/CLC).

In response to that petition the Commission conducted a preliminary countervailing duty investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason

of imports of the subject merchandise (51 FR 16235, May 1, 1986).

Participation in the investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file an entry.

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing, staff report, and written submissions

The Commission will hold a hearing in connection with this investigation at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC; the time and date of the hearing will be announced at a later date. A public version of the prehearing staff report in this investigation will be placed on the public record prior to the hearing, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21). The dates for filing prehearing and posthearing briefs and the date for filing other written submissions will also be announced at a later date.

Announced This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (29 CFR 207.20)

By order of the Commission.

Issued: June 27, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-14991 Filed 7-1-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-326 (Preliminary)]

Frozen Concentrated Orange Juice From Brazil

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil of frozen concentrated orange juice, provided for in item 165.29 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On May 9, 1986, a petition was filed with the Commission and the Department of Commerce by Florida Citrus Mutual, Lakeland, Florida, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of frozen concentrated orange juice from Brazil. Accordingly, effective May 9, 1986, the Commission instituted premilinary antidumping investigation No. 731-TA-326 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. Internaitnal Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 21, 1986 (51 FR 18671). The conference was held in Washington, DC, on June 2, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 23, 1986. The views of the Commission are contained in USITC Publication 1873 (June 1986), entitled "Frozen Concentrated Orange Juice from Brazil: Determination of the Commission in Investigation No. 731-TA-326 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: June 24, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-14992 Filed 7-1-86; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern dissenting.

[Investigation No. 337-TA-235]

Certain Human-Powered Vehicles With Combination Steering, Braking and Propulsion Means; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Axis World Trade, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 25, 1986.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be

directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: June 25, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–14993 Filed 7–1–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–237]

Certain Miniature Hacksaws

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on July 14, 1986, in Hearing Room 6311 at the Interstate Commerce Commission Building at 12th Street and Constitution Avenue, NW., Washington, DC, and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register.**

Issued: June 20, 1986.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 86–14994 Filed 7–1–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation Nos. 731–TA–293, 294, and 296 (Final)]

Certain Welded Carbon Steel Pipes and Tubes From the Philippines and Singapore

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigations.

EFFECTIVE DATE: June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Abigail Eltzroth (202–523–0289), Office of Investigation, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION: On May 8, 1986, the Commission instituted the subject investigations and established a schedule for their conduct (51 FR 17682, May 14, 1986). Subsequently, the Department of Commerce extended the date for its final determinations in the investigations from July 7, 1986 to September 11, 1986 (51 FR 18473, May 20, 1986). The Commission, therefore, is revising its schedule in the investigations to conform with Commerce's new schedule.

The Commission's new schedule for the investigations is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than September 4, 1986; the prehearing conference will be held in room 117 of the U.S. International Trade Commission Building at 9:30 a.m. on September 9, 1986; the public version of the prehearing staff report will be placed on the public record on August 29, 1986; the deadline for filing prehearing briefs is September 11, 1986; the hearing will be held in room 331 of the U.S. International Trade Commission Building at 9:30 a.m. on September 17, 1986; and the deadline for filing all other written submissions, including posthearing briefs, is September 23, 1986.

For further information concerning these investigations see the Commission's notice of investigations cited above and the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: June 27, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–14995 Filed 7–1–86; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[No. MC–F–16273]

Aluminum Company of America; Continuance in Control Exemption; Rea Magnet Wire Co., Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Aluminum Company of America (Alcoa), a non-carrier, filed a petition under 49 U.S.C. 11343(e) seeking an exemption from the requirement of approval and authorization for its continuance in control of Rea Magnet Wire Company, Inc. (Rea), upon the latter's becoming a regulated carrier. Rea recently was granted authority in No. MC–183733 to transport general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the United States, under continuing contract(s) with shippers, agents or brokers of such commodities.

Alcoa controls through stock ownership four railroads: Bauxite and Northern Railway Company, Massena Terminal Railroad Company, Point Comfort and Northern Railway Company, and Rockdale Sandow & Southern Railroad Company. Common control was approved in Nos. F.D. 17522, 16108, 16127, and 16136, respectively. Alcoa also controls two motor carriers: Buckeye Molding Company (MC–153900) and Penn Way Trucking Company (MC–180522). Control was exempted in Nos. MC–F–15741 and 16017, respectively. Continuance in control of a carrier by a person that is not a carrier but that controls any number of carriers requires Commission approval and authorization, 49 U.S.C. 11343(a)(5), unless exempted under 49 U.S.C. 11343(e).

DATES: Comments must be received by August 1, 1986.

ADDRESSES: Send comments (original and 10 copies), referring to Docket No. MC–F–16273, to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

and

(2) Petitioners' representatives:

Paula J. Jesion, Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

and

Sullivan & Associates, Ltd., 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Alcoa seeks an exemption under 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), Procedures—Handling Exemptions Filed by Motor Carriers, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

A copy of the petition may be obtained from petitioners' representatives, or it may be inspected at the Washington, DC, office of the Interstate Commerce Commission during normal business hours.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Decided: June 24, 1986.

Noreta R. McGee,

Secretary.

[FR Doc. 86-14883 Filed 7-1-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-No. 58X)]

Missouri Pacific Railroad Co.; Abandonment Exemption; Zavala and Uvalde Counties, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from prior approval under 49 U.S.C. 10903, *et seq.*, the abandonment by Missouri Pacific Railroad Company of 22.0 miles of track in Zavala and Uvalde Counties, TX, subject to standard labor protection.

DATES: This exemption is effective on August 1, 1986. Petitions to stay must be filed by July 14, 1986 and petitions for reconsideration must be filed by July 22, 1986.

ADDRESSES: Send pleadings referring to Docket No. AB-3 (Sub-No. 58X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Jeanna L. Regier, Union Pacific Railroad Company, 1416 Dodge Street Omaha, NB 68179.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. (202) 275-7693.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area), or toll-free (800) 424-5403.

Decided: June 25, 1986.

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

Noreta R. McGee,

Secretary

[FR Doc. 86-14884 Filed 7-1-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30830]

Gulf and Mississippi Railroad Corp.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Gulf and Mississippi Railroad Corporation from the requirements of 49 U.S.C. 11343 for the acquisition and operation of Seaboard System Railroad's rail line between Brookwood and Holt, a distance of approximately 19.1 miles, in Tuscaloosa County, AL, subject to employee protective conditions.

DATES: This exemption became effective on July 1, 1986. Petitions to reopen must be filed by July 21, 1986.

ADDRESSES: Send petitions referring to Finance Docket No. 30830 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Mark M. Levin, Suite 800 1350 New York Ave., NW., Washington, DC 20005-4797.

FOR FURTHER INFORMATION CONTACT: Donald Shaw, Jr., (202) 275-7693.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 24, 1986.

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

Noreta R. McGee,

Secretary.

[FR Doc. 86-15034 Filed 7-1-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 86-8]

Monk's Pharmacy, Philadelphia PA; Hearing

Notice is hereby given that on December 20, 1985, the Drug Enforcement Administration, Department of Justice, issued to Monk's Pharmacy an Order To Show Cause as to why the Drug Enforcement Administration should not deny its undated application received by DEA on October 18, 1985, for registration as a pharmacy under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Thursday, July 17, 1986, in Courtroom No. 10, Room 309, U.S. Claims Court, 717 Madison Place, NW., Washington, DC.

Dated: June 26, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-14920 Filed 7-1-86; 8:45 am]

BILLING CODE 4410-09-M

Revocation of Registration; Henri Amin Rathie, M.D.

On April 23, 1986, the Administrator of the Drug Enforcement Administration (DEA) directed an Order to Show Cause and Immediate Suspension of Registration to Henri Amin Rathie, M.D. (Respondent), 756 Sullivan Avenue, Mobile, Alabama 36606. The Order immediately suspended, pursuant to 21 U.S.C. 824(d), Certificate of Registration AR0477667 previously issued to Respondent, the Administrator preliminarily finding that the continued registration of Respondent during the pendency of the proceedings posed an imminent danger to the public health and safety.

The Order to Show Cause recited two statutory bases for the revocation of Respondent's registration under 21 U.S.C. 824(a)(3) and 824(a)(4). The first, under 21 U.S.C. 824(a)(3), was the revocation of Respondent's medical license on March 26, 1986, by the Medical Licensure Commission of the State of Alabama. The revocation was stayed, but one of the probationary terms imposed was that Respondent not prescribe, dispense, administer, possess or otherwise handle controlled substances, thereby terminating his authority to handle controlled substances in Alabama. The second ground for the Order to Show Cause was the inconsistency or Respondent's registration with the public interest as that term is used in 21 U.S.C. 823(f). That inconsistency was evidenced by, but not limited to, a significant shortage of phendimetrazine tartrate HC1, a Schedule III controlled substance, and phentermine, a Schedule IV controlled substance, purchased by Respondent for use in his medical practice.

The Order to Show Cause was personally served on Respondent on April 25, 1986. Respondent, proceeding *pro se*, submitted a handwritten letter as an "appeal" to the suspension of his registration "by the New Orleans DEA." In that letter he stated that the loss of his state medical license, and the suspension of his DEA registration, were due to thefts of controlled substances

from his office. He stated that he currently keeps the New Orleans Diversion Group informed of discoveries of additional thefts. Respondent also stated that an attorney would prepare a "more formal appeal." Thirty days have elapsed from the service of the Order to Show Cause and no request for a hearing or other communication has been recieved from Respondent or anyone purporting to represent him. Therefore, the Administrator finds that Respondent has waived his opportunity for a hearing and enters this final order on the record as it appears. 21 CFR 1301.54(d) and 1301.54(e).

The action of the Alabama Medical Licensure Commission denies Respondent the authority to possess, prescribe, dispense, administer or otherwise handle controlled substances in Alabama, the state in which he is licensed. The Administrator and his prdecessors have long and consistently held that the clear language of 21 U.S.C. 824(a)(2) prevents DEA from registering a practitioner who is not authorized to handle controlled substances under the law of the state in which he is licensed. See *Emerson Emory, M.D.*, Docket No. 85–46, 51 FR 9543 (1986); *Michael Alva Marshall, M.D.*, Docket No. 85–16, 51 FR 8046 (1986); *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985); *Dennis Howard Harris, M.D.*, Docket No. 84–19, 49 FR 39930 (1984), and cases cited therein.

As to the second ground for the Order to Show Cause, the inconsistency of Respondent's registration with the public interest, the Administrator feels himself constrained to make findings in this area even though the lack of state authorization is sufficient ground for the revocation of Respondent's registration. The Administrator finds that Respondent could not account for over 54,000 phendimetrazine tartrate HC1, over 50,000 phentermine 30 mg. and over 24,000 phentermine 8 mg. These are significant amounts. In determining whether a registration is inconsistent with the public interest, the Administrator must consider the factors set out in 21 U.S.C. 823(f). Respondent's failure to account for these large quantities of controlled substances is relevent for consideration under two of the factors: Respondent's experience in dispensing controlled substances, and his compliance with applicable State, Federal and local laws dealing with controlled substances. 21 U.S.C. 823 (f)(2) and (f)(4). Respondent's statement that these quantities were stolen is not persuasive to the Administrator. Dr. Rathle is charged, as a registrant who chooses to maintain such large quantities of controlled substances on his premises, with an obligation to protect those substances against diversion. He has not met that obligation. Based on those huge shortages alone, the continued registration of Respondent would not be consistent with the public interest.

Having considered the record in this matter, the Administrator hereby revokes DEA Certificate of Registration AR0477667 previously issued to Henri Amin Rathle, M.D., pursuant to the powers vested in the Attorney General in 21 U.S.C. 823 and 824 and delegated to the Administrator of the Drug Enforcement Administration in 21 U.S.C. 871 and 28 CFR Part 0.100 *et seq.*, for reason that Henri Amin Rathle, M.D. is not authorized by the State of Alabama to handle controlled substances, and for further reason that the continued registration of Henri Amin Rathle, M.D. is inconsistent with the public interest, said revocation effective immediately.

Dated: June 27, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–14921 Filed 7–1–86; 8:45 am]

BILLING CODE 4410–09–M

Application for Importation of Controlled Substances; Sigma Chemical Co.

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 7, 1986, Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Ibogaine (7260)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4-methylenedioxy amphetamine (7400)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Amphetamine, its salts, optical isomer, and salts of its isomers (1100).	II
Methamphetamine, its salts, isomers, and salts of its isomers (1105).	II
Phencyclidine (7471)	II
Anileridine (9020)	II
Ecgonine (9180)	II
Morphine-3-Glucuronide (9329)	II
Noroxymorphone (9668)	II

A maximum of 25 grams for each of the above listed substances will be imported annually and will be utilized in researcher or analytical studies.

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefore, and any existing bulk manufacturer registered therefore, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than August 1, 1986.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: June 25, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86–14921 Filed 7–1–86; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Registration

By Notice dated February 26, 1986, and published in the **Federal Register** on March 4, 1986; (51 FR 7503), MD Pharmaceutical, Inc., 3501 West Garry

Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Diphenoxylate (9170)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: June 25, 1986.

Gene R. Haislip,

Deputy Assistant Administrator Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 86-14924 Filed 7-1-86; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 85-36]

Lonnie E. Maze D/B/A Crosstowns Drugs; Revocation of Registration and Denial of Application

On June 17, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), directed an Order to Show Cause to Lonnie E. Maze d/b/a Crosstowns Drugs, 14911 Old Hickory Boulevard, Nashville, Tennessee (Respondent). The Order to Show Cause sought to revoke DEA Certificate of Registration AC9530987 previously issued to Respondent, and to deny any pending applications for registration. The Order to Show Cause set out two statutory grounds under 21 U.S.C. 824(a) for the proposed revocation and denial. The first is the conviction of Lonnie E. Maze, R.Ph., the owner and managing pharmacist of Respondent pharmacy, on March 10, 1983, of felonies relating to controlled substances in the State of Tennessee, Davidson County Criminal Court. The second is the material falsification of two applications for renewal of Certificate AC9530987 executed on July 12, 1983 and July 10, 1984, in which Lonnie E. Maze indicated that no officer, partner, stockholder or proprietor of Crosstowns Drugs had been convicted of a felony relating to controlled substances.

Respondent, proceeding through counsel, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. Following prehearing procedures, a hearing was held before Judge Young in Nashville on November 21, 1985. On March 27, 1986, the Administrative Law Judge issued his opinion and recommended ruling. Neither side filed exceptions. On April 2, 1986, the Administrative Law Judge transmitted the record to the Administrator. The Administrator hereby enters his final order on the record as transmitted.

The Administrative Law Judge found that Lonnie E. Maze owned and operated Crosstowns Drugs. An officer of the Nashville Metropolitan Police Department assigned to the vice squad met Maze through an informant on June 25, 1982. The informant was a prostitute who offered to show the officer a pharmacist who was illegally selling controlled substances. The officer and the informant went to Respondent pharmacy on that date and purchased 50 Darvon, 30 Valium 10mg. and ten syringes from Maze without a prescription, for $155. The usual price pharmacists in Nashville charged at that time for legitimate prescriptions for these amounts of Darvon and Valium was $8 to $10. The officer and the informant returned to the pharmacy on three other occasions and obtained quantities of Darvon and Valium from Maze in a similar manner.

Judge Young further found that an investigator of the Tennessee State Board of Pharmacy audited certain of the pharmacy's Schedule III and IV controlled substances, including Darvon and Valium, for the period January 1, 1982 through January 7, 1983. The audit revealed considerable shortages of Darvon, Valium and Talwin due to a lack of lawful dispensing records. For example, Respondent could not account for almost 10,000 Valium 10mg., or 37% of the amount for which the pharmacy was accountable. The investigator used a zero inventory for January 1, 1982, giving Maze credit for whatever may have been on the shelves on that date. All of the drugs audited should have showed overages had the required dispensing records been maintained and if there were any quantities at all of the audited substances on hand on January 1, 1982. The investigator returned to Respondent pharmacy in August, 1983, to conduct a second audit based on DEA ARCOS information indicating excessive purchases of P-V-Tussin, Tussionex tabs, Tussionex liquid and Vicodin tabs. Again, the audit revealed significant shortages, as much as 76% of the Tussionex for which the pharmacy was accountable.

The Administrative Law Judge further found that although a dentist had previously prescribed Darvon and Valium for the informant, he did not authorize refills of either of the Valium prescriptions or of the Darvon prescription he gave her, all of which she had originally filled at Respondent pharmacy. These prescriptions were written in August and September, 1981. Thus, they were more than six months old and could not have been legally refilled in June, 1982, when the informant and the officer bought the drugs from Maze. Judge Young found, and the Administrator also finds, that there was no basis for Maze to refill any prescription for the informant at that time.

As to the renewal applications, the Administrative Law Judge found that Maze himself filled them out and signed them in 1983 and 1984. The Administrative Law Judge rejected Maze's testimony that he did not know that he had been convicted of a felony. The Administrator agrees with the observation of the Administrative Law Judge: "Maze was assisted by counsel in the criminal court proceeding. He was sentenced to two years in prison. Surely Mr. Maze knew that his conviction was a most serious matter indeed. If he did not comprehend the meaning of the term "felony" on the DEA applications, he should have made inquiry." The Administrative Law Judge also remarked that DEA receives thousands of applications for registration annually. DEA must rely on the representations in each application. "A false answer deprives DEA of the opportunity to investigate the circumstances surrounding the conviction and to make a determination as to the fitness of the applicant. That determination should have been made in this case promptly after the convictions were entered, for the protection of the public health."

Judge Young also noted that Maze attempted to explain or justify his actions by saying that the informant was dying of cancer and he pitied her. Judge Young rejected this testimony, as does the Administrator. The evidence presented at the hearing is to the contrary. Even if the informant was suffering from cancer, Maze, as a pharmacist, has no right or privilege to dispense controlled substances without a prescription.

The Administrator adopts the findings of fact of the Administrative Law Judge. Maze illegally sold controlled substances; failed woefully in his

obligation to maintain accurate records of the controlled substances carried by his pharmacy; and then materially falsified applications for two years. The Administrator agrees with the Administrative Law Judge that it is not in the public interest for Maze to have a DEA registration to operate a pharmacy.

Having considered the record in this matter, the Administrator, pursuant to the powers granted the Attorney General in 21 U.S.C. 823 and 824 and delegated to the Administrator under 21 U.S.C. 871 and 28 CFR 0.100 *et seq.*, hereby revokes DEA Certificate of Registration AC9530987 previously issued to Lonnie E. Maze d/b/a Crosstowns Drugs, and hereby denies any pending applications for renewal of the registration of AC95030987, such revocation and denial effective August 1, 1986.

Dated: June 26, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-14923 Filed 7-1-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D-3878 et al.]

Proposed Exemptions; Bay Area Painters et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Bay Area Painters Pension Trust Fund (the Plan) Located in Mt. View, California

[Application No. D-3878]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedures 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406 of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code shall not apply to the past sales of 55 notes secured by second deeds of trust (the Mortgage Notes) by certain limited partnerships described hereinafter, to the Plan after origination of the Mortgage Notes by the Prudential Mortgage Bankers & Investment Corporation (PMBIC), a party in interest with respect to the Plan, provided the terms of sale of each of the Mortgage Notes were as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party on the dates the transactions were consummated.

Effective Date: If granted, the proposed exemption will be effective beginning December 19, 1977 and extend to July 19, 1980, the date the last of the 55 Mortgage Notes was purchased by the Plan as described in this proposed exemption.

Summary of Facts and Representations

1. The Plan, a multiemployer plan, was established pursuant to a collective bargaining agreement between the District Council of Painters No. 33 of the Brotherhood of Painters and Allied Trades, AFL-CIO, and the Painting and Decorating Contractors Association of Central Coast Counties, Inc. At the times that the various Mortgage Notes were sold, the Joint Board of Trustees (the Board) included six employer trustees and six employee trustees. The Board was the named fiduciary of the Plan, Lionel D. Edie Company was the Plan's investment adviser, Lloyd's Bank was the corporate co-trustee, and the administrator of the Plan was Mr. Robert Hunt (Mr. Hunt). There were 6,485 participants as of the end of the 1981 Plan year and total assets were approximately $60,000,000. The Plan's investments were diversified between equity and debt investments. For the year ending December 31, 1981, approximately $1,824,000 or 3 percent of the Plan's assets was invested in the Mortgage Notes.

2. PMBIC is a California corporation which is registered as an investment adviser under the Investment Advisers Act of 1940 and the Corporations Code of the State of California. Fifty percent of the stock of PMBIC is owned each by Mr. Terry Macken (Mr. Macken) and Mr. William Kleisath (Mr. Kleisath), the Vice President and President, respectively, of PMBIC. PMBIC earns brokerage commissions by serving as the agent for borrowers in its general loan brokerage business. Messrs. Macken and Kleisath thus benefit from the brokerage commissions in the form of origination fees earned by PMBIC from the

borrowers. The mortgage loans originated by PMBIC are normally made for periods of from one to six years with brokerage fees ranging from 0 to 9 percent of the amount of the mortgage loan. The actual mortgage loans are then made by PMBIC to certain limited partnerships which hold the mortgages subject to subsequent sale to investors.

3. From December 1977 until August 1980 the Plan purchased 55 Mortgage Notes from SSDR Investment Company (SSDR), EDR Investment Company (EDR) and/or Warren Educators Investment Company (WE). These were the only mortgage investments made by the Plan. SSDR, EDR and WE were limited partnerships (collectively, the Partnerships). SSDR, a California limited partnership, was organized for the purpose of investing in mortgage notes secured by deeds of trust. Mr. Macken and PMBIC were general partners of SSDR, and were responsible for its management. Except for the organizational expenses of SSDR, which were paid by the general partners, the initial capital contributions to SSDR were made solely by the limited partners.[1] Neither Mr. Macken nor PMBIC provided contributions to the capital of SSDR. The limited partners of SSDR as a group were entitled to all of the net income of SSDR after the payment of a management (servicing) fee of 1 percent per annum of average net assets (computed quarterly). PMBIC was not entitled to any of SSDR's income. In the event that SSDR incurred extraordinary expenses for legal and accounting services, or after SSDR had earned a 9 percent per annum net return after the 1 percent management fee, the general partners could have authorized up to an additional one-half of one percent for extraordinary expenses, or for the firm [2] selected by them to handle the office, clerical and other routine duties of the partnership. The Partnerships' offering memoranda included a stipulated investment objective. For example, the SSDR offering memorandum provided that its principal objective was to earn 9 percent per annum. The partnership structures of EDR and WE were identical to SSDR. The general partners of EDR were Mr. Kleisath and PMBIC. Mr. Macken and Mrs. Marilyn Kleisath were the general partners of WE.

[1] The limited partners consisted of individual investors.

[2] One of the firms which was selected by the general partners of SSDR to perform the office, accounting, legal and clerical work was Business Management Services, Inc., which was 100 percent owned by Mr. Mark Kleisath, Mr. Kleisath's son.

4. The applicant represents that the Partnerships served as mere warehouses holding an inventory of the Mortgage Notes and functioned like a bank or other financial institution that holds an inventory of available promissory notes. The Mortgage Notes were generally held by the Partherships for periods ranging from two weeks to six months from the date of origination to date of sale to the Plan.

5. In 1977, PMBIC made a presentation to the Plan in which it provided information concerning investments in second deeds of trust originated by PMBIC. Present at this meeting was Mr. E.V. Novascone of the Lionel D. Edie Company, as the Plan's investment adviser. Following PMBIC's presentation, Mr. Novascone advised the Board that the investment, procedures and safeguards (described hereinafter) proposed by PMBIC met his approval. The Board then conducted an investigation of PMBIC, the results of which were favorable. Subsequently, Lloyd's Bank conducted a separate investigation of PMBIC and found that the investments through PMBIC were proper.

6. The Plan document contained procedures pursuant to which the Board could designate persons other than the named fiduciaries to carry out fiduciary responsibilities. Based upon this authority, the Board designated PMBIC to serve as a fiduciary with respect to the assets of the Plan that the Board allocated for investment in the Mortgage Notes. This designation was effected by the execution of the Agreement for Investment of Pension Funds in Promissory Notes Secured by Second Deeds of Trust (the Agreement) entered between PMBIC and the Plan on December 19, 1977.[3] The Agreement provided, in relevant part, that:

(a) PMBIC was an investment adviser under the Investment Advisers Act of 1940, registered with the Securities and Exchange Commission, and was an "investment manager" as defined in section 3(38)(B) of the Act;

(b) PMBIC was experienced and knowledgeable concerning investment of pension assets and relevant rulings and requirements of the Act;

(c) PMBIC was willing and able to assume the capacity of prudent fiduciary as defined in section 404 of the Act.

(d)(1) All promissory notes would be for a principal sum of $3,000 or more, payable to the Plan only, and would not provide for less than a 10 percent rate of return;

(d)(2) All such promissory notes would provide for monthly payments of principal and interest, with all such principal and interest to be paid in full within 73 months of the date of acquisition of said notes and deeds of trust by the Plan;

(d)(3) Each promissory note and deed of trust would provide that all principal and interest shall be immediately due and payable upon sale or transfer of title of the real property securing the deed of trust and contain a clause providing for late charges and prepayment bonuses to be payable to the Plan; and

(d)(4) PMBIC would diversify the investments of the Plan's money so that there would be only one loan per parcel of real property and only one loan to each borrower.

7. Following the Agreement, the Plan's legal counsel drafted investment guidelines (the Guidelines) to be followed by PMBIC with respect to trust deed purchases. The Guidelines were as follows:

(a) The deed of trust securing the Mortgage Note must not be junior to more than one other encumbrance on the improved real property used as security for the Mortgage Note;

(b) Mortgage Notes were to be executed only where the security property was a single-family residence;

(c) The Mortgage Notes must have the specified ratios[4] of loan amounts to appraised value of security property;

(d) No Mortgage Note would be executed where the loan would be used to purchase the security property, unless the loan was a first deed of trust or if a second deed of trust, the proceeds would be used to help assume an existing first deed of trust;

(e) Mortgage Notes would be executed only where there was adequate title and fire insurance to protect the investor, and a request for default, if necessary, had been recorded to protect the foreclosure of a superior encumbrance; and

[3] In the Agreement, PMBIC represented that it was a fiduciary and "investment manager", and agreed also to serve as trustee for the benefit of the Plan regarding any Plan property that came into its possession.

[4] The specified ratios pertaining to the Mortgage Notes were as follows:

(a) where the appraised value of the security property was under $100,000, the value of the loan combined with the value of any other deed of trust on the security property must not have exceeded 80 percent of the appraised value;

(b) where the appraised value of the security property was valued from $100,000 to $200,000, the loan-to-value ratio must not have exceeded 75 percent of the appraised value; and

(c) where the appraised value of the security property was valued in excess of $200,000, the loan-to-value ratio must not have exceeded 65 percent of the appraised value.

(f) Mortgage Notes would be executed only after the security property's value had been determined by appraisal of a competent, independent appraiser.

The Guidelines were given to PMBIC and approved by PMBIC in writing. The Board approved the investment program with PMBIC subject to approval by the Board's legal counsel as well as the preparation of the Agreement which, Mr. Hunt represents, provided every conceivable safety measure and contained clear and specific responsibilites for each party . Thereafter, PMBIC periodically presented and recommended Mortgage Notes meeting the Guidelines to the Plan.

8. The applicant represents that when the Board determined the specific amount of Mortgage Notes it wished to purchase, this determination was communicated to PMBIC by Mr. Hunt. Each of the Mortgage Notes presented to the Plan by PMBIC satisfied the Boards's established Guidelines. PMBIC provided the Board with a copy of the Mortgage Note, a copy of the deed of trust, and a copy of the appraisal report of the real property which was the security for the Mortgage Note. Mr. Hunt states that he and the Plan's auditor (an independent certified public accountant) reviewed each investment. After reviewing the material provided by PMBIC, the Board could have either accepted or rejected the Mortgage Notes.[5] With respect to the Mortgage Notes selected by the Plan, it made and signed a check to Transamerica Title Company to purchase the Mortgage Notes.[6] Upon receipt of the check by Transamerica, the Plan's interest was recorded, and title and fire insurance policies were issued naming the Plan as beneficiary. The borrowers on the Mortgage Notes (the Mortgagors) were notified to designate the Plan as the payee on their monthly payment checks, but to forward these checks to PMBIC. All payments of principal and interest were made according to schedule. PMBIC was responsible for collection, monitoring and accounting with respect to the Mortgage Notes and once an investment in the Mortgage Notes were made by the Plan, the Board received monthly reports from PMBIC regarding the Mortgage Notes.

9. The applicant represents that in light of the safeguards and Plan authorization required for the purchase of each Mortgage Note, PMBIC did not exercise discretionary authority with respect to the assets of the Plan nor, as a practical matter, did it possess the power to manage, acquire, or dispose of the assets of the Plan, notwithstanding PMBIC's formal undertaking as "fiduciary" and designation as "investment manager".

10. The applicant represents that all the Mortgage Notes were sold to the Plan at par and any Mortgage Note whose interest rate did not reflect the current market rate remained with the Partnerships. No Mortgage Note was purchsed by the Plan after it was rejected by the Partnerships or by a third party. The applicant further represents that the Mortgage Notes were sold to the Plan on the same terms and conditions as mortgage notes sold to other parties. Specifically, the applicant represents that all the Mortgage Notes sold to the Plan contained identical terms, conditions, and coupon rates as the promissory notes purchased by other sophisticated investors (such as the Bank of Contra Costa) at the same time.

11. Mr. Jerome R. Downey (Mr. Downey), Chairman of the Board of Trustees of the Plan and a member of the investment committee during the period the Mortgage Notes were purchased, represents that with respect to the interest rates received by the Plan on the Mortgage Notes, the Plan periodically checked with other lenders to compare rates for similar loans and that the Plan spoke with other firms, but remained with PMBIC because its rates were competitive with others and the Plan believes the PMBIC has more safety built into its loans than was available with many others in the same field.[7]

12. The Plan did not make any separate payments to PMBIC for its services nor did PMBIC receive any compensation from the Partnerships. PMBIC's sole source of compensation was brokerage fees received from the Mortgagors and the Board was aware of the fact that PMBIC was being compensated in this manner. The applicant represents that the fees PMBIC received from Mortgagors did not, in the aggregate, exceed reasonable compensation.[8]

13. In summary, the applicant represents that the transactions met the statutory criteria of section 408(a) of the Act because:

a. The Mortgage Notes represented only 3 percent of the Plan's assets and produced a high yield;

b. PMBIC did not charge the Plan an investment advisory fee nor any other fee in connection with the acquisition or servicing of the Mortgage Notes;

c. The Plan received, without exception, every payment of principal and interest due on the Mortgage Notes;

d. E.V. Novascone, representing the Plan's investment manager, Lionel D. Edie, advised the Plan that the investment, procedures and safeguards proposed by PMBIC met his approval;

e. Lloyd's Bank, the Plan corporate co-trustee conducted an investigation of PMBIC and found its investments were proper;

f. The Plan's administrator and auditor reviewed and approved each Mortgage Note prior to the Plan's disbursement of funds for investment; and

g. The Board established Guidelines for the protection of the Plan and determined that the investment in the Mortgage Notes was in the interest of and protective of the Plan and its participants and beneficiaries.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Michael J. Gianturco, M.D., P.C. Profit Sharing Plan (the P/S Plan) and Michael J. Gianturco, M.D., P.C. Money Purchase Pension Plan (the M/P Plan; collectively, the Plans) Located in Cheektowaga, New York

[Application No. D-6551 and D-6552]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the purchase of a certain parcel of improved real property (the Property) by the individually directed accounts (the Accounts) of Michael J. Gianturco, M.D.

[5] The application reflects that all Mortgage Notes presented to the Board by PMBIC were accepted.

[6] Transamerica Title Company is not affiliated with PMBIC.

[7] In this regard the Department is expressing no opinion as to the fair market value of each Mortgage Note sold to the Plan or whether the acquisition of the Mortgage Notes by the Plan violated section 404 or any other provision of Part 4 of Title I of the Act.

[8] The Department does not intend to suggest by this proposal that the return to the investing partnerships and the Plan was not in part determined by the amount of the origination fees. The "arm's-length" condition of this proposal requires that, among other terms of sale, the interest rate payable to the Plan under each Mortgage Note was at the time of acquisition, and considering the amounts of origination fees received by PMBIC, no less favorable to the Plan than was available to other investors in similar instruments.

(Dr. Gianturco) and Geraldine Gianturco (Ms. Gianturco) in the Plans for $253,000 in cash from Dr. Gianturco and Mr. Joseph Romanello, Jr. (Mr. Romanello), an unrelated party, provided that such amount is not greater than the fair market value of the Property at the time of its acquisition by the Accounts; (2) the subsequent lease of the Property by the Accounts to Ms. Gianturco, provided that the lease terms are not less favorable to the Accounts than those obtainable in an arm's-length transaction with an unrelated party; and (3) the possible cash sale of the Property by the Accounts to Ms. Gianturco, provided that the sales price is not less than the fair market value of the Property at the time of the sale.

Summary of Facts and Representations

1. The Plans are defined contribution plans qualified under section 401(a) of the Code. The Plans each have three participants. As of February 28, 1986, Dr. Gianturco had total assets in his Accounts of approximately $1,182,277 of which $715,496 was in his Account in the M/P Plan and $466,781 was in his Account in the P/S plan. Ms. Gianturco had total assets in her Accounts of $83,702, as of the same date, of which $23,081 was in her Account in M/P Plan and $60,621 was in her Account in P/S Plan. The applicant represents that the Plans will be amended to provide for individual direction of the Accounts and that only the assets of the Accounts will be involved in the proposed transaction.

2. Dr. Gianturco is the President and a Director of Michael J. Gianturco, M.D., P.C. (the Employer), the Plans' sponsor. The Employer is a New York corporation engaged in the practice of medicine with its principal offices located at 2645 Harlem Road, Cheektowaga, New York. Dr. Gianturco is also the sole shareholder of the Employer and the trustee of the Plans. Ms. Gianturco is an employee of the Employer and the wife of Dr. Gianturco.

3. The Property consists of land located at 7700 Transit Road, Amherst, New York. The Property is currently owned 50% by Dr. Gianturco and 50% by Mr. Romanello as tenants in common. The applicant states that a building (the Building) is located on the Property which is currently owned 50% by Dr. Gianturco and 50% by Mr. Romanello as tenants in common. The Building houses a restaurant operated by the current tenant, Prime Rib Incorporated, the shareholders of which are Dr. Gianturco, Mr. Romanello and Mr. Romanello's three sons. Dr. Gianturco and Mr. Romanello propose to sell their interests in the Property to the Accounts. Ms. Gianturco proposes to purchase the Building from Dr. Gianturco and Mr. Romanello and then lease the Property from the Accounts. The applicant states that a new corporation (the Corporation) would be formed whose shareholders would be Dr. Gianturco, Ms. Gianturco and their children. The Corporation would lease the Building and sublease the Property and operate it as a restaurant.

4. The Property was appraised on July 1, 1985 by Mr. David W. Rumsey (Mr. Rumsey) of Rumsey Real Estate, Inc., an independent appraiser in Buffalo, New York, as having a fair market value of $253,000. By letter dated April 22, 1986, Mr. Rumsey states that the fair market value of the Property is unchanged, and, therefore, represents that the original appraisal is still valid.

The applicant states that the sales price for the Property to the Accounts will be $253,000 in accordance with Mr. Rumsey's appraisal. Dr. Gianturco's Account in the M/P Plan will acquire a 57 percent interest in the Property for $144,210 and his Account in the P/S Plan will acquire a 36 percent interest in the Property for $91,080. Ms. Gianturco's Account in the M/P Plan will acquire a 2 percent interest in the Property for $5,060 and her Account in the P/S Plan will acquire a 5 percent interest in the Property for $12,650. Thus, the applicant states that the Property will represent no more than approximately 22% of the assets of each of the Accounts based on the fair market value of the Property as appraised by Mr. Rumsey.

5. The applicant represents that the proposed lease (the Lease) of the Property by Ms. Gianturco from the Accounts will be a triple net lease for a period of ten years with an option to renew the Lease for an additional ten years. Mr. Rumsey has appraised the fair market rental value of the Property as of April 30, 1986 as being $27,830 per year, which will be the initial rental which Ms. Gianturco will pay to the Accounts, providing the Accounts with an 11% return on the fair market value of the Property. The Lease will provide that on the last day of each calendar year during the term of the Lease, the annual rental will be adjusted by a percentage equal to the percentage increase from the base period of the Department's Consumer Price Index (CPI). The CPI published for the calendar year in which the Property is initially leased will be the base period. In addition, the rental amount under the Lease will be adjusted every five years according to the fair market rental value for the Property at that time as determined by an independent appraisal. The applicant states that in no event will the rent be less than the rent determined by the previous year's CPI adjustment. The annual rental for the Property will not fall below $27,830 at any time during the term of the Lease.

6. Upon termination of the Lease, the Lease will provide that the improvements on the Property will revert to the Accounts as owner of the Property. Further, the Lease will provide for a right of first refusal for Ms. Gianturco to purchase the property from the Accounts if a bona fide offer is made for the Property by an unrelated third party and the Accounts determine to sell the Property. The applicant states that if Ms. Gianturco exercises this right, she will purchase the Property in cash for the amount of the third party offer and no commissions will be incurred by the Accounts in connection with the transaction.

7. The applicant represents that the proposed transactions are in the best interest of the Accounts. The applicant states that the proposed purchase of the Property will provide the Accounts with further diversification since the Accounts currently hold no real estate. In addition, the Lease will provide the Accounts with an investment return on the Property which compares favorably with the rate of return received on similar commercial properties in the area. Dr. Gianturco represents that he is familiar with the restaurant business and believes that the new corporation formed to operate the restaurant will continue to operate the restaurant profitably and provide the Accounts with a steady source of rental income. The investment will be earmarked for the Accounts of Dr. Gianturco and Ms. Gianturco and thus no other participants in the Plans will be affected.

8. In summary, the applicant represents that the proposed transactions will satisfy the statutory criteria of section 408(a) of the Act because: (a) The Property represents no more than approximately 22 percent of each of the Accounts' total assets; (b) the fair market value of the Property and the annual fair market rental value for the Property have been determined by an independent, qualified appraiser; (c) the fair market value will be re-appraised every five years over the term of the Lease, at which time the rental rates will be adjusted accordingly; and (d) Dr. Gianturco and Ms. Gianturco are the only participants in the Plans to be affected by the proposed transactions, and each has determined that the transactions are in the best interests of their Accounts.

Notice to Interested Persons: Because Dr. Gianturco and Ms. Gianturco are the

only participants in the Plans to be affected by the proposed transactions, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and requests for a public hearing are due 30 days from the date of publication of this proposed exemption in the **Federal Register.**

For Further Information Contact: Mr. E. F. Williams of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section. 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 27th day of June 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 86-14928 Filed 7-1-86; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 86-79; Exemption Application No. D-6251 et al.]

Grant of Individual Exemptions; Martin Ryan & Andrada Employee Profit Sharing Plan and Trust et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of poposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c) (2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Martin, Ryan & Andrada Employee Profit Sharing Plan and Trust (the Plan) Located in Oakland, California

[Prohibited Transaction Exemption 86-79; Exemption Applications No. D-6251]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b) (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the loan by the Plan of $54,000 (the Loan) to Martin, Ryan & Andrada, P.C., the Plan sponsor, under the terms and conditions set forth in the notice of proposed exemption, provided that such terms and conditions are not less favorable to the Plan than those obtainable by the Plan in an arm's-length transaction with an unrelated party; and (2) the continuing personal guarantee of the Loan by Joseph D. Ryan, Jr., Gerald P. Martin, Jr., and J. Randall Andrada, parties in interest with respect to the Plan.

For a more complete statement of the facts and representations supporting the Deparment's decision to grant this exemption refer to the notice of proposed exemption published on April 29, 1986 at 51 FR 15975.

For Further Information Contact: Joseph L. Roberts III of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

McInerney & Dillon, Professional Corporation, Profit Sharing Plan and Trust (the Plan) Located in Oakland, California

[Prohibited Transaction Exemption 86-80; Exemption Application No. D-6497]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c)(1) (A) through (E) of the Code, shall not apply to the loan by the Plan of $175,000 to McInerney & Dillon, P.C., the Plan sponsor, under the terms and conditions set forth in the notice of proposed exemption, provided that such terms and conditions are not less

favorable to the Plan than those obtainable by the Plan in an arm's-length transaction with an unrelated party.

For a more compete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 29, 1986 at 51 FR 15980.

For Further Information Contact: Joseph L. Roberts III of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things requires a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404 (a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 27th day of June, 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 86–14929 Filed 7–1–86; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Bi-Weekly Notice

I. Background

Pursuant to Public Law (Pub. L. 97–415), the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This bi-weekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on June 18, 1986 (51 FR 22226) through June 23, 1986.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice.

By August 1, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of

the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*)' petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Arizona Public Service Company et al., Docket No. STN 50–528, Palo Verde Nuclear Generating Station (PVNGS), Unit No. 1, Maricopa County, Arizona

Date of amendment request: May 29, 1986.

Description of amendment request: The proposed amendment would modify the Technical Specifications (Appendix A to Facility Operating License No. NPF–41 for PVNGS Unit 1), Figures 6.2–1 and 6.2–2 and section 6.4.1, to reflect changes in the organizational structure of Arizona Public Service Company to be consistent with the organizational structure in the PVNGS Unit 2 Technical Specifications (Appendix A to Facility Operating License No. NPF–51) previously approved by the staff.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no sigificant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

A discussion of these standards as they relate to the amendment request follows:

Standard 1—Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change only modifies the organizational structure of the licensees to allow those managers who have direct responsibility for plant operation and safety to concentrate on those areas and to provide effective management for necessary support functions. The amendment does not, therefore, significantly increase the probability or consequences of an accident.

Standard 2—Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed amendment does not vary or affect any plant operating condition or parameter. For these reasons, the NRC staff has determined that the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Standard 3—Involve a Significant Reduction in a Margin of Safety

The requested amendment does not change any of the design bases for the plant. For this reason, the NRC staff has determined that the change does not involve a significant reduction in any margins of safety.

Based on the above considerations, the Commission proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room Location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: April 25, 1986 as supplemented May 23, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) pertaining to moderator temperature coefficient (MTC). TS 3.1.1.4 currently states that the MTC shall be less negative than 2.8×10^4 delta k/k/°F at rated thermal power. The proposed change will state that the MTC shall be less negative than 3.4×10^4 delta k/k/°F at rated thermal power. This change is required to accommodate longer fuel cycle beginning with Cycle 6.

MTC can be described as the change in reactivity that results from a change in the temperature of the water in the core. The MTC limit is an input parameter in various transient and accident analyses. To ensure that the assumptions used in the transient and accident analyses remain valid throughout each fuel cycle since MTC changes slowly due principally to the reduction in reactor coolant system boron concentration associated with fuel burnup, TS 3.1.1.4 imposes limitations on MTC.

For the proposed change, a major secondary system pipe break is the most limiting event. For this event, the cooldown of the reactor collant system coupled with a more negative MTC of reactivity results in a more positive reactivity addition.

This change is one of several issues addressed in the application. The other issues will be the subject of a separate notice.

Basis for no significant hazards consideration determination: The Commission has made a proposed determination that the amendment request involves not significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. A discussion of these standards as they relate to this amendment follows:

Criterion 1

Safety analyses have been performed to demonstrate that any transients or accidents whose consequences would be affected by the more negative MTC limit indicate that they would be bounded by the existing accident analysis result in Chapter 15 of the ANO–2 Final Safety Analysis Report (FSAR). For the most limiting event, i.e., a major secondary system pipe break, detailed calculations show that incorporation of the more negative limit yields results that are within the existing Chapter 15 accident analysis results. In addition, allowing the MTC to be more negative does not influence whether or not any transients or accidents are more or less likely to occur. Therefore, the proposed change would not involve any increase in the probability or consequences of any accident previously evaluated.

Criterion 2

The proposed change would not create the possibility of a new or different kind of accident from any previously analyzed since it would not introduced new system, modes of operation, failure modes or other plant perturbations.

Criterion 3

The proposed change would not reduce the degree of protection for the design basis events as the safety analyses show that incorporation of the more negative MTC limit yield results that are within the existing accident analysis results in the No–2 FSAR. Therefore, the proposed amendment would not involve a reduction in the margin of safety.

Therefore, since the application for amendment satisfies the criteria specified in 10 CFR 50.92, the NRC staff proposes to determine that the requested change does not involve a significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attoney for licenses: Nichols S. Reynolds, Esq., Bishop., Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC 20036.

NRC Project Director: George W. Knighton.

Carolina Power and Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: September 12, 1985.

Description of amendment request: The proposed amendment would revise Technical Specifications (TS) for the H. B. Robinson Steam Electric Plant Unit No. 2. The proposed revision involves:

1. A revision to the steam flow rate, T.S. section 3.4 Basis, to reflect the as-built conditions of the new steam generators, i.e., to increase the flow rate per steam generator from 9.59×10^6 lb/hr to 10.11×10^6 lb/hr.

2. Delete the steam generator replacement requirements from 3.J of the license that were imposed during the replacement program by Amendment No. 77 dated February 28, 1985. The steam generator replacement program was satisfactorily completed early in 1985.

Basis for proposed no significant hazards consideration determination:

A. Steam Flow Rate Increase

The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

NRC staff has determined that the proposed amendment will not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because CP&L has determined that the actual relief capacity of each main steam safety valve is 10.22×10^6 lb/hr. as compared to the requested steam flow rate change to 10.11×10^6 lb/hr. for each steam generator. Since this is maximum flow, the flow rate will decrease as the pressure decreases. Therefore the requested maximum flow can be adequately relieved by the safety relief valves. The requested change will not significantly increase the probability or consequences of an accident previously evaluated since it is bounded by previous analysis; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed increased steam flow rate is below the relief capacity of the relief valves and the maximum steam flow is bounded by previous accident analysis; or (3) involve a significant reduction in a margin of safety because the requested steam flow increase is within the bounds of previous safety analysis. Also, as discussed above, the maximum flow will reduce rapidly as the pressure reduces.

Therefore the staff proposes to determine that the amendment does not involve a significant hazards determination.

(B) Delete the Steam Generator Replacement Requirements From Section 3.J of the Operating License

The Commission has provided guidance concerning the application of the standards of 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples of actions not likely to involve significant hazards consideration is (v) Upon satisfactory completion of construction in connection with an operating facility, a relief granted from an operating restriction that was imposed because the construction was not yet completed satisfactorily. This is intended to involve only restrictions where it is justified that construction has been completed satisfactorily.

Section 3.J *Steam Generator Repair Program* of the License was imposed by Amendment No. 77 to be effective during the steam generator repair (construction) program. The repair program was satisfactorily completed in early 1985. Consequently, the need for the section 3.J requirement no longer exists. The request for relief from requirement 3.J is clearly identical to example (v). Therefore, the staff proposes to determine that the amendment does not involve a significant hazards determination.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Lester S. Rubenstein.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: February 21, 1986.

Description of amendments request: These amendments impose restrictions on containment purge and vent operations and on the maximum purge valve position.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92 (c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided the following discussion regarding the above three criteria:

Criterion 1

The imposition of these restrictions results in more conservative operation than was previously allowed by the Zion Technical Specifications. The 50 degree maximum opening limit results in more reliable containment isolation than a full open valve. Thus, the excessive release of radioactive material following a postulated LOCA is less likely with the value opening limited to 50 degrees.

The addition of a closure time limit of 7 seconds is drastically more limiting than the previously allowed value of 60 seconds contained in section 4.9.3. The valve-specific time limit greatly reduces the potential for excessive off-site releases of radioactive material following a postulated LOCA.

Thus, the potential consequences of any previously evaluated accidents have been reduced. In addition, the imposition of these tighter controls over the purge and vent operations does not affect the probability of any previously evaluated accident.

Criterion 2

As discussed above, the proposed amendment will impose tighter restrictions on purge and vent operations than the existing Technical Specifications. There have been no design changes as a result of this change. Thus, the impositioin of limits on purge valve position and closure time will results in more conservative operation and will not create the possibility of a new or different kind of accident.

Criterion 3

The imposition of the more conservative limits on purge valve position and closure time will increase the majorin of safety. As discussed above, these new restrictions will reduce the likelihood of an excessive release of radioactive materials following a postulated LOCA. Thus, the margin of safety will not be adversely affected.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specification involve no significant hazards consideration.

Local Public Document Room location: Zion-Benton Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Project Director: Steven A. Varga.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: April 15, 1986, as modified June 4, 1986.

Description of amendment request: The proposed amendment would establish the acceptability of not inspecting four steam generator tubes in steam generator No. 4 for the period of cycle 14 operation. The present technical specifications require that, under certain circumstances, all steam generator tubes be inspected prior to their return to service.

Basis for proposed no significant hazards consideration determination: During the 1986 refueling outage, a 100 percent tube inspection of all four steam generators was voluntarily planned because predictions suggested that a significant amount of tubes would require either plugging or sleeving. A full 100 percent inspection was attained on three of the four steam generators. On steam generator No. 4, a decision was made not to inspect four tubes because: (1) These tubes were not readily accessible, (2) a significant amount of radiation exposure to workers would result from the manual manipulation of eddy-current testing equipment into these tubes to conduct the inspection, and (3) past examinations of these tubes and tubes in the same vicinity showed no significant degradation.

CYAPCO has reviewed the proposed change in accordance with 10 CFR 50.92 and has concluded that it does not involve a significant hazards consideration. Specifically, the proposed amendment would not: (2) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possiblity of a new or different kind of accident from any accident previously evaluated; or (3) involve significant reduction in a margin of safety. The proposed revision has been shown to adequately maintain the original bases of the technical specification in that a highly reliable primary system integrity is maintained. The probability of occurrence or the consequences of previously analyzed accidents has not been increased and

the possibility for a new type of accident not previously evaluated has not been created. It is noted that the failure of a steam generator tube in included in the design basis analysis and acceptable results have been demonstrated.

The staff has reviewed the licensee's determination that the proposed license amendment involves no significant hazards consideration and concludes that it is acceptable. Accordingly, the staff proposes to determine that the proposed changes do no involve a significant hazards consideration.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: June 3, 1986.

Description of amendment request: The proposed license amendment deletes the requirement that licensed senior reactor operators (SROs) of the plant operating crew be qualified in radiation protection procedures. The present requirement arose because health physics technicians were not routinely assigned to off-shifts and Technical Specification 6.2.2 requires that an individual qualified in radiation protection procedures be onsite when fuel is in the reactor.

Basis for proposed no significant hazards consideration determination: The present technical specification requirement was originally established to ensure compliance with Technical Specification 6.2.2.d, which requires that an individual qualified in radiation protection procedures be on-site when fuel is in the reactor. Health Physics (HP) technicians were not routinely assigned to the off-shifts and the chosen course of actions was to train SROs in HP procedures, rather than put HP technicians on-shift. Since that time, HP technicians have been put on-shift and, hence, fulfill the requirements of Technical Specification 6.2.2.

Connecticut Yankee Atomic Power Company has reviewed the proposed change, in accordance with 10 CFR 50.92, and has concluded that it involves no significant hazards considerations because this change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. This change deletes the requirement that operation crew SROs be qualified in radiation protection procedures. HP technicians have been put on-shift, which is an alternative superior to training SROs in HP procedures.

(2) Create the possibility of a new or different kind of accident from any previously analyzed. It has been determined that a new or different kind of accident will not be possible due to this change because this change strengthens assurance that proper HP practices and procedures will be followed.

(3) Involve a significant reduction in a margin of safety. By placing HP technicians on-shift, the requirements of Technical Specification 6.2.2.d are fulfilled and no margin of safety is reduced.

The staff has reviewed the licensee's determination that the proposed amendment involves no significant hazards considerations and finds it to be acceptable. Accordingly, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: June 6, 1986.

Description of amendment request: The proposed license amendment would formalize a surveillance requirement to perform a quadrant power tilt surveillance at least once per seven days. This surveillance test has been performed by administrative procedures at the above frequency since 1983, and is being formalized to satisfy a staff request made during the review of the Cycle 14 reload application. The surveillance will provide further assurance that the input assumptions of the transient analyses are valid.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983) of actions not likely to involve a significant hazards consideration. Example (ii) of this guidance states that a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications, for example, a more stringent surveillance requirement would not likely constitute a significant hazard. The staff has reviewed the proposed license amendment and concluded that it falls within the envelope of example (ii) since the proposed amendment adds an additional surveillance requirement not currently in the plant technical specifications.

Accordingly, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: July 9, 1985, as supplemented by agreement noted in a meeting summary dated June 10, 1986.

Description of amendment request: As discussed in the application dated July 9, 1985 (50 FR 32791), the proposed license amendment would modify the plant technical specifications by altering the reporting requirements as a result of changes to 10 CFR 50.72 and 10 CFR 50.73. During the course of the staff review, the staff concluded that the proposed changes to the fire protection technical specifications were too limited in scope. As documented by the meeting summary dated June 10, 1986, the licensee provided additional proposals for reporting requirements in the fire protection area. The proposed changes will clarify the list of reportable events and provide the NRC with more useful reports regarding the safety of operating nuclear power plants.

Basis for proposed no significant hazards consideration determination: By application dated July 9, 1985, Connecticut Yankee Atomic Power Company proposed changes in the reporting requirements technical specifications consistent with the guidance of 10 CFR 50.72 and 10 CFR 50.73.

During the review of the proposed changes, the staff identified several areas where additional editorial

changes were required to account for amendments that have been issued since the July 1985 application and to modify certain existing technical specifications for consistency. In particular, additional changes to the reporting requirements were required in the technical specifications concerning post-accident radiation monitors and radiological effluents because these amendments have been issued since the original application as received. In addition, the proposed changes to the fire protection technical specifications were found to be too limited in scope, therefore, additional proposals for reporting needed to be included.

As documented by meeting summary dated June 10, 1986, the licensee agreed to the revised reporting requirements for fire protection systems. The proposed revisions include a special report requirement for fire protection systems versus the licensee's original proposal that reports for these systems be considered as licensee event reports (LER). A copy of the proposed revisions to the technical specifications have been included in the meeting summary.

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (April 6, 1983, 48 FR 14870) of actions not likely to involve significant hazards considerations. One such example is example (vii) which is a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The staff has reviewed the licensee's amendment request to change the reporting requirements for fire protection systems as a result of changes to 10 CFR 50.72 and 50.73 and has concluded that they fall within the envelope of example (vii) because these changes are administrative in nature and modify the plant specific technical specifications to conform to changes in 10 CFR 50.72 and 50.73.

Another example of an action not likely to involve a significant hazards consideration is example (i) which is a purely administrative change to the technical specifications; for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The staff has reviewed the proposed editorial changes to revise the technical specifications that have been issued after the application was originally received and has concluded that they fall within the envelope of example (i) because they are administrative in nature and modify the technical specifications in a manner to assure consistency throughout the technical specifications.

Based on the above, the staff proposes to determine that the license amendment request involves no significant hazards considerations.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: June 18, 1985, as supplemented April 18, 1986.

Description of amendment request: This submittal supplements the request for amendment dated June 18, 1985. The June 18, 1985 submittal was noticed in the **Federal Register** on August 28, 1985 (50 FR 34936). The proposed Technical Specification Revisions concerned several topics. The April 18, 1986 supplemental submittal concerned only the changes relating to the Station Nuclear Safety Committee. The proposed amendment would revise the Technical Specifications to enable the Station Nuclear Safety Committee to document and review temporary procedure changes within 14 days of implementation. Per the PRC's request, Consolidated Edison revised the proposed amendment to include a requirement for approval of temporary changes by a General Manager in addition to the Station Nuclear Safety Committee review and documentation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards consideration determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specification. The staff proposed to determine that this change does not involve a significant hazards consideration since it establishes the additional restriction of approval of temporary procedures by a General Manager.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Steven A. Varga.

Duke Power Company, Dockets Nos. 50–269, 50–270 and 50–287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County South Carolina

Date of amendment request: January 21, 1986.

Description of amendment request: The proposed amendments would revise the Station's common Technical Specifications (TSs) to delete TS 3.9.4, Part c on the chemical treatment ponds 1 and 2 (CTP 1 and 2). Also, an administrative change is being made on page 3.9–3. Section 3.9.4 is being divided into two parts. The first sentence would remain as Part b, but the remaining part of the restriction would become a new Part c. This administrative change is being made for clarity and easier reference.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). Example (i) of the types of amendments not likely to involve significant hazards considerations is an amendment that is a purely administrative change to the TSs. Part b of Section 3.9.4 is being divided into two parts. The first sentence would remain as Part b. but the remaining part of the restriction would become a new Part c. This change is purely administrative in nature and is being made for clarity and easier reference. Thus, this change appears to be encompassed by example (i) of amendments not likely to involve significant hazards considerations.

The licensee is also proposing to delete TS 3.9.4, "Chemical Treatment Ponds (CTP 1 and 2)," Part c.

The licensee states that the proposed amendments call for the deletion of only Part c of TS 3.9.4; Parts a and b would remain. Buildup of activity is still controlled by the remaining parts; therefore, the total activity allowed by the TS would not change. The TS is based on the assumption that most or all of powdex resin transfers are to the CTP. In a situation where most or all resin transfers are to the Powdex Backwash Tank (as has been the case at Oconee for the past five years), this TS can restrict transfers to the CTP far beyond the original intent of the specification.

Transfers to the CTP are allowed by TS 3.9.4.c if the total radioactivity in each batch does not exceed 0.01% of the pond radionuclide inventory average quantity transferred to the pond during the previous 13 weeks. In cases where no transfers have occurred during the previous 13 weeks, the allowable activity transferred to the pond is restricted well beyond the standard reqirement stated in TS 3.9.4.b, which limits transfers to the pond in excess of 0.1% of the inventory limit (e.g., 5.1 microcuries of Iodine-131 per batch).

Therefore, the proposed action would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

On these bases, the Commission proposes to determine that the applicatoin involves no significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

Attorney for licensee: J. Michael McGarry, III, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

NRC Project Director: John F. Stolz.

Duke Power Company, Dockets Nos. 50–269, 50–270 and 50–287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County South Carolina

Date of amendment request: January 14, 1986, as supplemented on April 10, 1986.

Description of amendment request: The proposed amendments would revise Facility Operating Licenses DPR–38, DPR–47 and DPR–55 to extend the duration of the licenses to 40 years from the date of issuance of the full-power license.

The Oconee Nuclear Station is currently licensed for plant operation for 40 years commencing with the issuance of the construction permit, which was November 6, 1967 for all three units. Thus, for all three units the licenses will expire at midnight, November 6, 2007. The licensee requests that these license expiration dates be changed to February 6, 2013 for Unit 1 (DPR–38 was issued February 6, 1973), to October 6, 2013 for Unit 2 (DPR–47 was issued October 6, 1973); and to July 19, 2014 for Unit 3 (DPR–55 was issued July 19, 1974).

Basis for proposed no significant hazards consideration determination: Oconee Nuclear Station is currently licensed for plant operation for 40 years commencing with issuance of the construction permits. The Unit 1 License (DPR–38), the Unit 2 license (DPR–47) and the Unit 3 license (DPR–55) currently expire on November 6, 2007. The licensee requests that these license expiration dates be changed to February 6, 2013 for Unit 1, October 6, 2013 for Unit 2 and July 19, 2014 for Unit 3.

An assessment of the potential impact to the Nuclear Steam Supply System (NSSS) equipment was performed by the vendor, Babcock and Wilcox (B&W). Based on the assessment made, B&W concluded that there would be no need to change the existing criteria for determining the design life of the NSSS equipment since the 40-year design life is equivalent to 32 effective full power years (EFPYs). Specifically, from the materials aspect, the equipment design life is based on the time and cycles of exposure to the plant operating environment.

All primary and secondary side pressure boundary components within B&W's scope of supply have been designed in accordance with the criteria as specified by the ASME Code, one requirement of which states that protection against fatigue failure must be assured based upon a set of predefined operational cycles and the number of occurrences of each, as provided in the reactor coolant system (RCS) functional specification. The ASME Code prescribes a method of determining the fatigure life through the fatigue utilization factor. For the Oconee Units, a program has been established to monitor the fatigue utilization factor. This program provides assurances that any potential degradation of the pressure boundary components due to transient cycles will be anticipated and allow for the initiation of the appropriate corrective measures.

The reactor vessel material analyses have shown that the expected cumulative neutron fluence on the reactor vessel will not be a limiting consideration for a 40-year operating life. The B&W Integrated Reactor Vessel Material Surveillance Program and the Cavity Dosimetry Program shall provide a means for continuously monitoring the cumulative effects of the neutron exposure on the materials of the reactor vessel. The analyses of the Oconee plant-specific surveillance capsules irradiated inside the reactor vessel of the Crystal River Unit No. 3 will confirm that the predictions used in the analytical techniques for establishing operating limitations for the reactor vessels are conservative.

Compliance with 10 CFR 50.61 provides assurance that the Pressurized Thermal Shock (PTS) screening criteria will be met. In a B&W Report (BAW–1895, January 1986), Table 2–1 indicates that the calendar year that the RT_{pts} criteria will be exceeded is 2032, 2011, 2100 for units 1, 2 and 3, respectively. The results are conservatively based upon a unit capacity factor of 80%. As indicated in Duke's submittal of January 14, 1986, Oconee Units 1 and 3 will approach the PTS screening well beyond their proposed Operating License expiration dates of 2013 and 2014, respectively. For Oconee Unit 2, however, the screening criteria may be slightly exceeded for the proposed license expiration date. In an April 10, 1986 letter, Duke indicated that in support of the amendment request for license extension, evaluations were performed to demonstrate that the Oconee Unit 2 projected RT_{pts} at the proposed extended license expiration date will not exceed the PTS screening criteria. The results show that the Oconee Unit 2 reactor vessel will meet the NRC PTS screening criteria at 300° F at the proposed license expiration date of October 6, 2013. This evaluation is based on the latest Oconee Unit 2 data (BAW–1895) with a plant utilization factor of not greater than 0.74 without any changes in future fuel cycles. The licensee states that based upon actual experience, the utilization factor is closer to 0.65. The actual plant utilization factor is not expected to exceed 0.74 for the life of the plant.

The licensee also evaluated the environmental qualification aspect in response to IE Bulletin 79–01B and 10 CFR 50.49. For safety-related electrical equipment within the scope of 10 CFR 50.49, aging reviews were conducted so as to establish a qualified life for the equipment. Based on this evaluation, the licensee concludes that the electrical systems design, electrical equipment selection and application, and environmental qualification of electrical equipment are not impacted by a 40-year operational lifetime.

The licensee reviewed the Final Environmental Statement (FES) for Oconee Nuclear Station dated March, 1972 to determine if conclusions reached by the NRC in that document are materially affected by an extended Oconee operational lifetime. Oconee environmental monitoring programs were reviewed to verify compliance with operating license commitments referenced in the FES. The licensee concludes that the site requirements of 10 CFR Part 100 will still be met. The radiological releases resulting from Oconee operation are as low as practicable and, thus, the additional years of Oconee operation will not

increase the annual public risk from reactor operation.

The Oconee licenses were issued provided that comprehensive monitoring, as described in the FES, be undertaken to monitor the effects of plant operation on the aquatic environment of Lakes Keowee, Hartwell and Jocasee. South Carolina Department of Health and Environmental Control issued a permit for discharge limits to the environment. The permit is periodically reviewed and modified to assure protection of the environment throughout the operating life of Oconee.

The licensee has also considered the impact on occupational radiation exposures for the additional years of operation from 2007 to 2013 for Units 1 and 2 and 2007 to 2014 for Unit 3. Based on 11 years of operation (1974 through 1985) and other considerations, the additional operation of Oconee is expected to result in no more than an average of 1200 person-rem per year for all three units. The dose reduction/benefits from the ALARA program are expected to offset increases due to plant age and higher does rates. Oconee's average dose for operation to date is considerably below the current PWR average and represents no undue risk to the plant staff.

The licensee's safety analysis presented above supports extension of the operating licenses for Oconee Nuclear Station, Units 1, 2 and 3, to allow a 40-year service life in that all issues associated with plant aging have been addressed. Since the proposed amendments involve no changes in the Technical Specifications or existing safety analyses, the Commission's staff proposes to conclude that the proposed amendments would not: (i) Involve any significant increase in the probability or consequences of an accident previously evaluated; or (ii) create the possibility of a new or different kind of accident from any accident previously evaluated; or (iii) involve a significant reduction in a margin of safety.

Based upon the above, the Commission proposes to determine that the proposed amendments, which provide for a 40-year operating life for Oconee Nuclear Station, Units, 1, 2 and 3, involve no significant hazards considerations.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

Attorney for licensee: J. Michael McGarry, III, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

NRC Project Director: John F. Stolz.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: October 8, 1984, revised by letter dated February 3, 1986.

Description of amendment request: This is a revision to the application for an amendment to Operating License DPR–66, revising the Technical Specifications to comply with requirements (NUREG–0737) imposed by the Commission as a result of the Three Mile Island accident. The proposed changes are patterned after the staff's Standard Technical Specifications transmitted by Generic Letter 83–37. The staff issued its first notice on November 21, 1984, (49 FR 45947). The parts of the change request affected by the February 3, 1986 submittal are:

(1) Tables 3.3–11 and 4.3–7 would be revised by adding Instrument No. 9, 10 and 11 (PORV control pressure channels, containment sump wide-range level and containment wide-range pressure) to comply with the staff's requirement.

(2) Sections 3.4.12, 4.4.12 and B3/4.4.12 would be added to specify the limiting conditions for operation and associated surveillance requirements for the reactor coolant vent system.

(3) Section 3.6.4.1 would be revised to apply specifically to the wide-range hydrogen analyzers installed to meet staff requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards considerations is "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications." All proposed specifications described above are currently non-existent in the Beaver Valley Unit 1 Technical Specifications. Issuance of an amendment to incorporate them would be an action that matches the quoted example. Therefore, the staff proposes to characterize the proposed amendment as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney of licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW, Washington, DC 20036.

NRC Project Director: Lester S. Rubenstein.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–321, Edwin I Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of amendment request: May 16, 1986.

Description of amendment request: These amendments would modify section 6 of the Technical Specifications to: (1) Change the membership and quorum requirements for the Plant Review Board; (2) change the membership, quorum, corporate management reportability and review requirements for the Safety Review Board (SRB); (3) clarify the SRB audit requirement for the Offsite Dose Calculation Manual and the process Control Program; and (4) correct punctuation errors.

Basis for proposed no significant hazards consideration determination: In accordance with the Commission's Regulations in 10 CFR 50.92, the Commission has made a determination that the proposed amendments involve no significant hazards considerations. To make this determination the staff must establish that operation in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in the margin of safety.

The proposed amendments in this instance do not involve a physical modification of the plant, a change in operating procedures, or a change in any limiting conditions of operation. Rather, the change is administrative, concerning changes in management organization, position titles, position responsibilities, and other administrative corrections. In view of the administrative nature of the proposed amendments, none of the criteria enumerated above apply.

Based on the foregoing, the Commission has made a proposed determination that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Appling Country Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Daniel Muller.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: May 12, 1986.

Description of amendment request: NRC Genric Letter (G.L.) 83–43 dated December 19, 1983, requested licensees to amend their Technical Specifications (TSs) to reflect changes in reporting requirements of 10 CFR Part 50, §§ 50.72 and 50.73. A model TS was enclosed showing revisions to be made in the "Administrative Control" and "Definitions" sections of the TSS. The generic letter further requested that other conforming changes to TSs be made in order to reflect the revised reporting requirements.

The purpose of this TS Change Request (TSCR) is to revise the reporting requirements of the TSs for TMI–1 to be consistent with the rule changes to 10 CFR 50.72 and 50.73. In addition, the TSCR incorporates other administrative changes affecting the same TS pages as modified by the above-mentioned generic letter. Because of the volume of changes involved, the licensee has divided the task into more than one submittal. Another TSCR submittal will be made at some future points and will be noticed separately. However, each TSCR must stand on its own merits.

Administrative changes made in addition to those specifically made in response to G.L. 85–43 involve the following:

a. Deletion of the requirements for submittal of certain reports or information no longer requried by NRC.

b. Clarification of TS section 6.10.2 by inserting the words "... unless otherwise specified in 6.10.1 above." This is to distinguish between the records which are to be retained for the duration of the operating license and those which are required to be retained for at least five years.

c. Deletion of Specification 6.10.2.n concerning the retention of equipment qualification records, as these requirements are addressed by regulation in 10 CFR 50.49.

d. Designation of the appropriate individual responsible for maintaining administrative control of keys to locked barricades specified in 6.12.1.b.

e. Deletion of the reference to Regulatory Guide (R.G.)[10.1 from Specification 6.9.1.C concerning the distribution of the Monthly Operating Report.

f. Clarification of Specification 6.8.3 to specify more clearly the approval process for temporary changes to the procedures of 6.8.1. This change is to remove the ambiguity of the current wording.

g. Deletion of the redundant listing of special reports in Specification 6.9.3.

h. Correction of format, grammar, misspellings, and other errors from previous amendments and addition of language to improve clarity of the TSS.

Basis for proposed no significant hazards consideration determination: The Commission's staff has reviewed the licensee's no singificant hazards consideration determination and agrees with the licensee's analysis. The Commission has provided guidelines pertaining to the application of the three no significant hazards consideration standards by listing specific examples in 48 FR 14870. Part of the proposed amendment is being made to comply with reporting requirements in 10 CFR 50.72 and 50.73. This portion of the proposed amendment is in the same category as example (vii) of amendments that are considered not likely to involve significant hazards consideration, i.e., a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The remaining portions of the amendment serve to delete reports no longer required by the NRC, delete TS requirements superseded by regulation, clarify ambiguity in wording, designate individuals responsible for maintaining administrative control of keys to locked barricades, delete out-dated report distribution requirements, delete redundant listing of special reports, and correct format, grammer, and misspellings. These changes are administrative in nature and are similar to example (i) of amendments that are not considered likely to involve a significant hazards consideration, i.e., a purely administrative change to achieve consistency, correct errors, change nomenclature, and improve clarity.

Based on the above, the Commission makes a proposed determination that this amendment request does not involve signficant hazards considerations.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: John F. Stolz.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: April 25, 1986.

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specifications reflecting the Iowa Electric Light and Power Company's (licensee's) to extend the DAEC operating cycle from 12 months to 18 months.

The licensee has reviewed the DAEC Technical Specifications and identified changes which were dependent upon the length of the operating cycle. The identified changes consisted of: (1) Revisions of definitions for such terms as "operating cycle," "refueling outage," "annual," and "surveillance frequency," and (2) extension of the surveillance test interval jsutified by specific safety analyses.

The candidates for extension of surveillance test intervals were identified by the test frequencies currently specified in the Technical Specifications, and the licensee's engineering judgement. The feasibility of extending the test intervals of the candidate surveillances was based on the analyses of the available data of failures for the ten years of plant operation, the licensee's judgement that the underlying purpose of the surveillance tests would not be defeated by extension of the surveillance interval, and the expected frequency of failures would not be significantly increased.

The feasible Technical Specification changes of surveillance intervals consisted of: (1) Changes where no failures were reported, (2) changes where failures appeared to be random, and (3) changes where review of the failure data showed that the extension of the test frequency did not create any unreviewed safety questions.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's request and finds that the proposed amendment: (1) Does not involve a significant increase in probability or consequences of an accident previously evaluated because (a) changes in definitions have no effect on the previously evaluated accidents, and (b) extension of surveillance interval to correspond to 18-month operating cycle for tests which do not involve any unreviewed safety questions, will have insignificant effect on probability and consequences of previously evaluated accidents; (2) does not create the possibility of a new or different kind of accident from any accident previously evaluated because changes in the definitions and extension of surveillance intervals are unlikely to create new or different kinds of accidents; and (3) does not involve a significant reduction in a margin of safety because (a) changes in definitions have no effect on the margins of safety and (b) extension of surveillance intervals for tests which do not constitute any unreviewed safety questions will have insignificant effect on margins of safety.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: May 22, 1986. Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specifications in response to NRC Generic Letter 83–30 related to deletion of diesel generator surveillance requirements, Generic Letter 84–15 related to improvement and maintenance of diesel generator reliability, and Information Notice 85–32 related to engine failures of diesel generators.

The licenses proposes to revise the Technical Specification deleting the excessive diesel generator surveillance testing requirements, updating American Society of Testing Material (ASTM) standards for diesel fuel testing, and revising the action requirements for Emergency Core Cooling System (ECCS) operability when a diesel generator is declared inoperable.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's request and finds that the proposed amendment:

(1) Does not involve a significant increase in probability or consequences of an accident previously evaluated because: (a) Deletion of diesel generator surveillance requirements in response to NRC guidance will have a minimal effect on diesel generator availability, and (b) revising the ASTM standard for diesel fuel testing has no effect on previously evaluated accidents;

(2) Does not create a new or different kind of accident because improving diesel generator reliability and revising the ASTM diesel fuel testing standard will not create any accidents; and

(3) Does not involve a significant margin of safety because improving diesel generator reliability will enhance the safety margin and the revision of the ASTM diesel fuel testing standard will have no effect on the safety margin.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Ceder Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: May 5, 1986.

Description of amendment request: The proposed amendment would change the Turbin Valve test frequencies from monthly when the turbine is operating to every 6 weeks when the turbine is operating.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c).

The licensee has presented its determination of no significant hazards consideration as follows:

1. Will this change significantly increase the probability or consequences of a previously analyzed accident?

No. A decrease in the frequency of turbine valve testing will not significantly increase the probability of any previously analyzed accident, and should improve plant safety by decreasing the probability of a test-induced plant trip.

Turbine valve failures can result in an uncontrolled cooldown or a turbine overspeed. Each steam supply line contains two valves in series (e.g., a governor valve and a stop valve). Maine Yankee has never experienced the concurrent failure of two valves. Under the monthly testing frequency, we [MYAPCo] have observed only one instance of a valve failing to pass a surveillance test in over thirteen years of commercial generation.

Maine Yankee's Emergency Operating Procedures (both present and the revision being prepared) directs operators to assure that all turbine valves are closed following a trip. If not closed, the operator is to close the excess flow check valves, thus terminating any possibility of excessive cooling. In addition, the valves close automatically on steam low pressure if the cooldown were allowed to progress to approximately 460° F.

Plant trips can be precursors to events of more significant safety consequences. During the thirteen years of commercial operation, Maine Yankee has experienced at least four trips clearly associated with turbine valve testing.

2. Will this change create the possibility of a new or different kind of accident from any accident previously analyzed?

No. Since only the frequency of testing will be altered under this proposed change, no potential accident sequences are created.

3. Will this change significantly decrease any margin of safety?

No. Since only the frequency of testing and not the nature of the tests will be altered, this change will have no adverse affect on any margin of safety.

A brief review of plant identified at least four which were readily attributable to actions associated with turbine valve testing. Therefore, we conclude that this change will likely result in an overall improvement in plant safety by decreasing the number of times the plant is at risk of a spurious trip induced by the test procedure.

The staff has reviewed the licensee's no significant hazards consideration determination and the technical content of the submittals and agrees with the licensee's analysis. Therefore, based on this review, the staff has made a proposed determination that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: J.A. Ritscher, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Project Director: Ashok C. Thadani.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Dates of amendment requests: March 31, 1986, as amended by letters dated May 2, 1986, June 9, 1986 and June 20, 1986.

Description of amendment request: The licensee's letter dated March 31, 1986 requested a license amendment for changes to the Technical Specifications needed to allow plant operation with only one recirculation loop operable, called single loop operation (SLO). The NRC staff published a notice in the **Federal Register** (51 FR 16929) dated May 7, 1986, of its proposed determination that the changes to the Technical Specifications proposed in the licensee's March 31, 1986 letter did not involve significant hazards considerations. Subsequently, by letters dated May 2, 1986 and June 9, 1986, the licensee requested additional changes to the Technical Specifications needed to allow operation with increased power levels at reduced reactor core cooling water flow rates or with increased reactor core cooling water flow rates at reduced power levels, called the maximum extended operating domain (MEOD). An additional submittal, dated June 20, 1986, provided supplemental information regarding SLO and the proposed changes to the Technical Specifications to allow both SLO and MEOD operation. The present notice provides the NRC staff's evaluation of the proposed changes to the Technical Specifications for both SLO and MEOD operation and supersedes the notice published on May 7, 1986 for SLO operation only (51 FR 16929).

The amendment would change the facility Technical Specifications: (1) To allow power operation with a single recirculation loop in operation; and (2) to allow operation with increased reactor core cooling water flow rates up to 105% of rated flow rate at reduced power levels and operation with increased power levels at reduced core cooling water flow rates. The amendment does not involve an increase above the currently licensed power level. The changes to the Technical Specifications for single loop operation would include a new specification for neutron flux monitoring instrumentation to be used to detect and suppress power oscillations, an increased minimum critical power ratio limit, changes to the average power range monitor reactor trip and control rod block setpoints, changes to the power distribution limits, and changes to the recirculation loop specifications.

Changes for MEOD operation would include elimination of the average power range monitor (APRM) trip setdown and changes to allow rated power operation with feedwater temperatures reduced 50° F below rated feedwater temperature (420° F).

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves into no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: Involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in a margin of safety.

The licensee has provided analyses of significant hazards considerations in its requests for a license amendment. The licensee has concluded with appropriate bases, that the proposed amendment satisfies the standards in 10 CFR 50.92 and, therefore, involves no significant hazards considerations:

The NRC staff has made a preliminary review of the licensee's submittals. The staff's evaluation of single loop operation and maximum extended operating domain operation are considered separately below.

A. Single Loop Operation (SLO)

The proposed changes for SLO would allow operation of the plant with only one of the two recirculation loops in operation. The present Technical Specificaitons require a plant shutdown if one recirculation loop is inoperable. Implementation of increased power oscillation surveillances is proposed to assure that oscillation is detected and suppressed and to provide assurance that single loop operation can be performed safely. The licensee has analyzed accidents and transients considering single loop operation to determine reactor trip and control rod block setpoints and the minimum critical power ratio safety limit. The criterion used for these analyses is to maintain the same margin of safety during single loop operation as that which presently exists during two loop operation. The results of the licensee's analysis in relation to the three standards in 10 CFR 50.92 follows.

Standard 1—Involve a significant increase in the probability or consequences of an accident previously evaluated

The additional surveillance requirements to detect and suppress power oscillations offsets the larger probability for such oscillations with single loop operation. Therefore, the proposed amendment would not involve a singificant increase in the probability of an accident previously evaluated.

The results of the licensee's analyses for single loop operation show that: (1) Loss of coolant accident (LOCA) analyses for single loop operation result in a more severe peak clad temperature (PCT). The maximum average power linear heat generation rate (MAPLHGR) limits have been reduced in order to maintain PCT below 10 CFR 50.46 limits. The decreased MAPLHGR limits are equivalent to a 300 °F–500°F decrease in PCT for large pipe breaks. The small pipe break LOCA analyses resulted in an increase in PCT of about 50°F. The reduced MAPHLGR limits developed from the large break LOCA analysis more than offset the small increase in PCT due to the small break LOCA. (2) The containment response for the design basis accident with single loop operation is bounded by the rated power, two-loop operation analysis presented in the Grand Gulf Nuclear Station Final Safety Analysis Report (FSAR), section 6.2. For single loop operation, the differential peak drywell and wetwell pressures of 19.8 pounds per square inch guage (psig) and 6.3 psig, respectively are less than the 22 psig

and 9.9 psig results noted in the FSAR section 6.2. (3) All anticipated-transient-without-scram (ATWS) acceptance criteria are met during single loop operation. Because the initial power-flow condition is less during single loop operation than the rated power-flow condition for which the previous analysis was made, the transient response is less severe. (4) The average power range monitor (APRM) reactor trip and control rod block setpoints are modified to account for reverse flow through the inactive loop jet pumps. The flow is in a reverse direction when the operating loop is producing high flow rates. Therefore, the APRM equations were conservatively modified considering reverse flow over the range of single loop flows. The modification maintains the same drive flow versus power relationship during single loop operation as is presently provided during two loop operation. (5) Fuel thermal and mechanical performance for transient events occurring during single loop operation are within the fuel design bases. Reverse flow through the jet pumps in the inactive loop causes increased vibrations as evidenced by APRM flux noise and core plate differential pressure noise. Both of these indications of vibrations were analyzed and it was concluded that the vibrations are within the fuel mechanical limits. (6) Recirculation loop specifications would be changed from the present requirements for two operable loops to proposed requirements to permit plant operation with either one or two loops operating. The limiting condition for plant operation with a single loop operating would reference appropriate limits and setpoints, require manual control of loop flow, restrict volumetric loop flow rate, and prohibit operation above the 80% rod line with less than 39% core coolant flow. Analyses described in the licensee's submittal have shown that the margin of safety would be the same as for two loop operation, with these limiting conditions on single loop operation. Action statements and surveillance requirements would be modified to correspond to the changed limiting conditions for operation. Jet pump operability is required to be demonstrated in the operating loop only. For single loop operation, the loads on the non-operating jet pumps due to reverse coolant flow and vibration would be within design limits. The recirculation loop flow mismatch specification is applicable only to both loops operating and the specification would be changed accordingly. Based on these evaluations, the licensee concluded, and staff agrees, that single loop operation with the proposed changes to the Technical Specifications does not involve a significant increase in the consequences of an accident previously evaluated.

Standard 2—Create the possibility of a new or different kind of accident from any accident previously evaluated

The additional surveillance requirements do not require any change to plant design or operation. The remedial actions to suppress power oscillations involve normal plant operating practices. Therefore, the possibility of a new or different accident is not created by the addition of this Technical Specification. The idle recirculation pump start transient was previously analyzed in the FSAR. The licensee found that the MCPR remains above the safety limit for this transient. As summarized above, the other accidents and transients described in the FSAR were evaluated for single loop operation in the March 31, 1986 submittal. No new or different kind of accidents relative to the accidents previously evaluated were found.

Standard 3—Involve a significant reduction in a margin of safety

The additional surveillance requirement provides a means for detecting and suppressing power oscillations to maintain the fuel within its safety limits when operating with a single recirculation loop. The changes in setpoints for reactor trips and control rod blocks and the MCPR safety limit during single loop operation are based on maintaining the same margin of safety which is presently available during two loop operation. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

B. Maximum Extended Operating Domain (MEOD)

The proposed changes for MEOD would allow operation in the maximum extended operating domain and the elimination of the APRM setdown requirements. MEOD allows an increase of permissible power level at reduced core cooling water flow rates, but does not involve an increase above the currently licensed power level. All of the proposed changes have been evaluated by the licensee and found to be appropriate for rated thermal power operation with feedwater temperatures down to 370°F. The results of the licensee's analysis in relation to the three standards in 10 CFR 50.92 follows.

Standard 1—Involve a significant increase in the probability or consequences of an accident previously evaluated

The changes to support operation in the MEOD will not significantly increase the probability of consequences of an accident because plant equipment and systems would operate within their design limits. Changes to support operation in the MEOD involve an increase of the minimum critical power ratio (MCPR) limit and higher limits for the APRM scram and rod block setpoints. The increased MCPR is needed to maintain the margin of safety during the flow runout transient in the MEOD as is available in the current operating domain. The revised limits ensure the consequences of this event are not increased. The revised APRM setpoints maintain the same scram/rod block to power margin in the MEOD as is available in the current operating domain.

Results of the licensee's analyses for operation in the MEOD were:

(1) A bounding loss-of-coolant accident (LOCA) analysis was performed for the MEOD. It was determined that current maximum average power linear heat generation rate (MAPLHGR) limits and the revised MCPR limits are adequate to ensure that LOCA consequences are not increased.

(2) The containment response for a design basis accident in the MEOD and considering a feedwater temperature reduction is slightly more severe than the analysis provided in the Grand Gulf Nuclear Station Final Safety Analysis Report (FSAR) section 6.2. The peak drywell pressure of 23.3 pounds per square inch gauge (psig) is 1.3 psi above the FSAR value but is still well below the design pressure of 30 psig.

(3) The anticipated transient without scram (ATWS) performance evaluation for the MEOD assumed initiation from the 100% power and 75% core coolant flow operating point. While this resulted in a higher power condition following the event, pressures remained below the ASME Code emergency stress limits, and the maximum neutron flux, heat flux, and vessel pressure remained within their respective acceptable limits.

(4) Fuel thermal and mechanical performance for transients initiated in the MEOD are bounded by the fuel design limits.

(5) The effects of acoustic loads, flow induced loads, and pressure differential induced loads on the fuel bundles and reactor internals were found to be well within allowable design limits. Because operation would be within design limits

and regulatory safety limits, the licensee concluded, and staff agrees, that operation in the MEOD would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The elimination of the APRM setdown involves revised MCPR and MAPLHGR limits. These limits are imposed to ensure that margins to fuel integrity limits are equal to or larger than those currently in existence. The criteria by which these changes were made include: MCPR safety limit shall remain the same; fuel performance shall remain within design bases; and, peak cladding temperature (PCT) and maximum cladding oxidation fractions during a loss of coolant accident (LOCA) shall remain within limits stated in 10 CFR 50.46. Because these criteria were met, the licensee found, and staff agrees, that the APRM setdown elimination would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The licensee has analyzed rated thermal power operation with feedwater temperature reduced 50°F below the rated temperature (420°F). The analysis considered the FSAR Chapter 15 transient analyses, the FSAR Chapter 6 LOCA analysis, fuel mechanical limits and thermal-hydraulic stability and the effects of flow-induced and acoustic loads on the vessel internals. All results remain within design and regulatory limits. The licensee concluded, and the staff agrees, that rated power operation with feedwater temperatures down to 370°F does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Standard 2—Create the possibility of a new or different kind of accident from any accident previously evaluated

Operation in the MEOD does not involve any equipment design changes. It effectively provides for normal plant operation in an increased area of the power-flow operating map. While the events previously analyzed may be initiated from new operating conditions, these events were analyzed as discussed above. The elimination of the APRM setdown similarly involves no design changes. With the incorporation of the new MCPR and MAPLHGR limits, operation is kept within equipment design or regulatory limits. Operation with reduced feedwater temperature also involves normal plant operating practice. The licensee concluded, and staff agrees, that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Standard 3—Involve a significant reduction in a margin of safety

As described above, operations in the MEOD, with the APRM setdown elimination and with reduced feedwater temperature have been analyzed. Revised limits and setpoints have been established which maintain or increase the margin of safety provided by the current values. The containment response to a design basis accident initiated from the MEOD with reduced feedwater temperatures resulted in a slightly higher drywell pressure than was determined in the FSAR evaluation. However, the increase (1.3 psi) does not significantly reduce the margin of safety because it is a small fraction of the present margin below design pressure (6.7 psi). The licensee concluded, and staff agrees, that the proposed amendment does not involve a significant reduction in a margin of safety.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications to allow plant operation with only a single recirculation loop in operation and in the maximum extended operating domain do not involve significant hazards considerations.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

Project Director: Walter R. Butler.

Pennsylvania Power & Light Company, Docket Nos. 50-387 and 50-388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: May 14, 1986.

Description of amendment request: The licensee in their May 14, 1986, submittal proposed to change the definition of secondary containment for outage purposes during condition "*". Condition "*" is defined as "when irradiated fuel is being handled in the secondary containment and during CORE ALTERATIONS and operations with a potential for draining the reactor vessel", where CORE ALTERATIONS are defined as: "the addition, removal, relocation or movement of fuel, sources, or reactivity controls within the reactor pressure vessel with the vessel head removed and fuel in the vessel. Normal movement of the SRMs, IRMs, TIPs or special moveable detectors is not considered a CORE ALTERATION. Suspension of CORE ALTERATIONS shall not preclude completion of the movement of a component to a safe conservative position."

The licensee has stated that the current restrictions on entry into secondary containment during a refueling outage hampers the work planning and implementation process. A unit is in condition * for a substantial portion of a typical refueling and inspection outage. In order to perform work inside the Reactor Building and continue to maintain Secondary Containment Integrity, airlocks and administratively controlled doors and hatches are provided. These control points serve as effective obstacles to the potential for degrading Secondary Containment—and well they should, if the safety analysis warrants it in a given operational condition. However, if these control points are unnecessary, they become just as effective an obstacle to the efficient performance of work. Airlocks slow traffic under normal use; they slow it even more once enough equipment has been dragged through to damage the door seal and ingress and egress must wait for repairs to be completed.

The licensee proposes that The Technical Specifications be changed to allow Secondary Containment to be optionally defined as Zone III when Zone I is isolated from Zone III, during condition * when operations with a potential for draining the reactor vessel (OPDRVs) are not being performed. At all other times, the affected until must meet the existing requirements.

This means, that when Unit 1 is in condition * with no OPDRVs in progress, Unit 1 required Secondary Containment may consist of Zone III alone, while Unit 2, if operating, will be using Zones II and III to define its Secondary Containment.

The purpose of Secondary Containment is to minimize the ground level release of airborne radioactivity and to provide for the controlled, filtered release of the Reactor Building atmosphere. During condition *, the source of the potential radioactivity (i.e., the fuel) is effectively contained within Zone III except where reactor coolant can leak through primary containment and into secondary containment. Currently, Zone I integrity is not required during Operational Conditions 4 and 5 unless condition* applies, and this is only due to the fact that OPDRVs (which have the potential to involve Zone I) are part of condition *. CORE ALTERATIONS and the handling of irradiated fuel in Secondary Containment are activities which are contained in Zone III. Therefore, if no

OPDRVs are being performed, Zone I integrity is not necessary to protect against an airborne release; the radioactivity would be contained within Zone III.

Based on an in-depth study, PP&L has developed and implemented an administrative procedure which both identifies and provides necessary controls over OPDRVs. This control provides an extra level of assurance that the appropriate level of Secondary Containment will be a prerequisite to the performance of any OPDRV.

The proposed Tech Spec changes allow Zone I integrity to be eliminated as a prerequisite to entering condition * when OPDRVs are not being performed. This condition is being requested on the basis that the fuel is contained in Zone III, which is required to be isolated from Zone I in the proposal. When OPDRVs are being performed, Secondary Containment must include Zone I. This same change in proposed for Unit 2 for which the inclusion or exclusion of Zone II as part of secondary containment during condition "*" is being considered.

Basis for Proposed No Significant Hazards Consideration.

I. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The current Technical Specification requirements for Secondary Containment during Condition * reflect a need to contain any radioactivity resulting from a refueling accident within Secondary Containment. Since the vessel head is removed, any source due to such an accident will emanate into Zone III if CORE ALTERATIONS are in progress. Similarly, any source due to mishandling of irradiated fuel in secondary containment will be contained in Zone III since all movements take place within that Zone. It is recognized that the reactor coolant activity will increase due to any fuel-handling accident, but as long as OPDRVs are not in progress, and the zone associated with the unit in refueling (Zone I for Unit 1 and Zone II for Unit 2) is isolated from Zone III, pathways to the environment will be limited to insignificant volumes of normal leakage through value packing, and other penetrations.

Based on the above, the probability of previously-analyzed accidents are not changed due to the proposal, and the consequences of those accidents are not significantly increased.

II. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new or different kinds of accidents are created. The design of the plant remains unchanged. The proposal provides relaxation of an operational restriction which was shown not to be necessary to support the design basis. The purpose of Secondary Containment is to mitigate an accident should it occur; therefore altering its controls has the potential to affect accident consequences, not to create new accident scenarios. The consequences are analyzed in I above.

III. The proposed change does not involve a significant reduction in a margin of safety.

As discussed in I above, the only leakage pathway out of Zone III due to a postulated fuel handling accident is via minor coolant leak paths that have no significant offsite consequences—the postulated accident occurs when the reactor is not pressurized and no pipe breaks are assumed. Therefore, reduction in margin of safety as defined by offsite dose consequences is insignificant.

The NRC staff agrees with the licensee's evaluation in these regards and proposes to find the proposed changes to not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Elinor G. Adensam.

Public Service Electric and Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendments request: November 19, 1985.

Description of amendments request: The proposed amendments would delete the Appendix B, Environmental Technical Specifications for both Salem Units 1 and 2 as follows:

1. Remove the existing Appendix B, Radiological and Non-Radiological Environmental Technical Specifications in their entirety.

2. Insert the revised Environmental Technical Specifications cover pages to indicate the retirement of Appendix "B".

The Environmental Protection Plan would be adopted as an administrative replacement for the Non-Radiological Environmental Technical Specifications.

Basis for proposed no significant hazards consideration determination: The majority of the Sections of the Radiological portion of the Environmental Technical Specifications have, by previous amendments, been deleted or moved into the Appendix A Radiological Technical Specifications. The requirements of the only remaining Radiological Environmental Specification, Section 3.1.1.6, Meteorological Monitoring, are duplicated in Section 3.3.3.4 of Appendix "A" to the Unit No. 1 license; therefore, the radiological portion of Appendix "B" is not required. Reporting requirements are prescribed by 10 CFR 50.73 as well as section 6.9 of the Technical Specifications and are, therefore, not required in Appendix "B". Adoption of the Environmental Protection Plan (EPP) in lieu of the Non-radiological Environmental Technical Specifications will provide an up-to-date definition of the Station's environmental review and protection responsibilities to the NRC and standardize environmental requirements for the two units.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). This request is purely administrative and will have no adverse effect on either the environment or on safety-related systems. As such, the change corresponds to Example (i) of the guidance provided. Therefore, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Director: Steven A. Varga.

Public Service Electric and Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendments request: November 27, 1985.

Description of amendments request: The proposed change would modify Section 3.6.3.1 and 3.6.3 for Units 1 and 2, respectively. Specifically Table 3.6–1 of Technical Specifications section 3.6.3.1 for Unit 1 and Table 3.6–1 Technical Specifications section 3.6.3 for Unit 2 requires the addition, deletion and reclassification of numerous valves. The types of changes involved are divided into five groups of valves to

facilitate discussion of each change. The first change consists of adding 39 valves to Table 3.6–1. This change ensures that the Technical Specifications Table 3.6–1 conforms to 10 CFR 50, Appendix J. Currently, the table is not in agreement with this document. The deficiency in the table was identified during Type C leak rate testing. PSE&G reevaluated the valves and determined that they should be considered containment isolation valves subject to Type C testing.

The second change consists of shifting 12 valves from *exempt* from Type C testing to *required* for Type C testing. This change ensures that the Technical Specifications Table 3.6–1 conforms to 10 CFR Part 50, Appendix J. Currently, the table is not in agreement with this document. The deficiency in the table was identified during Type C leak rate testing. PSE&G reevaluated the values and determined that they are containment isolation valves subject to Type C testing.

The third change addresses the deletion of 8 valves currently listed as subject to Type C testing. This change ensures continued conformance of Technical Specifications Table 3.6–1 to 10 CFR Part 50, Appendix J. Although subjecting these valves to Type C testing does not violate 10 CFR Part 50, Appendix J, deletion from testing will save time and resources. This change was identified during Type C leak rate testing. PSE&G reevaluated the valves and determined that the valves could be removed from Type C Testing.

The fourth change is the deletion of 4 valves from the list of containment isolation valves. This change ensures that Technical Specifications Table 3.6–1 conforms to 10 CFR Part 50, Appendix J. Deletion of these valves will decrease confusion when classifying the valves. PSE&G reevaluated the valves, and determined they could be deleted.

The fifth change is the addition of the option to use valves 1(2)CC117 or 1(2) CC118 as outside isolation. This change ensures that the Technical Specifications Table 3.6–1 conforms to 10 CFR Part 50, Appendix J. Currently, Table 3.6–1 lists both valves subject to Type C testing. PSE&G has reevaluated these valves and determined only one must meet Type C requirements as an automatic isolation valve.

Basis for proposed no significant hazards consideration determination: The change to the LIMITING CONDITION FOR OPERATION (Sections 3.6.3.1 and 3.6.3) is clarifying in nature since the function of the isolation valves in the table is to be able to close, isolating each valve's affected penetration; therefore, if the valve is closed and administratively controlled in that position, it is performing its intended function and can, by definition, be considered OPERABLE.

The addition of valves to Table 3.6–1 subject to Type C testing does not involve a significant hazard. The change constitutes additional control presently not included in the Technical Specifications (more stringent surveillance requirement).

The deletion of the 8 valves from Type C testing does not involve a significant hazard. These valves are connected to a secondary side of the steam generator and are not exposed to the atmosphere during postulated loss-of-coolant accident. Also, they are not a postulated containment leakage path. Automatic isolation of these valves is in response to requirements other than containment isolation. Inclusion of the valves penalizes, unnecessarily, the results of local leak rate testing on the containment.

The deletion of the 4 valves does not constitute a significant hazard. These remote manual valves are part of the Steam Generator Blowdown System upstream of the Steam Generator Blowdown Isolation Valves. The portion of the Steam Generator Blowdown Sampling System inside containment meets requirements to be considered a closed system inside containment. As a closed system, the valves do not act as a containment isolation barriers.

The option of using either 1(2)CC117 or 1(2)CC118 as the outside isolation barrier does not constitute a significant hazard. The Component Cooling Water Supply to the RCP motor is isolated on a Phase B isolation signal. The supply line to the RCP has two motor operated valves, 1(2)CC117 and 1(2)CC118, outside containment and check valve inside containment. Based on a definition of a Category B penetration, this line is required to have one automatic valve inside containment and one automatic valve outside containment. Since check valves are considered automatic isolation valves when used inside containment, only one of the outside valves (either 1(2)CC117 or 1(2)CC118 is necessary to meet Type C testing requirements).

These changes are deemed to not involve a signficant hazards consideration. There is no increase in the probability or consequence of any previously analyzed accident nor is any new accident created by the operation of the Salem Units with these changes in place since there is no physical change to any component or system from that originally assumed in the accident analysis. Margins of safety are either improved (by adding valves to Table 3.6–1 constituting additional surveillance testing) or remain the same (in those instances where clarification of the term, OPERABILITY, or of what valves should be considered isolation valves is provided). The Commission has provided examples in the **Federal Register** (48 FR 14870) as guidance for Amendments That Are Considered Not Likely to Involve A Significant Hazards Consideration. The changes constitute either a clarification of isolation valve OPERABILITY, which corresponds to example (vi) provided by the Commission; more stringent surveillance testing added to the existing technical specifications, which corresponds to example (ii) provided by the Commission; or deletion of valves which were incorrectly considered to be isolation valves and whose removal would be the result of a small clarification or refinement of the evaluation methods used to determine valve classification, which also corresponds to example (vi), provided by the Commission.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Director: Steven A. Varga.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Brown, Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: November 20, 1985.

Description of amendment request: The proposed amendments would change the Technical Specifications (TS) to delete the requirement to check the smoke detector sensitivity in accordance with the manufacturer's instructions. The amendment request is in response to item 5A of Region II's Inspection Report 50–259, 260, 296/85–28 issued on September 23, 1985. Some types of smoke detectors used at Browns Ferry lack current vendor information and test equipment for checking sensitivity because the type of detector is no longer produced. This situation prevents strict application of TS 4.11.C.5 to this type of dector and this resulted in a violation. (Inspection Report No. 50–260/85–28.)

The Browns Ferry TS presently require semiannual functional tests and annual sensitivity (calibration) tests of the smoke detection system. The smoke detector sensitivity tests are rquired to be peformed in accordance with manufacturer's instructions. The

proposed amendments would require the licensee to perform the annual smoke detector sensitivity test but would permit it to use methods (and acceptance criteria) other than those recommended by the manufacturer. The licensee states that the type of detector installed at the facility and the vendor's recommended test equipment are no longer available. The licensee therefore finds it necessary to use an alternative testing method. The BWR Standard Technical Specifications (NUREG–0123), referenced in section 16 of the Standard Review Plan (SRP) as the acceptance criteria for BWR TS, prescribes only Channel Functional Tests and no Channel Calibration tests for fire detection instrumentation. The TS which the licensee proposes to modify are in excess of those prescribed by NUREG–0123; therefore, the amendments are not inconsistent with the SRP.

Basis for proposed no significant hazards consideration determination: Based on the above discussion the staff has concluded that operation of the Browns Ferry Plant, in accordance with the proposed amendment:

1. Does not involve a significant increase in the probability or consequences of a previously evaluated accident because: The amendment involves no change to a safety limit, a limiting condition for operation (LCD), or equipment to operate the plant. The proposed amendment will not eliminate or modify any protective functions nor permit any new operational conditions since it merely delets a superfluous restriction on a surveillance requirement. Further, there is no change in plant equipment or operational method.

2. Does not create the possibility of a new or different kind of accident from any accident previously analyzed for the same reasons as in 1 above, and the fact that no new equipment or activity is involved.

3. Does not involve a significant reduction in a margin of safety because the proposed amendment would have a new surveillance requirement that meets the SRP and is not reduced in effectiveness.

Based on the above consideration the staff proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Project Director: Daniel R. Muller.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: April 7, 1986.

Description of amendment request: The proposed amendment would change the Technical Specifications (TS) to address the NRC concerns regarding the surveillance interval length proposed by TVA in license amendment request TS 212, submitted August 28, 1985, as stated in the NRC letter to H. G. Parris dated December 6, 1985. Because the enclosed specifications revise those submitted by TS 212, they are being submitted as a supplement to TS 212.

The August 28, 1985 submittal (TS 212) was noticed in **Federal Register**, November 6, 1985, (50 FR 46218). That notice discussed the proposed revision of the following functional test frequencies from six months to once per operating cycle: core spray logic, reactor core isolation cooling initiation and isolation logic, high pressure coolant injection initiation and isolation logic, automatic depressurization logic, low pressure coolant injection initiation and containment spray logic, core spray auto initiation logic, and low pressure coolant injection auto initiation inhibit logic. The TS changes proposed in Supplement 1 limit the interval to 18 months maximum and are more restrictive than TS 212 specifications proposed in the August 28, 1985 submittal.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). These examples include (vi) A change which either may result in some increase in the probability or consequences of a previously-analyzed accident or reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The proposed change would modify surveillance requirements which could possibly decrease the reliability or availability of the affected systems. This may in turn affect the probability or consequences of a previously-analyzed accident. However, the revised requirements would be consistent with NUREG–0123, the BWR Standard Technical Specifications (STS). The STS specify functional test intervals of once per operating cycle. Since the STS serves as the basis for assessing conformance to SRP Chapter 16 and the change is consistent with the STS, the change is encompassed by example (vi).

Since the application for amendment involves proposed changes that are encompassed by an example for which no significant hazards consideration are likely to exist, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Project Director: Daniel R. Muller.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: April 8, 1986.

Description of amendment request: The proposed amendments would change the Technical Specifications (TS) to delete references to charcoal filter heaters in the Standby Gas Treatment System (SGTS). The charcoal filter heaters referenced in these tables have been deenergized and are being removed from the SGTS design. Therefore it is no longer correct to reference these heaters in the TS. References to the charcoal filter heater for each SGTS train are to be deleted from Table 3.2.A and Table 4.2.A (pages 56 and 86, Units 1 and 2; pages 58 and 89, Unit 3). These references are in the remarks column corresponding to SGTS Flow Instrument channel for each SGTS train. Also, the word "heaters" is being changed from plural to singular for each SGTS train.

Each of the SGTS trains was originally equipped with two types of heaters; relative humidity heaters which operate during blower operation and charcoal filter heaters which operate during standby conditions. Both types of heaters are designed to prevent moisture buildup in the charcoal filters. These proposed amendments to Browns Ferry Units 1, 2, and 3 TS will delete references to the charcoal filter heaters for each SGTS train. These heaters were

originally intended to ensure that the charcoal absorber beds do not experience significant moisture buildup during standby conditions, but subsequent analysis has determined that operation of each train with its associated relative humidity heater on for 10 hours each month is sufficient to control moisture buildup. This determination, which is consistent with the guidance of Regulatory Guide 1.52 Revision 1 (1978), forms the basis for the section 4.7.B.2.d of the current Browns Ferry TS. Based on this determination, the charcoal filter heaters have been deenergized and are being removed from the SGTS design under the provision of 10 CFR 50.59, and hence are no longer controlled by the instrumentation listed in Table 3.2.A. The calibration frequencies, instrument checks, and setpoints for these instruments remain unaffected by the proposed amendments. Rather, only references to a piece of equipment which essentially no longer exists will be deleted.

Basis for proposed no significant hazards consideration determination: Based on the above discussion, the staff has concluded that operation of the Browns Ferry plant, in accordance with the proposed amendments:

1. Does not involve a significant increase in the probability or consequences of a previously evaluated accident because the proposed amendments involve no change to a safety limit, a limiting condition for operation (LCO), a surveillance requirement or equipment to operate the plant.

2. Does not create the possibility of a new or different kind of accident from any accident previously analyzed for the same reasons as for 1 above and the fact that no new equipment or activity is involved.

3. Does not involve a significant reduction in a margin of safety because the performance of the SGTS is not affected.

Based on the above the staff proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Project Director: Daniel R. Muller.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: May 23, 1986.

Description of amendment request: The proposed amendments would add a requirement for operability of the new shunt trip attachment to the reactor trip breakers to the Limiting Condition for Operation (LCO) 3.3.1.1 in the Unit 1 Technical Specifications (TS) and to LCO 3.3.1 in the Unit 2 TS. These changes are based upon NRC requirements illustrated in Generic Letters 83–28 and 85–09. In addition, the proposed amendments would also incorporate relief of surveillance and outage times as allowed by the protection system instrumentation and engineered safety features manual actuation circuitry. The justification for the relief of surveillance and outage times is contained in WCAP–10271 and WCAP–10271, Supplement 1.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance in the form of examples of amendments that are not considered likely to involve significant hazards determinations (48 FR 14870). Example (ii) states "a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement."

As discussed above, the licensee's request to add a requirement for the operability of the new shunt trip attachment to the reactor trip breakers to LCO 3.3.1.1 for Unit 1 and LCO 3.3.1 for Unit 2 would be based on NRC Generic Letters 83–28 and 85–09. Therefore, this proposed change is similar to example (ii) and does not involve a significant hazard consideration.

The requested change to the surveillance and outage times does not match any of the examples. However, the licensee has determined and the NRC staff agrees that the proposed amendments will not: (1) Involve a significant increase in the probability or consequences of an accident previously analyzed because WCAP–10271, Supplement 1 evaluates the impact of increasing surveillance intervals on hardware failure rates based on various failure mechanisms and the nature of the periodic testing being performed. The evaluation shows that net effect of the reduced testing is expected to be a decrease in failures, hence, an increase in equipment reliability. (2) create the possibility of new or different kind of accident because surveillance testing is still performed in a manner to ensure equipment reliability and the proposed changes do not result in a change in the manner in which the reactor protection system and engineered-safety features provide plant protection. (3) involve a significant reduction in a margin of safety because the proposed changes do not significantly alter the manner in which safety limits, limiting safety system setpoints, or limiting conditions for operation are determined.

Therefore, the Commission proposes to determine that these changes involve no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tennessee 37902.

NRC Project Director: B. J. Youngblood.

Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: June 17, 1985, and letters dated November 22, 1985, and March 20, 1986.

Description of amendment request: The proposed change revises the Technical Specification (TS) Action Statement concerning the Limiting Condition for Operation for the main steam line code safety valves. The revision would require the plant to go to Mode 4 (hot shutdown) rather than Mode 5 (cold shutdown) during valve inoperability. This change corrects an inconsistency between the Applicability requirement and the Action Statement. The safety valves are required to be operable in Modes 1, 2 and 3, and a transition to Mode 5 is required during valve inoperability. Since applicability is not required in Mode 4, the Action Statement should require the plant to go to Mode 4. This change to the Davis-Besse TSs would be in agreement with the Standard Babcock and Wilcox (B&W) TSs.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining no significant hazards considerations by providing certain examples (48 FR 14870). Example (i) of amendments not likely to involve significant hazards considerations is an administrative change to the TSs such

as a change to achieve consistency throughout the TSs, or correction of an error. The proposed amendment meets administrative change standards since the revision corrects an inconsistency within the Limiting Condition for Operation. Furthermore, the change conforms the Davis-Besse TSs to the B&W Standard TSs. On this basis, the Commission proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: John F. Stolz.

Toledo Edison Company and the Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: December 5, 1985.

Description of amendment request: The proposed change would revise the Technical Specifications (TSs) for Company Nuclear Review Board (CNRB) membership by delineating the educational and technical experience required for qualification. The application also proposed a minor editorial revision.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). One of the examples (i) of actions involving no significant hazards considerations relates to amendments of a purely administrative change to TSs; for example, a change to achieve consistency throughout the TSs, correction of an error, or a change in nomenclature. The proposed revision concerns establishing qualifications for CNRB membership and a minor editorial revision, which match this example of an administrative change to TSs. Furthermore, since the proposed amendment would not involve a modification to the way the facility is operated or a change to plant equipment, the proposed amendment meets the three criteria, specified in 10 CFR 50.92 and stated earlier in this notice, for not involving a significant hazards consideration.

Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: John F. Stolz.

Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: January 22, 1986.

Description of amendment request: The amendment would revise the Technical Specifications (TSs) to reassign some duties and responsibilities previously assigned to the Station Review Board (SRB). The proposed change would require the SRB to review only the safety aspect of each procedure, modification, test, or experiment relating to the nuclear safety at Davis-Besse unless an unreviewed safety question is determined to be involved. If an unreviewed safety question is involved the SRB will also review the technical aspects of the proposed change. In conjunction, a Technical Review and Control section would be added to the TSs to provide the technical review process for activities affecting nuclear safety.

The application also proposed a minor editorial revision and some position title changes consistent with the present organization.

Basis for proposed no significant hazards consideration determination: The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability of consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed TS change relates to the functional responsibilities of the SRB and does not alter the equipment or operation of the Davis-Besse facility. Therefore, the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The change will allow the SRB to concentrate on safety-related aspects and their required reviews, and would not increase the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident previously evaluated. All accidents are bounded by previous analysis and no new accidents are involved.

(3) Involve a significant reduction in a margin of safety. Technical reviews previously done by the SRB are reassigned, but only for cases where an unreviewed safety question does not exist. All margins of safety assumed in previous analysis remain unchanged.

Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: John F. Stolz.

Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: June 6, 1986.

Description of amendment request: The proposed change would add a provision to Surveillance Requirement 4.4.10.1.b to allow deferring the required surveillance beyond the latest due date of September 27, 1986, to until the reactor vessel head is removed but in no case beyond the next refueling outage. The surveillance requirement relates to demonstrating operable each reactor vessel internals vent value.

Basis for proposed no significant hazards consideration determination: The effect of the proposed change would be to increase the time interval between surveillance tests of the reactor vessel intervals vent values from a nominal interval of 18 months to an estimated 34 months on a one-time basis. The purpose of the surveillance is to demonstrate that the valves are operable. The proposed change would not affect the manner in which the facility is operated nor would it alter plant components or configuration. The extended interval between surveillance tests would compensate for the long duration of the current outage, 16 months. The actual operating time

between surveillance tests would be approximately 18 months.

The Commission has made a preliminary determination that the proposed amendment would not involve a significant hazards consideration. Based on the past history of vent valve inspections and exercises on Babcock & Wilcox plants without valve failures, including a prolonged outage for TMI–1, the extended interval is not likely to increase significantly the probability that the vent valves will have been degraded and have become inoperable. Therefore, the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. The extended interval has no effect upon plant response in the event a vent valve were to become inoperable; therefore, the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. Since the extended interval does not affect the way the plant is operated and does not change equipment or components, the proposed amendment would not involve a significant reduction in a margin of safety.

Based on the above considerations, the three criteria for determining if an amendment involves no significant hazards consideration, as specified in 10 CFR 50.92, are met. Therefore, the Commission has made a preliminary determination that the licensee's proposed amendment involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M street, NW., Washington, DC 20036.

NRC Project Director: John F. Stolz.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Date of Amendment Request: March 21, 1986, supplemented on June 5, 1986.

Description of Amendment Request: This proposed amendment, if approved, will modify the WNP–2 Technical Specifications by permitting the two spray ponds that comprise the Ultimate Heat Sink to be used individually for dissipation of decay heat during the refueling operational mode. The proposed changes would be made to the Ultimate Heat Sink portions of the Technical Specifications, section 3.7.1.3.

Following a seismic event, the Service Water (SW) system relies on the spray ponds which are the Ultimate Heat Sink (UHS) for dissipation of the heat loads associated with safety related systems. The piping associated with the spray headers in the ponds is supported by steel structures attached to the concrete bottom and side walls of the ponds. Periodic inspection and repair of these structures and coating materials is needed due to corrosion and coating failure. In order to perform inspections and repairs that are expected during the life of the plant, especially coating work, a provision of the Technical Specifications is needed to enable use of each pond individually while the other pond is drained and undergoing inspection and repair.

The present design of the SW system uses both spray ponds for the operation of each of the two SW divisions. As presently designed, the flow path for the cooling water is from one pond to the plant and back to the other pond. The water then returns to the pond from which suction was taken via a siphon between the ponds. In order to drain one pond while maintaining service with the other, it is proposed to install a cross connection between the two return headers and to block the siphon thus allowing cooling water to return to the same from which suction was taken. The cross connection and the siphon block would be installed only while the plant is in the refueling mode (operational condition "star"), as draining of one pond will necessitate declaring one division inoperable.

Basis for no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences fo an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margain of safety.

The licensee has determined and the staff agrees that the requested amendment per 10 CFR 50.92 does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the Design Basis Accident (DBA) LOCA, which is the basis for the deisgn of the UHS system, cannot occur with the vessel head removed; or (2) create the possibility of a new or different kind of accident from an accident preciously evaluated because the capability of a single pond to provide critical plant system cooling is sufficient for at least 19 days allowing adequate time to marshall resources necessary to provide any additional make up water needed to meet the design thirty days inventory requirement; or (3) involve a significant reduction in a margin of safety because the proposed change would actually improve the margin of safety during refueling by allowing use of a single pond and associated safety related systems under circumstances that otherwise would require rendering the entire UHS system inoperable.

Based on our review of the proposed modification, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the requested changes to the WNP–2 Technical Specifications involves no significant hazards considerations.

Local Public Document Room: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW, Washington, DC 20036.

NRC Project Director: E. Adensam.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rule and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined taht these amendments satisfy the criteria for categorical exclusion in accordance

with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see: (1) The applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtaining upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of application for amendments: November 27, 1985, as supplemented April 11, 1986.

Brief description of amendment: The amendments revise Technical Specifications to delete the rod bow penalty from the equation of TS 3.2.3. Also Figure 3.2–3, showing a curve of the rod bow penalty versus core region average burnup, is deleted.

Date of issuance: June 16, 1986.

Effective date: June 16, 1986.

Amendment Nos.: 64 and 57.

Facilities Operating License No. NPF–2 and NPF–8: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 15, 1986 (51 FR 1870).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 16, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Arkansas Power & Light Company, Docket Nos. 50–313 and 50–368, Arkansas Nuclear One, Units 1 and 2, Pope County Arkansas

Date of application for amendments: December 20, 1985, as supplemented February 7, 1986.

Brief description of amendments: The amendments revised Section 6 (Administrative Controls) of the Technical Specifications.

Date of issuance: June 10, 1986.

Effective date: June 10, 1986.

Amendment Nos.: 99 and 73.

Facility Operating License Nos. DPR–51 and NPF–6: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8585).

The Commission's related evaluation of the amendemnts is contained in a Safety Evaluation dated June 10, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: January 20, 1986 (partial response) as supplemented by letter dated April 25, 1986.

Brief description of amendments: The amendments changed the Unit 1 and Unit 2 Technical Specifications (TS) as follows: (1) TS 4.7.1.2c.2, "Auxiliary Feedwater System," was changed to reflect a revised flow test requirement. In addition, a typographical error was corrected (Unit 2 only); (2) TS 4.7.8.1, "Snubbers" was changed to subdivide the snubber surveillance population based upon snubber type; and (3) TS 4.9.12d.2, "Spent Fuel Pool Ventilation System," was changed regarding the demonstration of negative pressure during system operation. The remaining issues associated with the January 20, 1986 application will be addressed in a separate action.

Date of issuance: June 17, 1986.

Effective date: June 17, 1986.

Amendment Nos.: 118 and 110.

Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16919 at 16920).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 17, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Date of application for amendments: March 10, 1986.

Brief description of amendments: The amendments to Operating License NPF–11 and Operating License NPF–18 revised the La Salle Units 1 and 2 Appendix B to remove the reporting of NPDES violations to the NRC and to terminate the fog and ice monitoring program which has met the requirements of performing analyses for a 12 month period of one unit in operation and a 12 month period of two unit operation. In addition, the result with respect to icing was determined not to affect vegetation in or around La Salle County Station and that fog was of minimal occurrence.

Date of issuance: June 18, 1986.

Effective date: June 18, 1986.

Amendment Nos.: 43 and 24.

Facility Operating Licenses Nos. NPF–11 and NPF–18: Amendments revised the Appendix B.

Date of initial notice in **Federal Register:** March 26, 1986 (51 FR 10455).

The Commission's related evaluation of the amendments is contained in a letter to the licensee dated June 18, 1986, and in a Notice of Environmental Assessment and Finding of No Significant Impact published in the **Federal Register** on June 9, 1986.

No significant hazards consideration comments received: None.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Commonwealth Edison Company, Docket No. 50–373 La Salle County Station, Unit 1, La Salle County, Illinois

Dates of application for amendment: March 4, 1986, and March 20, 1986.

Brief description of amendment: The proposed amendment to Operating License NPF–11 revises the La Salle Unit 1 Technical Specifications to add fire detector instrumentation in Zones 2C, 4C2, 3C, 4C3, and 6E which satisfies License Condition 2.C.(25)(c). In addition, the licensee requested the deletion of the requirement for submitting a Special Report to the Commission if the minimum number of instruments (fire detectors) in a fire area are inoperable for more than 14 days. The staff concluded that there was no basis for deleting the reporting requirement and, therefore, did not agree with this portion of the proposed change. This change was denied.

Date of issuance: June 20, 1986.
Effective date: June 20, 1986.
Amendment No: 44.
Facility Operating License No. NPF-11: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** April 9, 1986 (51 FR 12247).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 20, 1986.
No significant hazards consideration comments received: No.
Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1 Oglesby, Illinois 61346.

Commonwealth Edison Company, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendment: September 26, 1984
Brief description of amendment: The amendments add a license condition, and limiting conditions for operations and surveillance requirements to the license and technical specifications for certain plant modifications required by NUREG–0737 TMI Action Plan items that are addressed in Generic Letter 83–36. These items are (1) Post-Accident Sampling, (2) Sampling and Analysis of Plant Effluents, (3) Containment High-Range Radiation Monitor, (4) Containment Pressure Monitor, (5) Containment Water Level Monitor, and (6) Containment Hydrogen Monitor.
Date of issuance: June 10, 1986.
Effective date: June 10, 1986.
Amendment Nos.: 94 and 90.
Facility Operating License Nos. DPR-29 and DPR-30: Amendments revised the license and the Technical Specifications.
Date of initial notice in **Federal Register:** April 23, 1986 (51 FR 15395).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 10, 1986.
No significant hazards consideration comments received: No.
Local Public Document Room location: Moline Public Library, 504—17th Street, Moline, Illinois 61265.

Detroit Edison Company, Docket No. 50–341, Fermi–2, Monroe County, Michigan

Date of application for amendment: May 5, 1986.
Brief description of amendment: This amendment revises the Fermi–2 Technical Specifications to incorporate the different values of the float voltage an the specific gravity of the electrolyte in the replacement dc batteries. This change is reflected in changes to Table 4.8.2.1–1 and the addition of Footnotes (7) and (8) to this table. In addition, the bases for Section 3/4.8, "ELECTRICAL POWER SYSTEMS," have been modified on Page B 3/4 8–2 and B 3/4 8–2a to reflect the changes in the float voltage and the electrolyte specific gravity.
Date of issuance: June 13, 1986.
Effective date: June 13, 1986.
Amendment No.: 2.
Facility Operating License No. NPF-43: Amendment revised the Technical Specifications.
Dates of initial notice in **Federal Register:** May 14, 1986 (51 FR 17692).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 13, 1986.
No significant hazards consideration comments received: No.
Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Florida Power and Light Company, Docket No. 50–335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of application of amendment: April 2, 1986, as supplemented May 13, 1986.
Brief description of amendment: The amendment changed the linear heat rate limiting condition for operation Technical Specification Figure 3.2–1 to permit an increase in the allowable rate at core heights above 0.6; specificially, increasing to 14.0 kW/ft from 13.4 kW/ft at a relative core height of 0.81, and increasing to 10.81 kW/ft from 10.07 kW/ft at the top of the core. In addition, Technical Specification Figure 3.2–2 was changed to reflect the increase of the linear heat rate.
Date of Issuance: June 10, 1986.
Effective Date: June 10, 1986.
Amendment No.: 74.
Facility Operating License No. DPR-67: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** April 23, 1986 (51 FR 15391 at 15396).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 10, 1986.
No significant hazards consideration comments received: No. The licensee provided additional information by letter dated May 13, 1986. The additional information did not change the basis the staff used to propose that the amendment involves no significant hazards.
Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–321 Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of application for amendment: January 17, 1985.
Brief description of amendment: The amendment revises the TSs to include the additional fire/smoke detectors provided in the Control Room Complex and the Low Pressure Coolant Injection Inverter Room.
Date of Issuance: June 20, 1986.
Effective Date: June 20, 1986, and shall be implemented within 60 days.
Amendment No.: 127.
Facility Operating License No. DPR-57: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** April 23, 1985 (50 FR 16003).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 20, 1986.
No significant hazards consideration comments received: No.
Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application of amendments: November 4, 1985.
Brief description of amendment: The amendments revise the Technical Specifications by adding provisions for the containment hydrogen monitor in response to the requirements of NUREG–0737.
Date of Issuance: June 11, 1986.
Effective Date: June 11, 1986.
Amendment No.: 96 and 83.
Facility Operating License No. DPR-58 and DPR-74: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** December 18, 1985 (50 FR 51625).
The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 11, 1986.
No significant hazards consideration comments received: No.
Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: January 28, 1986.

Brief description of amendment: The amendment modifies the Technical Specifications to: (1) Reflect a change in the limits for minimum reactor vessel temperature for pressurization, and (2) delete the operating limits for hydrostatic testing with the reactor critical.

Date of issuance: June 10, 1986.

Effective date: June 10, 1986.

Amendment No.: 85.

Facility Operating License No. DPR–63: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 26, 1986 (51 FR 10467).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 10, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: March 21, 1984 as supplemented and clarified December 31, 1985 and April 24, 1986.

Brief description of amendment: The amendment modifies the Technical Specifications to: (1) Incorporate solenoid actuated pressure relief valve setpoints into the surveillance requirements; (2) reference acoustic monitors as the primary means of determining if a valve has opened; and (3) remove the word "low" as it references reactor pressure for the valve surveillance tests.

Date of issuance: June 12, 1986.

Effective date: June 12, 1986.

Amendment No.: 86.

Facility Operating License No. DPR–63: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 20, 1984 (49 FR 25364).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 12, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: December 26, 1985.

Brief description of amendments: Amendments grant one-time exemption regarding shutdown requirements for swing diesel generator inoperability in order to perform 10 day maintenance on swing diesel during Unit 1 refueling outage.

Date of issuance: June 20, 1986.

Effective date: June 20, 1986.

Amendment Nos.: 9 and 7.

Facility Operating License Nos. DPR–80 and DPR–82: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 9, 1986 (51 FR 12233).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 20, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas and Electric Company, Docket No. 50–133, Humboldt Bay Power Plant, Unit No. 3, Eureka, California

Date of application for amendment: December 16, 1983, as supplemented March 7, 1986.

Brief description of amendment: This amendment deletes Licensing Condition E.2.e which required the reinstatement of a seismic monitoring network. This condition was part of the seismic design upgrading program required to be complete prior to a return of the facility to power operation following the 1976 refueling outage. Since the licensee decided to decommission the facility this requirement is no longer needed.

Date of issuance: June 16, 1986.

Effective date: June 16, 1986.

Amendment No.: 20

Facility Operating License No. DPR–7: Amendment revised the license.

Date of initial notice in **Federal Register:** April 23, 1986 at 51 FR 15406.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 16, 1986.

No significant hazards consideration comments received: None.

Local Public Document Room location: Eureka-Humboldt County Library, 421 I Street (County Court House), Eureka, California 95501.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: October 1, 1985.

Brief description of amendment: The amendment revises the Administrative Controls Section of the Technical Specifications to clarify the responsibility of the Plant Operating Review Committee.

Date of issuance: June 20, 1986.

Effective date: June 20, 1986.

Amendment No.: 99.

Facility Operating License No. DPR–59: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 29, 1986 (51 FR 3719).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 20, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: January 21, 1986.

Brief description of amendment: The amendment revises the Administrative Controls Section of the Technical Specifications to permit designation of an Alternate Vice-Chairman as an alternate member of the Safety Review Committee.

Date of issuance: June 20, 1986.

Effective date: June 20, 1986.

Amendment No.: 100.

Facility Operating License No. DPR–59: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16943).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 20, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Public Service and Gas Company, Docket No. 50–272, Salem Nuclear Generating Station, Unit 1, Salem County, New Jersey

Date of application for amendment: October 15, 1984 and supplemented October 16, 1985 and January 30, 1986.

Brief description of amendment: The amendment revises the Heatup limits Curve and the Cooldown Limits Curve for Unit No. 1. The supplemental information were data developed from Capsule Y which was withdrawn while the staff was doing the review. The information served to enhance the accuracy of the revised pressure/temperature limits.

Date of issuance: June 10, 1986.

Effective date: June 10, 1986.

Amendment No.: 75.

Facility Operating License No. DPR-70: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 27, 1986 (50 FR 12160).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 10, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: April 12, 1985, as modified September 9, 1985.

Brief description of amendments: The amendments revise the NA-1&2 TS for the Limiting Conditions for Operation and Surveillance Requirements for the reactor trip bypass breakers, undervoltage trip logic and shunt trip logic.

Date of issuance: June 9, 1986.

Effective date: 30 days from date of issuance.

Amendment Nos.: 81 and 69.

Facility Operating License Nos. NPF-4 and NPF-7: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 9, 1985 (50 FR 41256).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 9, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company, et al., Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of application of amendment: February 5, 1986.

Brief description of amendment: The amendment corrects an administrative error presently existing in the NA-1 TS Table 3.3.1 regarding action statements for the Overtemperature Delta T and Overpower Delta T trip function instrumentation. Correction of this error makes NA-1 TS Table 3.3-1 consistent with the NA-2 TS Table 3.3.1 and in conformance with the Westinghouse Standard TS which appropriately apply to both NA-1&2.

Date of issuance: June 10, 1986.

Effective date: June 10, 1986.

Amendment No.: 82.

Facility Operating License No. NPF-4: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 23, 1986 (51 FR 15415).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 10, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of application for amendments: April 30, 1986.

Brief description of amendments: These amendments permit plant operation with the reactor coolant pump and steam generator supports redesigned in accordance with the recently noticed amendment to General Design Criterion 4 (GDC-4), 10 CFR Part 50, Appendix A (51 FR 12502), which was effective May 12, 1986.

Date of issuance: June 16, 1986.

Effective date: June 16, 1986.

Amendment Nos.: 108 and 108.

Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 9, 1986 (51 FR 17266).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 16, 1986.

No significant hazards consideration comments received: No

Local Public Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: August 8, 1985.

Brief description of amendments: These amendments modify the Technical Specifications to add additional surveillance requirements for reactor trip breakers. The amendments also add reference to maintenance of sampling and analysis equipment as part of the Post-Accident Sampling Program and correct two typographical errors.

Date of issuance: June 17, 1986.

Effective date: 20 days from the date of issuance.

Amendment Nos.: 100 and 103.

Facility Operating License Nos. DPR-24 and DPR-27: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38909 & 38925).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 17, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Yankee Atomic Electric Company, Docket No. 50-29, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of application for amendment: October 15, and October 31, 1985.

Brief description of amendment: The amendment modifies the Technical Specifications to: (1) Add a Containment High Range Radiation Monitor, Core Exit and Reactor Vessel Head Thermocouples, Containment Pressure Monitors and Containment Water Level Monitor to the lists of required instrumentation; and (2) add an additional containment hydrogen monitor and related Limiting Conditions for Operation and Surveillance Requirements.

Date of issuance: June 5, 1986.

Effective date: June 5, 1986.

Amendment No.: 95.

Facility Operating License No. DPR-3: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53237).

The Commission's related evaluation of the amendment is contained in a Safety Evalution dated June 5, 1986.

No significant hazard consideration comments received: No.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Yankee Atomic Electric Company, Docket No. 50–029, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of application for amendment: January 8, 1986.

Brief description of amendment: The proposed change modifies the Technical Specifications to replace a listed manual containment isolation value with a blank flange.

Date of issuance: June 9, 1986.

Effective date: June 9, 1986.

Amendment No.: 96.

Facility Operating License No. DPR–3: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8604).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 9, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Yankee Atomic Electric Company, Docket No. 50–29, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of application for amendment: October 15, 1985.

Brief description of amendment: The proposed change would add containment isolation valves for the containment breathing air system to the Technical Specifications.

Date of issuance: June 17, 1986.

Effective date: June 17, 1986.

Amendment No.: 97.

Facility Operating License No. DPR–3: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 6, 1985 (50 FR 46220).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 17, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) The application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By August 1, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be be filed in accordance with the Commission's "Rules of Practice for Domestic Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's

property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to invervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Carolina Power & Light Company, Docket No. 50–324, Brunswick Steam Electric Plant, Unit 2, Brunswick County, North Carolina

Date of amendment request: June 4, 1986.

Brief description of amendment: The amendment changes the Technical Specifications (TS) to revise the TS Table 3.6.2–1 to extend the allowable isolation time for the reactor core isolation cooling steam line isolation valve (E51–F007) from 20 seconds to 30 seconds.

Date of issuance: June 10, 1986.

Effective date: June 10, 1986 until December 6, 1986.

Amendment No.: 126.

Facility Operating License No. DPR–62: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment and final determination of no significant hazards consideration are contained in a Safety Evaluation dated June 10, 1986.

Attorney for licensee: Thomas A. Baxter, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: May 23, 1986.

Description of amendment request: The amendment revises the Technical Specifications to permit on a one-time basis relief from Technical Specification 3.4.B which currently requires that, within 72 hours-after discovery that a minimum of twenty ASME Code approved steam-relieving main steam valves are not operable (except for testing), the reactor shall be placed in the hot shutdown condition within the next 12 hours. The change extends the 72-hour limiting condition of operation for a period not to exceed an additional two weeks. In addition, the Specification limits power operation to less than or equal to 78%.

Date of issuance: May 23, 1986.

Effective date: May 23, 1986.

Amendment No.: 113.

Facilities Operating License No. DPR–26: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No. Comments received: No.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation.

Attorney to licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendment: May 20, 1986.

Brief description of amendment: The amendments change Figure 5.1–4 of the Technical Specifications to permit a one-time discharge to the Catawba River of wastewater from the Conventional Wastewater Basin containing very low concentrations of tritium.

Date of issuance: June 20, 1986.

Effective date: June 20, 1986.

Amendment Nos.: 58 and 39.

Facility Operating License Nos. NPF–9 and NPF–17: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes, May 30, 1986 (51 FR 19637).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 20, 1986 and in an Environmental Assessment dated May 23, 1986 (51 FR 19431).

Comments received: No.

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: Requested by telephone conference on June 7, 1986 and confirmed by letter dated June 9, 1986.

Brief description of amendment: The amendment revises the Containment Spray System spray additive tank flow rate surveillance, Technical Specification 4.6.2.2.d, to reinstate the original test method.

Date of issuance: June 8, 1986.

Effective date: June 8, 1986.

Amendment No.: 117.

Facilities Operating License No. NPF-1: Amendment revised the Technical Specifications.

Public comments requested to proposed No Significant Hazards Consideration: No. Comments received: No.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 1986.

Attorney for licensee: J. W. Durhan, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon

Dated at Bethesda, Maryland this 25th day of June, 1986.

For the Nuclear Regulatory Commission.

Frank Schroeder,

Deputy Director, Division of PWR Licensing-B, Office of Nuclear Reactor Regulation.

[FR Doc. 86-14702 Filed 7-1-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346-ML; ASLBP No. 86-525-01-ML]

Toledo Edison Company, et al, (Davis-Besse Nuclear Power Station, Unit No. 1); Memorandum Regarding ORMVG's Interest in Proceeding

June 25, 1986.

Before Helen F. Hoyt, Administrative Judge.

The Ohio Radioactive Materials Users Group filed on June 18, 1986, a letter requesting a correction of the Notice appearing in the **Federal Register,** Volume 51, Number 108, June 5, 1986, concerning the reason for the organization's petition to intervene filed on April 20, 1986.

The letter of April 10, 1986 is set forth below in its entirety:

Docketing and Service Branch,
Office of the Secretary, U.S. Nuclear Regulatory Commission, 1717 H Street N.W., Washington, D.C. 20555

Dear Sirs: This letter is a request by the Ohio Radioactive Materials Users Group (ORMUG) to become a party in the matter of disposal of byproduct material, under the terms of 10 CFR 20.302(a), onsite at the Davis-Besse Nuclear Power Station, Docket No. 50-346-ML.

The Ohio Radioactive Materials Users Group is a non-profit corporation chartered in the State of Ohio. Its membership includes eleven manufacturing or processing companies; ten universities, research and/or consulting organizations, hospitals or individuals; and two privately-owned utilities.

ORMUG's interest in the proceedings derives from the wish of generators of low level radioactive waste to assure both continued use of radioactive materials and environmentally sound methods of disposal of low level radioactive wastes. This interest may be affected by the current proceedings in that decisions forthcoming from the current proceedings have a reasonable probability of influencing implementation of terms of the Low Level Waste Policy Act of 1980 and its 1985 Amendments.

The group has no particular complaints, does *not* seek litigation and does not seek relief from any particular complaint. Rather, it is the group's intent to perform an independent analysis of possible impacts of the proposed action and introduce the findings of such an analysis into the proceedings. The findings will be presented in a written report and could be presented orally, at the discretion of the presiding officer. Understandably, the analysis cannot be completed immediately. However, it can be available by August 1, 1986.

Thank you for your consideration of this request.

Sincerely,

Walter E. Carey, Ph.D.

(for the Executive Committee, Board of Directors, ORMUG).

c/o Office of Radiatioin Safety, The Ohio State University, Rm. 042 Graves Hall, 333 W. 10th Avenue, Columbus, Ohio 43210

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland, this 25th day of June 1986.

Helen F. Hoyt,

Administrative Judge.

[FR Doc. 86-14967 Filed 7-1-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-8]

Issuance of Environmental Assessment and Finding of No Significant Impact; Amendment of Materials License No. SNM-7, Battelle Columbus Laboratories, Volume Reduction Demonstration Facility, West Jefferson, OH

The U.S. Nuclear Regulatory Commission (NRC or Commission) has issued an Environmental Assessment and a Finding of No Significant Impact in connection with a request to amend NRC Materials License No. SNM-7 which would authorize operation of a low-level radioactive waste Volume Reduction Demonstration Facility (VRDF) at the Battelle Columbus Laboratories (BCL) site in West Jefferson, Ohio.

Identification of the Proposed Action

Battelle has proposed to operate, as a demonstration project in connection with their nuclear sciences operations, a facility for the purpose of reducing the volume of low-level radioactive waste (LLW) generated by nuclear power utilities and industrial and institutional users of radioactive materials. The VRDF would process LLW supplied under the terms of negotiated contracts with waste generators as well as waste from Battelle's nuclear and medical research operations. Battelle would use a controlled air incinerator to reduce the volume of combustible LLW, including contaminated oil and scintillation fluids. The expected throughout would be about 270,000 cubic feet per year of combustible waste. Volume-reduced LLW, in the form of incinerator ash, would be shipped by truck to licensed disposal sites or returned to the waste generators.

Reasons for No Significant Environmental Impact

The reasons why the proposed action will not have a significant effect on the quality of the human environment are as follows:

1. Construction and operation of the VRDF would be consistent with local land use patterns. It would be built within 1000-acre tract of land owned by BCL, which is in an area that contains several small industrial/institutional developments. Since the VRDF would be constructed within the bounds of the BCL-owned property and adjacent to the Nuclear Sciences Area that contains several buildings, no significant additional disruption on the plant and animal life of the area is expected.

2. Airborne effluents from normal operation of the VRDF would result in concentrations of radionuclides in air less than one percent of the NRC annual limits at the site boundary. The radiation dose to the maximally exposed individual would be substantially less than the limits of the U.S. Environmental Protection Agency's (EPA) Clean Air Act standard, 40 CFR 61 (25 mrem/yr whole body and 75 mrem/yr thyroid).

3. Non-radiological airborne effluents from normal operation of the VRDF are

expected to be within the limits set by the United States Environmental Protection Agency (EPA) and the Ohio Environmental Protection Agency (OEPA).

4. There would be no liquid effluents resulting from operation of the VRDF, except for an increase of about one gallon per minute of water for domestic uses, including potable water and water for sanitary facilities.

5. Calculated radiation doses resulting from postulated accidents in the VRDF would not be cause for any protective actions under EPA's Draft Protective Action Guidance.

6. Transportation of LLW to and from the VRDF would not significantly increase the amount of traffic or highway deterioration, nor would the risk from normal or accidential conditions in transport be significantly affected.

Summary of Environmental Assessment

In accordance with 10 CFR Part 51.30, the Environmental Assessment of the Battelle Volume Reduction Demonstration Facility identified the proposed action (as briefly described above) and included a discussion of: need for the VRD, alternatives to operation of the VRDF, the environmental impacts of construction and operation of the VRDF and alternatives, agencies and persons consulted, and identification of sources used in preparing the assessment.

With a lack of new LLW disposal sites and an increasing volume of waste being generated by nuclear power utilities and industrial/institutional users of radioactive materials, the need for waste volume minimization and reduction had become apparent. Battelle recognized the need for volume reduction as a commercial venture and proposed the VRDF to help fill that need, by demonstrating the safety, technical effectiveness, and cost effectiveness of incineration as a method of LLW management.

Since the proposed VRDF would be at the site of existing facilites operating under an NRC license, references to the ongoing activities were used in the environmental assessment, including provisions of the NRC license, a previous NRC environmental assessment, and an analysis of the effects of natural phenomena. The latter was used extensively in describing the site environment with update information obtained as the result of a site visit and contacts with local sources.

Information about the VRDF operations, processes, and facilities, including methods of waste confinement and effluent control, was obtained from reports and descriptions submitted by Battelle as part of the application for license amendment.

The quantities and composition of incoming LLW nuclear power plants and industrial/institutional generators were estimated by the NRC. The NRC's estimates of radionuclide composition were used in subsequent determinations of quantities and composition of VRDF end-products and effluent releases. The radiological effects from normal operations including transportation were calculated independently and found to be insignficant. In addition, the non-radiological effects were evaluated, including a review of dioxin formation and destruction in incinerators. Battelle has an effluent and environmental radiological monitoring program, and the NRC will require more frequent sampling and additional monitoring as appropriate for the VRDF. However, at the projected low-level concentrations for routine stack effluent, representative sampling and accurate measurement may be difficult, particularly for tritium, carbon-14 and iodine-125. Therefore, the NRC will also require semiannual reports analyzing the correction among incoming waste, system performance, and emissions as an aid in determining the reliance that can be placed on information contained in incoming shipment manifests and administrative limits on effluents (tritium, carbon-14 and iodine-125).

The impacts of several postulated accidents in VRDF operations and transportation were evaluated in the assessment. Other accidents were not evaluated, but were bounded by those that were. The calculated impacts are realistic estimates; and the projected does, for a frame of reference, are less than the annual limit for radiation workers.

No alternatives to operation of the VRDF were identified as being clearly superior, either in greater benefit or less impact.

Other Related Environmental Documents

Battelle prepared an Environmental Assessment for Demonstration Incineration Operations and Report on Safety Related Information for the Battelle VRDF which were submitted as part of their application for license amendment.

Finding of No Significant Impact

The Commission's Division of Fuel and Material Safety has prepared an Environmental Assessment related to the amendment for the operation of the Volume Reduction Demonstration Facility at Battelle's West Jefferson site. On the basis of this Assessment, the Commission has determined not to prepare an Environmental Impact Statement for the action and has concluded that a Finding of No Significant Impact is appropriate.

Availability of Finding of No Significant Impact and Environment Assessment

This Finding, the Staff's Environmental Assessment, the Applicant's Environmental Assessment and Report on Safety Related Information are available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Dated at Silver Spring, Maryland, this 24th day of June 1986.

For the U.S. Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 86-14968 Filed 7-1-86; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0800]

Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants; Notice of Issuance and Availability

The U.S. Nuclear Regulatory Commission (NRC) has published a revision to SRP section 9.2.1, "Station Service Water System" and to SRP section 9.2.2, "Reactor Auxiliary Cooling Water System" of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," LWR Edition (SRP).

The revision consists of SRP section 9.2.1, Rev. 4 and section 9.2.2, Rev. 3. The revised SRP sections incorporate the resolution of Generic Issues 36, "Loss of Service Water (Calvert Cliffs, Unit 1)". These revisions do not incorporate any new guidelines or requirements. These SRPs were clarified to alert reviewers to evaluate whether interconnected trains could lead to the total loss of all service water cooling. The acceptance criteria were also changed to clarify that all requirements of General Design Criterion 4 (missiles, pipe whip, jet loads and environmental conditions) and not just flow instabilities have to be met. All changes to the SRP Sections are identified by lines in the margins of the revised SRP sections.

The revised SRP sections are effective immediately. A copy is excepted to be

available in the Public Document Room within two weeks. Copies of the revised SRP Sections or of the complete Standard Review Plan, NUREG–0800, Accession No. PD–81–920199, are available for purchase from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; telephone (703) 487–4650.

Dated at Bethesda, Maryland, this 24th day of June, 1986.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 86–14969 Filed 71–1–86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards,

Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on July 15, 1986, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, July 15, 1986—8:30 a.m. until the conclusion of business.

The Subcommittee will review: (1) SECY–86–153, industry and staff comments on proposed fitness for duty Policy Statement, (2) SECY–86–70, proposed rulemaking on degree requirements for SROs at nuclear power plants, (3) SECY–86–119, the annual status report on implementation of the Commission Policy Statement on training and qualification, and (4) the proposed Regulatory Guide 1.114, Revision 2, Guidance to Operators at the Controls and to Senior Operators in the Control Room of a Nuclear Power Unit.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. John Schiffgens (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: June 27, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86–14966 Filed 7–1–86; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposals

(1) Collection title: Application for Survivor Insurance Annuities.

(2) Form(s) submitted: AA–17, AA–17b, AA–18, AA–19, AA–19a, AA–19s, AA–20 and G–476c.

(3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) Frequency of use: On occasion.

(5) Respondents: Individuals or households.

(6) Annual responses: 20,000.

(7) Annual reporting hours: 7,245.

(8) Collection description: Under Section 2(d) of the RRA, monthly survivor annuities are payable to surviving widow(er)s, parents, unmarried children and, in certain cases, divorced wives (husbands), mothers (fathers), remarried widow(er)s and grandchildren of deceased railroad employees. The collection obtains information needed by the Board for determining entitlement to and amount of annuity applied for.

Additional Information or Comments:

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy McIntosh (202–395–6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 86–14886 Filed 7–1–86; 8:45 am]

BILLLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–15168; (812–6301)]

Benjamin Franklin Financial Corp.; Application

June 25, 1986.

Notice is hereby given that Benjamin Franklin Financial Corporation ("Applicant"), 6200 Meadowood Circle, Suite 1145, Reno, Nevada 89502, a newly-formed, direct, wholly-owned limited purpose finance subsidiary of Benjamin Franklin Savings Association, a Texas-chartered savings and loan association, which in turn is a wholly-owned subsidiary of Security Capital Corporation, a publicly held savings and loan holding company registered under the National Housing Act, filed an application on February 10, 1986, and amendments thereto on April 22, and May 8, 1986, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of its applicable provisions.

According to the application, Applicant's activities will be limited to (i) issuing and selling debt securities (A) rated in the highest bond rating category of two nationally recognized statistical rating agencies, and (B) secured by any

combination of (1) certificates issued or guaranteed by the Government National Mortgage Association ("GNMA"), the Federal National Mortgage Association ("FNMA") and the Federal Home Loan Mortgage Corporation ("FHLMC") evidencing interests in pools of mortgage loans secured by liens on one-to four-family residential properties (collectively "Federal Mortgage Certificates"); (2) certificates issued by private entities evidencing interest in pools of mortgage loans secured by liens on one-to four-family residential properties ("Private Mortgage Certificates") (Federal Mortgage Certificates and Private Mortgage Certificates collectively, "Mortgage Certificates"); (3) whole mortgage loans secured by liens on one-to four-family residential properties ("Mortgage Loans") (Mortgage Certificates and Mortgage Loans collectively, "Mortgage Collateral"), (ii) acquiring, owning, holding, pledging and otherwise dealing with Mortgage Collateral, and (iii) activities incidental to the foregoing. Applicant will not otherwise trade or deal in securities or engage in any other activity.

Applicant proposes to issue and sell, in series, collateralized mortgage obligations ("Bonds"). Each series of Bonds will be registered under the Securities Act of 1933 ("Securities Act") unless an appropriate exemption is available from such registration, and will be issued pursuant to an indenture ("Indenture") qualified under the Trust Indenture Act of 1939.

The Bonds will be secured (i) by Mortgage Collateral purchased with the proceeds of the sale of such Bonds, all such Mortgage Collateral to be assigned and physically delivered to the trustee ("Trustee") under the Indenture, (ii) by the monthly distributions received on such Mortgage Collateral and, to the extent necessary to secure regularly scheduled payments on the Bonds, by the income derived from the reinvestment of such distributions, and (iii) by the reserve funds, if any, deposited with the Trustee (Mortgage Collateral, distributions and reserve funds collectively, "Bond Collateral"). The Trustee will have a first priority perfected security or lien interest in the Bond Collateral pledged to secure the Bonds.

Mortgage Certificates in the Mortgage Collateral portfolio will consist of Mortgage Certificates representing the entire issue of a particular underlying mortgage pool ("Whole-Pool Mortgage Certificates") and Mortgage Certificates representing an undivided fractional interest in an underlying mortgage pool ("Partial-Pool Mortgage Certificates"). Applicant represents that, at the date of issuance, each portfolio of Mortgage Collateral will have an outstanding principal balance in excess of the principal amount of the related series of bonds. With respect to any series of Bonds, Applicant represents that it may reserve a limited right to substitute and pledge new Mortgage Collateral.

According to the Applicant, scheduled distributions on the Mortgage Collateral together with the reinvestment earnings on such distributions (at the assumed rate of return specified in the Indenture) will be sufficient to make timely payments of interest and principal on the related series of Bonds. The assumed rate of interest for a series of Bonds will be the maximum rate permitted by two nationally recognized statistical rating agencies ("SROs") as a condition to their rating such series of Bonds in their highest bond rating category. Applicant represents that distributions on the Mortgage Collateral will be invested in either U.S. Government obligations, or certain other instruments acceptable to the SROs, and such investments will mature on or prior to the next payment date for the related series of Bonds, which will occur no less frequently than semi-annually. Applicant further represents that the Mortgage Collateral pledged as security for one series of Bonds will service as collateral only for that series of Bonds.

Applicant states that the bonds may be subject to redemption by Applicant under the circumstances set forth in the prospectus supplement for each series of Bonds. Applicant represents that the Bonds will not be redeemable at the option of Bondholders. Applicant represents that its securities offerings will be limited to offerings of Bonds under the following conditions:

(1) Each series of Bonds will be registered under the Securities Act unless offered in a transaction exempt from registration pursuant to section 4(2) of the Securities Act.

(2) The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934, as amended. In addition, the Mortgage Collateral underlying the Bonds will be limited to: Mortgage Loans, Private Mortgage Certificates, GNMA Certificates, FNMA Certificates or FHLMC Certificates.

(3) New Mortgage Loans may be substituted for Mortgage Loans initially pledged as Mortgage Collateral only in the event of default, late payments or defect in the Collateral being replaced. New Private Mortgage Certificates may be substituted for Private Mortgage Certificates initially pledged as Mortgage Collateral only in the event of default, late payments or defection the Collateral being replaced. If new Mortgage Collateral is substituted, the substitute Collateral must: (i) Be of equal or better quality than the Collateral replaced; (ii) have similar payment terms and cash flow as the Collateral replaced; (iii) be insured or guaranteed to the same extent as the Collateral replaced; and (iv) meet the conditions set forth in paragraphs (2), (4) and (6) hereof. In addition, new Mortgage Collateral may not be substituted for more than 20% of the aggregate face amount of the Mortgage Loans initially pledged as Mortgage Collateral or for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as Mortgage Collateral. In no event may any new Mortgage Collateral be substituted for any substitute Mortgage Collateral.

(4) All Mortgage Loans, Mortgage Certificates, funds, accounts or other collateral securing a series of Bonds will be held by the Trustee or on behalf of the Trustee by an independent custodian ("Custodian"). The Custodian may not be an affiliate (as the term "affiliate" as defined in Securities Act Rule 405, 17 CFR 230.405) of the Applicant or of the master servicer or originating lender of any Mortgage Loans that are pledged as Mortgage Collateral. If there is no master servicer, no servicer of those Mortgage Loans may be an affiliate of the Custodian. The Trustee will have a first priority perfected security or lien interest in and to all Bond Collateral.

(2) Each series of Bonds will be rated in the highest bond rating category by at least one nationally recognized statistical rating organization that is not affiliated with the issuer of the securities. The Bonds will not be redeemable securities within the meaning of section 2(a)(32) of the Act.

(6) The master servicer of any Mortgage Loans pledged as Mortgage Collateral may not be an affiliate of the Trustee. If there is no master servicer, no servicer of those Mortgage Loans may be an affiliate of the Trustee. Any master servicer and servicer of a Mortgage Loan will be approved by FNMA or FHLMC as an "eligible seller/servicer" of conventional, residential mortgage loans. The agreement governing the servicing of such Mortgage Loans shall obligate the servicer to provide substantially the same services with respect to the Mortgage Loans as it is then currently required to provide in connection with the servicing of Mortgage Loans insured by the Federal Housing Administration, guaranteed by the Veterans Administration or eligible for purchase by FNMA or FHLMC.

(7) No less often than annually, an independent public accountant will audit the books and records of the Applicant and in addition will report on whether the anticipated payments or principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's report(s) will be provided to the Trustee.

Applicant states that it believes that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that it be exempted from the requirements of the Act so long as it

conducts its business in the manner described. Applicant maintains that since the Bonds will have fixed interest rates, will not be convertible into any other obligation of the Applicant (or any other person), will not be redeemable by Bondholders, and will not otherwise grant Bondholders any equity interest in the Mortgage Collateral pledged as security for such Bonds, the debt obligations proposed to be issued do not raise the problems of inequitable pricing, excessive or hidden sales loads or churning of accounts. Applicant asserts that it cannot affect the timely payment of a series of Bonds since, under the Indenture, the portfolio of Mortgage Collateral must be physically delivered to the Trustee or an independent custodian immediately following the issuance of a series of Bonds and thereafter substitutions may be permitted only to a limited extent. In addition, distributions received on the Mortgage Collateral and the reinvestment income thereon will, pursuant to the Indenture, be paid directly to the Trustee.

Applicant submits that any distinction between Whole-Pool Mortgage Certificates and Partial-Pool Mortgage Certificates is irrelevant insofar as investment in the Bonds is concerned. Each Mortgage Certificate evidences a fractional undivided interest in the underlying pool of mortgages and payments with respect to such mortgages are passed through pro rata to the Mortgage Certificates by the issuer, or, in the case of default on Federal Mortgage Certificates, by GNMA, FNMA or FHLMC, as appropriate. A holder of Bonds collateralized by Partial-Pool Mortgage Certificates has exactly the same investment experience as a holder of Bonds collateralized by Whole-Pool Mortgage Certificates.

Applicant concludes that granting the application is appropriate in the public interest because it increases the financing available for residential housing. According to Applicant, collateralized mortgage obligations (such as the Bonds) attracts new, lower cost capital to the residential mortgage market, increases the liquidity of the primary and secondary mortgage markets, and gives thrift institutions and home builders greater flexibility in the types of mortgages they can offer. Applicant agrees to first seek to obtain and pledge newly issued Mortgage Certificates as collateral for each series of Bonds. However, to the extent the use of newly issued Mortgage Certificates is impracticable in light of price or availability, Applicant will obtain and pledge other Mortgage Collateral to fully collateralize a series of Bonds.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 21, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 86-14970 Filed 7-1-86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-15236]

Citicorp; Order Granting Application

June 25, 1986.

Citicorp (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for an order that the trusteeships of United States Trust Company of New York (the "Trust Company") under four existing indentures and a Pooling and Servicing Agreement dated as of March 1, 1986, under which certificates evidencing interests in a pool of mortgage loans have been issued, which certificates have the benefit of Applicant's guaranty and which Agreement is not qualified under the act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trust Company from acting as trustee under either of such indentures or agreement.

Notice of the filing of said application was set forth in the Notice of Application and Opportunity for Hearing dated May 28, 1986.

It appears to the Commission that trusteeships of the Trust Company under such indentures and agreement are not so likely to involve a material conflict of interest as to make as to make it necessary in the public interest or for the protection of investors to disqualify the Trust Company from acting as trustee under either of such indentures or agreements.

Notice of filing of said application having been duly given, Citicorp having waived hearing thereon, the Commission not having received a request for a hearing within the period specified in the Notice of Application and Opportunity for Hearing, and a hearing not appearing necessary or appropriate in the public interest or for the protection of investors;

It is Ordered that the application of Citicorp be, and the same is, hereby granted.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 86-14973 Filed 7-1-86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-14578]

Application and Opportunity for Hearing; Home MAC Mortgage Securities Corp.

June 26, 1986.

Notice is hereby given that HOME MAC Mortgage Securities Corporation (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Texas Commerce Bank National Association ("TCB") with respect to in indenture dated July 1, 1985 (the "First Basic Indenture") and an indenture dated August 1, 1985 (the "Second Basic Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify TCB from acting as trustee with respect to the bonds issued under the First Basic Indenture and with those issued under the Second Basic Indenture.

The Company has issued and outstanding under the First Basic Indenture (i) Series 1985-1 Collateralized Mortgage Obligations (the "Series 1985-1 Bonds) previously issued pursuant to the first supplemental indenture (the "Series 1985-1) Indenture", (ii) Series 1985-2 Collateralized Mortgage Obligations (the "Series 1985-2 Bonds") previously issued pursuant to the second supplemental indenture (the "Series 1985-2 Indenture) and (iii) Series 1985-3 Collateralized Mortgage Obligations (the

"Series 1985–3 Bonds") previously issued pursuant to the third supplemental indenture (the "Series 1985–3 Indenture). Under the Second Basic Indenture, the Company has issued and outstanding Series 1985–4 Collateralized Mortgage Obligations (the "Series 1985–4 Bonds") previously issued pursuant to the first supplemental indenture (the "Series 1985–4 Indenture").

The Applicant alleges that:

1. The First Basic Indenture, dated as of July 1, 1985 and the Second Basic Indenture, dated as of August 1, 1985 between the Applicant and TCB, as trustee (the "Trustee"), respectively provide for the issuance of one or more Series (each, a "Series") of Collateralized Mortgage Obligations ("Bonds"), with each such Series of Bonds to be issued pursuant to a separate supplemental indenture.

2. The First Basic Indenture and the Second Basic Indenture further repectively provide, in sections 5.20 and 5.01, that the collateral granted to the Trustee as security for a particular Series of bonds will serve as security only for that Series of Bonds; that an Event of Default (as defined in secton 5.01 of the First Basic Indenture and the Second Basic Indenture, respectively) with respect to a Series of Bonds is not necessarily an Event of Default with respect to any other Series of Bonds; that if an Event of Default with respect to a particular Series of Bonds occurs and the Bonds of such Series are declared due and payable, the holders of Bonds of such Series have no recourse against the collateral securing any other series of Bonds; that no judgment granted against the Applicant for any amount due with respect to a particular Series of Bonds may be enforced against the collateral securing any other Series of Bonds; and that no pre-judgement lien or other attachment may be sought against any such other collateral.

3. As required by section 310(b) of the Act, section 6.08 of the First Basic Indenture and the Second Basic Indenture, respectively, provides in part:

This Indenture shall always have a Trustee who satisfies the requirements of TIA section 310(a)(1). . . . The Trustee shall be subject to TIA section 310(b), including the optional provision permitted by the Second sentence of TIA section 310(b)(9).

In addition to the conflicting interests specified in TIA section 310(b), the Trustee shall be deemded to have a conflicting interest prohibited by section 310(b) and therefore prohibited by this section 6.08 if by reason of supplements or amendments to this Indenture as originally executed there shall be created covenants, restrictions, conditions or additional events of default that are applicable to less than all series of Bonds and the existence of which:

(1) Would give the Holders of Bonds of any Series any rights with respect to the Trust Estate or any other property held by the Trustee for the benefit of Holders of Bonds of any other Series with respect to which it is also serving as Trustee,

(2) Would cause the Bonds of one or more Series not to rank equally with the Bonds of any other Series; *provided, however,* that differences among the Trust Estates securing the Bonds of various Series or differing values of other property held by the Trustee for the benefit of Holders of Bonds of various Series shall not be deemed to cause Bonds of any Series not to rank equally with Bonds of any other Series or

(3) Is sufficently likely to involve a material conflict of interest between Series of Bonds that is advisable in the public interest or for the protection of Holders of Bonds of any Series that the Trustee disqualify itself from acting as such with respect to one or more applicable Series of Bonds.

(The immediately preceding four paragraphs will hereinafter be referred to as the "Non-Statutory Conflict of Interest Provision".)

(4) The Applicant issued its Series 1985–1 Bonds pursuant to the First Basic Indenture as supplemented by the Series 1985–1 Indenture. The Series 1985–1 Indenture grants TCB, as Trustee for the Series 1985–1 Bonds, a security interest in certain collateral (the "Series 1985–1 Trust Estate") for the exclusive benefit of the holders of the Series 1985–1 Bonds. The Series 1985–1 Trust Estate consists of (a) certain specified Guaranteed Mortgage Pass-Through Certificates ("FNMA Certificates") issued and guaranteed as to timely payment of principal and interest by the Federal National Mortgage Association, (b) certain specified "fully modified pass through" mortgage-backed certificates ("GNMA Certificates") guaranteed as to timely payment of principal and interest by the Government National Mortgage Associaton, (c) a certain collection account established by the Applicant with TCB for deposit of distributions on the FNMA Certificates and GNMA Certificates securing the Series 1985–1 Bonds, including all income from the investment of amounts in such collection account, (d) certain funding agreements (the "Series 1985–1 Funding Agreements"), (e) certain promissory notes issued pursuant to the Series 1985–1 Funding Agreements, and (f) all proceeds of the conversion, voluntary of involuntary, of any of the foregoing into cash or other liquid property.

(5) The Applicant issued its Series 1985–2 Bonds pursuant to the First Basic Indenture, as supplemented by the Series 1985–2 Indenture. The Series 1985–2 Indenture grants TCB, as Trustee for the Series 1985–2 Bonds, a security interest in certain collateral (the "Series 1985–2 Trust Estate") for the exclusive benefit of the holders of the Series 1985–2 Bonds. The Series 1985–2 Trust Estate consists of (a) certain specified GNMA Certificates, (b) a certain collection account established by the Applicant with TCB for deposit of distributions on the GNMA Certificates securing the 1985–2 Bonds, including all income from the investment of amounts in such collection account, (c) certain funding agreements (the "Series 1985–2 Funding Agreements"), (d) certain promissory notes issued pursuant to the Series 1985–2 Funding Agreements and (e) all proceeds of the conversion, voluntary or involuntary, of any of the foregoing into cash or other liquid property.

(6) The Applicant issued its Series 1985–3 Bonds pursuant to the First Basic Indenture, as supplemented by the Series 1985–3 Indenture. The Series 1985–3 Indenture grants TCB, as Trustee for the Series 1985–3 Bonds, a security interest in certain collateral (the "Series 1985–3 Trust Estate") for the exclusive benefit of the holders of the Series 1985–3 Bonds. The Series 1985–3 Trust Estate consists of (a) certain specified FNMA Certificates, (b) a certain collection account established by the Applicant with TCB for deposit of distributions on the FNMA Certificates securing the 1985–3 Bonds, including all income from the investment of amounts in such collection account, (c) certain funding agreements (the "Series 1985–3 Funding Agreements"), (d) certain promissory notes issued pursuant to the Series 1985–2 Funding Agreements and (e) all proceeds of the conversion, voluntary or involuntary, of any of the foregoing into cash or other liquid property.

(7) The Applicant issued its Series 1985–4 Bonds pursuant to the Second Basic Indenture, as supplemented by the Series 1985–4 Indenture. The Series 1985–4 Indenture grants TCB, as Trustee for the Series 1985–4 Bonds, a security interest in certain collateral (the "Series 1985–4 Trust Estate") for the exclusive benefit of the holders of the Series 1985–4 Bonds. The Series 1985–4 Trust Estate consists of (a) certain specified FNMA Certificates, (b) certain specified Mortgage Participation Certificates ("FHLMC Certificates") issued and guaranteed as to timely payment of interest and ultimate payment of principal by the Federal Home Loan Mortgage Association, (c) certain specified GNMA Certificates, (d) a certain cash reserve fund established by the Applicant with TCB, including all income from the investment of amounts in such reserve fund, (e) a certain collection account established by the Applicant with TCB for deposit on the FNMA Certificates, FHLMC Certificates and GNMA Certificates securing the Series 1985–4 Bonds, including all income from the investment of amounts in such collection account, (f) certain funding agreements (the "Series 1985–4 Funding Agreements"), (g) certain promissory notes issued pursuant to the Series 1985–4 Funding Agreements and (h) all proceeds of the conversion, voluntary or involuntary, of any of the foregoing into cash or other liquid property.

(8) The Applicant believes that the proposed trusteeship of TCB is analogous to the situation contemplated by section 310(b)(1)(C) of the Act, permitting dual trusteeships under indentures which are each wholly secured by separate and distinct parcels of real estate. The Series 1985–1 Bonds, the Series 1985–2 Bonds, the Series 1985–3 Bonds and the Series 1985–4 Bonds are secured pursuant to separate supplemental indentures and by separate security interests in separate and distinct property.

The Applicant believes that the proposed trusteeship of TCB is analogous to the statutory exception set forth in section 310(b)(1)(i) of the Act for wholly-unsecured indentures since the Series 1985–4 Bonds would rank equally with the Series 1985–1 Bonds, the Series 1985–2 Bonds and the

Series 1985–3 Bonds in the event of the Applicant's insolvency (in the Applicant's case, on a secured basis). For the reasons set forth in paragraph 3 of this Application, should TCB have occasion to proceed against the property securing one of the Series of Bonds, such action would not affect the security of, or the use of any property securing, the other Series of Bonds, or prejudice the rights of the holders thereof. The Applicant accordingly believes that by serving as Trustee with respect to the Series 1985–1 Bonds, the Series 1985–2 Bonds and the Series 1985–3 Bonds and with respect to the Series 1985–4 Bonds under the Second Basic Indenture, TCB does not thereby represent classes of Bondholders who could have divergent claims or interests against the assets of the Applicant in case of any bankruptcy or reorganization proceedings.

(9) The differences in the provisions of the Second Basic Indenture and the First Basic Indenture are not likely to involve TCB in a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify TCB from acting as Trustee. The First Basic Indenture and the Second Basic Indenture each contain The Non-Statutory Conflict of Interest Provision. The supplemental indentures to the First Basic Indenture which authorize the Series 1985–1 Bonds, the Series 1985–2 Bonds and the Series 1985–3 Bonds and the supplemental indenture to the Second Basic Indenture which authorizes the Series 1985–4 Bonds do not amend or otherwise affect the Non-Statutory Conflict of Interest Provision.

The Applicant waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application which is a public document (File No. 22–14578) on file in the offices of the Commission at the Public Reference Room, 450 Fifth Street, NW., Washington, DC.

Notice is further given that any interested person may, not later than July 21, 1986, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest, or in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 86–14971 Filed 7–1–86; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–23370; File No. SR–NASD–86–16]

Self-Regulatory Organizations; Proposed Amendment to the National Association of Securities Dealers, Inc.'s By-Laws

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 24, 1986, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is the full text of a proposed amendment to Sections A and B, Part V of Schedule D of Article XVI of the National Association of Securities Dealers, Inc.'s ("NASD") By-Laws. (New language is italicized; deleted language is bracketed).

A. System Services

2. NASDAQ Level 2/3 Service

The charge to be paid by the subscriber for each terminal receiving NASDAQ Level 2 or NASDAQ Level 3 Service shall be $150 per month and *$0.02* [$0.01] per quotation request, plus equipment related charges as detailed in Parts B, C and D below. (remaining language unchanged)

* * * * *

B. Equipment *Related* charges

The charge for using NASDAQ terminal equipment shall be *$120* [$180] per month for the first terminal and *$105* [$125] for each additional terminal where all terminals are located on the same premises.

The charge for using interrogation or display devices which are not supplied by NASDAQ, but which utilize a NASDAQ supplied modem, shall be $75 per month for the first comparable device and $55 per month for each additional comparable device where all devices are located on the same premises.

The charge for using interrogation or display devices and modems which are not supplied by NASDAQ shall be $50 per month for each such device located on the same premises.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify the existing terminal equipment and query charges and create a new charge applicable to terminal equipment supplied by a subscriber in substitution for NASDAQ equipment, in a manner that more closely approximates the current costs incurred by NASDAQ, Inc. to support these functions.

The present NASDAQ terminal equipment charges of $180 per month for the first terminal and $125 per month for subsequent terminals at one location were formulated in 1979 based on analysis of the total cost of providing the equipment to subscribers. Presently the revenues derived from the terminal charge are used to offset the cost of terminal and modem maintenance and depreciation as well as those regional communications costs not currently covered by the present query charge.

During the seven intervening years, NASDAQ, Inc. has made a very substantial investment in terminal equipment and related network enhancements to assure the industry of universal access to NASDAQ services at a reasonable and nondiscriminatory cost. The nature of the equipment and the network servicing it, provided the technical capacity to efficiently and economically enhance the services provided to broker/dealers, thereby aiding the rapid introduction of a number of automated services benefiting investors and the industry generally.

The convergence of three factors prompted the NASDAQ, Inc. Board to reevaluate the nature and level of charges currently in effect. These

included a very substantial increase in AT&T network line charges, the reduction in terminal depreciation expense and the emergence of new independently developed and supplied terminal equipment with expanded capabilities as a substitute for standard NASDAQ terminals.

In recognition of these factors, the NASDAQ, Inc. Board directed the staff to undertake an analysis of the various costs of operating and maintaining those portions of the NASDAQ facilities required for the physical support of different terminal devices capable of accessing the system. The Board also directed that line charges passed through from AT&T continue to be separately recovered in full from subscribers on the basis of verified utilization of the communications network.

Based upon the most recent annualized operating figures for fiscal year 1986, NASDAQ, Inc. is expected to incur $4,187,803 in expense payable to AT&T. The current $0.01 per query charge paid by subscribers to support the regional communications network is projected to yield $2,290,545 in revenues. The resulting shortfall of $1,897,268 is currently being met through revenues generated from the NASDAQ terminal charges. The per query charge was intend to cover the communications cost component on an equitably apportioned utilization basis. The Board determined it appropriate to continue to unbundle these communications charges from the terminal charge and, accordingly, raised the per query fee from $0.01 to $0.02 to cover the full expense incurred.

Concurrent with raising the per query fee, the Board reviewed and approved a series of new terminal charges based on an analysis of the cost of supporting the various types of terminal equipment that will interact on a real time basis with the NASDAQ system. A number of key facts and assumptions were relied upon by the Board in developing the proposed charges. The terminal population over which costs are expected to be spread was assumed to grow to 3100 installed terminals, whether or not supplied by NASDAQ. The per terminal fees are being projected for a period of three years. However, the fees contained herein shall be appropriately modified at such time as the depreciation expense reference in this filing has been recaptured. In the event that the terminal base expands as a result of significant proliferation of non-NASDAQ supplied terminal equipment, the fixed remaining depreciation cost would be recaptured more quickly than the three years projected and charges would be adjusted within a shorter time frame. Hence, all terminal equipment directly accessing the NASDAQ network will be required to share a portion of the cost of the investment made by the Board in NASDAQ terminal equipment. The Board viewed this sharing of cost as fair and reasonable based upon two considerations. The first is that the Board approved significant investments in terminal equipment during a period of increasing demand to assure that all subscribers, in particular broker/dealers, would be assured of access to NASDAQ services on an equal and nondiscriminatory basis. The alternative to this would have been a decision not to order additional terminals thereby requiring the allocation or rationing of equipment among subscribers. However, this approach was viewed as adverse to the purposes to be served by the NASD in assuring the broadest availability of this service at a reasonable and uniform cost. The significant investments which were made on behalf of the industry as a whole, are viewed by the Board as appropriately borne by the industry irrespective of the replacement of existing terminals.

An alternative means of recapturing this investment would simply be to prohibit the replacement of existing terminals under the terms of subscriber agreements which provide for a two year initial term and a two year rollover period. The Board rejected this approach, however, reasoning that advancement in communications technology should be encouraged to the fullest extent possible. Accordingly, the Board authorized the waiver of certain terms of existing subscriber agreements to permit substitution of non-NASDAQ supplied terminal equipment without penalty, but determined that such subscribers should share an equitable portion of the remaining depreciation expense of the NASDAQ terminals being replaced over the three year period.

The total depreciation cost of terminals, modems and mauis remaining at the present time is approximately $1,950,000. This will result in the absorption of approximately $14 per month in terminal depreciation for each terminal receiving NASDAQ service and $4 per month for modem depreciation on the first terminal and $1 per month for subsequent terminals at a single location.

In reviewing additional cost components appropriate for inclusion in the terminal charge, the analysis relied upon by the Board demonstrated that cost components related to Systems Operations (terminal support group) and General and Administrative expenses were incurred by NASDAQ, Inc. for both NASDAQ and non-NASDAQ supplied terminals. Systems Operations costs currently total approximately $785,000 per year and represent the cost of technical support and a portion of communications system administration relative to terminal/circuity fault isolation and diagnostic analysis of subscriber equipment together with the coordination and expediting of installations, removals and relocation of terminal related equipment and circuitry. These costs are expected to increase 6 per cent a year over the next three years.

General and Administrative costs vary depending upon the cost components which have been included in each particular charge. It is estimated that this cost represents approximately 25 per cent of the total of the individual cost components includable within a particular charge.

In the case of non-NASDAQ supplied terminals the General and Administrative expense calculation would apply only to the allocated depreciation cost of the existing terminals, modems and mauis, and the costs of Systems Operations unless a NASDAQ supplied modem or maui was utilized which would result in the inclusion of modem and maui maintenance expense.

Where a NASDAQ supplied terminal, modem and maui was utilized, the cost components of the charge would include terminal, modem and maui depreciation and maintenance together with the expense of Systems Operations. General and Administrative expenses are calculated on the basis of the total of these individual cost components.

The following chart summarizes the cost components and proposed new equipment charges for both NASDAQ and non-NASDAQ supplied terminals.[1]

[1] The NASD has represented that the fees contained in this filing "shall not be applied to exchanges in the context of [unlisted trading privileges] in the event that [the exchanges] elect to use a Foreign Terminal Interface; rather, appropriate equipment fees shall be formulated and separately filed with the Commission in the future." Letter from Robert E. Aber, Associate General Counsel, NASD, to Michael Simon, Assistant Director, Division of Market Regulation, SEC, dated June 24, 1986.

Component	NASDAQ		non-NASDAQ		non-NASDAQ
	1st	Subs	1st	Subs	w/o NASDAQ Modem
Term maint.	$37	37	0	0	0
Modem maint.	19	7	19	7	0
Term depr.	14	14	14	14	14
Modem depr.	4	1	4	1	1
System opns	23	23	23	23	23
Gen'l admin	24	21	15	11	10
Total	121	103	75	56	48
Proposed fee	120	105	75	55	50

This proposed rule change is believed to be fully consistent with section 15A(b)(5) of the Act which requires that the rules of the NASD provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASD operates and controls. The allocation of charges among subscribers was made on the basis of the costs believed properly attributable to the level of query usage and the type of terminal and related equipment utilized by a particular subscriber.

The proposed rule change is also believed to be consistent with the findings contained in section 11A(a)(1) of the Act because the structure of charges contained therein will foster the development and use of new data processing and communications techniques thereby creating the opportunity for more efficient and effective market operations. Moreover, the proposed rule change is in the public interest because the fair and equitable allocation of costs embodied in the charges proposed will assure fair competition among brokers and dealers in the NASDAQ market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the nature of the charges proposed will result in a direct pass-through of AT&T line costs based upon utilization, a reduction in the general level of equipment charges now paid by subscribers and an equitable sharing of the costs previously incurred by NASDAQ to support the universal availability of terminal equipment among those subscribers desiring to substitute alternative devices. The nature and level of the charges proposed is believed by the NASD to impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received in connection with the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period as the Commission may designate up to 120 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. By order approved such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 23, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 26, 1986.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 86-14974 Filed 7-1-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/980]

Shipping Coordinating Committee, Two Meetings

The Shipping Coordinating Committee (SHC) will conduct two open meetings at 9:30 a.m. in Room 2415, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593.

The first meeting will be held on July 30. The purpose of this meeting is to discuss a series of issues concerning international involvement in Mobile Offshore Drilling Units (MODU's). The meeting will discuss the following:

—Background concerning development of the international Code for the Construction of MODU's;

—Status of Revision of the MODU Code at the Internaitonal Maritime Organization;

—Discussion of Norwegian proposal to develop an International Convention for MODU's.

This meeting is being scheduled to permit the U.S. delegation sufficient time to formulate a U.S. Position concerning the Norwegian proposal.

The second meeting will be held on August 27. The purpose of this meeting will be to finalize preparations for the 53rd Session of the maritime Safety Committee of the International Maritime Organization (IMO) which is scheduled for September 8–17 in London. In particular, the SHC will discuss the development of the U.S. positions dealing with, inter alia, the following topics:

—Reports of the Various Subcommittees;

—Security Measures to Prevent Unlawful Acts;

—Work Program.

Members of the public may attend both meetings up to the seating capacity of the rooms.

For further information, contact Mr. G.P. Yoest, U.S. Coast Guard Headquarters (G–CPI), 2100 Second Street SW., Washington, DC, Telephone: (202) 426–2280.

Dated: June 26, 1986.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 86-14925 Filed 7-1-86; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 86-6-40]

Fitness Determination of Propheter Construction Co., Inc. d/b/a Propheter Aviation

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 86-6-40, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Propheter Construction Co., Inc. d/b/a Propheter Aviation is fit, willing and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act and is capable of providing reliable essential air service at Sterling/Rock Falls, Illinois.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination and reliability findings should file their responses with the Service Analysis Division I, S-63, Department of Transportation, 400 7th Street, SW., Room 5100, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than July 14, 1986.

FOR FURTHER INFORMATION CONTACT: John McCamant, Service Analysis Division I, Department of Transportation, 400 7th Street, SW., Washington, DC 20590 (202) 426-9820.

Dated: June 26, 1986.

Vance Fort,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 86-14918 Filed 7-1-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

[Summary Notice No. PE-86-12]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: July 22, 1986.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on June 26, 1986.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24991	Federal Express Corporation	14 CFR 121.371(a) and 121.378	To allow petitioner to utilize the facilities of TAP Air Portugal, and FAA-certificated foreign repair station, for the inspection, repair, and overhaul of its Boeing 727 aircraft.
24993	Mountain Air Cargo	14 CFR 21.197	To permit petitioner to obtain a special flight permit with authorization for all multiengine aircraft on its certificate.
24945	San Diego Mesa College	14 CFR 141.35(e)	To permit Mr. Donald E. Taylor to act as the Chief Ground Instructor for San Diego Mesa College even though he does not meet the requirement of 1 year of experience as a ground school instructor in a certificated pilot school.
18324	American Airlines	14 CFR 43.3 and 121.709(b)(3)	Extension of Exemption 2678 to allow petitioner's certificated flight engineers to stow supplemental oxygen masks during flight and to make an entry in the aircraft maintenance logbook.
24975	Transco Energy Company	14 CFR 61.161(b)(3)	To exempt Mr. Gerald D. Barnes from meeting the 8-year requirement for night flight time as specified in § 61.161(b)(3).
24934	American Airlines Flight Academy	14 CFR Part 121, Appendix H	To allow petitioner to administer Airline Transport Pilot Certification (ATPC) checks in a Phase II simulator to international ATPC pilot candidates who do not meet the qualifications as outlined in Appendix H, Phase II, paragraph 2, of the FAR.
16955	American Airlines Training Corp	14 CFR 61.58(c)	Extension of Exemption 2473 to permit petitioner's trainees to complete their entire 24-month pilot-in-command check in a Federal Aviation Administration (FAA)—approved flight simulator, subject to certain conditions and limitations.
24938	Piedmont Airlines	14 CFR 121.99	To allow petitioner to operate F-28 aircraft utilizing a procedure whereby contact with a particular flight would be accomplished by the air traffic control facility controlling the aircraft advising that aircraft to contact the Dispatch Office.
24979	Florida Institute of Technology	14 CFR 141.35(b) (c) and (d)	To allow petitioner to use assistant chief flight instructors to conduct phase checks under the FAR Part 141 training program without meeting the specified flight time requirements.
24981	Pegasus Flight Center Inc.	14 CFR 141.65	To allow petitioner to hold examining authority for flight instructor and airline transport pilot written tests.
24972	Florida West Airlines Inc.	14 CFR 121.6	To allow petitioner to operate on demand or on short notice flight without complying with the requirements. Petitioner also further requests, in the event the grant of exemption is not possible, that it be permitted to operate short notice flights on request with FLW supplying required information to the local inspector within 3 days.
24983	Lowa LTD	14 CFR 61.58(c)	To allow petitioner's pilots to complete the entire 24-month pilot-in-command check in a Federal Aviation Administratioin (FAA)—approved simulator, provided that the pilot taking the flight check has completed at least three takeoffs and three landings within the preceding 90 days in a Boeing 707.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
24876	Servair Inc	14 CFR 145.35(c) and 145.37(d)	To allow petitioner to obtain Repair Station Certificates for its locations at international airports in San Francisco, Honolulu, and Anchorage without possessing a permanent hanger large enough to house a Boeing 747 aircraft, which you state is the heaviest aircraft on which Servair seeks an airframe rating to perform pre-flight and turnaround maintenance.
24980	Pan American	14 CFR 121.407, 121.407, 121.439, 121.441, and Appendix H.	To allow petitioner to conduct Phase IIa simulator training in the Aeroformation A300 simulator with a Vital IV visual system located at Pan Am's Training Center in Miami, Florida.
24662	Albuquerque International Balloon Fiesta	14 CFR 61.3(b) and 91.27	To allow certain foreign balloon pilots and foreign balloons to participate in the 15th Annual Albuquerque International Balloon Fiesta, Albuquerque, New Mexico, October 4-12, 1986, without complying with the pilot certification and airworthiness requirements.
23653	The University of North Dakota	14 CFR Portions of Part 41 Appendixes A, C, D, F, and H.	To permit aviation students of the University of North Dakota to graduate from the appropriate courses when they have been trained to a specific performance level rather than the minimum flight time requirements including the minimum solo cross-country flight time requirements.
24308-2	Skystar	14 CFR 91.303	To allow petitioner to operate two Stage 1 Boeing 707 aircraft until hush kits are installed but not later than December 31, 1986.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24646	Continental Aviation Services	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
22356	ACM Aviation Inc	14 CFR 91.32(b)(1) and (ii) and 135.89	To allow operation of the Gates Learjet 36A aircraft up to FL410 without either pilot being required to wear their oxygen masks; as long as there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask. DENIED 6/11/86.
23481	Air Continental	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
22960	Aircraft At Your Call	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
24092	American Flight	14 CFR 135.89(b)(3)	To allow petitioner to operate its GL-250 aircraft up to 41,000 mean sea level without either pilot being required to wear an oxygen mask. DENIED 6/11/86.
22768	American Cyanamid	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
23135	Arizona Jet Charter	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask.DENIED 6/11/86.
23739	Avjet Corp	14 CFR 135.89(b)(3)	To allow petitioner to operate an Israel Aircraft Industries Westwind 1124 jet aircraft up to 41,000 feet MSL without at least one pilot at the controls wearing an oxygen mask. DENIED 6/11/86.
24175	Barken Int'l., Ind	14 CFR 135.89(b)(3)	To allow operation of Learjet 24 and 35 series aircraft up to 41,000 feet without one pilot at the controls wearing, secured and sealed, an oxygen mask supplying oxygen. DENIED 6/11/86.
24307	Beckair Company, Inc	14 CFR 135.89(b)(3)	To allow the operation of Learjet and other aircraft above flight level 350 without either pilot at the controls being required to wear and use an oxygen mask. DENIED 6/11/86.
23683	California Businessjets	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
21730	Clay Lacy Aviation Inc	14 CFR 135.89(b)(3)	To extend exemption 3376 which permits petitioner to operate its Learjet Model 24, 25, and 35A aircraft above flight level 350 up to and including flight level 410 without one pilot having to wear and use an oxygen mask subject to conditions and limitations. DENIED 6/11/86.
22898	Combined Aviation Co	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
24199	Conner Aviation	14 CFR 135.89(b)(3)	To allow operation of Gates Learjet 35A aircraft up to flight level 410 without either pilot being required to wear an oxygen mask. DENIED 6/11/86.
23654	Corporate Flight, Inc	14 CFR 135.89(b)(3)	To permit petitioner to operate a Learjet 35A aircraft up to and including 41,000 feet mean sea level without requiring at least one pilot seated at the controls to wear and use an oxygen mask. DENIED 6/11/86.
20336	Executive Air Fleet	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
19165	Executive Jet	14 CFR 135.89(b)(3)	To extend Exemption 2801A, to permit petitioner to operate its Learjet aircraft above flight level (FL) 350 up to an including FL 410 without one pilot having to wear and use an oxygen mask. DENIED 6/11/86.
24039	Falconair	14 CFR 135.89(b)(3)	To allow operation of Gulfstream II aircraft up to and including 41,000 feet mean sea level without requiring at least one pilot seated at the controls to wear, secured and sealed, an oxygen maks. DENIED 6/11/86.
23060	Gelco Air	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
23637	Business Jet Airways, Inc	14 CFR 135.89(b)(3)	To permit petitioner to operate a Learjet 24D aircraft above flight level 350 without at least one pilot at the controls wearing and using an oxygen mask. DENIED 6/11/86.
23662	Kaiser Air, Inc	14 CFR 135.89(b)(3)	To permit petitioner to operate its Gulfstream II and Learjet airplanes at altitudes up to and including flight level 410 without at least one pilot at the controls wearing a secured and sealed oxygen mask that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude exceeds 12,000 feet mean sea level. DENIED 6/11/86.
22821	Louisiana-Pacific	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
20774	Midway Southwest	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
23391	Mitchell Aero Inc	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
23636	Olympian Aviation, Inc	14 CFR 135.89(b)(3)	To permit petitioner to operate Learjet models 24 and 25 above 35,000 feet without one pilot having to wear and use an oxygen mask. DENIED 6/11/86.

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23586	Page Airways	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
22636	Skybird Aviation	14 CFR 135.89()b)(3)	To allow petitoner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
20354	Sky Flite	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
23153	Starwood Air Service	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
24064	Steelcase, Inc	14 CFR 91.32	To allow petitioner to operate its Citation III above flight level 450 without one pilot being required to wear and use an oxygen mask. DENIED 6/11/86.
23539	Wendy's International	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
23398	West Coast Air Charter	14 CFR 135.89(b)(3)	To allow petitioner to fly aircraft above 35,000 feet without either pilot wearing an oxygen mask. DENIED 6/11/86.
24943	B.C.A. Limited, d.b.a. British Caribbean	14 CFR Portions of Parts 21 and 91	To allow petitioner to use an FAA-approved minimum equipment list and an FAA-approved Airways inspection and maintenance program for the British Aerospace BAe-146 aircraft. GRANTED 5/20/86.
24120	Petroleum Helicopters	14 CFR 135.11	To grant relief from the requirement that aircraft registration numbers be placed on operations specifications. DENIED 5/29/86.
23869	The Relative Workshop	14 CFR 105.43	To allow petitioner and Strong Enterprises to continue to make tandem parachute jumps using dual harnesses and dual parachute packs. GRANTED 5/30/86.
23808	Lone Star Helicopters, Inc	14 CFR 43.3(g)	To allow petitioner's appropriately trained and certificated pilots to remove, check, and reinstall magnetic chip detector plugs in the Allison 250 series turbine engines, aircraft transmissions, and tail rotor gearboxes installed on Bell 206 series helicopters. GRANTED 5/28/86.
24759	Pumpkin Air	14 CFR 43.3(g)	To allow petitioner's appropriately training and certificated pilots to remove, check, and reinstall magnetic chip detector plugs on Allison 250C series engines used on Bell model 206 series, Aerospatiale 355 series, and Sikorsky S76 helicopters operated by petitioner. GRANTED 5/28/86.
24757	TACA International Airlines	14 CFR 21.181	To allow petitioner's to use FAA-approved maintenance and inspection programs and an FAA approved minimum equipment list. GRANTED 5/27/86.
15691	Air Logistics	14 CFR 43.3(g)	To allow petitioner appropriately trained and certified pilots to remove, check and reinstall magnetic chip detector plugs in the Allison C250C series turbine engines and transmissions and tail rotor gear boxes installed on Bell Model 206 series, Aerospatiale Model 355 series, and magnetic chip detector plugs in 42° and 90° tail rotor gear boxes installed on Bell Model 212-412 series helicopters. GRANTED 5/23/86.
24901	United Airlines	14 CFR 61.57(c)	To allow petitioner's test pilots to accomplish a minimum of six takeoffs and landing in a 90-day period in any and/or al types of large transport category airplanes operated by petitioner in lieu of accomplishing a minimum of three takeoffs and landings in each type in which rated each 90 days to maintain currency. DENIED 5/23/86.
24546	United States Parachute Association	14 CFR 91.47	To permit the petitioner to carry a normal crew plus 40 passengers on Douglas DC-3/C-47 aircraft. Petitioner further requests this exemption for the period between June 20 and July 14, 1986, when the U.S. National Skydiving Championships are to be held in Muskogee, Oklahoma. GRANTED 6/16/86.
8429	Northern Air Cargo Inc	14 CFR 91.39(b)	To allow petitioner to carry outsize cargo on C-82 restricted category aircraft within the State of Alaska. Also requested deletion of those provisions of Condition No. 2, which preclude operations with C-82 aircraft into airports within Alaska into which standard category aircraft can be operated with the same outsize cargo on board. PARTIALLY GRANTED 5/30/86.
18718	FlightSafety Int'l	14 CFR 61.58(c) and 61.67(d)(2)	To allow pilots to complete the entire Category II authorization practical requirement in an approved FSI visual simulator when the pilot has successfully completed at least three landings and takeoffs in the preceding 90 days. GRANTED 5/13/86.
22822	T.B.M., Inc., and Butler Aircraft (MOORE)	14 CFR 91.45	To allow petitioner to conduct ferry flights with one engine inoperative on their McDonnell Douglas DC-6, DC-7, and DC-7B aircraft, without obtaining a special flight permit for each flight. GRANTED 6/4/86.
22576	Ray's Flight System, Inc	14 CFR 61.63(d) (2) and (3) and 1.157(d)(1)	Extension of Exemption 3544 to allow trainees of petitioner, who are applicants for a type rating to be added to any grade of pilot certificate, to substitute the practical test requirements of § 61.63(d)(2) and (3), and to complete a portion of that practical test in a simulator. GRANTED 5/27/86.
24365	Lineas Aereas Paraguayas	14 CFR 91.303	Extension of the January 1, 1985 compliance date. AMENDED GRANT 6/5/86.
13203	Boeing Commercial	14 CFR 25.807(c) (1), (5) and 25.809(f)(1)	To permit carriage on the upper deck of the 747-100 series airplane, of up to five noncrewmembers with a limit of eight including the flight deck crew. GRANTED 6/2/86.
24351	Surinam Airways	14 CFR 91.303	Extension of the Janaury 1, 1985 compliance date. AMENDED GRANT 6/13/86.
24838	USAF	14 CFR 91.24(b)	To allow petitioner to conduct operations without operating the transponder in restricted areas and MOA's known as the Desert Complex in California and Nevada. PARTIALLY GRANTED 6/6/86.
24028-2	Lineas Aereas Del Caribe	14 CFR 91-303	Extension of the January 1, 1985 compliance date. AMENDED GRANT 6/20/86.
011CE	Cessna Aircraft Company	14 CFR 23.207	To permit Type Certification of derivative models of Cessna Models 406, 435, 441, and 208 airplanes with a stall warning beginning at airspeeds greater than 10 knots or 15 percent above the stall speed. Granted 6/9/86.
24999	Ford Motor Co	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 3 BAC 1-11. Granted 5/29/86.
24458	American Airlines	14 CFR Part 121 App. H	Extension of Exemption 4313 to allow continued use of petitioners Interim Simulator Upgrade plan. Granted 5/27/86.
24547	United States Parachute Association	14 CFR 105.43	To allow foreign parachutists relief from the parachute packing requirements and allow them to participate in the National Parachute Championship. Granted 6/16/86.
24715	American Cyanamid	14 CFR 91.191(a)(4), 135.165(a) and 135.165(b).	To permit petitioner to operate airplanes in extended overwater operations equipped with only one long-range navigation system and one high-frequency communication system. Granted 6/12/86.
24992	Million Air, Inc	14 CFR 91.303	To allow petitioner to operate one Stage 1 Boeing 707 until hush kits are installed. Denied 6/18/86.
24985	Icelandair	14 CFR 21.181	To allow petitioner to use FAA-approved minimum equipment list. Granted 5/20/86.

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24450	Baron Aviation	14 CFR 135.179	To allow you to operate single-engine Cessna 208A aircraft utilizing the provisions of a minimum equipment list. Denied 6/23/86.
24944	New Mexico Junior College	14 CFR 61.3 and 91.27	To allow foreign pilots and foreign-built gliders to participate in the Second National Sports Class Soaring Championships sponsored by the National Soaring Foundation. Granted 6/23/86.
24966	Lubbock General	14 CFR 43.3	To allow petitioner to use its own trained flightcrew and paramedics to install or remove the stretcher or incubator, as applicable, on its Cessna 402B aircraft, N371JD, S/N 402B1322, in lieu of Lubbock International Airport personnel or a certificated mechanic. Granted 6/24/86.
23980	United States Hang Gliding Assn	14 CFR 91.17 and Portions of Part 103	Extension of Exemption 4144 to allow petitioner to tow aloft an unpowered ultralight (hand glider) by a powered ultralight. Granted 6/2/86.

[FR Doc. 86-14740 Filed 7-1-86; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Baltimore and Anne Arundel County, MD; Notice of Intent

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for the proposed widening and interchange improvements on I-695 from U.S. Route 40 (Baltimore National Pike) to Maryland Route 170 (Camp Meade Road) and on Maryland Route 295 from Maryland Route 46 to the Baltimore City Line.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Terry, Jr., Field Operations Engineers, Federal Highway Administration, The Rotunda, Suite 220, 711 W. 40th Street, Baltimore, Maryland 21211, telephone 301/962-4010, and/or Mr. Louis Ege, Deputy Director, Project Development Division, Maryland State Highway Administration, 707 North Calvert Street, Room 310, Baltimore, Maryland 21202, telephone 301/659-1130

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration, is preparing an environmental impact statement to develop an acceptable alternate to widen a 7.4-mile portion of I-695 to 8 through-lanes and to widen a 4.0-mile portion of Maryland Route 295 to 6 through-lanes. Interhcange improvements would be included to address safety capacity problems.

In addition to the No-Build, two Build alternates are under consideration along I-695. Alternate 3 consists of adding one lane and a shoulder to the outside of the existing roadway in each direction from U.S. Route 40 to Maryland Route 170. Major interchange improvements would be included such as collector distributor roads and reconfiguration of some interchanges. Alternate 2 consists of the above lane and shoulder additions but with minimal adjustments at all interchange ramps. As an alternative to the extensive reconstruction required at the MD 295/I-695 interchange, Alternate 2 includes new connections to I-895 to enable city-bound traffic from eastern Anne Arundel County to access MD 295 via I-895, thereby bypassing the MD 295/I-695 interchange. The reverse movement would also be provided.

One Build Alternate is proposed for the widening of MD 295, consisting of adding one lane and a shoulder in each direction in the median.

An alternates public meeting has been held. A public hearing will be held after circulation of the DEIS. A public notice will give the time and place of the public hearing, and individual notices will be sent to those agencies, groups, and individuals on the mailing list. The Draft EIS will be available for public and agency review and comment prior to the public hearing. To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

(Catalog of Federal Domestic Assistance Program Number 20.025, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.)

Emil Elinsky,

Division Administrator, Baltimore, Maryland.

[FR Doc. 86-14887 Filed 7-1-86; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 23-86]

Treasury Notes, Series G-1993

Washington, June 26, 1986.

The Secretary announced on June 25, 1986, that the interest rate on the notes deisignated Series G-1993, described in Department Circular—Public Debt Series—No. 23-86 dated June 18, 1986, will be 7¼ percent. Interest on the notes will be payable at the rate of 7¼ percent per annum.

John A. Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-14959 Filed 7-1-86; 8:45 am]
BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 22-86]

Treasury Notes, Series P-1990

Washington, June 25, 1986.

The Secretary announced on June 24, 1986, that the interest rate on the notes designated Series P-1990, described in Department Circular—Public Debt Series—No. 22-86 dated June 18, 1986, will be 7¼ percent. Interest on the notes will be payable at the rate of 7¼ percent per annum.

John A. Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-14960 Filed 7-1-86; 8:45 am]
BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 127
Wednesday, July 2, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 8, 1986.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Application of the Philadelphia Board of Trade for designation as a contract market in British Pound, Deutsche Mark, French Franc, Japanese Yen, Swiss Franc, and Canadian Dollar futures.
—Application of the Philadelphia Board of Trade for designation as a contract market in European Currency Unit futures.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86–15072 Filed 6–30–86; 2:42 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Friday, July 18, 1986.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Financial Reviews.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

FR Doc. 86–15073 Filed 6–30–86; 2:43 pm]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 22, 1986.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Application of the Coffee, Sugar and Cocoa Exchange for designation as a contract market in Coffee options
—Applications of the Pacific Stock Exchange for designation as a contract market in Technology Index futures
—Briefing on the proposed transfer of Floor Broker registration to the National Futures Association.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86–15074 Filed 6–30–86; 2:44 pm]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Friday, July 25, 1986.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Reviews.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86–15075 Filed 6–30–86; 2:45 pm]

BILLING CODE 6351-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:39 p.m. on Thursday, June 26, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Continental National Bank of Kentucky, Louisville, Kentucky, which was closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, June 26, 1986; (2) accept the bid for the transaction submitted by River City Bank, Inc., Louisville, Kentucky, a newly-chartered State nonmember bank; (3) approve the applications of River City Bank, Inc., Louisville, Kentucky, for Federal deposit insurance, for consent to purchase certain assets of and assume the liability to pay deposits made in Continental National Bank of Kentucky, Louisville, Kentucky, and for consent to establish the approved but unopened branch of Continental National Bank of Kentucky as a branch of River City Bank, Inc.; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(11), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)A(ii), and (c)(9)(B)).

Dated: June 27, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–15035 Filed 6–30–86; 11:22 am]

BILLING CODE 6714-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: June 24, 1986, 51 FR 23024.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 25, 1986, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Numbers and Companies have been added:

Item No., Docket No., and Company

CAG–15—RP86–33–000, Midwestern Gas Transmission Company
CAG–29—RP86–52–000, Kentucky West Virginia Gas Company
CAG–76—RP86–104–000, Colorado Interstate Gas Company
RP–5—RP86–110–001, Texas Eastern Transmission Corporation

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–15028 Filed 6–30–86; 11:04 am]

BILLING CODE 6717–02–M

7

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:00 a.m., Tuesday, July 15, 1986.

PLACE: NTSB, Conference Rooms 8A, B, and C, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* Delta Air Lines, Inc. Lockheed L1001 N726DA, Dallas-Fort Worth International Airport, Dallas, Texas, August 2, 1985.
2. *Recommendations* to the Federal Aviation Administration and the National Oceanic and Atmospheric Administration Pertaining to Aircraft Operations, Air Traffic Control and Weather Resulting from the Delta Air Lines, Inc. Accident at Dallas, Texas, August 2, 1985.
3. *Recommendations* to the Federal Aviation Administration, and the Dallas-Fort Worth International Airport Board Pertaining to Emergency Response/Disaster Planning and Flight Attendant Restraint Systems Resulting From the Delta Air Lines, Inc. Accidents at Dallas, Texas, August 2, 1985.
4. Summary of Previous Safety Board Recommendations Issued Relating to the Delta Air Lines, Inc. Accidents at Dallas, Texas, August 2, 1985; and Associated Recommendation Follow-up Letters.

FOR MORE INFORMATION, CONTACT: H. Ray Smith (202) 382–6525.

Catherine T. Kaputa,

Federal Register Liaison Officer.

June 27, 1986.

[FR Doc. 86–15000 Filed 6–30–86; 10:35 am]

BILLING CODE 7533–01–M

8

NUCLEAR REGULATORY COMMISSION

DATES: Weeks of June 30, July 7, 14, and 21, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of June 30

Tuesday, July 1

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Discussion of Pending Enforcement Action (Closed—Ex. 5 & 7)

Wednesday, July 2

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Request to Intervene in the Matter of American Nuclear Corporation, Docket No. 40–4492

Week of July 7—Tentative

Monday, July 7

2:00 p.m.
Discussion/Possible Vote on Fermi Restart (Public Meeting)

Wednesday, July 9

10:00 a.m.
Briefing on Accident Source Term Reassessment (NUREG–0956) (Public Meeting)
2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of July 14—Tentative

Tuesday, July 15

2:00 p.m.
Briefing by DOE on Status of High Level Waste Program (Public Meeting)

Thursday, July 17

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of July 21—Tentative

Monday, July 21

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Hope Creek (Public Meeting)

Wednesday, July 23

10:00 a.m.
Briefing on Status of EEO Program (Public Meeting)
2:00 p.m.
Briefing on Near Term Operating Licenses (NTOL's) (Open/Portion May be Closed—Ex. 5 & 7)

Thursday, July 24

2:00 p.m.
Briefing on Status of Davis-Besse (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker, (202) 634–1410.

Robert B. McOsker,

Office of the Secretary.

June 26, 1986.

[FR Doc. 86–15086 Filed 6–30–86; 3:26 pm]

BILLING CODE 7590–01–M

9

POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

By telephone vote on June 30, 1986, a majority of the Governors voted to close to public observation an executive meeting of the Governors scheduled for July 7, 1986. The meeting will be held at U.S. Postal Service headquarters, 475 L'Enfant Plaza, SW., Washington, DC. The meeting will concern consideration of a new Postmaster General.

The executive meeting will be attended by Governors Camp, McConnell, McKean, Peters, Ryan, and Setrakian.

The Board of Governors has determined that, pursuant to section 552b(c)(6) of Title 5, United States Code, and § 7.3(f) of Title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board also determined that the public interest does not require the Board's discussion of this matter to be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(6) of Title 5, United States Code, and § 7.3(f) of Title 39, Code of Federal Regulations.

David F. Harris,

Secretary.

[FR Doc. 86–15066 Filed 6–30–86; 2:38 pm]

BILLING CODE 7710–12–M

Federal Register

Wednesday,
July 2, 1986

Part II

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for January 1986

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53082; FRL-3023-4]

Premanufacture Notices; Monthly Status Report for January 1986

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for January 1986.

Nonconfidential portions of the PMNs may be seen in Room E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53082]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-613, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during January; (b) PMNs received previously and still under review at the end of January; (c) PMNs for which the notice review period has ended during January; (d) chemical substances for which EPA has received a notice of commencement to manufacture during January and (e) PMNs for which the review period has been suspended. Therefore, the January 1986 PMN Status Report is being published.

Dated: May 19, 1986.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, January 1986

I. 134 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
P 86-348	Generic name: Sulfurized alkene	51 FR 1283 (1285) (1-10-86)	Mar. 31, 1986.
P 86-349	Generic name: Preimidized polyimide	51 FR 1283 (1285) (1-10-86)	Do.
P 86-350	Generic name: Phenolic formaldehyde condensate derivative	51 FR 2569 (1-17-86)	Apr. 1, 1986.
P 86-351	Generic name: Carboxyoxyamide sulfate polymer	51 FR 2569 (1-17-86)	Do.
P 86-352	Generic name: Zirconium IV neoalkoxy trisneodecanoato-O	51 FR 2569 (1-17-86)	Do.
P 86-353	Generic name Zirconium IV neoalkoxy tris dodecylbenzene sulfonato-O	51 FR 2569 (1-17-86)	Do.
P 86-354	Generic name: Zirconium IV neoalkoxy tris (diisooctyl) phosphato-O	51 FR 2569 (1-17-86)	Do.
P 86-355	Generic name: Zirconium IV neoalkoxy, tris (diisooctyl) pyrophosphato-O	51 FR 2569 (1-17-86)	Do.
P 86-356	Generic name: Zirconium IV neoalkoxy, bis (diisooctyl) pyrophosphato adduct with 2 moles of methacrylamido amine	51 FR 2569 (2570) (1-17-86)	Do.
P 86-357	Generic name: Zirconium IV neoalkoxy tris isooctanolato	51 FR 2569 (2570) (1-17-86)	Do.
P 86-358	Generic name: Zirconium neoalkoxy tris 2-ethylenediaminoethanolato	51 FR 2569 (2570) (1-17-86)	Do.
P 86-359	Generic name: Zirconium IV neoalkoxy tris 3-aminophenylato	51 FR 2569 (2570) (1-17-86)	Do.
P 86-360	Generic name: Alkenes, reaction products with 2,5-furandione	51 FR 2569 (2570) (1-17-86)	Do.
P 86-361	Generic name: Alkenes, reaction products 2,5-furandione and substituted alkyl amines	51 FR 2569 (2570) (1-17-86)	Do.
P 86-362	Polymer of isophthalic acid, maleic anhydride, trimethylolpropane, 3-hydroxy-2,2-dimethyl propyl betahydroxy privalete and Wacker SY231.	51 FR 2569 (2570) (1-17-86)	Apr. 2, 1986.
P 86-364	Aryl substituted lactone	51 FR 2569 (2570) (1-17-86)	Apr. 5, 1986.
P 86-365	Generic name: Ethylene interpolymer	51 FR 2569 (2570) (1-17-86)	Do.
P 86-366	Generic name: Polyimide	51 FR 2569 (2570) (1-17-86)	Do.
P 86-367	Generic name: Poly-[(alkoxycarbonyl)alkyl] polysulfide	51 FR 2569 (2570) (1-17-86)	Do.
P 86-368	Generic name: Acrylourethane	51 FR 2569 (2570) (1-17-86)	Do.
P 86-369	Generic name: Substituted polyetheramine	51 FR 2569 (2571) (1-17-86)	Do.
P 86-370	Generic name: Alkyl fluoroalkyl siloxane	51 FR 2569 (2571) (1-17-86)	Apr 7, 1986.
P 86-371	Generic name: Functional polyether of bisphenol alkane	51 FR 2569 (2571) (1-17-86)	Do.
P 86-372	Ethanol, potassium salt	51 FR 4033 (4034) (1-31-86)	Apr. 8, 1986.
P 86-373	Generic name: Methylene bis(substituted benzene)	51 FR 4033 (4034) (1-31-86)	Do.
P 86-374	Generic name: Blocked isocyanate	51 FR 4033 (4034) (1-31-86)	Do.
P 86-375	Generic name: Dialkylpentasulphide	51 FR 4033 (4034) (1-31-86)	Apr. 11, 1986.
P 86-376	Generic name: Caprolactam-blocked TDI prepolymer	51 FR 4033 (4034) (1-31-86)	Do.
P 86-377	Generic name: Monosubstitutedalkylbenzene-diazonium chloride	51 FR 4033 (4034) (1-31-86)	Apr. 12, 1986.
P 86-378	Generic name: Reaction product of urea, formaldehyde, dialdehyde and diol	51 FR 4033 (4034) (1-31-86)	Do.
P 86-379	Generic name: Oxirane polymer with dialkyl-carbomonocyclicoxysubstituted propanol	51 FR 4033 (4034) (1-31-86)	Do.
P 86-380	2-Napthalenediazonium, 1-sulfo-6-(2-sulfooxyethyl)sulfonyl)-, hydrogen sulfate	51 FR 4033 (4034) (1-31-86)	Do.
P 86-381	Generic name: Polyester resin of aryl alkane dicarboxylic acids plus alkanediols	51 FR 4033 (4034) (1-31-86)	Do.
P 86-382	Generic name: Modified trisphenol epoxy novolac	51 FR 4033 (4034) (1-31-86)	Do.
P 86-383	Generic name: Modified trisphenol novolac	51 FR 4033 (4034) (1-31-86)	Do.
P 86-384	Generic name: Substituted aldehyde	51 FR 4033 (4034) (1-31-86)	Do.
P 86-385	Generic name: Acrylic ester	51 FR 4033 (4035) (1-31-86)	Apr. 13, 1986.
P 86-386	Generic name: Modified acrylic ester	51 FR 4033 (4035) (1-31-86)	Do.
P 86-387	Generic name: Modified acrylic ester	51 FR 4033 (4035) (1-31-86)	Do.
P 86-388	Generic name: Polyurethane prepolymer	51 FR 4033 (4035) (1-31-86)	Do.
P 86-389	Generic name: Azoxybis[(substituted phenyl)azo]bis[substituted naphthalenesulfonic acid, salt]	51 FR 4033 (4035) (1-31-86)	Apr. 14, 1986.
P 86-390	Generic name: Azoxybis[(substituted phenyl)azo]bis[substituted napthlaenesulfonic acid, salt]	51 FR 4033 (4035) (1-31-86)	Do.
P 86-391	Generic name: Azoxybis[(substituted phenyl)azo]bis[substituted naphthalenesulfonic acid, salt]	51 FR 4033 (4035) (1-31-86)	Do.
P 86-392	Methyl carbamic acid, phenyl ester	51 FR 4033 (4035) (1-31-86)	Do.
P 86-393	Generic name: Poly acrylate	51 FR 4033 (4035) (1-31-86)	Do.
P 86-394	2-ethoxy-4-methyl phenol	51 FR 4030 (4031) (1-31-86)	Apr. 19, 1986.
P 86-395	Generic name: Aromatic polyamide	51 FR 4030 (4031) (1-31-86)	Do.
P 86-396	Generic name: Aromatic polyamide	51 FR 4030 (4031) (1-31-86)	Do.
P 86-397	Generic name: Substituted sodium benzoate	51 FR 4030 (4031) (1-31-86)	Do.
P 86-398	Generic name: 1-(carbomonocyclicamino-alkylene) polysubstituted heterocycle	51 FR 4030 (4031) (1-31-86)	Do.
P 86-399	Generic name: N-substituted dialkylenetriamine	51 FR 4030 (4031) (1-31-86)	Do.
P 86-400	Generic name: Dialkylenetriamine	51 FR 4030 (4031) (1-31-86)	Do.
P 86-401	Generic name: Modified, maleated metal resinate	51 FR 4030 (4031) (1-31-86)	Do.
P 86-402	Generic name: Trisubstituted triazine	51 FR 4030 (4031) (1-31-86)	Do.

I. 134 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 86-403	Generic name: Modified acrylic terpolymer	51 FR 4030 (4031) (1-31-86)	Do.
P 86-404	Generic name: Modified acrylate terpolymer	51 FR 4030 (4031) (1-31-86)	Do.
P 86-405	Generic name: Mercaptan terminated polyether, polythioether, polysulfide	51 FR 4030 (4031) (1-31-86)	Apr. 20, 1986.
P 86-406	Generic name: Water reducible acrylic copolymer aklyd	51 FR 4030 (4031) (1-31-86)	Do.
P 86-407	Generic name: Site-limited alkyd resin	51 FR 4030 (4031) (1-31-86)	Do.
P 86-408	Generic name: Silicone modified polyester	51 FR 4030 (4032) (1-31-86)	Do.
P 86-409	Generic name: Substituted arylalkylene dicarboxylate	51 FR 4030 (4032) (1-31-86)	Do.
P 86-410	Reaction product of N,N'-ditallowalkyl-aminopropylethylenediamine with propylene oxide and ethylene oxide	51 FR 4030 (4032) (1-31-86)	Do.
P 86-411	Generic name: Substituted alkyl benzotriazole	51 FR 4030 (4032) (1-31-86)	Do.
P 86-412	Generic name: Substituted alkyl benzotriazole	51 FR 4030 (4032) (1-31-86)	Do.
P 86-413	Generic name: Acrylic oligomeric copolymer	51 FR 4030 (4032) (1-31-86)	Do.
P 86-414	Generic name: 1-2'-hydroxy-5'-sulfophenylazo)-2-hydroxy-naphthalene-3,6-disulfonic acid	51 FR 4030 (4032) (1-31-86)	Do.
P 86-415	Generic name: Modified acrylic polymer	51 FR 4030 (4032) (1-31-86)	Do.
P 86-416	Generic name: Modified acrylic polymer	51 FR 4030 (4032) (1-31-86)	Do.
P 86-417	Generic name: Vinylsiloxano-organo-platinum complex	51 FR 4030 (4032) (1-31-86)	Apr. 21, 1986.
P 86-418	Generic name: Amide substituted imidazolidines	51 FR 4030 (4032) (1-31-86)	Do.
P 86-419	Generic name: Amide substituted imidazolidines	51 FR 4030 (4032) (1-31-86)	Do.
P 86-420	Generic name: Amide substituted imidazolidines	51 FR 4030 (4032) (1-31-86)	Do.
P 86-421	Generic name: Modified, maleated metal resinate	51 FR 4030 (4033) (1-31-86)	Do.
P 86-422	Generic name: Modified polycarbonate	51 FR 4030 (4033) (1-31-86)	Do.
P 86-423	Mixed thiodiphenol oligomers	51 FR 4030 (4033) (1-31-86)	Do.
P 86-424	Mixed thiodiphenol oligomers sodium salts	51 FR 4030 (4033) (1-31-86)	Do.
P 86-425	Mixed thiodiphenol oligomers ammonium salts	51 FR 4030 (4033) (1-31-86)	Do.
P 86-426	Generic name: Acrylonitrile-acrylic-styrene-polymer A	51 FR 4030 (4033) (1-31-86)	Do.
P 86-427	Generic name: Acrylonitrile-acrylic-styrene-polymer B	51 FR 4030 (4033) (1-31-86)	Do.
P 86-428	Generic name: Acrylonitrile-acrylic-styrene-polymer C	51 FR 4030 (4033) (1-31-86)	Do.
P 86-429	Generic name: Poly(ether-ester-amide)	51 FR 4030 (4033) (1-31-86)	Do.
P 86-430	Generic name: Poly(ether silicone amide)	51 FR 4030 (4033) (1-31-86)	Do.
P 86-431	Generic name: Poly(ether amide)	51 FR 4030 (4033) (1-31-86)	Do.
P 86-432	Generic name: Modified metal chloride	51 FR 4805 (2-7-86)	Apr. 22, 1986.
P 86-433	Generic name: Spent sulfite liquor, alkalai treated polymer with sodium acrylate	51 FR 4805 (2-7-86)	Apr. 25, 1986.
P 86-434	Lignosulfonic acid, sodium salt, condensation product with formaldehyde and primary oleylamine	51 FR 4805 (4806) (2-7-86)	Do.
P 86-435	Generic name: Self-synergized phenolic antioxidant reaction product	51 FR 4805 (4806) (2-7-86)	Do.
P 86-436	Generic name: Chloride of ethoxylated alcohols	51 FR 4805 (4806) (2-7-86)	Do.
P 86-437	Generic name: Trimethyl-silyl blocked hydroxymethylmethacrylate	51 FR 4805 (4806) (2-7-86)	Do.
P 86-438	Generic name: Silyl ketone acetal	51 FR 4805 (4806) (2-7-86)	Do.
P 86-439	Generic name: Acrylic silicon oligomer	51 FR 4805 (4806) (2-7-86)	Apr. 26, 1986.
P 86-440	Generic name: Acrylic silicon oligomer	51 FR 4805 (4806) (2-7-86)	Do.
P 86-441	Generic name: Acrylic silicon oligomer	51 FR 4805 (4806) (2-7-86)	Do.
P 86-442	Generic name: Acrylic silicon oligomer	51 FR 4805 (4806) (2-7-86)	Do.
P 86-443	Generic name: Acrylic silicon oligomer	51 FR 4805 (4806) (2-7-86)	Do.
P 86-444	Generic name: Acrylic silicon oligomer	51 FR 4805 (4806) (2-7-86)	Do.
P 86-445	Generic name: Acrylic silicon oligomer	51 FR 4805 (4806) (2-7-86)	Do.
P 86-446	1,3-propanediol, 2-amino-2-(hydroxymethiy)-, sulfate (salt)	51 FR 4805 (4806) (2-7-86)	Do.
P 86-447	Generic name: Tricyclic olefinic hydro-carbons	51 FR 4805 (4806) (2-7-86)	Do.
P 86-448	Generic name: Aromatic amine	51 FR 4805 (4806) (2-7-86)	Do.
P 86-449	Generic name: Nitrated aromatic chemical	51 FR 4805 (4807) (2-7-86)	Do.
P 86-450	Generic name: Polycationic polymer	51 FR 4805 (4807) (2-7-86)	Do.
P 86-451	Generic name: Homopolymer of methylethyldiallylammoniumsulfate	51 FR 4805 (4807) (2-7-86)	Do.
P 86-452	Generic name: Polymer of benzenedicarboxylic acids, alkanediol, alkanedicarboxylic acid and benzenetricarboxylic acid	51 FR 4805 (4807) (2-7-86)	Do.
P 86-453	Generic name: Fluorinated alkyl silane	51 FR 4805 (4807) (2-7-86)	Apr. 27, 1986.
P 86-454	Generic name: Fluoroalkylsiloxane hydrolyzate	51 FR 4805 (4807) (2-7-86)	Do.
P 86-455	Generic name: Fatty acid ester of EO/PO blocked polymer	51 FR 4805 (4807) (2-7-86)	Apr. 28, 1986.
P 86-456	Generic name: Fatty imidazoline	51 FR 4805 (4807) (2-7-86)	Do.
P 86-457	Generic name: Halogenated, ethoxylated ester	51 FR 4805 (4807) (2-7-86)	Apr. 26, 1986.
P 86-458	Generic name: Halogenated, propoxylated ester	51 FR 4805 (4807) (2-7-86)	Do.
P 86-459	Generic name: Quaternized fatty imidazoline	51 FR 4805 (4807) (2-7-86)	Apr. 28, 1986.
P 86-460	Generic name: Quaternized fatty imidazoline	51 FR 4805 (4807) (2-7-86)	Do.
P 86-461	Generic name: Dehydrated castor oil alkyd resin	51 FR 4805 (4807) (2-7-86)	Do.
P 86-462	Generic name: Substituted monoazo indole	51 FR 4805 (4808) (2-7-86)	Do.
P 86-463	Generic name: Acrylic resin	51 FR 4805 (4808) (2-7-86)	Do.
P 86-464	Generic name: Acrylic resin	51 FR 4805 (4808) (2-7-86)	Do.
P 86-465	Generic name: Blocked polyamine	51 FR 4805 (4808) (2-7-86)	Do.
P 86-466	Generic name: Hydrogen 2-[alpha(2-hydroxy-3-sulfo-5-ethenylsulfonylphenylazo)-benzilidene hydrazino]-5-substituted, cuprate, sodium salt.	51 FR 5592 (2-14-86)	Apr. 30, 1986.
P 86-467	Formic acid, magnesium salt	51 FR 5592 (2-14-86)	Do.
Y 86-53	Generic name: Acetal copolymer	51 FR 2568 (2569) (1-17-86)	Jan. 28, 1986.
Y 86-54	Generic name: Polyester resin of an aryl dicarboxylic acid and an alkane diol	51 FR 4035 (1-31-86)	Jan. 30, 1986.
Y 86-55	Generic name: Hydroxy functional polyurethane	51 FR 4035 (4036) (1-31-86)	Feb. 3, 1986.
Y 86-56	Generic name: Amine salt of styrene acrylic polymer	51 FR 4035 (4036) (1-31-86)	Do.
Y 86-57	Generic name: Acrylate copolymer	51 FR 4035 (4036) (1-31-86)	Feb. 5, 1986.
Y 86-58	Generic name: Styrenated acrylic copolymer	51 FR 4030 (1-31-86)	Feb. 6, 1986.
Y 86-59	Generic name: Polyamide	51 FR 4030 (1-13-86)	Do.
Y 86-60	Polymer of neopentyl glycol, adipic acid, trimethyloi ethane, dimethyl proprionic acid and phthalate anhydride	51 FR 4030 (1-31-86)	Feb. 11, 1986.
Y 86-61	Generic name: A modified styrene acrylic emulsion	51 FR 4808 (2-7-86)	Feb. 13, 1986.
Y 86-62	Generic name: Copolymer of methacrylic esters	51 FR 4808 (2-7-86)	Feb. 16, 1986.
Y 86-63	Generic name: A partially crosslinked castor oil modified polyester	51 FR 4808 (2-7-86)	Feb. 18, 1986.
Y 86-64	Polymer of neopentyl glycol 1,6-hexanediol, adipic acid, isophthalic acid, terephthalic acid, trimellitic anhydride, and butyl stannoic acid.	51 FR 5591 (2-14-86)	Feb. 20, 1986.
Y 86-65	Polyester polymer of tall-oil fatty acids, 1,2-benzenedicarboxylic acid, benzoic acid, 2,2-dimethyl-1,3-propanediol and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	51 FR 5591 (2-14-86)	Do.
Y 86-66	Polyester polymer of tall-oil fatty acids, 1,2-benzenedicarboxylic acid, benzoic acid and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol..	51 FR 5591 (2-14-86)	Do.
Y 86-67	Polyester polymer of tall-oil fatty acids,1,2-benzenedicarboxylic acid, benzoic acid and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	51 FR 5591 (2-14-86)	Do.

II. 117 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.

P 86-230
P 86-231
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P 86-347
Y 86-44

III. 157 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory.)

PMN No.

P 84-1136
P 85-36
P 85-296
P 85-298
P 85-367
P 85-368
P 85-369
P 85-672
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Y 86-53
Y 86-54

IV. 48 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/generic name	Date of commencement
P 81-319	2,4-dimethyl-4-phenyltetrahydrofuran	Dec. 16, 1985.
P 83-1088	Generic name: Polyester from hexanediol with an alkanoic acid and a carbomonocyclic anhydride	Jan. 4, 1986.
P 84-219	Generic name: Modified tall oil alkyd polymer	Mar. 7, 1986.
P 84-222	Carbamic acid, 1,6-hexanediylbis-, bis(2-(2-(1-methylethyl)-3-oxazolidinyl)ethyl)ester	Dec. 9, 1985.
P 84-364	Generic name: Amine adduct of fatty acid glycidyl ester	Jan. 7, 1986.
P 84-817	Generic name: Metallic alkyl alkoxide complex	Jan. 23, 1986.
P 84-867	Generic name: Alkyl methacrylate polymer	Dec. 13, 1985.
P 84-924	Napth(2,3-c)acridine-5,8,14(13H)-trione, 6-((4,6-bis((9,10-dihydro-9,10-dioxo-1-anthracenyl)amino)-1,3,5-triazin-2-yl)amino)-10-bromo-, Napth(2,3-c)acridine-5,8,14(13H)-trione,6,6'-((6-((9,10-dihydro-9,10-dioxo-1-anthracenyl)amino)-1,3,5-triazin-2,4-diyl)diimino)bis(10-bromo)-	Jan. 9, 1986.
P 85-52	Generic name: Modified fatty acid poly amine condensate	Dec. 13, 1985.
P 85-103	Polymer of isophthalic acid, Caprolactone-E, ethylene glycol, diethylene glycol, neopentyl glycol and toluene diisocyanate	Jan. 30, 1986.
P 85-235	Generic name: Vegetable oil polymer with alkanediols	Dec. 12, 1985.
P 85-247	Generic name: Bis-imidazolium dibromide	Dec. 2, 1985.
P 85-353	Polymer of ethylene oxide, propylene oxide, phthalic anhydride, ethylene glycol, diethylenetriamine, butyl carbitol, adipic acid, hexamethylenediisocyanate, 2-butendiol-1,4-, sodium bisulfite.	Jan. 6, 1986.
P 85-567	Generic name: Silyl ketene acetal	Jan. 13, 1986.
P 85-627	Generic name: Alkenyloxysilane	Dec. 23, 1985.
P 85-708	Generic name: Silicone modified polyester	Jan. 20, 1986.
P 85-731	Generic name: Neutralized acrylic polymer	Jan. 3, 1986.
P 85-798	Generic name: Polyimide siloxane	Nov. 13, 1985.
P 85-830	Generic name: Thiocarbamate of a substituted polycyclic compound	Dec. 6, 1985.
P 85-831	Generic name: Isothiocyanate of a substituted compound	Dec. 5, 1985.
P 85-883	Generic name: Polyurethane of isophoronediisocyanate	Dec. 10, 1985.
P 85-884	Generic name: Blocked isocyanate polyether polyurethane	Dec. 17, 1985.
P 85-911	Trifluoromethanesulfonic acid, 2-propynyl ester	Dec. 5, 1985.
P 85-1173	Generic name: Silica supported transitional metal complex	Dec. 9, 1985.
P 85-1207	Xanthylium, 9-(2-carboxyphenyl)-3,6-bis[(2-ethyl-6-methyl-phenyl)-amino-, hydroxide, inner salt condensation product with paraformaldehyde and 4-methyl-1H-imidazole, compd. with mixture of acetic and sulfamic acid.	Dec. 11, 1985.

IV. 48 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/generic name	Date of commencement
P 85-1219	Generic name: Carbamic acid derivative	Dec. 20, 1985.
P 85-1246	Generic name: Methacrylated polyolefin capped with isocyanate	Jan. 20, 1986.
P 85-1247	Generic name: Ethylene vinyl acetate methacrylic acid hydroxy substituted hydrocarbon copolymer	Dec. 30, 1985.
P 85-1288	4,4'-isopropylidenediphenol, reaction product with epichloro-hydrin, bisphenol A, and 4-glycidoxy-N,N-diglycidyl aniline	Dec. 18, 1985.
P 85-1343	Generic name: Silicone substituted organic amine	Jan. 27, 1986.
P 85-1384	Generic name: Butyltin carboxylate derivative	Dec. 24, 1985.
P 85-1385	Generic name: Butyltin mercaptide	Dec. 24, 1985.
P 85-1416	Generic name: Oligomeric hydroxy amido-ester resin	Dec. 2, 1985.
P 85-1417	Generic name: Phenolic polyester	Dec. 9, 1985.
P 85-1475	Generic name: Methylene diphenylene diisocyanate polyol prepolymer	Jan. 4, 1986.
P 85-1511	Generic name: Polyester resin of an aryl dicarboxylic acid plus an alkanediol	Dec. 24, 1985.
P 85-1517	Generic name: Bis(substituted arylazo substituted sulfoaryl) transition metal complex	Dec. 26, 1985.
P 86-29	Generic name: Methyl methacrylate, styrene, ethyl acrylate, polyfunctional monomer polymer	Jan. 24, 1986.
P 86-30	Polymer of 2,5-furandione, 2-butenedioic acid, 2-2 oxydiethanol, 4,7-methano-1H-indene, 3a,4,7,7a, tetrahydro	Jan. 22, 1986.
P 86-31	Isocyanic acid, polymethylenepolyphenylene ester with castor oil and poly(oxy(methyl-1,2-ethanediyl))alpha-hydro-omega-hydroxy	Feb. 3, 1986.
P 86-53	Polymer of poly(oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy, 1,3-benzene-dicarboxylic acid, polymer with 1,6-hexanediol and nonanedioic acid, carbon black MTFF, 1,1'-biphenyl, 4,4'-diisocyanato-3,3'-dimethyl-, Phenol, 4,4'-(methanetetryl-dinitrilo)bis(3,5-bis(1-methylethyl))-, 1,4-butanediol, Ethanol, 2,2'-(1,4-phenylenebis(oxy))bis-1,4-diazobicyclo.	Feb. 1, 1986.
P 86-75	Generic name: Cationic polymer	Jan. 21, 1986.
Y 85-13	Polymer of dibutyltin dilaurate, 3-((2-aminoethyl)amino) propanoic acid, sodium salt, hexamethylenediisocyanate, toluenediisocyanate, 1,4-butanediol, 1,6-hexanediol, neo-pentylglycol, adipic acid.	Jan. 6, 1986.
Y 86-18	Generic name: Polyester	Dec. 4, 1985.
Y 86-26	Generic name: Acrylic copolymer	Dec. 15, 1985.
Y 86-43	Generic name: Polymer of alkanedioic acid/alkane polyol/benzene polycarboxylic acid	Dec. 17, 1985.
Y 86-45	Generic name: Polyphenylene oxide-nylon 6,6 polymer blend	Jan. 10, 1986.
Y 86-48	Generic name: Polyester resin of aryl and alkane dicarboxylic acids plus alkane diols	Jan. 23, 1986.

V. 136 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity/generic name	FR citation	Date suspended
P 83-634	Generic name: Substituted mono azo aromatic	48 FR 17385 (4-22-83)	July 5, 1983.
P 83-669	Generic name: Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol	48 FR 20490 (5-6-83)	Aug. 5, 1983.
P 83-677	Generic name: Chromium complex of substituted alkylaminoformimidphenol with sulfonaphtholazosulfophenylpyrazolone.	48 FR 20490 (20491) (5-6-83)	Do.
P 83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24967 (24968) (6-3-83)	Aug. 15, 1983.
P 83-771	Generic name: Chromium complex of substituted phenolazoalkylarylaminoformimidphenol with sulfonaphthylazosulfonaphthol.	48 FR 24967 (24968) (6-3-83)	Do.
P 83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30434 (30435) (7-1-83)	Sept. 21, 1983.
P 83-913	Generic name: Copper sulfonylphenazopolyhydroxy phenazobenzoate	48 FR 32381 (32383) (7-15-83)	Oct. 1, 1983.
P 84-375	Generic name: Sodium salt of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	Jan. 10, 1985.
P 84-376	Generic name: Aryl esters of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	Do.
P 84-392	Generic name: Alkoxylated cycloaliphatic diamine	49 FR 6160 (6162) (2-17-84)	Apr. 27, 1984.
P 84-591	Generic name: Sodium salt of an alkylated, sulfonated aromatic	49 FR 16833 (16835) (4-20-84)	Aug. 21, 1984.
P 84-703	Oxo-octyl acetate	49 FR 22128 (22130) (5-25-84)	Jan. 17, 1986.
P 84-713	Generic name: Acrylated alkoxylated aliphatic polyol	49 FR 22130 (5-25-84)	Aug. 7, 1985.
P 84-742	Generic name: Cross-linked modified polyvinyl amide	49 FR 22865 (22866) (6-1-84)	Aug. 22, 1984.
P 84-796	Generic name: Polyfunctional aziridine	49 FR 24782 (6-15-84)	Aug. 7, 1985.
P 84-881	Generic name: Modified polymer of styrene with alkyl acrylate and alkyl methacrylates	49 FR 28614 (28615) (7-13-84)	Nov. 4, 1985.
P 84-900	1,3,5-Triazine-2,4,6 (1H,3H,5H)-trione, 1,3,5-tris(2,3-dibromopropyl)-	49 FR 28616 (28617) (7-13-84)	Mar. 26, 1985.
P 84-1005	Generic name: Alkyl amine derivative	49 FR 32110 (8-10-84)	Oct. 24, 1984.
P 84-1053	Generic name: Ethoxylated vegetable fatty acids, end-capped	49 FR 33718 (33720) (8-24-84)	Oct. 26, 1984.
P 84-1129	Acetic acid, ester with C_9–C_{11} iso alcohols, C_{10}—rich	49 FR 35414 (35417) (9-7-84)	Jan. 10, 1985.
P 84-1130	Acetic acid, ester with C_9–C_{10} alcohols, C_9—rich	49 FR 35414 (35417) (9-7-84)	Do.
P 84-1131	Acetic acid, ester with C_{11}–C_{14} iso alcohols, C_{13}—rich	49 FR 35414 (35417) (9-7-84)	Do.
P 84-1137	Generic name: Cycloaliphatic epoxide	49 FR 36151 (36152) (9-14-84)	Feb. 4, 1985.
P 84-1182	Generic name: Aminopolyamide-epichlorohydrin resin	49 FR 38356 (38357) (9-28-84)	Jan. 11, 1985.
P 84-1183	Generic name: Aminopolyamide-epichlorohydrin polymer	49 FR 33356 (38357) (9-28-84)	Do.
P 84-1219	Generic name: Substituted pyridine	49 FR 39379 (39380) (10-5-84)	Oct. 25, 1985.
P 85-18	Generic name: Substituted amino anthranquinone	49 FR 41102 (411003) (10-19-84)	Sept. 23, 1985.
P 85-67	2,2'-dially-4,4'-sulfonyl diphenol	49 FR 44139 (44140) (11-2-84)	Jan. 23, 1985.
P 85-159	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	July 27, 1985.
P 85-160	Generic name: Polyeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-161	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-162	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-194	Generic name: Acid amide salt	49 FR 47921 (12-7-84)	Feb. 20, 1985.
P 85-203	Generic name: Sulfur-containing poly-alkylene oxide	49 FR 47921 (47922) (12-7-84)	Aug. 6, 1985.
P 85-216	Generic name: Substituted pyridine	49 FR 47921 (47922) (12-7-84)	Feb. 19, 1985.
P 85-234	Generic name: Disubstituted sulfide	49 FR 47921 (47924) (12-7-84)	Dec. 23, 1985.
P 85-238	Generic name: Substituted pyridine	49 FR 48801 (48802) (12-14-84)	Oct. 18, 1985.
P 85-265	Amines, tri (C_{11-14}-iso-C_{13} rich)	49 FR 49895 (49896) (12-24-84)	Mar. 5, 1985.
P 85-360	Generic name: Partial metal complex of aminomethylene phosphonic acid	50 FR 1630 (1631) (1-4-85)	Jan. 21 1986.
P 85-395	Generic name: Substituted polyester resin	50 FR 2719 (2720) (1-18-85)	Apr. 1, 1985.
P 85-433	1-Propanol, 3-mercapto	50 FR 4896 (4898) (2-4-85)	Apr. 22, 1985.
P 85-463	Generic name: Silane	50 FR 6383 (6384) (2-15-85)	Apr. 25, 1985.
P 85-528	Generic name: Anthranilate Schiff base	50 FR 8390 (8391) (3-1-85)	May 20, 1985
P 85-535	Generic name: Substituted pyridine	50 FR 8391 (8392) (3-1-85)	May 17, 1985.
P 85-536	Generic name: Substituted pyridine	50 FR 8391 (8392) (3-1-85)	Do.
P 85-543	2-Butenedioic acid (Z)-, mono [2-[(1-oxo-2-propenyl) oxy]ethyl]-ester	50 FR 8390 (8392) (3-1-85)	Jan. 7, 1986.
P 85-544	2-Butenedioic acid (Z)-, mono [2-[(1-oxo-2-propenyl) oxy]ethyl]-ester	50 FR 10536 (10537) (3-15-85)	Do.
P 85-545	2-Propenoic acid-3-(dimethylamino)-2,2-dimethyl-propylester	50 FR 10536 (10537) (3-15-85)	Do.
P 85-546	2-Propenoic acid, 2-methyl-, 3,3,5-trimethyl-cyclo hexylester	50 FR 8390 (8393) (3-1-85)	Do.
P 85-547	2-Propenoic acid, 3,3,5-trimethylcyclohexylester	50 FR 8390 (8393) (3-1-85)	Do.
P 85-562	Generic name: Alkanolalkane triacrylate octylamine adduct	50 FR 9504 (9505) (3-8-85)	May 14, 1985.
P 85-609	Generic name: Functionally modified methacrylate polymer	50 FR 9504 (9508) (3-8-85)	Aug. 26, 1985.
P 85-611	Generic name: Copper complex of substituted-disazonaphthalenetrisulfonic acid	50 FR 9504 (9508) (3-8-85)	Aug. 26, 1985.
P 85-619	Generic name: Tetra substituted aminocarboxylic acid	50 FR 10536 (10537) (3-15-85)	June 12, 1985.
P 85-620	Generic name: Functionally substituted acrylic/methacrylic/styrene polymer	50 FR 9504 (9509) (3-8-85)	Aug. 26, 1985.
P 85-637	Generic name: Substutited polyglycol	51 FR 10536 (10539) (3-15-85)	Jan. 30, 1986.

V. 136 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
P 85-676	Generic name: Functional polyester	50 FR 12623 (12624) (3-29-85)	June 16, 1985.
P 85-680	Generic name: 1,1-dimethylpropyl peroxyester	50 FR 12623 (12624) (3-29-85)	Do.
P 85-710	Generic name: Poly acrylate/methacrylate ester	50 FR 13651 (13653) (4-5-85)	June 22, 1985.
P 85-718	Generic name: Polyol polyacrylate	50 FR 13651 (13653) (4-5-85)	Dec. 19, 1985.
P 85-719	Generic name: Polymer of styrene and methacrylates	50 FR 13651 (13653) (4-5-85)	June 25, 1985.
P 85-725	Generic name: Polymer of alkyl methacrylates, substituted alkyl methacrylate and styrene	50 FR 14439 (4-12-85)	Oct. 27, 1985.
P 85-735	Generic name: Substituted pyridine disazo dye	50 FR 14439 (14440) (4-12-85)	Jan. 8, 1986.
P 85-800	Generic name: Sodium salt of polycarboxylic acid	50 FR 16541 (4-26-85)	July 16, 1985.
P 85-827	Generic name: Phenoxazinium, bis (substitutedamino), salt	50 FR 18916 (5-3-85)	Jan. 14, 1986.
P 85-854	Generic name: Triglycidyl ether of substituted tri(hydroxyphenyl)methane	50 FR 18915 (18918) (5-3-85)	Jan. 15, 1986.
P 85-855	Generic name: Triglycidyl ether of substituted tri(hydroxyphenyl)methane	50 FR 18915 (18918) (5-3-85)	do.
P 85-875	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19799) 5-10-85)	Sept. 26, 1985.
P 85-876	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-877	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-878	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-879	Generic name: Alkylamidopropyl betaine	50 FR 19798 (19800) (5-10-85)	Do.
P 85-882	Octadecenamide, N-[2-[(2-hydroxyethyl) amino]ethyl]-, monohydrochloride (salt)	50 FR 19798 (19800) (5-10-85)	Jan. 24, 1986.
P 85-890	Generic name: Polypropylene glycol ether	50 FR 19798 (19800) (5-10-85)	Aug. 13, 1985.
P 85-891	Generic name: Polypropylene glycol ether	50 FR 19798 (19800) (5-10-85)	Do.
P 85-892	Generic name: Polypropylene glycol ether	50 FR 19798 (19800) (5-10-85)	Do.
P 85-901	Generic name: Polyamino-polyamide-epichlorohydrin polymer	50 FR 20596 (20597) (5-17-85)	July 29, 1985.
P 85-929	Generic name: Alkylated aromatic diamine	50 FR 20596 (20599) (5-17-85)	Aug. 1, 1985.
P 85-941	Generic name: Substituted alkylamine salt	50 FR 21498 (21499) (5-24-85)	Aug. 22, 1985.
P 85-949	Generic name: Organosilane polymer	50 FR 21498 (21500) (5-24-85)	Aug. 12, 1985.
P 85-973	Generic name: Triglycidyl ether of a substituted tri(hydroxyphenyl)methane	50 FR 21498 (21502) (5-24-85)	Jan. 15, 1986.
P 85-976	Generic name: Reaction product of an organic polymer, silane, organosilanes and a functional organosilane	50 FR 21498 (21502) (5-25-85)	Aug. 12, 1985.
P 85-992	Generic name: Urethane acrylate	50 FR 23185 (23186) (5-31-85)	Aug. 18, 1985.
P 85-994	Generic name: Bensothiazolesulfonic acid, substituted-))substituted-pyrimidinyl)azo)carbomonocycle-, alkali metal salt	50 FR 23185 (23187) (5-31-85)	Sept. 20, 1985.
P 85-1013	Generic name: Aliphatic diurethane acrylate ester	50 FR 24936 (24937) (6-14-85)	Nov. 6, 1985.
P 85-1034	Generic name: Nickel acrylate complex	50 FR 24938 (24939) (6-14-85)	Oct. 1, 1985.
P 85-1053	Generic name: Perfluoroalkyl methacrylate copolymer	50 FR 25778 (6-21-85)	Aug. 28, 1985.
P 85-1054	Generic name: Perfluoroalkyl methacrylate copolymer	50 FR 25778 (6-21-85)	Do.
P 85-1059	Generic name: Alkylene bis-anthranilate ester	50 FR 25778 (25779) (6-21-85)	Aug. 29, 1985.
P 85-1071	Generic name: Cationically modified acrylic copolymer	50 FR 25778 (25780) (6-21-85)	Sept. 4, 1985.
P 85-1085	Generic name: Alkoxy terpenylsilane	50 FR 26837 (26838) (6-28-85)	Jan. 28, 1986.
P 85-1087	Generic name: Alkyl amine, compound with (chloromethyl) oxirane, alkenyl ether	50 FR 26837 (26838) (6-28-85)	Oct. 24, 1985.
P 85-1149	Generic name: Hydroxylated aromatic epoxy acrylate ester	50 FR 28464 (28465) (7-12-85)	Sept. 24, 1985.
P 85-1167	Generic name: Dichloropropene	50 FR 28464 (28466) (7-12-85)	Sept. 23, 1985.
P 85-1168	Generic name: Epoxy acrylate	50 FR 28464 (28466) (7-12-85)	Sept. 26, 1985.
P 85-1180	Generic name: Tert-amyl peroxy alkylene ester	50 FR 29476 (29477) (7-19-85)	Oct. 21, 1985.
P 85-1181	Generic name: Dinitroethylbenzene	50 FR 29476 (29477) (7-19-85)	Do.
P 85-1182	Generic name: Diaminoethylbenzene	50 FR 29476 (29477) (7-19-85)	Do.
P 85-1189	Generic name: 2-Butanone, O,O'-(ethenyl methyl silylene)dioxime, (E-Z)	50 FR 30513 (30514) (7-26-85)	Nov. 7, 1985.
P 85-1210	Generic name: Benzoic acid, 2-[(3a,4,5,6,7,7a-hexahydro-5(or 6) methoxy-4,7-methanoindan)-methylidene] amino, methyl ester..	50 FR 30513 (30515) (7-26-85)	Oct. 9, 1985.
P 85-1211	Generic name: Benzoic acid, 2-(3-phenyl, butylidene) amino, methyl ester	50 FR 30513 (30515) (7-16-85)	Do.
P 85-1212	Benzoic acid, 2-[3-(4-methyl, cyclohex-3-enyl)butylidene]amino, methyl ester	50 FR 30513 (30515) (7-26-85)	Do.
P 85-1220	Generic name: Chlorinated fatty acids, polyoxyalkylene esters	50 FR 32290 (32291) (8-9-85)	Oct. 30, 1985.
P 85-1239	Generic name: Polyamine adduct	50 FR 32290 (32293) (8-9-85)	Oct. 19, 1985.
P 85-1240	Generic name: Polyamine adduct	50 FR 32290 (32293) (8-9-85)	Do.
P 85-1243	1-propanaminium, 2-hydroxy-N,N-dimethyl-N-octyl-3-sulfo-, hydroxide, inner salt	50 FR 32290 (32293) (8-9-85)	Oct. 20, 1985.
P 85-1266	1-Acetylamino-8-hydroxy-7-(3'-ethyl sulfony sulfuric acid ester potassium salt-6'-methoxy phenylazo)naphthalene 3,6-disulfonic acid dipotassium salt.	50 FR 32302 (32306) (8-9-85)	Oct. 24, 1985.
P 85-1273	Copper complex of 1-acetylamino-8-hydroxy 7-(2',5'-dimethoxy-4'-ethyl sulfo phenyl sulfuric acid ester potassium salt phenylazo)-3,6-disulfonic acid dipotassium salt.	50 FR 32302 (32306) (8-9-85)	Do.
P 85-1283	Generic name: Polymer of an acrylate ester and mixed methacrylate esters	50 FR 32302 (32306) (8-9-85)	Oct. 27, 1985.
P 85-1302	Generic name: Omega-functional esterified hydroxymethacrylate	50 FR 33630 (8-20-85)	Nov. 18, 1985.
P 85-1307	Generic name: Alkenoic acid, trisubstituted-benzyl disubsituted phenyl ester	50 FR 33630 (33631) (8-20-85)	Nov. 14, 1985.
P 85-1316	Generic name: 2-Naphthalenesulfonic acid, 6-acetamido-4-hydroxy-(substituted) azo, 1:2 metal complex, trisodium salt	50 FR 33630 (33631) (8-20-85)	Nov. 1, 1985.
P 85-1318	Generic name: Functional polyurethane from polyalkylene oxide, aliphatic diisocyanate and substituted alkanol	50 FR 33630 (33632) (8-20-85)	Nov. 18, 1985.
P 85-1331	Naphthalene, 1,2,3,4-tetrahydro-(1-phenyl-ethyl)-	50 FR 34189 (34190) (8-23-85)	Jan. 24, 1986.
P 85-1335	Generic name: Functionalized styrene-methacrylate copolymer	50 FR 34189 (34190) (8-23-85)	Nov. 25, 1985.
P 85-1337	Generic name: Omega, omega'-dialkyl poly-glycol ethers	50 FR 34189 (34190) (8-23-85)	Nov. 7, 1985.
P 85-1341	Generic name: Sulfonates of ethoxylated alcohols	50 FR 34189 (34190) (8-23-85)	Nov. 26, 1985.
P 85-1369	Generic name: Ethenyl silane ester	50 FR 35314 (35315) (8-30-85)	Dec. 2, 1985.
P 85-1380	Generic name: Ester-modified epoxy resin	50 FR 35314 (35316) (8-30-85)	Dec. 3, 1985.
P 85-1388	Generic name: Vinyl chloride-vinyl acetate hydroxyl modified copolymer	50 FR 36669 (9-9-85)	Dec. 2, 1985.
P 85-1410	Generic name: Unsaturated polyester polymer	50 FR 38194 (38195) (9-20-85)	Dec. 12, 1985.
P 85-1425	Generic name: Unsaturated acid and heterocyclic modified expoxy resin	50 FR 38197 (38198) (9-20-85)	Jan. 6, 1986.
P 85-1493	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Jan. 2, 1986.
P 85-1494	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Jan. 2, 1986.
P 85-1495	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Jan. 2, 1986.
P 85-1496	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	January 2, 1986.
P 85-1497	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1498	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1499	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1500	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Do.
P 85-1501	Generic name: Hydrophobic cationic acrylic terpolymer	50 FR 40594 (40595) (10-4-85)	Do.
P 86-21	Generic name: Polymer of methacrylic acid and mixed alkyl methacrylate esters and amidoamines	50 FR 41580 (41582) (10-11-85)	Oct. 11, 1985.
P 86-22	Generic name: Polymer of methacrylic acid and mixed alkyl methacrylate esters and amidoamines	50 FR 41580 (40582) (10-11-85)	Do.
P 86-124	Methyltris(1-methylethyl) benzene	50 FR 47435 (47436) (11-18-85)	Jan. 29, 1986.
P 85-272	Tri-ortho-bolyl phosphite	50 FR 51944 (51946) (12-20-85)	Jan. 17, 1986.
P 86-351	Generic name: Carboxyoxyamide sulfate polymer	51 FR 2569 (1-17-86)	Jan. 23, 1986.

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