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July 16, 1986

Briefings on How To Use the Federal Register—

For information on briefings in Seattle, WA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

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:

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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

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ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Recommendations of the Administrative Conference Regarding Administrative Practice and Procedure

AGENCY: Administrative Conference of the United States.

ACTION: Recommendations.

SUMMARY: The Administrative Conference of the United States, at its Thirty-second Plenary Session, adopted three recommendations. The proposed recommendation regarding the split-enforcement model for agency adjudication, noticed at 51 FR 20861, was put over for consideration at a later session.

Recommendation 86-1, Nonlawyer Assistance and Representation, calls for increased opportunities for non-lawyers to assist and represent claimants in mass justice programs. Recommendation 86-2, Use of Federal Rules of Evidence in Federal Agency Adjudications, contains advice to Congress and the agencies on how the Federal Rules of Evidence may best be applied in administrative proceedings. Recommendation 86-3, Agencies' Use of Alternative Means of Dispute Resolution, urges federal agencies to make greater use of alternatives to litigation and formal adjudication, such as mediation, arbitration, minitrials, factfinding, and negotiation.

Recommendations of the Administrative Conference are published in full text in the **Federal Register** upon adoption. Complete lists of recommendations and statements, together with the texts of those deemed to be of continuing general interest, are published in the Code of Federal Regulations (1 CFR Parts 305 and 310).

DATES: These recommendations were adopted June 19-20, 1986; and issued July 11, 1986.

FOR FURTHER INFORMATION CONTACT: Richard K. Berg, General Counsel (202-254-7065).

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States was established by the Administrative Conference Act, 5 U.S.C. 571-576. The Conference studies the efficiency, adequacy and fairness of the administrative procedures used by federal agencies in carrying out administrative programs, and makes recommendations for improvements to the agencies, collectively or individually, and to the President, Congress, and the Judicial Conference of the United States. (5 U.S.C. 574(1).)

At its Thirty-second Plenary Session, held June 19-20, 1986, the Assembly of the Administrative Conference of the United States adopted three recommendations.

In Recommendation 86-1, the Conference calls for increased opportunities for nonlawyers to assist and represent claimants in mass justice programs, such as Social Security and immigration. Agencies are encouraged both to eliminate barriers to nonlawyer representation and to state affirmatively their intentions to permit nonlawyers to assist and represent claimants. The Conference also recognizes that agency rules of practice dealing with attorney conduct may need to be made applicable, as appropriate, to nonlawyers.

Recommendation 86-2 urges Congress not to require agencies to apply the Federal Rules of Evidence to limit the discretion of presiding officers to admit evidence in agency adjudicatory proceedings. It also recommends that agency regulations clearly confer on presiding officers discretion to exclude unreliable evidence and to apply the weighted balancing test of Rule 403 of the Federal Rules of Evidence in deciding whether to admit evidence of questionable value.

Recommendation 86-3 calls on agencies and Congress to make greater use of alternatives to litigation and trial-type hearings. More specifically, the Conference calls on Congress to act to permit executive branch officials to agree to binding arbitration as a means of resolving some controversies, describes the form these arbitration procedures should take, and suggests cases where arbitration is likely to be appropriate. The recommendation also addresses cases where Congress should (and should not) require mandatory arbitration as the sole means of resolving disputes; encourages agency use of techniques to achieve settlements, such as mediation, minitrials, and settlement judges; and suggests that agencies consider the potential for making use of private sector dispute resolution mechanisms as an alternative to direct agency regulatory action.

The transcript ot the Plenary Session will be available for public inspection at the Conference's offices at Suite 500, 2120 L Street NW., Washington, DC.

List of Subjects in 1 CFR Part 305

Administrative practice and procedure, Attorneys, Nonlawyer representation, Evidence, Alternative dispute resolution; Arbitration.

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1. The authority citation for Part 305 continues to read as follows:

Authority: 5 U.S.C. 571-576.

2. The table of contents to Part 305 of Title 1 CFR is amended to add the following new sections:

3. Section 305.86-1 is added to Part 305 as follows:

§ 305.86-1 Nonlawyer assistance and representation (Recommendation No. 86-1).

A substantial number of individuals involved in federal "mass justice" [1] agency

[1] The term "mass justice" is used here to categorize an agency program in which a large number of individual claims or disputes involving personal, family, or personal business matters come before an agency; e.g., the Old Age Survivors and Disability Insurance program administered by the Social Security Administration. To the extent that principles incorporated in this recommendation may be applicable to other programs in which non-lawyer assistance or representation is (or could be

Continued

proceedings need and desire assistance[2] in filling out forms, filing claims, and appearing in agency proceedings, but are unable to afford assistance or representation by lawyers. A lack of assistance or representation reduces the probability that an individual will obtain favorable results in dealing with an agency. Further, unassisted individuals are more likely than those who are assisted to cause a loss of agency efficiency by requiring more time, effort, and help from the agency.

Federal agencies currently provide help to persons involved in agency proceedings through information given by agency personnel and through funding of legal aid programs and approval or payment of attorney fee awards. This recommendation does not deal with whether government aid may be needed for persons who cannot afford any form of assistance. This recommendation focuses on the potential for increasing the availability of assistance by nonlawyers. Federal agency experience and statistics indicate that qualified persons who are not lawyers generally are capable of providing effective assistance to individuals in mass justice agency proceedings.

While it is recognized that no established privilege protects the confidentiality of communications between nonlawyers and their clients, agencies may adopt some protections covering their own proceedings. The possible limitation of such protections does not outweigh the benefits of increased assistance and representation.

Agency practices do not currently maximize the potential for free choice of assistance, and, in some instances, may hinder the availability of qualified, low-cost assistance by nonlawyers. Agencies should take the steps necessary to encourage—as well as eliminate inappropriate barriers to—nonlawyer assistance and representation.

Agencies generally have the authority to authorize any person to act as a representative for another person having business with the agency. Where an agency intends to permit nonlawyers to assist individuals in agency matters, the agency needs to state that intention affirmatively in its regulations for two reasons. First, an affirmative statement is essential, under existing case law, to protect a nonlawyer from prosecution—under state "unauthorized practice of law" prohibitions—for assisting and advising a federal client preparatory to commencing agency proceedings, as well as for advertising the availability of services. Second, an affirmative agency position is needed to overcome a common assumption of nonlawyers that agencies welcome only lawyers as representatives, and thereby to encourage an increase in the provision of nonlawyer services.

made) available, the Conference recommends the consideration of these principles by the agencies involved.

[2] The term "assistance" is used here to indicate all forms of help, including representation, that may be beneficial to a person in dealing with an agency. The term "representation" is used whenever the most likely form of assistance involves such activities as making an appearance, signing papers, or speaking for the assisted individual. Neither term is meant to be exclusive.

Recommendation

1. The Social Security Administration, the Immigration and Naturalization Service, the Veterans Administration, the Internal Revenue Service, and other Federal agencies that deal with a significant number of unassisted individuals who have personal, family, or personal business claims or disputes before the agency, should review their regulatioins regarding assistance and representation. The review should be directed toward the goals of authorizing increased assistance by nonlawyers, and of maximizing the potential for free choice of representative to the fullest extent allowed by law.

2. If an agency determines that some subject areas or types of its proceedings are so complex or specialized that only specially qualified persons can adequately provide representation, then the agency may need to adopt appropriate measures to ensure that nonlawyers meet specific eligibility criteria at some or all stages of representation. Agencies should tailor any eligibility requirements so as not to exclude nonlawyers (including nonlawyers who charge fees) as a class, if there are nonlawyers who, by reason of their knowledge, experience, training, or other qualification, can adequately provide assistance or representation.

3. Agencies should declare unambiguously their intention to authorize assistance and representation by nonlawyers meeting agency criteria. Where a declaration by an agency may have the effect of preempting state law (such as "unauthorized practice of law" prohibitions), then the agency should employ the procedures set out in Recommendation 84-5 with regard to notification of and cooperation with the states and other affected groups.

4. Agencies should review their rules of practice that deal with attorney conduct (such as negligence, fee gouging, fraud, misrepresentation, and representation when there is a conflict of interest) to ensure that similar rules are made applicable to nonlawyers as appropriate, and should establish effective agency procedures for enforcing those rules of practice and for receiving complaints from the affected public.

4. Section 305.86-2 is added to Part 305 as follows:

§ 305.86-2 Use of Federal Rules of Evidence in Federal agency adjudications (Recommendation No. 86-2).

Federal agencies have adopted hundreds of different sets of rules governing admission of evidence in formal adjudications. While those rules vary in their details, they can be placed in three general categories: (1) Rules that reflect the wide open standard of APA section 556(d); (2) rules that require presiding officers to apply the Federal Rules of Evidence (FRE) "so far as practicable;" and, (3) rules that permit presiding officers to use the FRE as a source of guidance in making evidentiary rulings. In a few instances, Congress has required the agency to adopt a standard that refers to the FRE; in other cases the agency voluntarily adopted such a standard.

Presiding officers vary substantially in the extent of their use of the FRE as a source of guidance in making evidentiary rulings. Presiding officers at agencies whose rules refer to the FRE rely on the FRE as a source of guidance much more frequently than presiding officers at agencies whose rules reflect only the APA standard. Presiding officers at agencies with rules that refer to the FRE are more satisfied with the rule they apply than presiding officers at agencies with rules that reflect only the APA standard. The relative dissatisfaction expressed by many presiding officers in the latter group seems to be based on their perception that the APA standard does not accord them sufficient discretion to engage in responsible case management. Because they perceive that they do not have the discretion to exclude evidence they consider clearly unreliable, they must devote valuable hearing and opinion-writing time to reception and consideration of such evidence.

Because the APA evidentiary standard is broadly permissive, courts routinely decline to reverse agencies that have adopted this standard on the basis of alleged erroneous admission of evidence. However, courts seem confused by the FRE "so far as practicable" evidence standard. Some courts apparently interpret it to accord near total discretion to agencies. Other courts interpret it as a mandate to comply with the FRE except in unusual cirumstances. Still others apparently view the standard as a mandate to admit evidence inadmissible under the FRE except when unusual circumstances require application of the FRE.

Independent of the evidentiary standard adopted by the agency, reviewing courts apply three general rules: (1) An agency must respect evidentiary privileges; (2) an agency can be reversed if it declines to admit evidence admissible under the FRE; and (3) an agency will be reversed if it bases a finding on unreliable evidence.

The FRE "so far as practicable" standard has four significant disadvantages; (1) Courts seem confused as to what it means or how to enforce it; (2) instructing presiding officers to exclude evidence based on the standard forces them to undertake a difficult and hazardous task; (3) excluding evidence on the basis that it is inadmissible in a jury trial is totally unnecessary to insure that agencies act only on the basis of reliable evidence; and (4) agencies, like other experts, should be permitted to rely on classes of evidence broader than those that can be considered by lay jurors. Yet the APA standard alone has the disadvantage that presiding officers perceive it as an inadequate tool for effective case management, despite the fact that it permits presiding officers to use relevant

parts of the FRE and scholarly texts as sources of general guidance in making evidentiary rulings in formal adversarial adjudications. Federal Rule 403 can be particularly valuable to presiding officers in discharging their case management responsibilities. That rule authorizes exclusion of evidence the probative value of which is substantially outweighed by other factors, including the consideration of undue delay. In addition, under any set of evidentiary rules, an agency can assist presiding officers in their evidentiary decisionmaking by specifying, insofar as they can be foreseen, the factual issues the agency considers material to the resolution of various classes of adjudications and the types of evidence it considers reliable and probative with respect to recurring factual issues.

Recommendation

1. Congress should not require agencies to apply the Federal Rules of Evidence, with or without the qualification "so far as practicable," to limit the discretion of presiding officers to admit evidence in formal adjudications.[1]

2. Agencies should adopt evidentiary regulations applicable to formal adversarial adjudications that clearly confer on presiding officers discretion to exclude unreliable evidence and to use the weighted balancing test in Rule 403 of the Federal Rules of Evidence, which allows exclusion of evidence the probative value of which is substantially outweighed by other factors, including its potential for undue consumption of time.

3. To facilitate the efficient and fair management of the proceeding, when otherwise appropriate, an agency should announce in advance of a formal adjudication as many of the factual issues as the agency can foresee to be material to the resolution of the adjudication.

5. Section 305.86–3 is added to part 305 as follows:

§ 305.86–3 Agencies' use of alternative means of dispute resolution (Recommendation No. 86–3).

Federal agencies now decide hundreds of thousands of cases annually—far more than do federal courts. The formality, costs and delays incurred in administrative proceedings have steadily increased, and in some cases now approach those of courts. Many agencies act pursuant to procedures that waste litigants' time and society's resources and whose formality can reduce the chances for consensual resolution. The recent trend toward elaborate procedures has in many cases imposed safeguards whose transaction costs, to agencies and the public in general, can substantially outweigh their benefits.

A comprehensive solution to reducing these burdens is to identify instances where simplification is appropriate. This will require a careful review of individual agency programs and the disputes they involve. A more immediate step is for agencies to adopt alternative means of dispute resolution, typically referred to as "ADR," or to encourage regulated parties to develop their own mechanisms to resolve disputes that would otherwise be handled by agencies themselves. ADR methods have been employed with success in the private sector for many years, and when used in appropriate circumstances, have yielded decisions that are faster, cheaper, more accurate or otherwise more acceptable, and less contentious. These processes include voluntary arbitration, mandatory arbitration, factfinding, minitrials, mediation, facilitating, convening and negotiation. (A brief lexicon defining these terms is included in the Appendix to this recommendation.) The same forces that make ADR methods attractive to private disputants can render them useful in cases which a federal agency decides, or to which the government is a party. For these methods to be effective, however, some aspects of current administrative procedure may require modification.

It is premature to prescribe detailed procedures for a myriad of government activities since the best procedure for a program, or even an individual dispute, must grow out of its own needs. These recommendations therefore seek to promote increased, and thoughtful, use of ADR methods. They are but a first step, and ideally should be supplemented with further empirical research, consultation with experts and interested parties, and more specific Conference proposals.

Recommendation

A. General

1. Administrative agencies, where not inconsistent with statutory authority, should adopt the alternative methods discussed in this recommendation for resolving a broad range of issues. These include many matters that arise as a part of formal or informal adjudication, in rulemaking,[1] in issuing or revoking permits, and in settling disputes, including litigation brought by or against the government. Until more experience has been developed with respect to their use in the administrative process, the procedures should generally be offered as a voluntary, alternative means to resolve the controversy.

2. Congress and the courts should not inhibit agency uses of the ADR techniques mentioned herein by requiring formality where it is inappropriate.

B. Voluntary Arbitration

3. Congress should act to permit executive branch officials to agree to binding arbitration to resolve controversies. This legislation should authorize any executive official who has authority to settle controversies on behalf of the government to agree to arbitration, either prior to the time a dispute may arise or after a controversy has matured, subject to whatever may be the statutory authority of the Comptroller General to determine whether payment of public funds is warranted by applicable law and available appropriations.

4. Congress should authorize agencies to adopt arbitration procedures to resolve matters that would otherwise be decided by the agency pursuant to the Administrative Procedure Act ("APA") or other formal procedures. These procedures should provide that—

(a) All parties to the dispute must knowingly consent to use the arbitration procedures, either before or after a dispute has arisen.

(b) The parties have some role in the selection of arbitrators, whether by actual selection, by ranking those on a list of qualified arbitrators, or by striking individuals from such a list.

(c) Arbitrators need not be permanent government employees, but may be individuals retained by the parties or the government for the purpose of arbitrating the matter.

(d) Agency review of the arbitral award be pursuant to the standards for vacating awards under the U.S. Arbitration Act, 9 U.S.C. 10, unless the award does not become an agency order or the agency does not have any right of review.

(e) The award include a brief, informal discussion of its factual and legal basis, but neither formal findings of fact nor conclusions of law.

(f) Any judicial review be pursuant to the limited scope-of-review provisions of the U.S. Arbitration Act, rather than the broader standards of the APA.

(g) The arbitral award be enforced pursuant to the U.S. Arbitration Act, but is without precedential effect for any purpose.

5. Factors bearing on agency use of arbitration are:

(a) Arbitration is likely to be appropriate where—

(1) The benefits that are likely to be gained from such a proceeding outweigh

[1] The term "formal adjudications" refers to adjudications required by statute to be determined on the record after opportunity for an agency hearing in accordance with the Administrative Procedure Act, U.S.C. 554, 556 and 557, and also includes agency adjudications which by regulation or by agency practice are conducted in conformance with these provisions. The recommendation does not apply to nonadversarial hearings, *e.g.*, many Social Security disability proceedings.

[1] See ACUS Recommendations 82–4 and 85–5, "Procedures for Negotiating Proposed Regulations," 1 CFR 305.82–4 and 305.85–5.

the probable delay or costs required by a full trial-type hearing.

(2) The norms which will be used to resolve the issues raised have already been established by statute, precedent or rule, or the parties explicitly desire the arbitrator to make a decision based on some general standard, such as "justice under the circumstances," without regard to a prevailing norm.

(3) Having a decisionmaker with technical expertise would facilitate the resolution of the matter.

(4) The parties desire privacy, and agency records subject to disclosure under the Freedom of Information Act are not involved.

(b) Arbitration is likely to be inappropriate where—

(1) A definitive or authoritative resolution of the matter is required or desired for its precedential value.

(2) Maintaining established norms or policies is of special importance.

(3) The case significantly affects persons who are not parties to the proceeding.

(4) A full public record of the proceeding is important.

(5) The case involves significant decisions as to government policy.

6. Agency officials, and particularly regional or other officials directly responsible for implementing an arbitration or other ADR procedure, should make persistent efforts to increase potential parties' awareness and understanding of these procedures.

C. Mandatory Arbitration

7. Arbitration is not in all instances an adequate substitute for a trial-type hearing pursuant to the APA or for civil litigation. Hence, Congress should consider mandatory arbitration only where the advantages of such a proceeding are clearly outweighed by the need to (a) save the time or transaction costs involved or (b) have a technical expert resolve the issues.

8. Mandatory arbitration is likely to be appropriate only where the matters to be resolved—

(a) Are not intended to have precedential effect other than the resolution of the specific dispute, except that the awards may be published or indexed as informal guidance;

(b) May be resolved through reference to an ascertainable norm such as statute, rule or custom;[2]

(c) Involve disputes between private parties; and

(d) Do not involve the establishment or implementation of major new policies or precedents.

9. Where Congress mandates arbitration as the exclusive means to resolve a dispute, it should provide the same procedures as in Paragraph 4, above.

D. Settlement Techniques

10. In many situations, agencies already have the authority to use techniques to achieve dispute settlements. Agencies should use this authority by routinely taking advantage of opportunities to:

(a) Explicitly provide for the use of mediation.

(b) Provide for the use of a settlement judge or other neutral agency offical to aid the parties in reaching agreement.[3] These persons might, for instance, advise the parties as to the likely outcome should they fail to reach settlement.

(c) Implement agreements among the parties in interest, provided that some means have been employed to identify other interested persons and afford them an opportunity to participate.

(d) Provide for the use of minitrials.

(e) Develop criteria that will help guide the negotiation of settlements.[4]

11. Agencies should apply the criteria developed in ACUS Recommendations 82–4 and 85–5, pertaining to negotiated rulemaking,[5] in deciding when it may be appropriate to negotiate, mediate or use similar ADR techniques to resolve any contested issue involving an agency. Settlement procedures may not be appropriate for decisions on some matters involving major public policy issues or having an impact on persons who are not parties, unless notice and comment procedures are used.

12. Factors bearing on agency use of minitrials as a settlement technique are:

(a) Minitrials are likely to be appropriate where—

(1) The dispute is at a stage where substantial additional litigation costs, such as for discovery, are anticipated.

(2) The matter is worth an amount sufficient to justify the senior executive time required to complete the process.

(3) The issues involved include highly technical mixed questions of law and fact.

(4) The matter involves materials that the government or other parties believe should not be revealed.

(b) Minitrials are likely to be inappropriate where—

(1) Witness credibility is of critical importance.

(2) The issues may be resolved largely through reference to an ascertainable norm.

(3) Major questions of public policy are involved.

13. Proposed agency settlements are frequently subjected to multiple layers of intra-agency or other review and therefore may subsequently be revised. This uncertainty may discourage other parties from negotiating with federal officials. To encourage settlement negotiations, agencies should provide means by which all appropriate agency decisionmakers are involved in, or regularly apprised of, the course of major negotiations; agencies should also endeavor to streamline intra-agency review of settlements. These efforts should serve to ensure that the concerns of interested segments of the agency are reflected as early as possible in settlement negotiations, and to reduce the likehood that tentative settlements will be upset.

14. In cases where agencies must balance competing public policy interests, they should adopt techniques to enable officials to assess, in as objective a fashion as possible, the merits of a proposed settlement. These efforts might include establishing a small review panel of senior officials or neutral advisors, using a minitrial, publishing the proposed settlement in the **Federal Register** for comment, securing tentative approval of the settlement by the agency head or other senior official, or employing other means to ensure the integrity of the decision.

15. Some agency lawyers, administrative law judges, and other agency decisionmakers should be trained in arbitration, negotiation, mediation, and similar ADR skills, so they can (a) be alert to take advantage of alternatives or (b) hear and resolve other disputes involving their own or another agency.

E. Private Sector Dispute Mechanisms

16. Agencies should review the areas that they regulate to determine the potential for the establishment and use of dispute resolution mechanisms by private organizations as an alternative to direct agency action. Where such use is appropriate, the agency should—

(a) Specify minimal procedures that will be acceptable to qualify as an approved dispute resolution mechanism.

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[2] For example, the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 *et seq.*, provides for mandatory arbitration with respect to the amount of compensation one company must pay another and yet provides no guidance with respect to the criteria to be used to make these decisions. The program has engendered considerable controversy and litigation.

[3] *See, e.g.*, the procedure used by the Federal Energy Regulatory Commission.

[4] *See* ACUS Recommendation 79–3, "Agency Assessment and Mitigation of Civil Money Penalties," 1 CFR 305.79–3.

[5] *See also*, ACUS Recommendation 84–4, "Negotiated Cleanup of Hazardous Waste Sites Under CERCLA," 1 CFR 305.84–4.

(b) Oversee the general operation of the process; ordinarily, it should not review individual decisions.

(c) Tailor its requirements to provide an organization with incentives to establish such a program, such as forestalling other regulatory action, while ensuring that other interested parties view the forum as fair and effective.

Appendix—Lexicon of Alternative Means of Dispute Resolution

Arbitration. Arbitration is closely akin to adjudication in that a neutral third party decides the submitted issue after reviewing evidence and hearing argument from the parties. It may be binding on the parties, either through agreement or operation of law, or it may be non-binding in that the decision is only advisory. Arbitration may be voluntary, where the parties agree to resolve the issues by means of arbitration, or it may be mandatory, where the process is the exclusive means provided.

Factfinding. A "factfinding" proceeding entails the appointment of a person or group with technical expertise in the subject matter to evaluate the matter presented and file a report establishing the "facts." The factfinder is not authorized to resolve policy issues. Following the findings, the parties may then negotiate a settlement, hold further proceedings, or conduct more research.

Minitrial. A minitrial is a structured settlement process in which each side presents a highly abbreviated summary of its case before senior officials of each party authorized to settle the case. A neutral adviser sometimes presides over the proceeding and will render an advisory opinion if asked to do so. Following the presentations, the officials seek to negotiate a settlement.

Mediation. Mediation involves a neutral third party to assist the parties in negotiating an agreement. The mediator has no independent authority and does not render a decision; any decision must be reached by the parties themselves.

Facilitating. Facilitating helps parties reach a decision or a satisfactory resolution of the matter to be addressed. While often used interchangeably with "mediator," a facilitator generally conducts meetings and coordinates discussions, but does not become as involved in the substantive issues as does a mediator.

Convening. Convening is a techique that helps identify issues in controversy and affected interests. The convenor is generally called upon to determine whether direct negotiations among the parties would be a suitable means of resolving the issues, and if so, to bring the parties together for that purpose. Convening has proved valuable in negotiated rulemaking.

Negotiation. Negotiation is simply communication among people or parties in an effort to reach an agreement. It is used so routinely that it is frequently overlooked as a specific means of resolving disputes. In the administrative context, it means procedures and processes for settling matters that would otherwise be resolved by more formal means.

Dated: July 11, 1986.

Richard K. Berg,

General Counsel.

[FR Doc. 86-15976 Filed 7-15-86; 8:45 am]

BILLING CODE 6110-01-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 737

Post Employment Conflict of Interest

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: The Office of Personnel Management is issuing a final regulation under the Ethics in Government Act of 1978 which (1) designates certain positions subject to the post employment conflict of interest regulations applicable to "Senior Employees," and (2) designates certain statutory and non-statutory agencies/bureaus for the purpose of limiting the application of the postemployment rules which prohibit, for 1 year after leaving Government service, certain former high-level employees from representing anyone in an attempt to influence his or her former agency on a matter pending before, or of substantial interest to, such agency.

EFFECTIVE DATE: July 16, 1986.

ADDRESS: Office of Government Ethics, P.O. Box 14108, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Gary Davis or Robert Flynn at (202) 632-7642.

SUPPLEMENTARY INFORMATION: Subsection 207(d)(1)(C) of title 18 U.S.C., contained in Title V of the Ethics in Government Act of 1978, as amended, ("the Act"), (Pub. L. 95-521), gives the Director of the Office of Government Ethics ("OGE") authority to designate (1) certain employee positions for purposes of the restrictions of 18 U.S.C. subsections 207(b)(ii) and 207(c), and (2) agencies and bureaus, within a parent department or agency, having separate and distinct subject matter jurisdiction; i.e., "separate non-statutory agencies/bureaus." Regulations implementing this authority were published on February 1, 1980 (45 FR 7402). Those regulations designated as "Senior Employees" all employees in a position in any pay system for which the basic rate of pay is equal to or greater than that for GS-17 of the General Schedule, as prescribed by 5 U.S.C. 5332, or positions which are established within the Senior Executive Service (SES) pursuant to the Civil Service Reform Act of 1978, subject to specific exemptions to be made by OGE. The regulations also set forth those separate statutory (18 U.S.C. 207(e)) agencies and bureaus and those separate non-statutory agencies/bureaus (18 U.S.C. 207(d)(1)(C)) as determined by the Director, OGE, to be qualified for designation at the time of publication.

Regarding "Senior Employee" designations, upon review of agency recommendations, made pursuant to the requirement set forth in 5 CFR 737.25(b)(1), the Director, OGE, determined that only those non-exempted positions, i.e., those subject to the prohibitions of 18 U.S.C. 207(b)(ii) and (c), would be published in the **Federal Register**. A partial list of such "designated" positions was contained in the February 1, 1980, **Federal Register** publication (45 FR 7402). That list was followed by another partial list which was published on February 8, 1980 (45 FR 8544). Annual amendments to the list were published on November 14, 1980 (45 FR 75500); March 5, 1982 (47 FR 9694); February 25, 1983 (48 FR 8188); March 15, 1984 (49 FR 9808) and July 31, 1985 (50 FR 31096). The combined lists represented all 18 U.S.C. 207(d)(1)(C) positions which were not exempted by the Director, OGE. This regulation consolidates and amends the previously published lists and is based upon a review of agency annual submissions made pursuant to 5 CFR 737.25(b)(1). All positions designated pursuant to 5 U.S.C. 207(d)(1)(C) not previously designated are marked by an asterisk. In accordance with 5 CFR 737.25(d), designation of such positions shall not become effective until December 31, 1986.

Section 737.25 of the final regulations sets forth the standards and procedures to be applied in determining which positions shall be designated. OGE also issued a memorandum to heads of departments, independent agencies, commissions and Government corporations/designated agency ethics officials dated April 26, 1979, giving additional information and guidance on this subject. Section 737.11 sets forth the standards and procedures to be applied in determining which separate statutory and nonstatutory agencies and bureaus shall be designated.

The Director, OGE, in consultation with each department and agency concerned, has determined that the positions set forth below qualify for designation as "Senior Employee" positions. 5 CFR 737.33 is hereby amended accordingly. The Director has further determined, in consultation with each department or agency concerned,

the separate statutory and non-statutory agencies/bureaus set forth below qualify for such designation.

The "Senior Employee" positions listed constitute all such positions designated under the provisions of subsection 207(d)(1)(C) of title 18 U.S.C. for the departments and agencies listed. In accordance with 5 CFR 737.25(d), subsequent designation of positions within the department or agencies listed shall not be effective until the last day of the fifth full calendar month after the first publication of a notice by the Director, OGE, of intention to so designate. Such fair notice shall not apply to subsequent designations made under the rule concerning position shifting set forth in 5 CFR 737.25(i). In several cases, a position in one agency has been designated while a position of similar title in another has not. OGE has, in the exercise of its discretion, accorded some deference to the decision of a department or agency to designate a position where that decision was in favor of designation above minimum OGE standards. As OGE conducted the review necessary for these designations, it became apparent that, because of the subject matter of a department's or agency's business, the gravity of the "revolving door" problems varied significantly from agency to agency. Moreover, positions which were ostensibly similarly titled and described nevertheless had different roles from agency to agency. Also, OGE believes it desirable that the balance between post employment restrictions and impact on recruiting and retention be adjudged on an agency level, as long as minimum standards are met.

Positions automatically designated by 18 U.S.C. 207(d)(1) (A) and (B) are not included in this publication.

This is a final not a proposed regulation. The Director of the Office of Government Ethics, acting pursuant to 5 U.S.C. 553(b)(3)(A), has found good cause for waiving the general notice of proposed rulemaking and the 30 day delay in effectiveness. This regulation is interpretive in nature, exempt from 5 U.S.C. 553.

E.O. 12291, Federal Regulation

OGE has determined that this is not a major rule as defined under section 1(B) of E.O. 12291.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, because it only effects federal employees.

List of Subjects in 5 CFR Part 737

Conflicts of interest, Government employees.

U.S. Office of Personnel Management.

David H. Martin,

Director, Office of Government Ethics.

Accordingly, the Office of Personnel Management is amending 5 CFR Part 737 as follows:

1. The authority citation for Part 737 continues to read as follows:

Authority: Titles II and IV of Pub. L. 95–521 (October 26, 1978), as amended by Pub. L. 96–19 (June 13, 1979), 5 U.S.C. Appendix; Pub. L. 96–150 (November 11, 1983); 18 U.S.C. 207.

2. Section 737.31 is revised to read as follows:

§ 737.31 Separate statutory agencies: Designations.

In accordance with the provisions of 18 U.S.C. 207(e) and § 737.13, each of the following departments or agencies is determined, for purposes of 18 U.S.C. 207(c), to have within it separate statutory agencies or bureaus as set forth below:

Parent Agency: EXECUTIVE OFFICE OF THE PRESIDENT
Separate Statutory Components:
- Office of Management and Budget
- Council of Economic Advisers
- National Security Council
- United States Trade Representation
- Council for Environmental Quality
- Office of Science and Technology Policy
- Office of Administration
- White House Office and the Office of Policy Development
- Office of the Vice President

Parent Agency: DEPARTMENT OF THE TREASURY
Separate Statutory Components:
- Bureau of Alcohol, Tobacco and Firearms
- Bureau of Engraving and Printing
- Bureau of the Mint
- Comptroller of the Currency
- Internal Revenue Service
- United States Customs Service
- United States Secret Service

Parent Agency: FEDERAL EMERGENCY MANAGEMENT AGENCY
Separate Statutory Components: United States Fire Administration

Parent Agency: OFFICE OF PERSONNEL MANAGEMENT
Separate Statutory Components: Office of Government Ethics

Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES
Separate Statutory Components:
- Food and Drug Administration
- Public Health Service
- Social Security Administration

Parent Agency: DEPARTMENT OF TRANSPORTATION
Separate Statutory Components:
- Federal Aviation Administration
- Federal Highway Administration
- Federal Railroad Administration
- Maritime Commission
- National Highway Traffic Safety Administration
- Saint Lawrence Seaway Development Corporation
- United States Coast Guard
- Urban Mass Transportation Administration

Parent Agency: DEPARTMENT OF LABOR
Separate Statutory Components:
- Bureau of Labor Statistics
- Mine Safety and Health Administration
- Occupational Safety and Health Administration

Parent Agency: DEPARTMENT OF JUSTICE
Separate Statutory Components:
- Bureau of Prisons (including Federal Prison Industries, Inc.)
- Community Relations Service
- Drug Enforcement Administration
- Federal Bureau of Investigation
- Foreign Claims Settlement Commission
- [1]National Institute of Justice
- [1]Bureau of Justice Statistics
- [1]Office of Justice Assistance, Research and Statistics
- Immigration and Naturalization Service
- Independent Counsel
- United States Parole Commission

Parent Agency: DEPARTMENT OF DEFENSE
Separate Statutory Components:
- Department of the Army
- Department of the Navy
- Department of the Air Force
- Defense Mapping Agency

Parent Agency: DEPARTMENT OF ENERGY
Separate Statutory Components:
- Federal Energy Regulatory Commission

Parent Agency: DEPARTMENT OF COMMERCE
Separate Statutory Components:
- Economic Development Administration
- Patent and Trademark Office
- National Oceanic and Atmospheric Administration
- Bureau of the Census

Parent Agency: NATIONAL CREDIT UNION ADMINISTRATION
Separate Statutory Component:
- Central Liquidity Facility

Parent Agency: NATIONAL CREDIT UNION ADMINISTRATION
Separate Statutory Component:
- Central Liquidity Facility

3. Section 737.32 is revised to read as follows:

§ 737.32 Separate components of agencies or bureaus: designations.

In accordance with the provisions of 18 U.S.C. 207(d)(1)(C) and § 737.14, each of the component agencies or bureaus as set forth below is determined, for purposes of 18 U.S.C. 207(c) and this Part 737, to be separate from the remaining agencies and bureaus of its parent agency (except such agencies and bureaus as specified):

Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES

[1]These three components shall not, for purposes of 18 U.S.C. 207(c), be considered separate from one another but only from other separate components of the Department of Justice.

Separate Components:
Health Care Financing Administration
Parent Agency: DEPARTMENT OF TRANSPORTATION
Separate Components:
Alaska Railroad
Parent Agency: DEPARTMENT OF LABOR
Separate Components:
Employment and Training Administration
Employment Standards Administration
Labor-Management Services Administration
Parent Agency: DEPARTMENT OF DEFENSE
Separate Components:
Defense Communications Agency
Defense Intelligence Agency
Defense Nuclear Agency
National Security Agency
Defense Logistics Agency
Parent Agency: DEPARTMENT OF STATE
Separate Components:
Foreign Service Grievance Board
International Joint Commission, United States and Canada (American Section)
Parent Agency: DEPARTMENT OF JUSTICE
Separate Components:
Office of United States Attorney (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Marshal for the same judicial district.
Office of the United States Marshal (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Attorney for the same judicial district.
Antitrust Division
Civil Rights Division
Land and Natural Resources Division
Tax Division
Criminal Division
Office for Improvements in the Administration of Justice
Parent Agency: DEPARTMENT OF COMMERCE
Separate Components:
International Trade Administration
Minority Business Development Administration
National Telecommunication and Information Administration
Bureau of Industrial Economics

4. Section 737.33 is revised to read as follows:

§ 737.33 "Senior Employee" designations.

In accordance with § 737.25(b)(1), the following employee positions have been designated as "Senior Employee" positions for purposes of subsections 207(b)(ii) and (c) of title 18, U.S.C., as amended.[2]

[2] All positions designated pursuant to section 207(d)(1)(C) not previously designated are marked by an asterisk (*). In accordance with § 737.25(d), designation of these positions shall not become effective until December 31, 1986. Those positions marked by a double asterisk (**) are former Executive level positions which were converted to SES positions. Positions automatically designated by section 207(d)(1) (A) and (B) are not shown.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF ADMINISTRATION)

Positions:

AD Director, Automated Systems Division

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL OF ECONOMIC ADVISERS)

Positions: No section 207(d)(1)(C) designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL ON ENVIRONMENTAL QUALITY)

Positions: No section 207(d)(1)(C) designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (PRESIDENT'S COMMISSION ON EXECUTIVE EXCHANGE)

Positions:

GS-17 Executive Director

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF MANAGEMENT AND BUDGET)

Position:

SES Executive Associate Director for Budget and Legislation
SES Associate Director
SES Counsel to the Director for Policy Analysis and Law
SES General Counsel
SES Deputy General Counsel
SES Assistant Director for Public Affairs
SES Assistant Director for Legislative Affairs (House)
SES Assistant Director for Legislative Affairs (Senate)
SES Associate Director for Economic Policy
SES* Deputy Associate Director for Economic Policy
SES Assistant Director for Legislative Reference
SES Deputy Assistant Director for Legislative Reference
SES* Assistant Director for Special Projects
SES Deputy Associate Director for Administration
SES Assistant Director for Budget Review
SES Deputy Assistant Director for Budget Review
SES Administrator, Office of Information and Regulatory Affairs
SES Deputy Administrator for Information and Regulatory Management
SES Deputy Administrator for Regulatory and Statistical Analysis
SES Associate Director for Management
SES Assistant Director for Federal Personnel Policy
SES Deputy Associate Director for Management Reform
SES Deputy Associate Director for Finance and Accounting
SES* Deputy Associate Director for Interagency Activities
SES Associate Director for National Security and International Affairs
SES Deputy Associate Director for Special Studies, National Security and International Affairs
SES Deputy Associate Director for National Security
SES Deputy Associate Director for International Affairs
SES Associate Director for Human Resources, Veterans, and Labor
SES Deputy Associate Director for Special Studies, Human Resources, Veterans and Labor
SES Deputy Associate Director for Health and Income Maintenance
SES Deputy Associate Director for Labor, Veterans and Education
SES Associate Director for Natural Resources, Energy and Science
SES Deputy Associate Director for Special Studies, Natural Resources, Energy and Science
SES Deputy Associate Director for Natural Resources
SES Deputy Associate Director for Energy and Science
SES Deputy Chief, Energy & Science Division
SES Associate Director for Economics and Government
SES Deputy Associate Director for Special Studies, Economics and Government
SES Deputy Associate Director for Transportation, Commerce and Housing
SES Deputy Associate Director for Justice, Treasury, and Personnel

OFFICE OF FEDERAL PROCUREMENT POLICY

SES Principal Associate Administrator for Procurement

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (NATIONAL SECURITY COUNCIL)

Positions:

GS-18 Special Assistant to the President (5)
GS-17 Senior Staff Members (3)

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF SCIENCE AND TECHNOLOGY POLICY)

Positions:

SES Executive Director
SES Assistant Director for Defense Technology and Systems
SES Assistant Director for Energy, Natural Resources, and International Affairs
SES Assistant Director for General Science
SES Assistant Director for Institutional Relations
SES Assistant Director for Life Sciences
SES Assistant Director for Space Science and Technology

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE)

Positions:

SES Assistant U.S. Trade Representative for Administration

SES General Counsel
SES Deputy General Counsel
SES Chief Textile Negotiator (Ambassador)
SES Director, Computer Services
SES Assistant U.S. Trade Representative—Trade Policy Development and Coordination
SES Deputy Assistant U.S. Trade Representative—Services
SES Assistant U.S. Trade Representative—Industrial Policy
SES Assistant U.S. Trade Representative—Investment Policy
SES Deputy Assistant U.S. Trade Representative—Investment Policy
SES Assistant U.S. Trade Representative—Agricultural Affairs and Commodity Policy
SES Chairman, TPSC
SES Deputy Assistant U.S. Trade Representative—Agricultural Affairs and Commodity Policy
SES Assistant U.S. Trade Representative—GATT Affairs
SES Assistant U.S. Trade Representative—The Americas
SES Assistant U.S. Trade Representative—Europe and Japan
SES Assistant U.S. Trade Representative—Asia, Africa, Pacific, North-South
SES Deputy Assistant U.S. Trade Representative—Asia, Africa, Pacific, North-South
SES Deputy Assistant U.S. Trade Representative—GATT Affairs
SES Assistant U.S. Trade Representative—Congressional Affairs
SES Chief Negotiator for the Harmonized System

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES)

Positions:

AD Chief of Staff

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (THE WHITE HOUSE OFFICE)

Positions: No section 207(d)(1)(C) designations.

AGENCY: DEPARTMENT OF AGRICULTURE

Positions:

OFFICE OF THE SECRETARY

SES Deputy Assistant Secretary for Administration
SES Executive Assistant to the Secretary
SES Deputy Assistant Secretary for Food and Consumer Services
SES Deputy Assistant Secretary for Natural Resources and Environment (2)
SES Deputy Under Secretary for Small Community and Rural Development
SES Deputy Under Secretary for International Affairs and Commodity Programs
SES Deputy Assistant Secretary for Marketing and Inspection Services
SES Deputy Assistant Secretary for Economics
SES Deputy Assistant Secretary, Science and Education
SES Deputy Assistant Secretary for Governmental and Public Affairs

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General
SES Assistant Inspector General or Audit
SES Assistant Inspector General for Investigations
SES Assistant Inspector General for Analysis and Evaluation
SES Deputy Assistant Inspector General for Audit
SES Deputy Assistant Inspector General for Investigations
SES Assistant Inspector General for Security and Special Operations

OFFICE OF THE GENERAL COUNSEL

SES Deputy General Counsel

OFFICE OF ADMINISTRATIVE LAW JUDGES

No section 207(d)(1)(C) designations.

OFFICE OF PERSONNEL

SES Director
SES Deputy Director

OFFICE OF EQUAL OPPORTUNITY

SES Director

OFFICE OF FINANCE AND MANAGEMENT

SES Director
SES Deputy Director
SES Director, National Finance Center (NFC)
SES Deputy Director, NFC

OFFICE OF INFORMATION RESOURCES MANAGEMENT

SES Director
SES Deputy Director

OFFICE OF OPERATIONS

SES Director

OFFICE OF BUDGET, AND PROGRAM ANALYSIS

SES Director

WORLD FOOD AND AGRICULTURAL OUTLOOK

SES Chairperson
SES Deputy Chairperson

ECONOMICS RESEARCH SERVICE

SES Administrator
SES Deputy Administrator, ERS

STATISTICAL REPORTING SERVICE

SES Administrator
SES Deputy Administrator

ECONOMICS MANAGEMENT STAFF

SES Director

ECONOMIC ANALYSIS STAFF

SES Director

AGRICULTURAL COOPERATIVES SERVICE

SES Administrator

RURAL ELECTRIFICATION ADMINISTRATION

SES Deputy Administrator
SES* Deputy Assistant Administrator, Electric
SES* Assistant Administrator, Electric
SES* Assistant Administrator, Telephone

FARMERS HOME ADMINISTRATION

SES Associate Administrator
SES Deputy Administrator, Financial and Administrative Operations
SES Deputy Administrator Program Operations

AGRICULTURAL RESEARCH SERVICE

SES Deputy Administrator, National Program Staff
SES Associate Deputy Administrator, National Program Staff
SES Deputy Director, Administrative Management
SES* Associate Deputy Director, Administrative Management
SES Administrator, Agricultural Research Service
SES Associate Administrator, Agricultural Research Service

EXTENSION SERVICE

SES Administrator
SES Associate Administrator

COOPERATIVE STATE RESEARCH SERVICE

SES Administrator
SES Associate Administrator

OFFICE OF GRANTS AND PROGRAM SYSTEMS

SES Director, Grants and Program Systems

SOIL CONSERVATION SERVICE

SES Chief
SES Associate Chief
SES Deputy Chief for Administration
SES Deputy Chief for Assessment and Planning
SES Deputy Chief for Technology
SES Deputy Chief for Programs

FOREST SERVICE

SES Chief
SES Associate Chief
SES Deputy Chief for Administration
SES Deputy Chief for Research
SES Associate Deputy Chief for Research (2)
SES Deputy Chief, National Forest System
SES Associate Deputy Chiefs, National Forest System (2)
SES Deputy Chief, State and Private Forestry
SES Associate Deputy Chief, State and Private Forestry
SES Deputy Chief for Programs and Legislation
SES Associate Deputy Chief for Programs and Legislation

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SES Administrator
SES Associate Administrator
SES Deputy Administrator, State and County Operations
SES Deputy Administrator, Management
SES Deputy Administrator for Program Planning and Development
SES Deputy Administrator, Commodity Operations

FEDERAL CROP INSURANCE CORPORATION

SES Manager
SES Deputy Manager
SES Assistant Manager for Administration
SES Director of Operations

FOREIGN AGRICULTURAL SERVICE

SES Administrator
SES Associate Administrator
SES Associate Administrator and General Sales Manager

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

SES Administrator
SES Associate Administrator
SES* Assistant Administrator for International Research and Development

FOOD SAFETY AND INSPECTION SERVICE

SES Administrator
SES Associate Administrator
SES Deputy Administrator, Meat and Poultry Inspection Operations
SES Deputy Administrator, Meat and Poultry Technical Services
SES Deputy Administrator, Administrative Management
SES Deputy Administrator, Science
SES Deputy Administrator, International Programs

FOOD AND NUTRITION SERVICE

SES Administrator
SES Associate Administrator

AGRICULTURAL MARKETING SERVICE

SES Administrator
SES Deputy Administrator, Marketing Programs
SES Deputy Administrator, Commodity Services
SES Assistant to Deputy Administrator, Marketing Programs
SES Associate Deputy Administrator for Compliance

PACKERS AND STOCKYARDS

SES Administrator
SES Deputy Administrator

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SES Administrator
SES Associate Administrator
SES Deputy Administrator, Veterinary Services
SES Deputy Administrator, Plant Protection and Quarantine
SES Deputy Administrator for Management and Budget

FEDERAL GRAIN INSPECTION SERVICE

SES Deputy Administrator

OFFICE OF TRANSPORTATION

SES Director

AGENCY: DEPARTMENT OF COMMERCE

Positions:

OFFICE OF THE SECRETARY

SES Executive Assistant to the Secretary
SES Counsellor to the Secretary

Office of the Associate Deputy Secretary

SES Director, Office of Business Liaison
SES Associate Deputy Secretary
SES Associate Deputy Secretary for Strategic Policy and Planning

Office of Congressional and Intergovernmental Affairs

SES Deputy Assistant Secretary for Congressional Affairs
SES Deputy Assistant Secretary for Intergovernmental Affairs

Office of Public Affairs

SES Director

Office of General Counsel

SES Deputy General Counsel

Office of Under Secretary for Travel and Tourism

SES Deputy Under Secretary
SES Assistant Secretary for Tourism Marketing

Office of Inspector General

SES Deputy Inspector General

Minority Business Development Agency

SES Director
SES Deputy Director

Office of Assistant Secretary for Administration

SES Deputy Assistant Secretary for Administration
SES Director for Planning, Budget, and Evaluation
SES Director, Office of Budget
SES Director for Procurement and Administrative Services
SES* Deputy Director for Procurement and Administrative Services

Office of the Under Secretary for Economic Affairs

SES Chief Economist
SES Director, Office of Productivity, Technology and Innovation
SES Deputy Assistant Secretary for Productivity, Technology, and Innovation
SES Director, Office of Strategic Resources

Bureau of Economic Analysis

SES Director
SES Deputy Director

National Technical Information Service

SES Director
SES Deputy Director

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SES Deputy Assistant Secretary

Office of Planning and Policy Coordination

SES Chief Counsel

Office of Spectrum Management

SES Associate Administrator
SES Deputy Associate Administrator

Office of Policy Analysis and Development

SES Associate Administrator

Office of Telecommunications Applications

SES Associate Administrator

Institute for Telecommunications Sciences

SES Associate Administrator

Office of International Affairs

SES* Associate Administrator

BUREAU OF THE CENSUS

SES Deputy Director

Demographic Fields

SES Associate Director

Management Services

SES Associate Director

Statistical Standards and Methodology

SES Associate Director

Field Operations

SES Associate Director

Economic Fields

SES Associate Director

ECONOMIC DEVELOPMENT ADMINISTRATION

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Finance

Office of Chief Counsel

SES Chief Counsel
SES* Deputy Chief Counsel

INTERNATIONAL TRADE ADMINISTRATION

SES Deputy Under Secretary
SES Deputy Assistant Secretary for U.S. and Foreign Commercial Services

Office of the Assistant Secretary for International Economic Policy

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Europe
SES Deputy Assistant Secretary for Western Hemisphere
SES Deputy Assistant Secretary for East Asia
SES Deputy Assistant Secretary for Africa, Near East, South Asia

Office of the Assistant Secretary for Trade Administration

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Import Administration
SES Deputy to the Deputy for Import Administration
SES Deputy Assistant Secretary for Export Administration
SES Deputy to the Deputy for Export Administration
SES Deputy Assistant Secretary for Export Enforcement

Office of the Assistant Secretary for Trade Development

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Services
SES Deputy Assistant Secretary for Industry Projects
SES* Deputy Assistant Secretary for Capital Goods and International Construction
SES Deputy Assistant Secretary for Aerospace

SES Deputy Assistant Secretary for Trade Information and Analysis
SES Deputy Assistant Secretary for Trade Adjustment Assistance
SES Director, Office of World Fairs and International Expositions
SES* Deputy Assistant Secretary for Science and Electronics
SES* Deputy Assistant Secretary for Automotive Affairs and Consumer Goods

NATIONAL BUREAU OF STANDARDS

SES Deputy Director

Office of Associate Director for Programs, Budget and Finance

SES Associate Director for Programs, Budget and Finance
SES Director, Planning Office

National Measurement Laboratory

SES Director
SES Deputy Director for Resources and Operations
SES Deputy Director for Programs

National Engineering Laboratory

SES Director
SES Deputy Director
SES Deputy Director for Programs

Institute for Computer Sciences and Technology

SES Director
SES Deputy Director

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Office of the General Counsel

SES General Counsel

National Marine Fisheries Service

SES Assistant Administrator for Fisheries
SES Deputy Assistant Administrator for Fisheries
SES Deputy Assistant Administrator for Fisheries Resource Management
SES Deputy Assistant Administrator for Science and Technology

Office of Oceanic and Atmospheric Research

SES Assistant Administrator for Oceanic and Atmospheric Research
SES Deputy Assistant Administrator

National Weather Service

SES Assistant Administrator for Weather Services
SES Deputy Assistant Administrator

National Ocean Service

SES Assistant Administrator for Ocean Services and Coastal Zone Management
SES Deputy Assistant Administrator for Ocean Services

National Environmental Satellite Data and Information Service

SES Assistant Administrator
SES Deputy Assistant Administrator for Satellites
SES Deputy Assistant Administrator for Information Services

NOAA CORPS

08 Director

PATENT AND TRADEMARK OFFICE

GS-18 Deputy Assistant Secretary and Deputy Commissioner

Office of Assistant Commissioner for Patents

GS-18 Assistant Commissioner
SES Deputy Assistant Commissioner

Office of Assistant Commissioner for Trademarks

GS-17 Assistant Commissioner
SES* Deputy Assistant Commissioner

Office of Assistant Commissioner for External Affairs

SES Assistant Commissioner

Office of the Assistant Commissioner for Finance and Planning

SES Assistant Commissioner

Office of the Assistant Commissioner for Administration

SES Assistant Commissioner

Office of the Solicitor

SES Solicitor
SES Deputy Solicitor

AGENCY: DEPARTMENT OF DEFENSE

Positions:

Office of the Secretary of Defense

SES Assistant to the Secretary of Defense (Intelligence Oversight)
SES Assistant to the Secretary and Deputy Secretary of Defense
SES Director, Small and Disadvantaged Business Utilization
SES Director of Small Business and Economic Utilization Policy
SES* Director, Disadvantaged Business Utilization

Office of the Deputy Under Secretary of Defense (Policy)

SES Deputy Under Secretary of Defense (Policy)
SES Assistant Deputy Under Secretary of Defense (Policy)
SES Director, Counterintelligence & Security Programs
SES Director, Information Security
SES Director for Security Plans and Programs
SES Director, Counterintelligence and Investigative Programs
SES Director, Special Advisory Staff
SES Director, Command and Control Policy
0-8* Director, Intelligence and Space Policy
SES* Director, Public Diplomacy

Office of the Assistant Secretary of Defense (International Security Policy)

SES Principal Deputy Assistant Secretary of Defense (International Security Policy)
SES* Deputy Assistant Secretary of Defense (Negotiations Policy)
SES* Director, Strategic Forces Policy
SES Deputy Assistant Secretary of Defense (Strategic and Theater Nuclear Forces Policy)
SES Director for Theater Nuclear Policy
SES Director, Strategic Arms Control Policy
SES Deputy Assistant Secretary of Defense (European and NATO Affairs)
SES Director, Southern European Affairs
SES Deputy Director, European and NATO Affairs
SES Director, European Policy
SES Deputy Assistant Secretary of Defense (International Economics, Trade, and Security Policy)
SES Principal Director, International Economics, Trade and Security Policy
0-7* Principal Director, European and NATO Policy

Office of the Assistant Secretary of Defense (International Security Affairs)

SES Principal Deputy Assistant Secretary of Defense (International Security Affairs)
SES Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs)
SES Director, Africa Region
SES Deputy Assistant Secretary of Defense (Inter-American Affairs)
SES Deputy Assistant Secretary of Defense (Policy Analysis)
SES Director, Policy Planning
SES Director, Foreign Military Rights Affairs
SES Director, Security Assistance Plans
0-8* Deputy Assistant Secretary of Defense (Near Eastern, African, and South Asian Affairs)
0-8 Director, Inter-American Region
0-7 Director, East Asia & Pacific Region

Defense Security Assistance Agency

SES Deputy Director, Defense Security Assistance Agency
SES Director, Security Assistance Operations
SES Comptroller, Defense Security Assistance Agency
SES Deputy Comptroller, Defense Security Assistance Agency
SES Director, Joint Financial Management Office

Office of the Under Secretary of Defense (Research and Engineering)

SES Principal Deputy Under Secretary of Defense for Research and Engineering
SES Chairman, Military Liaison Committee/ Assistant to the Secretary of Defense (Atomic Energy)
SES Deputy Assistant to the Secretary of Defense (Chemical Matters)
SES* Assistant Under Secretary of Defense (Plans and Development)
SES Assistant Under Secretary of Defense Conventional Initiatives and Director, Conventional Initiatives Program Coordination
SES Deputy Under Secretary of Defense (Acquisition Management)
SES Assistant Deputy Under Secretary of Defense (Acquisition)
SES Director, Contract Administration
SES Director, Contract Policy
SES Director, Cost, Pricing and Finance
SES* Deputy Director, Policy, Resources, and External Affairs (OT&E)
SES* Assistant Deputy Director, Tactical and Electronic Warfare Systems (OT&E)
SES* Assistant Deputy Director, Strategic, Space and C31 Systems (OT&E)
SES* Director, Industrial Productivity
SES* Director, Industrial Resources

SES Director, Defense Acquisition Regulatory System
SES* Assistant Deputy Under Secretary of Defense (Technology Programs)
SES Director, Major Systems Acquisition
SES Assistant Deputy Under Secretary of Defense (Production Policy)
SES Director, Standardization and Acquisition Support
SES Deputy Under Secretary of Defense (Research and Advanced Technology)
SES Assistant Deputy Under Secretary of Defense (Research & Advanced Technology)
SES Director, Very High Speed Integrated Circuits and Electron Devices
SES Director, Engineering Technology
SES Director, Directed Energy Programs
SES Director, Research and Technical Information
SES Deputy Under Secretary of Defense (Strategic and Theater Nuclear Forces)
SES Deputy Under Secretary of Defense (Tactical Warfare Programs)
SES Director, Mobility and Special Projects
SES* Director, Computer Software and Systems
SES* Assistant Deputy Under Secretary of Defense (Defensive Systems)
SES* Assistant Deputy Under Secretary of Defense (Offensive and Space Systems)
SES* Assistant Deputy Under Secretary of Defense (Strategic Aeronautical and Theater Nuclear Systems)
SES* Assistant Deputy Under Secretary of Defense (START and Arms Control Office)
SES Director, Defense Test and Evaluation
SES Deputy Under Secretary of Defense (International Programs and Technology)
SES Assistant Deputy Under Secretary of Defense (International Programs)
SES Director, NATO Affairs
SES Director, Far East and Southern Hemispheric Affairs
SES Deputy Under Secretary of Defense (C31)
SES Assistant Deputy Under Secretary of Defense (Communications, Command, and Control)
SES Director, Strategic and Theater Nuclear Forces C3
SES Director, Theater and Tactical C3
SES Director, Electronic Warfare and C3 Countermeasures
SES Director, Information Systems
SES Assistant Deputy Under Secretary of Defense (Intelligence)
SES Director, National Intelligence Systems
SES Director, Office of Munitions
SES Director, Tactical Intelligence Systems
SES Assistant Deputy Under Secretary of Defense (Systems Integration)
SES Director, Systems Architecture and Analysis
SES Director, Long-Range Planning and Systems Evaluation
SES Director, C3 Resources Management
0-7* Deputy Director (Defense Test and Evaluation) and Deputy Director, Tactical Air and Land Warfare Systems
0-8 Deputy and Assistant for Directed Energy Weapons
SES Assistant Deputy Under Secretary of Defense (Land Warfare)
SES Assistant Deputy Under Secretary of Defense (Naval Warfare and Mobility)
0-7* Assistant Deputy Under Secretary of Defense (Strategic and Theater Nuclear Forces)
SES Assistant Deputy Under Secretary of Defense (Air Warfare)
SES Director, Joint Tactical Communications Office (TRI-TAC), Ft. Monmouth, NJ

Defense Advanced Research Projects Agency

SES Director, Defense Advanced Research Projects Agency
SES Deputy Director for Research
SES Deputy Director for Technology
SES Director, Directed Energy Office
SES Director, Information Processing Techniques Office
SES* Principal Research Manager (IPTO)
SES Director, Tactical Technology Office
SES Director, Program Management Office
SES* Director, International Command and Control
SES Director, Defense Sciences Office
SES Director, Strategic Technology Office

Office of the Assistant Secretary of Defense (Manpower, Installations, and Logistics

SES Principal Deputy Assistant Secretary of Defense (Manpower, Installations, and Logistics)
SES Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Policy)
SES Director for Civilian Equal Opportunity Programs
SES* Director, Communications and Community Liaison
SES Director for Safety and Occupational Health Policy
SES Deputy Assistant Secretary of Defense (Logistics & Materiel Management)
SES Principal Director, Office of the Deputy Assistant Secretary of Defense (Logistics and Materiel Management)
SES Director for Supply Management Policy
SES* Deputy Director, Office of Economic Adjustment
SES* Deputy Assistant Director for Mobilization Planning
SES Director for Maintenance Policy
SES* Assistant Director for Resource Management
SES Director, Weapon Support
SES Deputy Assistant Secretary of Defense (Civilian Personnel Policy and Requirements)
SES Director, Personnel Management
SES Director, Civilian Requirements and Analysis
SES Director, Overseas and Nonappropriated Fund Personnel Management
SES Deputy Director for Labor-Management Relations
SES Director, Management Studies
SES Deputy Assistant Secretary of Defense (Program Integration)
SES Principal Director, Office of the Deputy Assistant Secretary of Defense (Program Integration)
SES Director, Automated Systems
SES Director, Force Readiness and Sustainability Requirements and Analysis
SES Director, International Logistics
SES* Director, Energy and Transportation Policy
SES Director, Manpower Management
SES Deputy Assistant Secretary of Defense (Program Management)
SES Principal Director, Office of the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment)
SES Director, Base Operations
SES Director, Facility Requirements and Resources
SES Director, NATO Programs and Foreign Construction
SES* Director, Logistics Planning and Analysis
SES Assistant Director for Installations Programs
SES Director, Installation Planning
SES Director, Office of Economic Adjustment
SES Director, Manpower Planning and Analysis
SES Director, Accession Policy
0-8 Military Executive Officer, Reserve Forces Policy Board
0-7 Director, Construction Operations & Facilities Management
0-8 Staff Director, 5TH QRMC

DOD Dependents Schools

SES Director, DOD Dependents Schools

Office of Economic Adjustment

SES Economic Advisor

Office of the Assistant Secretary of Defense (Legislative Affairs)

SES Deputy Assistant Secretary of Defense (Senate Affairs)
SES Deputy Assistant Secretary of Defense (House Affairs)

Office of the Assistant Secretary of Defense (Comptroller)

SES Principal Deputy Assistant Secretary of Defense (Comptroller)
SES Deputy Assistant Secretary of Defense (Management Systems)
SES Principal Assistant to the Deputy Assistant Secretary of Defense (Management Systems)
SES Director for Accounting Policy
SES Director for Cost Accounting Policy
SES Director, Financial Accounting Policy
SES Director, Policy Promulgation Division
SES Director for Information Resources Management Systems
SES Director for Banking, International Finance and Professional Development
SES Deputy Assistant Secretary of Defense (Cost and Audit)
SES Director for Acquisition and Cost Management
SES Deputy Comptroller for Audit Policy
SES Deputy Assistant Secretary of Defense (Administration)/Director, Washington Headquarters Services
SES Director for Organizational and Management Planning
SES Deputy Assistant Secretary of Defense (Program/Budget)
SES Deputy Comptroller (Program/Budget)
SES Director for Research and Development
SES Director for Construction
SES Director for Operations
SES Director for Procurement
SES Director for Military Personnel
SES Director for Program and Financial Control

SES* Director for Planning, Review, and Analysis
SES* Director for Management Improvement
SES* Director for Plans and Systems

Office of the Assistant Secretary of Defense (Health Affairs)

SES* Deputy Assistant Secretary of Defense (Health Promotion)
SES Deputy Assistant Secretary of Defense (Information Systems and Strategic Planning)
SES Deputy Assistant Secretary of Defense (Health Program Evaluation)
SES Director, Office of the Civilian Health and Medical Program of the Uniformed Services
0-7* Deputy Assistant Secretary of Defense (Medical Readiness)

Office of the Director, Program Analysis and Evaluation

SES Director, Program Analysis and Evaluation
SES Director, European Forces Division
SES* Director, Projection Forces and Analytical Support Division
SES Deputy Director (Strategic Programs)
SES Director, Strategic Defensive and Theater Nuclear Forces Division
SES Director, Strategic Offensive Forces Division
SES Deputy Director (General Purpose Programs)
SES Director, Tactical Air Division
SES Director, Land Forces Division
SES Director, Naval Forces Division
SES Deputy Director (Resource Analysis)
SES Director, Economic Analysis Division
SES Director, Cost Analysis Division
SES* Principal Deputy Director, Program Analysis and Evaluation
SES Director, Contingency Forces Division
SES Deputy Director (Theater Assessments and Planning)

Office of the Assistant Secretary of Defense (Public Affairs)

SES Principal Deputy Assistant Secretary of Defense (Public Affairs)
SES Director, Freedom of Information and Security Review
SES Director, Defense Audio-Visual Agency
SES Director, American Forces Information Service

Office of the General Counsel

SES Deputy General Counsel

Office of the Inspector General

SES* Deputy Inspector General

US Mission to the North Atlantic Treaty Organization

SES Defense Advisor, US Mission to NATO
SES Deputy Defense Advisor for Research, Engineering and Acquisition
SES Director, Defense Plans Division
SES Director, Infrastructure and Logistics Division
SES Director, Communications and Electronic Division

International Military Activities Staff

SES Director of Logistics (International Staff)
SES Director of Logistics (NAMSA)
SES Director of Finance, Central European Operating Agency (NATO Support Group)
SES Director, Nuclear Planning (International Staff)

Organization of the Joint Chiefs of Staff

SES* Deputy Joint Requirements Integration Manager
0-8* Vice Director, Joint Staff
0-8* Deputy Director, Logistics (Strategic Mobility)
0-7* Deputy Director, Logistics (Planning and Resources)
0-8* Vice Director, Plans and Policy Director
0-7* Deputy U.S. Commissioner, US-Soviet Standing Consultative Commission
0-8* Deputy Director, Force Development and Strategic Plans
0-8* Assistant Deputy Director, Force Development and Strategic Plans
0-7* Deputy Director, Politico-Military Affairs
0-7* Assistant Deputy Director, Politico-Military Affairs
0-7* Deputy Director, International Negotiations
0-7* Assistant Deputy Director, International Negotiations
0-7* Joint Chiefs of Staff Representative for Intermediate Range Nuclear Forces
0-8* Joint Chiefs of Staff Representative for START
0-8* Deputy Director, Unified and Specified Command C3 Support
0-7* Deputy Director, Defense-wide Command, Control, and Communications Connectivity and Evaluation

Office of the Assistant Secretary of Defense (Reserve Affairs)

SES* Principal Director, Office of the Deputy Assistant Secretary of Defense (Reserve Affairs)

AGENCY: DEPARTMENT OF THE AIR FORCE

Positions:

Civilian

OFFICE OF THE SECRETARY OF THE AIR FORCE

Under Secretary of the Air Force

SES Deputy Under Secretary of the Air Force (Space Systems)

Assistant Secretary of the Air Force (Financial Management)

SES Principal Deputy Assistant Secretary of the Air Force (Financial Management)
SES* Deputy Assistant Secretary (Accounting and Audit)
SES Deputy Assistant Secretary (Programs and Budget)
SES Deputy Assistant Secretary (Information Systems Management)
SES Deputy Assistant Secretary (Economic Analysis and Financial Control)
SES The Auditor General
GS-18* Management Systems Deputy

Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations)

SES Principal Deputy Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations)
SES Deputy Assistant Secretary (Installations, Environment and Safety)
SES Deputy Assistant Secretary (Manpower Resources and Military Personnel)
SES Deputy Assistant Secretary (Reserve Affairs)

Assistant Secretary of the Air Force (Research, Development and Logistics)

SES Principal Deputy Assistant Secretary of the Air Force (Research, Development and Logistics)
SES* Deputy Assistant Secretary (Space, Plans and Policy)
SES* Deputy Assistant Secretary (Systems)
SES Deputy Assistant Secretary (Logistics and Communications)
SES Deputy Assistant Secretary (Acquisitions Management)

Administrative Assistant to the Secretary of the Air Force

SES Administrative Assistant to the Secretary of the Air Force

General Counsel

SES The General Counsel
SES Deputy General Counsel
SES Assistant General Counsel, Procurement

Directorate of Administration

SES Chief, Publishing Division

COMPTROLLER OF THE AIR FORCE

SES Deputy Comptroller of the Air Force
SES Deputy Director, Budget
SES Chief, Budget Management Division
SES Deputy Director, Air Force Accounting and Finance Center

DEPUTY CHIEF OF STAFF, LOGISTICS AND ENGINEERING

SES Associate Director, Engineering and Services
SES Associate Director, Logistics Plans and Programs
SES* Chief, Combat Support Programs Division
SES* Chief, Modification and Operations and Maintenance Programs Division
SES Deputy to the Commander, Air Force Commissary Service

DEPUTY CHIEF OF STAFF, MANPOWER AND PERSONNEL

SES Deputy Assistant Secretary (Civilian Personnel Policy and Equal Employment Opportunity); and Director of Civilian Personnel

DEPUTY CHIEF OF STAFF, RESEARCH, DEVELOPMENT AND ACQUISITION

SES Director, Office of Small and Disadvantaged Business Utilization
SES Associate Director, Contracting and Manufacturing

AIR FORCE LOGISTICS COMMAND

SES Chairperson, Air Force Logistics Command Procurement Committee
SES Assistant Deputy Chief of Staff, Logistics Management Systems
SES Assistant Deputy Chief of Staff, Materiel Management
SES Assistant Deputy Chief of Staff, Maintenance
SES Assistant Deputy Chief of Staff, Plans and Programs
SES Assistant Deputy Chief of Staff, Contracting and Manufacturing
SES* Director, Acquisition Logistics
SES Deputy Director, Materiel Management, Ogden Air Logistics Center
SES Deputy Director, Materiel Management, Oklahoma City Air Logistics Center
SES Deputy Director, Materiel Management, Sacramento Air Logistics Center
SES Deputy Director, Materiel Management, San Antonio Air Logistics Center
SES Deputy Director, Materiel Management, Warner Robins Air Logistics Center

AIR FORCE SYSTEMS COMMAND (AFSC)

Headquarters AFSC

SES Principal Assistant Deputy Chief of Staff, Contracting and Manufacturing
SES Chairperson, Contract Review Committee
SES Director of Manufacturing
SES* Command Competition Advocate

Air Force Office of Scientific Research

SES Director, Aerospace Sciences
SES Director, Chemical and Atmospheric Sciences
SES Director, Electronics and Materiel Sciences
SES Director, Life Sciences
SES Assistant Director, Mathematical and Information Sciences

Aeronautical Systems Division

SES Assistant Deputy for Procurement and Manufacturing
SES Deputy for Reconnaissance and Electronic Warfare Systems

Air Force Wright Aeronautical Laboratories

Air Force Materials Laboratory

SES Research and Development Executive (Director, AFML)
SES Director, Manufacturing Technology Division

Electronic Systems Division

SES Assistant Deputy for Contracting and Manufacturing
SES Assistant Deputy for Strategic Systems
SES Assistant Deputy for Tactical Systems
SES Deputy (Technical Operations and Product Assurance)

Space Division

SES Assistant Deputy for Contracting and Manufacturing

ARMY AND AIR FORCE EXCHANGE SERVICE

UA-17* Assistant to the Commander, Army and Air Force Exchange Service
UA-16* Assistant to the Commander, Army and Air Force Exchange Service—Europe
UA-16* Assistant to the Commander, Army and Air Force Exchange Service (Operations)
UA-16* Comptroller
UA-16* Director, Data Systems Division
UA-16* Director, Merchandising Division
UA-16* Director, Plans and Management Division
UA-16* Deputy Director, Engineering
UA-16* Chief, Eastern Distribution Region
UA-16* Chief, Western Distribution Region
UA-16* Chief, Alamo Exchange Region
UA-16* Chief, Capitol Exchange Region
UA-16* Chief, Golden Gate Exchange Region
UA-16* Chief, Ohio Valley Exchange Region
UA-16* Chief, Southeast Exchange Region

ORGANIZATION OF THE JOINT CHIEFS OF STAFF

Joint Program Management Office, Worldwide Military Command and Control System (WWMCCS) Information Systems

SES Technical Director

NATIONAL SECURITY COUNCIL

SES Director, Crisis Management Planning Staff

Military

OFFICE OF THE SECRETARY OF THE AIR FORCE

0-7/0-8* The Air Force Competition Advocate General
0 7/0-8 Commander, Air Force Audit Agency; and Deputy Auditor General
0-7/0-8 Director, Office of Space Systems
0-7/0-8 Director of Special Projects; and Assistant Vice Commander, Space Division (AFSC)

OFFICE OF AIR FORCE RESERVE

0-7/0-8 Chief of Air Force Reserve; and Commander, Air Force Reserve

NATIONAL GUARD BUREAU

0-7/0-8 Director, Air National Guard

ASSISTANT CHIEF OF STAFF, INFORMATION SYSTEMS

0-7/0-8 Assistant Chief of Staff, Information Systems
0-7/0-8 Deputy Assistant Chief of Staff, Information Systems

ASSISTANT CHIEF OF STAFF, STUDIES AND ANALYSES

0-7/0-8 Assistant Chief of Staff, Studies and Analyses

OFFICE OF THE JUDGE ADVOCATE GENERAL

0-7/0-8 The Judge Advocate General; and Commander, Air Force Legal Services Center
0-7/0-8 Deputy Judge Advocate General

THE INSPECTOR GENERAL

0-7/0-8* Deputy Inspector General
0-7/0-8 Commander, Air Force Office of Special Investigations; and Assistant Inspector General for Special Investigations

COMPTROLLER OF THE AIR FORCE

0-7/0-8 Director, Budget
0-7/0-8 Deputy Director, Budget (Operations)
0-7/0-8 Commander, Air Force Accounting and Finance Center; Assistant Comptroller for Accounting and Finance; and Assistant Director, Security Assistance Accounting, Defense Security Assistance Agency

DEPUTY CHIEF OF STAFF, LOGISTICS AND ENGINEERING

0-7/0-8 Director, Logistics Plans and Programs
0-7/0-8 Director, Engineering and Services
0-7/0-8* Special Assistant to Deputy Chief of Staff, Logistics and Engineering, and Deputy Chief of Staff, Research, Development and Acquisition, for Reliability and Maintainability
0-7/0-8 Director, Transportation
0-7/0-8 Commander, Air Force Commissary Service

DEPUTY CHIEF OF STAFF, PROGRAMS AND RESOURCES

0-7/0-8 Assistant Deputy Chief of Staff, Programs and Resources
0-7/0-8 Director, Programs and Evaluation
0-7/0-8 Director, International Programs

DEPUTY CHIEF OF STAFF, RESEARCH, DEVELOPMENT AND ACQUISITION

0-7/0-8 Assistant Deputy Chief of Staff, Research, Development and Acquisition
0-7/0-8 Director, Space Systems and Command, Control, Communications
0-7/0-8 Director, Contracting and Manufacturing Policy
0-7/0-8 Director, Development and Production
0-7/0-8 Special Assistant for ICBM Modernization
0-7/0-8* Special Assistant for Strategic Defense Initiative
0-7/0-8 Special Assistant for Tactical Modernization
0-7/0-8 Joint Program Manager, Worldwide Military Command and Control System (WWMCCS) Information Systems; and Assistant for WWMCCS Information Systems

DEPUTY CHIEF OF STAFF, PLANS AND OPERATIONS.

0-7/0-8 Director, Plans

AIR FORCE COMMUNICATIONS COMMAND

0-7/0-8 Commander, Air Force Communications Command

AIR FORCE LOGISTICS COMMAND

0-7/0-8 Chief of Staff
0-7/0-8 Deputy Chief of Staff, Contracting and Manufacturing
0-7/0-8 Deputy Chief of Staff, Materiel Management
0-7/0-8 Deputy Chief of Staff, Maintenance
0-7/0-8 Deputy Chief of Staff, Plans and Programs
0-7/0-8 Staff Judge Advocate
0-7/0-9 Commander, Air Force Acquisition Logistics Center
0-7/0-8 Commander, Air Force Logistics Command, International Logistics Center; and Assistant for International Logistics

0-7/0-8 Commander, Air Force Logistics Command, Logistics Management Systems Center; & Deputy Chief of Staff, Logistics Management Systems
0-7/0-8* Commander, Air Force Logistics Command Logistics Operations Center
0-7/0-8 Commander, Ogden Air Logistics Center
0-7/0-8 Commander, Oklahoma City Air Logistics Center
0-7/0-8 Commander, Sacramento Air Logistics Center
0-7/0-8 Commander, San Antonio Air Logistics Center
0-7/0-8 Commander, Warner Robins Air Logistics Center

AIR FORCE SYSTEMS COMMAND

0-7/0-8 Deputy Chief of Staff, Contracting and Manufacturing
0-7/0-8 Deputy Chief of Staff, Systems
0-7/0-8 Deputy Chief of Staff, Test and Evaluation
0-7/0-8 Deputy Chief of Staff, Acquisition Logistics
0-7/0-8 Staff Judge Advocate
0-7/0-8 Vice Commander, Aeronautical Systems Division (ASD)
0-7/0-8 Deputy for Airlift and Trainer Systems; and C-17 System Program Director, ASD
0-7/0-8 Deputy for B-1B, ASD
0-7/0-8 Deputy for F-16, ASD
0-7/0-8 Vice Commander, Electronic Systems Division (ESD)
0-7/0-8 Deputy Commander for Airborne Warning and Control Systems, ESD
0-7/0-8 Deputy Commander for Strategic Systems, ESD
0-7/0-8 Vice Commander, Space Division
0-7/0-8 Deputy Commander for Launch and Control Systems; and System Program Director, Space Transportation System (Space Shuttle), Space Division
0-7/0-8 Commander, Armament Division
0-7/0-8 Vice Commander, Armament Division
0-7/0-8 Deputy Commander, Research Development and Acquisition, Armament Division
0-7/0-8 Commander, Air Force Contract Management Division
0-7/0-8* Commander, Air Force Flight Test Center
0-7/0-8 Commander, Ballistic Missile Office; and Program Director for Peacekeeper
0-7/0-8 Vice Commander, Ballistic Missile Office; and Program Director for Small ICBM

ARMY AND AIR FORCE EXCHANGE SERVICE

0-7/0-8* Vice Commander, Army and Air Force Exchange Service

MILITARY TRAFFIC MANAGEMENT COMMAND

0-7/0-8 Vice Commander, Military Traffic Management Command

AGENCY: DEPARTMENT OF THE ARMY

Positions:

Office, Secretary of the Army

SES Administrative Assistant to the Secretary of the Army
SES Deputy Administrative Assistant

Office of the General Counsel

SES General Counsel
SES Principal Deputy General Counsel and Chief of Legal Services

Office of the Under Secretary

SES Deputy Under Secretary of the Army
SES Deputy Under Secretary of the Army (Operations Res)

Office, Assistant Secretary of the Army (Installations & Logistics)

SES Principal Deputy ASA (IL)
SES Deputy ASA (Installations & Housing)
SES Deputy ASA (Logistics)
SES Deputy for Environment Safety & Occupational Health

Office, Assistant Secretary of the Army (Financial Management)

SES Principal Deputy ASA (FM)
SES Deputy for Cost Analysis
SES Deputy for Financial Systems
SES Deputy for Management Evaluation & Improvement
SES Deputy for Information Resource Management
SES Deputy for Planning, Programming, Budgeting & Execution Systems

Office, Assistant Secretary of the Army (Manpower & Reserve Affairs)

SES Principal Deputy ASA (MRA) & Deputy ASA (Reserve Affairs)

Office, Small & Disadvantaged Business Utilization

SES Director, Small & Disadvantaged Business Utilization

Office, Assistant Secretary of the Army (Civil Works)

SES Principal Deputy ASA (CW)
SES Deputy for Program Planning, Review and Evaluation (CW)
SES Deputy for Management and Budget (CW)
SES Deputy for Policy, Planning & Legislative Affairs (CW)

Office, Assistant Secretary of the Army (Research, Development & Acquisition)

SES Principal Deputy ASA (RDA) and Deputy ASA (R&D)
SES Deputy ASA (Acquisition)
SES Deputy for Science & Technology
SES Deputy for Materiel Acquisition Management
SES Deputy for Procurement Policy
SES Deputy for Management & Programs
SES Assistant Deputy for Management & Programs
SES Deputy for Air & Missile Defense
SES Deputy for Communications & Target Acquisition
SES Director, Acquisition Management & Review Agency

Defense Supply Service—Washington

SES Director, Defense Supply Service—Washington

OFFICE OF THE CHIEF OF STAFF

Ballistic Missile Defense Program Office (Washington)

SES Director, Technology Directorate
SES Chief, Scientist

Ballistic Missile Defense Systems Command (Huntsville)

SES Chief, Contracts Office
SES Director, Systems Technology Project Office
SES Director, Sentry Project Office

Ballistic Missile Defense Advance Technology Center (Huntsville)

SES Director, BMD Advance Technical Center
SES Director, Study Program Management Office

US Army Operational Test and Evaluation Agency (OCSA)

SES Scientific Advisor

Deputy Chief of Staff for Operations and Plans

SES Deputy Assistant Chief of Staff for Auto & Commo

US Army Concepts Analysis Agency

SES Director

Deputy Chief of Staff for Logistics

SES Special Assistant to the DCSLOG/Chief Aviation Logistics
SES Assistant Director for Energy & Troop Support
SES Assistant Director for Transportation

Program Analysis and Evaluation Directorate (OCSA)

SES Deputy Director, Program Analysis Evaluation

Comptroller of the Army

SES Deputy Comptroller
SES Director, Resource Management
SES Assistant Comptroller for Economic Policy

Army Audit Agency (OSA)

SES The Auditor General (OCSA)
SES Deputy Auditor General (OSA)
SES Director, Personnel and Force Management Audits (OSA)
SES Director, Audit Policy, Plans, & Resources (OSA)
SES Director, Logistical and Financial Audits (OSA)
SES Director, Acquisition and Systems Audits (OSA)
SES Regional Auditor General (European Region)

Office of the Judge Advocate General

SES Special Assistant for Comm, Trans & Utilities

US Army Materiel Command (AMC) Headquarters

SES Deputy Comptroller
SES Command Counsel
SES Deputy Command Counsel
SES Chief, Patent Law Division
SES Director, Management Information Systems

SES Director of Product Assurance and Test
SES Principal Assistant Deputy for Research, Development and Acquisition
SES Assistant Deputy for Resources and Management
SES Assistant Deputy for Science & Technology
SES Assistant Deputy for International Programs/Deputy Chief of Staff for International Programs
SES Director of Program Analysis and Evaluation
SES Director of Manufacturing Technology
SES Deputy Director of Development Engineering and Acquisition
SES Deputy for Weapon Systems Management
SES Assistant Deputy for Materiel Readiness
SES* Deputy for Program Management
SES Deputy Director of Supply, Maintenance and Transportation
SES Chief, Procurement Policy and Anaylsis Division
SES Deputy Director of Security Assistance
SES Deputy Director of Procurement & Production
SES Deputy Director, Product Assurance & Test
SES Deputy Executive Director, TMDE

Nuclear Munitions Project Office

SES Deputy Project Manager

Project Office (PATRIOT)

SES Deputy Project Manager

US Army Materiel Systems Analysis Agency (AMSAA)

SES Director, Army Materiel Systems Analysis Agency

US Army Materiels and Mechanics Research Center (AMMRC)

SES Director

Army Research Office (ARO) Durham

SES Director
SES* Scientific Advisor
SES Director, Electronics Division
SES Director, Metallurgy & Materials Science
SES Director, Physics Division
SES Director, Mathematical Science Division
SES Director, Engineering Sciences Division
SES Director, Chemical & Biological Sciences Division

Advanced Attack Helicopter Project Office

SES* Deputy Project Manager

U.S. Army Automated Logistics Management Systems Activity

SES* Director

US Army Armament Munitions and Chemical Command (AMCCOM)

SES* Comptroller
SES Deputy for Procurement and Production
SES Chief Counsel (Rock Island)
SES* Deputy for Industrial Preparedness and Installations

US Army Armament Research & Development Center

SES Technical Director
SES Chief Counsel (Dover)
SES Director, Product Assurance

US Army Ballistic Research Laboratory

SES Director, Ballistic Research Laboratory

US Army Chemical Research and Development Center

SES Deputy Director

Large Caliber Weapon Systems Laboratory

SES Deputy Director

Fire Control & Small Caliber Weapon Systems Lab

SES Deputy Director

US Army Aviation Systems Command (AVSCOM)

SES Technical Director
SES Director, Aeromechanics Lab
SES Director of Procurement and Production
SES Director, Structures Lab
SES Director, Propulsion Lab
SES Director, Research & Technology Lab
SES* Deputy Director, Applied Technology Lab

US Army Communication—Electronics Command (CECOM)

SES Chief Counsel
SES Technical Director
SES Director, Product Assurance and Test
SES Director, Communications System Center
SES Director, Tactical Computer Systems Center
SES Director, Systems Engineering and Integration Center
SES Director, Procurement & Production
SES Technical Director, (SATCOMA)
SES* Comptroller

US Army Depot Systems Command (DESCOM)

SES* Deputy for Supply, Maintenance and Transportation
SES Deputy for Command Operations
SES* Deputy for Resources and Personnel Management

US Army Electronics R&D Command (ERADCOM) Headquarters

SES Technical Director
SES Director, Night Vision & Electronic Optics Lab
SES Deputy Director, Night Vision & Electronic Optics Lab
SES Director, Signals Warfare Lab
SES Director, Electronic Warfare Lab
SES Director, Electronics Technology & Devices Lab
SES Deputy Director, Combat Surveillance & Target Acquisition Lab
SES Director, Harry Diamond Lab
SES* Deputy Director, Electronics Technology and Devices Lab

US Army Missile Command (MICOM)

SES Technical Director and Director, Army Missile Lab
SES Director for Procurement and Production
SES Chief Counsel
SES Director, Missile Logistics Center
SES Director, Product Assurance
SES Assistant Deputy for Readiness
SES Director, Missile Intelligence Agency

US Army Troop Support Command (TROSCOM)

SES Technical Director, Belvoir Research and Development Center
SES Technical Director, Natick Research and Development Center
SES Director, Individual Protection Lab
SES Director, Science and Advanced Technology Lab
SES Director, Food Engineering Lab

Project Managers Tank Systems

SES Technical Director

Office of the Project Manager, Bradley Fighting Vehicle Systems (FVS)

SES Deputy Project Manager

US Army Tank-Automotive Command (TACOM)

SES Technical Director
SES Director, Procurement and Production
SES Chief Counsel
SES Director, Product Assurance

US Army Human Engineering Laboratory (HEL)

SES Director

Program Manager, Joint Tactical Fusion Program

SES Deputy Program Manager

US Army Toxic and Hazardous Materials Agency (THAMA)

SES Technical Director

US Army Foreign Science & Technology Center (FSTC)

SES Deputy Director

US Army Test & Evaluation Command (TECOM)

SES Technical Director
SES Technical Director and Chief, Scientists, WSMR
SES Scientific Director
SES Technical Director, EPG
SES Technical Director, National Range Operations
SES Technical Director, US Combat Systems Test Activity
SES Director for Analysis

US Army Information Systems Command (USAISC)

SES* Technical Director/Chief Engineer
SES Comptroller
SES Director, US Army Information Systems Selection and Acquisition Activity (USAISSAA)
SES Director, US Army Management Systems Support Agency (USAMSA)

US ARMY TRAINING AND DOCTRINE COMMAND

SES* ADCS for Personnel, Administration and Logistics (Civilian Personnel)
SES Director, TRADOC Operations Research Activity (TORA)
SES* Assistant Deputy Chief of Staff for Resource Management
SES Director, US Army Combat Dev. Exp. Activity

SES Director, TRASANA

CORPS OF ENGINEERS

SES* Director of Real Estate, Headquarters, Corps of Engineers
SES* Chief Counsel, Headquarters, Corps of Engineers
SES* Deputy Chief Counsel, Headquarters, Corps of Engineers
SES* Chief, Office of Personnel, Headquarters, Corps of Engineers
SES* Deputy Director of Engineering and Construction, Directorate of Engineering & Construction, Headquarters, Corps of Engineers
SES* Deputy Director, Resource Management, Directorate of Resource Management, Headquarters, Corps of Engineers
SES* Assistant to the Chief of Engineers for R&D and Chief, Directorate of R&D, Headquarters, Corps of Engineers

Directorate of Engineering & Construction (E&C)

SES Deputy Director, Engineering & Construction
SES Chief, Engineering Division
SES Deputy Chief, Engineering Division
SES Chief, Construction Division
SES Deputy Chief, Construction Division

Directorate of Civil Works (CW)

SES Chief, Operations & Readiness Division
SES Special Assistant for Emergency Water Planning

Office of the Assistant Chief of Engineers (ACE)

SES Deputy Assistant Chief of Engineers for Planning, Programming & Congressional Affairs

Coastal Engineering Research Center (CERC)

SES Chief, Coastal Engineering Research Center

US Army Engineer Topographic Laboratories (ETL)

SES Technical Director

Directorate of Resource Management (DRM)

SES Deputy Director, Resource Management

MRC and Lower Mississippi Valley (MRC/LMV)

SES Chief, Construction-Operations Division

US Army Engineer Division, Europe (EUR)

SES Chief, Construction Division

US ARMY FORCES COMMAND

SES Deputy Comptroller

THE ARMY STAFF

0–8 Director, Management
0–8 Chief, Army Force Modernization Coordination Office
0–8 Director, Program Analysis and Evaluation
0–8 Assistant Deputy Chief of Staff for Personnel
0–8 Assistant Deputy Chief of Staff for Operations and Plans
0–8 Director, Strategic Plans & Policy
0–8 Assistant Deputy Chief of Staff for Logistics
0–8 ADCSRDA
0–8 Director of Army Budget
0–8 Chief, Army Reserve
0–7 Deputy Chief, Army Reserve
0–8 Director, Army National Guard
0–8 Assistant Chief of Staff for Operations & Plans (C4)/Director, Command and Control, Communications and Computers
0–7 Deputy Directors, C4 (2)
0–8 Assistant Chief of Staff for Intelligence
0–7 Deputy Assistant Chief of Staff for Intelligence for Intelligence Systems and Automation
0–7 Deputy Assistant Chief of Staff for Intelligence
0–8 The Adjutant General/CG, TAGCEN
0–7 Deputy TAG/DCG, TAGCEN
0–8 Chief of Chaplains
0–8 The Judge Advocate General
0–8 The Assistant Judge Advocate General
0–8 The Deputy Surgeon General
0–7/0–8 Assistant Surgeon General (Research & Development)
0–8 Deputy Chief of Engineers and Chairman, Board of Engineers for Rivers and Harbors

ARMY STAFF FIELD OPERATING AGENCIES

Office, Chief of Staff

0–7 Commanding General, Ballistic Missile Defense Systems Command, Huntsville, Alabama
0–8 Commanding General, US Army Operational Test and Evaluation Agency, Falls Church, Virginia

Office, Deputy Chief of Staff for Personnel

0–8 Commanding General, USA Military Personnel Center, Alexandria, Virginia
0–8 Commanding General, USA Recruiting Command, Fort Sheridan, Illinois
0–7 Deputy Commanding General, East USA Recruiting Command, Fort Sheridan, Illinois
0–7 Deputy Commanding General, West USA Recruiting Command, Fort Sheridan, Illinois

Office, Deputy Chief of Staff for Logistics

0–7 Commanding General, US Army Troop Support Agency, Fort Lee, Virginia

Office, Deputy Chief of Staff for Operations and Plans

0–8 Commanding General, US Army Computer Systems Command, Fort Belvoir, Virginia

Office, The Deputy Chief of Staff for Personnel

0–7 Commanding General, US Army Reserve Components Personnel and Administration Center, St. Louis, Missouri

Office, The Judge Advocate General

0–7 Commanding General, Chief, Judge, US Army Legal Services Agency/United States Court of Military Review, Falls Church, Virginia

OFFICE OF THE SURGEON GENERAL

0–7/0–8 Commanding General, US Army Medical Research and Development Command, Fort Detrick, Maryland

US Army Research Institute for Infectious Diseases (USAMRIID)

SES Special Advisor for Biotechnology

US Army Training and Doctrine Command—FORT MONROE, VIRGINIA

0–8 Chief of Staff
0–8 Deputy Chief of Staff, Combat Developments
0–8 Commanding General, TRADOC Combined Arms Test Activity, Fort Hood, Texas

US Army Materiel Development and Readiness Command, Alexandria, Virginia

0–8 Deputy Commander, Resources and Management
0–7/0–8 Director, Development, Engineering & Acquisition
0–8 Director, Procurement & Production
0–7 Director, Supply, Maintenance and Transportation
0–7/0–8 Director, Security Assistance/CDR, USA Security Assistance Center
0–8 Comptroller
0–8 Commanding General, US Army Tank—Automotive Command, Warren, Michigan
0–7 Deputy Commanding General for Research & Development, US Army Tank—Automotive Command, Warren, Michigan
0–8 Commanding General, US Army Aviation Research and Development Command, St. Louis, Missouri
0–8 Commanding General, US Army Troop Support and Aviation Materiel Readiness Command—St. Louis, Missouri
0–7 Deputy Commanding General, US Army Troop Support and Aviation Materiel Readiness Command—St. Louis, Missouri
0–8 Commanding General, US Army Armament Munitions & Chemical Command—Rock Island, Illinois
0–7 Deputy Commanding General for Procurement and Readiness, US Army Armament Munitions & Chemical Command—Rock Island, Illinois
0–8 Commanding General, US Army Armament Research and Development Center—Picatinny Arsenal, New Jersey
0–7 Commanding General, USA Chemical Research & Development Center—Picatinny Arsenal, New Jersey
0–7 Commanding General, US Army Armament Research and Development Center—Picatinny Arsenal, New Jersey
0–8 Commander, US Army Missile Command—Redstone Arsenal, Alabama
0–7 Deputy Commanding General for Procurement & Readiness, US Army Missile Command—Redstone Arsenal, Alabama
0–7 Deputy Commanding General for Research and Development, US Army Missile Command—Redstone Arsenal, Alabama
0–8 Commanding General, US Army Communications & Electronics Command
0–7 Deputy Commanding General for Procurement and Readiness, US Army Communications & Electronics Command
0–8 Commanding General, US Army Electronics Research & Development Command—Adelphi, Maryland
0–8 Commanding General, US Army Test & Evaluation Command—Aberdeen Proving Ground, Maryland

0-7 Commanding General, White Sands Missile Range—White Sands, New Mexico
0-7 Commanding General, US Army Depot System Command—Chambersburg, Pennsylvania
0-8 Project Manager, M-1 Tank—Warren, Michigan
0-8 Project Manager, Patriot—Redstone Arsenal, Alabama
0-7 Project Manager, Fighting Vehicle Systems—Warren, Michigan
0-7 Program Manager, Advanced Attack Helicopter Program—St. Louis, Missouri
0-7 Project Manager, Saudi Arabian National Guard Modernization—Saudi Arabia

U.S. Army Communications Command

0-7 Commanding General, US Army Communications Systems Agency, Fort Monmouth, New Jersey

Other Commands

0-8 Commander, Military Traffic Management Command, Washington, D. C.
0-8 Commanding General, US Army Intelligence and Security Command, Arlington, Virginia
0-8 Commanding General, US Army Military District of Washington, Washington, D. C.
0-8 Commanding General, US Army Criminal Investigation Command, Falls Church, Virginia
0-8 Commanding General, US Army Health Services Command, Fort Sam Houston, Texas

MAJOR OVERSEAS COMMANDS

US Army, Europe and Seventh Army

0-8 Chief of Staff
0-8 Deputy Chief of Staff, Engineer
SES Assistant Deputy Chief of Staff, Engineer (Engineering & Housing)
0-8 Commanding General, US Army Southern European Task Force

U.S. Army Japan/IX Corps

0-7/0-8 Chief of Staff

Special Activities

Army and Air Force Exchange Service

0-8 Commander, Army and Air Force Exchange Service—Dallas, TX

AGENCY: DEPARTMENT OF THE NAVY

Positions:

Office of the Assistant Secretary of the Navy (Manpower and Reserve Affairs)

SES Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs)
SES Deputy Assistant Secretary of the Navy (Manpower)
SES Deputy Assistant Secretary of the Navy (Reserve Affairs)
SES Deputy Assistant Secretary of the Navy (CPP/EEO)

Office of the Assistant Secretary of the Navy (Shipbuilding and Logistics)

SES Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics)
SES Director, Office of Small and Disadvantaged Business Utilization
SES Director of Resources & Policy Evaluation
SES Deputy Assistant Secretary of the Navy (Installations and Facilities)
SES Deputy Assistant Secretary of the Navy (Sealift & Maritime Affairs)
SES* Director, Acquisition Regulations

Office of the Assistant Secretary of the Navy (Research, Engineering and Systems)

SES Deputy Assistant Secretary of the Navy (Research & Applied Science)
SES Associate Deputy Assistant Secretary of the Navy (Systems Engineering)
SES Principal Deputy Assistant Secretary of the Navy (Research, Engin. and Systems)
SES Deputy Assistant Secretary of the Navy (Command, Control, Communications & Intelligence)

Office of the Under Secretary of the Navy

SES* Deputy Under Secretary of the Navy (Policy)

Office of the Assistant Secretary of the Navy (Financial Management)

SES Special Assistant for Data Automation

Office of the Auditor General of the Navy

SES Auditor General of the Navy

Office of the Comptroller of the Navy

SES Executive Assistant Comptroller for Banking Cash Management Contract Financing & Compensation Systems

Office of the General Counsel

SES General Counsel of the Navy
SES Principal Deputy General Counsel
SES Deputy General Counsel (Logistics)

Office of the Chief of Naval Operations

SES Asst. Dep. Chief of Naval Operations (Civ. Pers/EEO)

Naval Data Automation Command

SES Technical Director

Military Sealift Command

SES Deputy Executive Director

Office of the Chief of Naval Education and Training

SES Principal Advisor for Education & Training/Deputy CNET for Ed. Development & R&D

US Marine Corps Headquarters

SES Fiscal Director of the Marine Corps
SES Assistant Deputy Chief of Staff for Installations and Logistics
SES Director, Contracts Division

Office of Naval Research

SES Director, Acquisition

Naval Material Command Headquarters

SES Executive Director for Contracts and Business Management
SES Assistant Deputy Chief of Naval Material (Operations and Logistics)
SES Deputy Chief of Naval Material for Reliability, and Engineering
SES Director, Procurement Control & Clearance Division
SES Deputy Chief of Naval Material

Strategic Systems Project Office

SES Director, Plans and Program Division

Joint Cruise Missile Project Office

SES Technical Director, Joint Cruise Missiles Project

Naval Air Systems Command HQ

SES* Deputy Commander
SES Executive Director for Procurement Management

Naval Electronic Systems Command

SES Executive Director, Contracts

Naval Facilities Engineering Command Headquarters

SES Assistant Commander for Contracts

Naval Sea Systems Command HQ

SES Assistant Deputy Commander for Contracts

Naval Supply Systems Command Headquarters

SES Assistant Deputy Commander, Plans, Policy and Systems Design

Military

0-7 Assistant Deputy Commander for Surface Ships Logistics Management, NAVSEASYSCOM
0-7 Deputy Commander for Surface Ships, NAVSEASYSCOM
0-8 Vice Commander, Naval Air Systems Command
0-7/0-8 Deputy Commander for Plans and Programs, Naval Air Systems Command
0-7 Assistant Commander for Contracts, Naval Air Systems Command
0-8 Assistant Commander for Logistics and Fleet Support, Naval Air Systems Command
0-8 Assistant Commander for Systems and Engineering, Naval Air Systems Command
0-7 Assistant Commander for Test and Evaluation, Naval Air Systems Command
0-7 Commander, Naval Aviation Logistics Center, Naval Air Systems Command
0-7 Deputy Chief of Naval Material for Logistics, Plans & Programs Chief HDQTRS NAVMATCOMD
0-7/0-8 Deputy Chief of Naval Material for Acquisition, Plans & Programs Chief HDQTRS NAVMATCOMD
0-7/0-8 Project Manager, TRIDENT System, Project Office, Naval Material Command
0-7 Major Project Manager, LAMPS, NAVAIRSYSCOM
0-7 Project Manager, Saudi Naval Expansion Program, NAVMAT
0-7 Director, Joint Cruise Missile Project, Joint Cruise Missiles Project Office (JPM-3) NAVMAT
0-7/0-8 Director, Technical Division Strategic Systems Projects, SSPO
0-7 Program Manager, ASW Systems Project Office Anti-Submarine Warfare Systems Project Office ADDU: Deputy Director OP-92
0-8 Vice Commander, Naval Sea Systems Command and Chief of Staff
0-7 Deputy Commander for Contracts NAVSEASYSCOM
0-7/0-8 NAVSEA Deputy Commander for Acquisition, Logistics NAVSEASYSCOM

0-7/0-8 Deputy Commander for Combat, Systems, NAVSEASYSCOM ADDU: to OP-03X
0-7 Assistant Deputy Commander for AntiSubmarine Warfare and Underwater Systems, NAVSEASYSCOM
0-7/0-8 Project Manager, AEGIS Shipbuilding Project, NAVSEASYSCOM
0-7/0-8 Deputy Commander for Industrial and Facility Management, NAVSEASYSCOM
0-7/0-8 Deputy Commander for Submarines, NAVSEASYSCOM
0-7 Supervisor for Shipbuilding, Conversion & Repair, Newport News Shipbuilding & Drydock Co., USN
0-7/0-8 Deputy Commander for Command, Control, Communications and Intelligence Systems and Technology, Naval Electronic Systems Command
0-7/0-8 Deputy Commander for Ship Design and Integration, Naval Sea Systems Command
0-8 Commander, Naval Supply Systems Command and Chief of Supply Corps
0-7/0-8 Vice Commander, Naval Supply Systems Command
0-7/0-8 Commanding Officer, Navy Ships Parts Control Center, Mechanicsburg, PA
0-7 Supervisor of Shipbuilding Commanding Officer, Shore Activity, Pascagoula, MS
0-7/0-8 Commander, Navy Resale and Services Support Office, Staten Island
0-7/0-8 Commanding Officer, Navy Aviation Supply Office, Philadelphia, PA
0-8 Commander, Naval Electronics Systems Command
0-8 Vice Commander, Naval Electronics Systems Command
0-7/0-8 Commander, Naval Oceanography Command
0-8 Commander, Naval Telecommuncations Command
0-8 Commander, Naval Facilities Engineering Command/Chief of Civil Engineering of the Navy
0-7/0-8 Vice Commander, Naval Facilities Engineering Command
0-7 Deputy Commander for Planning, Naval Facilities Engineering Command ADDU: to OP-04E
0-7/0-8 Commanding Officer, Shore Activity, Atlantic Division, Naval Facilities Engineering Command ADDU: ACOS Facilities Engineer CINCLANTFLT
0-7/0-8 Deputy Commander for Life Cycle Engineering and Platform Integration, NELEXOP
0-8 Director, Strategic System Project Office, NAVMAT
0-8 Deputy Commander, Military Sealift Command
0-7/0-8 Commanding Officer Shore Activity, Pacific Division, Naval Facilities Engineering Command, ADDU: Fleet Civil Engineer CINCPACFLT
0-7 Commanding Officer Shore Activity, Northern Division, Naval Facilities Engineering Command, Philadelphia
0-7 Commanding Officer Shore Activity, Western Division, Naval Facilities Engineering Commanding, San Bruno
0-7/0-8 Director, Multilateral Support Force, Amphibious, Mine and Advanced Naval Vehicles Ships Division, CNO
0-7/0-8 Director, Logistics Plans Division, CNO
0-7/0-8 Director, Material Division, CNO
0-7/0-8 Director, Ships Maintenance and Modernization Division, CNO
0-7/0-8 Director, Shore Activities Planning and Programming Division, CNO

Office of the Comptroller of the Navy

0-7/0-8 Deputy Comptroller of the Navy
0-7/0-8 Director of Budget and Reports/Fiscal Management Division, Office of the Navy Comptroller
0-7/-0-8 Assistant Comptroller, Financial Management Systems/Commander, Navy Accounting and Finance Center
0-7 Deputy Chief for Contracts and Business Management, NAVMAT
0-7 Supervisor of Shipbuilding, Conversion and Repair, Groton, CT

Other Officers

0-7/0-8 Commanding General, Marine Corps Development and Education Command, Quantico, Virginia
0-7/0-8 Deputy Chief of Staff for Research Development and Studies, HQMC
0-7/0-8 Deputy Chief of Staff for Requirements and Programs, HQMC
0-7/0-8 Director, Personnel Procurement, HQMC
0-7/0-8 Director of Material Division, HQMC
0-7/0-8 Director, Facilities and Services Division, HQMC
0-7/0-8 Director, Command, Control, Communications and Computer Systems Division, HQMC
0-7/0-8 Commanding General Marine Corps Logistics Base, Albany, Georgia
0-7/0-8 Commanding General Marine Corps Logistics Base, Barstow, California
0-7/0-8* Director of the Development Center, Marine Corps Development and Education Command, Quantico, Virginia
0-8* Assistant Deputy Chief of Naval Operations (Logistics)
0-8* Deputy Commander for Plans, Comptroller, NAVSEASYSCOM
0-8* Assistant Commander, Inventory & Systems Integrity, NAVSUPSYSCOM
0-8* Competition Advocate General of the Navy
0-7/0-8* Project Manager, Navy Space Project Office
0-7* Project Manager, REWSON Systems Project
0-7* Deputy Commander, Financial Management/Comptroller NAVSUPSYSCOM
0-8* Commander, Naval Medical Command
0-7* Commander, Readiness & Logistics, NAVMEDCOM
0-7* Deputy Auditor General, Naval Auditor Services Command
0-7* Commander, Naval Space Command
0-7* Commander, Fuel Supply Center, Alexandria, Virginia

AGENCY: DEFENSE COMMUNICATIONS AGENCY

Positions:

0-7 Director, Defense Communications System Organization (DCSO)
0-7 Commander, White House Communications Agency
SES Deputy Director, WWMCCS ADP Technical Support, JDSSC
SES Comptroller, DCA
SES Director, Planning & Systems Integration Center (PSIC)
0-8 Vice Director, Defense Communications Agency
SES Deputy Manager, National Communications System, DCA
SES General Counsel, DCA
SES Deputy Director, Military Satellite Communications Systems, PSI
SES Deputy Director, DCSO
SES Deputy Director, Switched Network Engineering Division, DCEC
SES* Director, Joint Data Systems Support Center (JDSSC)
SES* Chief Engineer (DCA)
SES* Chief Regulatory Counsel-Telecommunications
SES* Deputy Director, Command and Control Systems Organization
SES* Assistant Director for Program Development and Coordination, PSIC
SES* Program Manager, Defense Switched Network
SES* Director, Defense Communications Engineering Center
SES* Deputy Director, NMCS ADP Directorate
SES* Associate Director for NMC/WWMCCS Engineering Integration
SES* Scientific Advisor for Technology Assessment
SES* Deputy Director for DCS Integration
SES* Special Assistant to the Comptroller for C3 Program Assessment and Evaluation
SES* Special Assistant to the Director, PSIC for Satellite Communications Systems
SES* Special Assistant to the Director, PSIC for Strategic and Theater Nuclear Forces C3
SES* Special Assistant to the Director, PSIC for NATO and International C3
SES* Deputy WWMCCS System Engineer, Europe-EUCOM, PSIC
SES* Assistant Manager (Plans and Programs), NCS
SES* Assistant Deputy Director for Computer Services, JDSSC
SES* Chief, Interoperability and Standards Office, DCEC

AGENCY: DEFENSE CONTRACT AUDIT AGENCY

Positions:

SES Director
SES Deputy Director
SES General Counsel
SES Assistant Director, Operations and Professional Development
SES Assistant Director, Policy and Plans
SES Assistant Director, Resources
SES Director, Field Detachment
SES Regional Director, Atlanta
SES Regional Director, Boston
SES Regional Director, Chicago
SES Regional Director, Los Angeles
SES Regional Director, Philadelphia
SES Regional Director, San Francisco

AGENCY: DEFENSE INTELLIGENCE AGENCY

Positions:

DISES* Executive Director

DISES Deputy Director for Resources and Systems
DISES* Associate Director for DoD Intelligence Information Systems Planning and Management
DISES Assistant Deputy Director for Plans and Policy
DISES GDIP Staff Director
DISES Staff Director, Intelligence Communications Architecture Project Office
0-8 Deputy Director, Defense Intelligence Agency
0-8 Deputy Director for Management and Operations

AGENCY: DEFENSE INVESTIGATIVE SERVICE

Positions:

SES* Director
SES* Deputy Director (Industrial Security)
SES* Deputy Director (Investigations)

AGENCY: DEFENSE LOGISTICS AGENCY

Positions:

0-8 Deputy Director
0-8 Deputy Director, (Acquisition Management)
0-7 Executive Director, Supply Operations
0-7/0-8 Executive Director, Quality Assurance
0-8 Commander, Defense Construction Supply Center
0-7 Commander, Defense Electronics Supply Center
0-8 Commander, Defense Fuel Supply Center
0-7 Commander, Defense General Supply Center
0-7 Commander, Defense Industrial Supply Center
0-8 Commander, Defense Personnel Support Center
0-7 Commander, Defense Contract Administration Services Region, Los Angeles

Headquarters

SES Comptroller, DLA
SES General Counsel, DLA
SES Executive Director, Technical and Logistics Services
SES Executive Director, Contracting
SES Deputy Executive Director, Supply Operations
SES Executive Director, Contract Management
SES Associate General Counsel, DLA
SES Chief, Logistics Programs Division, Directorate of Supply Operations
SES Chief, Contracts Division, Directorate of Contracting
SES Assistant Director, Office of Telecommunications and Information Systems
SES Deputy Executive Director, Quality Assurance
SES Staff Director, Small and Disadvantaged Business Utilization
SES Chief, Accounting and Finance Division, Office of Comptroller
SES Deputy Comptroller, Office of Comptroller
SES Chief, AIS Development and Control Division, Office of Telecommunications and Information Systems
SES Chief, ADP and Telecommunications Technology Division, Office of Telecommunications and Information Systems
0-7* Chief of Staff
SES* Staff Director, Office for Contracting Integrity

AGENCY: DEFENSE MAPPING AGENCY

Positions:

SES Deputy Director, Management & Technology
SES Deputy Director, for Programs, Production/Operations
SES Deputy Director for Systems and Techniques
SES Comptroller
0-8 Director, Defense Mapping Agency
0-7 Deputy Director, Defense Mapping Agency
0-7 Deputy Director for Plans and Requirements
SES Director of Personnel
SES Assistant Deputy Director for Programming
SES Assistant Deputy Director for Production and Distribution
SES Chief, Advanced Technology Division
SES Director, DMA Special Program Office for Exploitation Modernization
SES* Deputy Director, DMA Special Program Office for Exploitation Modernization
SES* Director, DMA Special Production Program Office
SES* Director, DMA Office of Telecommunications Services

AGENCY: DEFENSE NUCLEAR AGENCY

Positions:

AD Deputy Director, Science and Technology
AD Scientific Assistant to the Deputy Director, Science snd Technology
AD Assistant to the Deputy Director (Science and Technology) for Theoretical Research
AD Assistant to the Deputy Director (Science and Technology) for Experimental Research
AD Assistant to the Deputy Director (Science and Technology) for Testing
AD Scientific Advisor to the Director, Armed Forces Radiobiology Research Institute
0-8 Deputy Director (Operations and Administration)
0-7 Commander, Field Command
SES Director, Acquisition Management
SES Comptroller

AGENCY: NATIONAL SECURITY AGENCY

Positions:

Military Positions

0-8 Assistant Deputy Director, NSA
0-7 Chief of the Office of Support to Military Operations

AGENCY: DEPARTMENT OF EDUCATION

Positions:

Office of the Secretary

SES Counselor/Executive Assistant to the Secretary
SES Executive Secretary to the Secretary

Office of the Under Secretary

SES Director of Regional Liaison

Deputy Under Secretary for Management

SES Comptroller
SES Administrator for Management Services

Deputy Under Secretary for Planning, Budget and Evaluation

SES Director of Budget Services
SES Director of Planning and Evaluation Services

Deputy Under Secretary for Intergovernmental and Interagency Affairs

SES Director, Intergovernmental Affairs

Assistant Secretary for Legislation and Public Affairs

SES Deputy Assistant Secretary for Legislation
SES Deputy Assistant Secretary for Public Affairs

General Counsel

SES Deputy General Counsel for Department Services
SES Assistant to the Secretary for Regulatory Reform and Deputy General Counsel for Regulations and Legislation
SES Associate General Counsel for Programs

Inspector General

SES Deputy Inspector General
SES Assistant Inspector General for Investigation
SES Assistant Inspector General for Policy, Planning and Management
SES Assistant Inspector General for Audit

Office of Civil Rights

SES Deputy Assistant Secretary for Civil Rights (Operations)
SES Director of Policy and Enforcement Service

Office of Bilingual Education and Minority Language Affairs

SES Director Office of Bilingual Education and Minority Languages Affairs

Office of Special Education and Rehabilitative Services

SES Deputy Assistant Secretary
SES Deputy Director, National Institute of Handicapped Research
SES Director, Office of Special Education Programs

Office of Postsecondary Education

SES Deputy Assistant Secretary for Student Financial Assistance
SES Deputy Assistant Secretary for Higher Education Programs

Office of Vocational and Adult Education

SES Deputy Assistant Secretary for Vocational and Adult Education
SES Director of Policy Analysis and Legislation

Office of Elementary and Secondary Education

SES Deputy Assistant Secretary for Programs and Administration
SES Deputy Assistant Secretary for Dissemination and Special Initiatives

Office of Education Research & Improvement

SES Deputy Assistant Secretary for Educational Research and Improvement
SES Deputy Director, National Institute of Education
SES Administrator, National Center for Education Statistics
SES Director, Center for Libraries and Education Improvement

AGENCY: DEPARTMENT OF ENERGY

Positions:

Office of the Secretary

SES Executive Assistant to the Deputy Secretary
SES Special Assistant to the Secretary for Programs and Policies
SES* Special Assistant to the Secretary for Outreach Programs
SES Manager, Albuquerque Operations Office
SES Deputy Manager, Albuquerque Operations Office
SES Regional Representative of the Secretary/Manager, Chicago Operations Office
SES Deputy Manager, Chicago Operations Office
SES Manager, Idaho Operations Office
SES Deputy Manager, Idaho Operations Office
SES Manager, Nevada Operations Office
SES Deputy Manager, Nevada Operations Office
SES Manager, Oak Ridge Operations Office
SES Deputy Manager, Oak Ridge Operations Office
SES Manager, Richland Operations Office
SES Deputy Manager, Richland Operations Office
SES* Executive Assistant to the Under Secretary
SES* Executive Assistant to the Secretary
SES* Associate Director of Storage and Systems Development
SES* Special Assistant to the Secretary for Nuclear Reactor Safety
SES* Principal Deputy Assistant Secretary for Defense Programs and Manager, Savannah River Operations Office
SES Manager, San Francisco Operations Office
SES Deputy Manager, San Francisco Operations Office
SES Deputy Manager, Savannah River Operations Office

Office of the Inspector General

SES Assistant Inspector General for Audits
SES Assistant Inspector General for Inspections
SES Assistant Inspector General for Investigations

Office of the General Counsel

SES Deputy General Counsel
SES Deputy General Counsel for Regulations
SES Deputy General Counsel for Enforcement and Litigation
SES Deputy General Counsel for Programs
SES Deputy General Counsel for Legal Services

Economic Regulatory Administration

SES Deputy Administrator, Office of the Administrator
SES Special Counsel for Compliance, Office of Special Counsel
SES Deputy Special Counsel for Compliance, Office of Special Counsel
SES Solicitor, Office of the Solicitor
SES Director, Office of Fuels Programs, Office of Fuels Programs
SES Deputy Director, Office of Fuels Programs, Office of Fuels Programs

Energy Information Administration

SES Deputy Administrator, Energy Information Administration
SES Director, Office of Oil and Gas
SES Director, Office of Energy Markets and End Use
SES Director, Office of Statistical Standards

Assistant Secretary for Conservation and Renewable Energy

SES Principal Deputy Assistant Secretary for Conservation and Renewable Energy
SES Administrator, Alaska Power Administration
SES Administrator, Bonneville Power Administration
SES Assistant Administrator for Engineering and Construction, Bonneville Power Administration
SES Assistant Administrator for Power Management, Bonneville Power Administration
SES Deputy Administrator, Bonneville Power Administration
SES Assistant Administrator for Conservation and Direct Application—Renewable Resource, Bonneville Power Administration
SES Administrator, Southeastern Power Administration
SES Administrator, Southwestern Power Administration
SES Deputy Administrator, Southwestern Power Administration
SES Administrator, Western Area Power Administration
SES Deputy Administrator, Western Area Power Administration
SES Deputy Assistant Secretary for Conservation
SES Deputy Assistant Secretary for Renewable Energy

Assistant Secretary for Policy, Safety and Environment

SES Director, Office of Environmental Compliance, Deputy Assistant Secretary for Environment, Safety and Health
SES Deputy Assistant Secretary for Environment, Safety and Health
SES Deputy Director, Office of Policy, Planning and Analysis

Assistant Secretary for Defense Programs

SES Principal Deputy Assistant Secretary for Defense Programs
SES Deputy Assistant Secretary for Security Affairs
SES Deputy Director, Office of Military Applications, Deputy Assistant Secretary for Military Applications
SES Deputy Director, Office of Inertial Fusion
SES Director, Office of Inertial Fusion
SES Director, Office of International Security Affairs
SES Deputy Director, Office of International Security Affairs
SES Director, Office of Classification
SES Deputy Director, Office of Classification
SES Deputy Director, Office of Safeguards and Securities
SES Director, Office of Safeguards and Securities
SES Director, Office of Nuclear Materials Production, Deputy Assistant Secretary for Nuclear Materials Production
SES Deputy Director, Office of Nuclear Materials Production, Deputy Assistant Secretary for Nuclear Materials Production
SES Deputy Assistant Secretary for Nuclear Materials
SES Director, Office of Defense Waste and Byproducts Management, Deputy Assistant Secretary for Nuclear Materials
SES* Deputy Director, Office of Defense Waste and Byproducts Management, Deputy Assistant Secretary for Nuclear Materials
SES* Deputy Assistant Secretary for Intelligence
0-8 Deputy Assistant Secretary for Military Applications/Director of Military Applications

Assistant Secretary for International Affairs and Energy Emergencies

SES Deputy Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness
SES Principal Deputy Assistant Secretary for International Affairs
SES Deputy Assistant Secretary for Energy Emergencies
SES Deputy Director, Office of Technical Cooperation

Office of Energy Research

SES Deputy Director, Office of Energy Research
SES Associate Director, Office of Health and Environmental Research
SES Deputy Associate Director, Office of Health and Environmental Research
SES Associate Director, Office of Fusion Energy
SES Deputy Associate Director, Office of Fusion Energy
SES Director, Office of Field Operations Management
SES Director, Office of Program Analysis
SES Associate Director, Office of Basic Energy Sciences
SES Deputy Associate Director for Basic Energy Sciences, Office of Basic Energy Sciences

SES Associate Director of High Energy and Nuclear Physics

Assistant Secretary for Fossil Energy

SES Principal Deputy Assistant Secretary for Fossil Energy
SES Deputy Assistant Secretary for Strategic Petroleum Reserve
SES Deputy Assistant Secretary for Management, Planning and Technical Coordination
SES Deputy Assistant Secretary for Coal Utilization, Advanced Conversions and Gasification
SES Deputy Assistant Secretary for Oil, Shale and Coal Liquids

Assistant Secretary for Nuclear Energy

SES Principal Deputy Assistant Secretary for Nuclear Energy
SES Deputy Director for Naval Reactors, Deputy Assistant Secretary for Naval Reactors
SES Deputy Assistant Secretary for Uranium Enrichment
SES Deputy Assistant Secretary for Breeder Reactor Programs

Assistant Secretary, Management and Administration

SES Director, Office of Equal Opportunity
SES* Deputy Director, Office of Equal Opportunity
SES Deputy Director, Office of Administrative Services
SES Director of Administration
SES Deputy Director of Administration
SES Director, Office of Personnel
SES Director, Office of Organization and Management Systems
SES Deputy Director, Office of Organization and Management Systems
SES Deputy Director of Project and Facilities Management
SES Director, Office of Project and Facilities Management
SES Director, Office of Administrative Services
SES Director, Office of ADP Management
SES Deputy Director, Office of ADP Management
SES Director, Office of Computer Services and Telecommunications Management
SES Deputy Director, Office of Computer Services and Telecommunications Management
SES Director, Office of Industrial Relations
SES Director, Office of Small and Disadvantaged Business Utilization
SES Director, Office of Policy
SES* Assistant Controller, Budget Policy and Compliance
SES* Assistant Controller, Financial Systems and Accounting
SES Director, Office of Procurement Support,
SES Director, Office of Procurement Review, Office of Procurement Review
SES Director, Office of Procurement Operations
SES Deputy Director, Office of Procurement Operations
SES Controller
SES Director, Office of Budget
SES* Deputy Director, Office of Budget
SES Director, Procurement and Contract Management
SES Deputy Director, Procurement and Contract Management

Assistant Secretary, Congressional, Intergovernmental and Public Affairs

SES Deputy Assistant Secretary for House Liaison
SES Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Positions:

Office of the Secretary

Immediate Office of the Secretary

SES Chief of Staff
SES Executive Assistant to the Secretary
SES Executive Secretary
SES Deputy Executive Secretary to the Department
SES Executive Administrative Assistant
SES Senior Advisor to the Secretary
SES Special Assistant to the Secretary (3)

Immediate Office of the Under Secretary

SES Counselor to the Under Secretary
SES Deputy Under Secretary/ Intergovernmental Affairs
SES Principal Regional Official—Region I
SES Principal Regional Official—Region II
SES Principal Regional Official—Region III
SES Principal Regional Official—Region IV
SES Principal Regional Official—Region V
SES Principal Regional Official—Region VI
SES Principal Regional Official—Region VII
SES Principal Regional Official—Region VIII
SES Principal Regional Official—Region IX
SES Principal Regional Official—Region X
SES Chairman, Departmental Grant Appeals Board

Office of Planning and Evaluation

SES Assistant Secretary for Planning and Evaluation
SES Principal Deputy Assistant Secretary for Planning and Evaluation
SES Deputy Assistant Secretary for Income Security Policy
SES Deputy Assistant Secretary for Health Policy
SES Deputy Assistant Secretary for Program Systems
SES Deputy Assistant Secretary for Social Services Policy
SES Deputy Assistant Secretary for Evaluation and Technical Analysis

Office of Inspector General

SES Assistant Inspector General for Audit
SES Deputy Assistant Inspector General for Audit
SES Senior Assistant Inspector General for Auditing and Systems
SES Assistant Inspector General for Investigations
SES Deputy Assistant Inspector General Criminal Investigations Division, Office of Investigations
SES Assistant Inspector General for Health Care Financing Integrity
SES Director, Health Care Financing Audit Division, Office of Audit
SES* Director, Grants and Internal Systems Audit Division, Office of Audit
SES* Deputy Assistant Inspector General, Civil Fraud Division, Office of Investigations
SES* Deputy Assistant Inspector General, Headquarters Operations Division, Office of Investigations
SES* Assistant Inspector General for Program Inspections
SES* Assistant Deputy Inspector General for Information Resources Management

Office of Management and Budget

SES Assistant Secretary for Management and Budget
SES Deputy Assistant Secretary for Budget
SES Deputy Assistant Secretary for Finance
SES Deputy Assistant Secretary, Management Analysis and Systems
SES Deputy Assistant Secretary, Procurement, Assistance and Logistics
SES Director, Program Coordination
SES Director, Division of Health Budget Analysis, Office of Budget, Office of Management and Budget
SES Director, Division of Welfare Budget Analysis, Office of Budget, Office of Management and Budget
SES Director, Office of Procurement and Policy, Office of Procurement, Assistance, Logistics, Office of Management and Budget
SES Director, Office of Procurement and Assistance Financial Management, Office of Procurement, Assistance and Logistics, Office of Management and Budget
SES* Deputy Director, Office of Computer and Information Systems, OMAS, Office of Management and Budget
SES* Project Manager, Uniform Financial/ Administrative Systems, Office of Management and Budget
SES Director, Office of Facilities Engineering, Office of Facilities and Management Services, Office of Management and Budget
SES Director, Office of Computer and Information Systems, Office of Management Analysis and Systems, Office of Management and Budget

Legislation

SES Deputy Assistant Secretary for Legislation
SES Deputy Assistant Secretary for Legislation (Health)
SES Deputy Assistant Secretary for Legislation (Human Services)
SES Director of Program Coordination
SES Deputy Assistant Secretary for Legislation (Special Projects)
SES Deputy Assistant Secretary for Legislation (Congressional Liaison)

Office for Civil Rights

SES Special Assistant to the Secretary for Civil Rights, Director, Office for Civil Rights
SES Deputy Director for Program Operations, OCR
SES Associate Deputy Director for Program Operations, OCR
SES Deputy Director for Management and Policy, OCR

Office for Personnel Administration

SES Assistant Secretary for Personnel Administration
SES Deputy Assistant Secretary, Personnel

Office of Public Affairs

SES* Deputy Assistant Secretary for Public Affairs
SES Deputy Assistant Secretary for Public Affairs (Public Liaison)
SES* Deputy Assistant Secretary for News

Office of the General Counsel

SES Deputy General Counsel, Program Review
SES Deputy General Counsel, Regulations
SES Deputy General Counsel, Litigation
SES Associate General Counsel for Enforcement
SES Assistant General Counsel, Legislation Division
SES Assistant General Counsel, Public Health Division
SES Assistant General Counsel, Social Security
SES Assistant General Counsel, Food and Drug Administration
SES Assistant General Counsel, Health Care Financing and Human Development
SES Assistant General Counsel, Civil Rights Division
SES Assistant General Counsel, Business and Administrative Law Division
SES Assistant General Counsel, Inspector General Division
SES Associate General Counsel

Office of Consumer Affairs

SES Deputy Director, Office of Consumer Affairs
SES* Director, Office of Consumer Affairs

Office of Human Development Services

SES Deputy Commissioner, Administration on Aging
SES Deputy Assistant Secretary, Human Development Services
GS-18 Commissioner, Administration for Children, Youth and Families
SES Deputy Commissioner, Administration for Children, Youth and Families
SES Commissioner, Administration for Native Americans
SES Commissioner, Administration on Developmental Disabilities
SES Director, Office of Policy and Legislation and Review
SES Director, Office of Program Development
SES Director, Office of Management Services
SES* Associate Commissioner, Office of State and Tribal Programs
SES* Associate Commissioner, Administration for Children, Youth and Families
SES Associate Director for Program Operations, Administration on Aging

Health Care Financing Administration

SES Administrator, Health Care Financing Administration
SES Deputy Administrator, Health Care Financing Administration
SES Director, Bureau of Program Operations
SES Director, Health Standards and Quality Bureau
SES Director, Office of Management and Budget
SES Director, Office of Research and Demonstrations
SES Associate Administrator for Management and Support Services
SES Associate Administrator for Policy
SES Associate Administrator for Operations
SES Deputy Associate Administrator for Operations (Field)
SES Associate Administrator for External Affairs
SES Director, Office of Executive Operations
SES Regional Administrator, Region I
SES Regional Administrator, Region II
SES Regional Administrator, Region III
SES Regional Administrator, Region IV
SES Regional Administrator, Region V
SES Regional Administrator, Region VI
SES Regional Administrator, Region VII
SES Regional Administrator, Region VIII
SES Regional Administrator, Region IX
SES Regional Administrator, Region X
SES Director, Bureau of Eligibility Reimbursement and coverage
SES Director, Bureau of Quality Control
SES Director, Office of Legislation and Policy
SES Director, Office of Public Affairs
SES Director, Bureau of Data Management and Strategy
SES* Chief Actuary, Office of the Actuary

Public Health Service

Office of the Assistant Secretary for Health

SES Deputy Assistant Secretary, Health Operations
SES Deputy Assistant Secretary, Planning and Evaluation
SES Deputy Assistant Secretary, Population Affairs
SES 0-7/0-8 Regional Health Administrators—Regions I-X
SES Executive Director, President's Council on Physical Fitness and Sports
SES Director, National Center for Health Statistics
SES Deputy Director, National Center for Health Statistics and Health Care Technology Assessments
SES Director, National Center for Health Services Research
0-8 Deputy Surgeon General and Chief Nurse Officer, Public Health Service
SES* Director, Office of International Health
0-7* Deputy Director, Office of International Health
0-8 Senior Advisor for Environmental Affairs
0-7 Deputy Assistant Secretary for Health for Disease Prevention and Health Promotion

Center for Disease Control

0-8 Director, Centers for Disease Control
0-8 Deputy Director, Centers for Disease Control
SES Assistant Director for International Health
SES Director, Office of Program Support, Centers for Disease Control
SES Director, Licensure and Proficiency Testing Division, Laboratory Program Office
0-7 Program Manager, Expanded Program on Immunization, World Health Organization, International Health Program Office
SES Director, Clinical Chemistry Division, Center for Environmental Health
SES Assistant to Director, Center for Environmental Health
SES Director, Center for Infectious Diseases
SES Assistant Director for Management, CDC
SES Special Assistant for Policy Development, CDC
SES Assistant Director for Laboratory Science, Center for Infectious Diseases
SES Director, Center for Professional Development and Training
SES Director, Center for Health Promotion and Education
0-8 Director, National Institute for Occupational Safety and Health
SES* Associate Administrator, Agency for Toxic Substances and Disease Registry
SES* Deputy Director, Center for Preventive Services
SES* Director, Division of Viral Diseases
0-7* Assistant Director, Washington Office
SES Deputy Director, National Institute for Occupational Safety and Health

Health Resources and Services Administration

0-8 Administrator, Health Resources and Services Administration
SES Deputy Administrator
0-8 Director, Bureau of Health Care Delivery and Assistance
SES Deputy Director, Bureau of Health Care Delivery and Assistance
SES Director, Bureau of Health Professions
SES Deputy Director, Bureau of Health Professions
0-8 Director, Indian Health Service
SES Deputy Director, Indian Health Service
0-8 Director, Bureau of Health Maintenance Organizations and Resources Development
SES Deputy Director, Bureau of Health Maintenance Organizations and Resources Development

Alcohol, Drug Abuse, and Mental Health Administration

SES Deputy Administrator, ADAMHA
SES Associate Administrator for Extramural Programs, ADAMHA
SES Associate Administrator for Program Planning and Coordination, ADAMHA
SES Director, National Institute on Alcohol Abuse and Alcoholism
SES Deputy Director, National Institute on Alcohol Abuse and Alcoholism
0-8 Director, National Institute of Mental Health
SES Deputy Director, National Institute of Mental Health
0-8 Director, National Institute on Drug Abuse
SES Deputy Director, National Institute on Drug Abuse

National Institutes of Health

0-8 Director, NIH
SES Deputy Director, NIH
SES Deputy Director for Intramural Research

SES Deputy Director for Extramural Research and Training
SES Associate Director for Program Planning and Evaluation
SES Associate Director for Administration
SES Associate Director for Communications
SES Associate Director for Research Services
SES Associate Director for Clinical Care, NIH and Director of Clinical Center
SES Associate Director for Intramural Affairs
SES Associate Director for Extramural Affairs
SES Associate Director for Medial Applications of Research
0-7 Associate Director for International Research and Director, Fogarty International Center
SES Director, Division of Computer Research and Technology
SES Director, Division of Research Grants
SES Deputy Director, Division of Research Grants
0-8 Director, National Cancer Institute
SES Deputy Director, National Cancer Institute
SES Director, Division of Research Resources
SES Deputy Director, Division of Research Resources
SES Director, Division of Research Services
SES Director, National Eye Institute
SES Deputy Director, National Eye Institute
SES Director, National Heart, Lung, and Blood Institute
0-7 Deputy Director, National Heart, Lung, and Blood Institute
0-7 Director, National Institute of Allergy and Infectious Diseases
SES Deputy Director, National Institute of Allergy and Infectious Diseases
SES Director, National Institute of Arthritis, Metabolism and Digestive Diseases
0-7 Deputy Director, National Institute of Arthritis, Metabolism and Digestive Diseases
0-7 Director, National Institute on Aging
SES Deputy Director, National Institute on Aging
SES Director, National Institute of Child Health and Human Development
SES Deputy Director, National Institute of Child Health and Human Development
SES Director, National Institute of Dental Research
0-8 Director, National Institute of Environmental Health Sciences
SES Deputy Director, National Institute of Environmental Health Sciences
SES Director, National Institute of General Medical Sciences
0-8 Director, National Institute of Neurological and Communicative Disorders and Stroke
SES Deputy Director, National Institute of Neurological and Communicative Disorders and Stroke
SES Director, National Library of Medicine
SES Deputy Director, National Library of Medicine

Food and Drug Administration

0-8 Commissioner of Food and Drugs
SES Deputy Commissioner for Food and Drugs
SES Associate Commissioner for Consumer Affairs
SES Associate Commissioner for Health Affairs
SES Associate Commissioner for Planning and Evaluation
SES Associate Commissioner for Science
SES Director, Parklawn Computer Center
SES Director, Orphan Products Development
SES* Associate Commissioner for Public Affairs
SES* Special Assistant to the Commissioner for Program Policy
SES* Associate Commissioner for Legislative Affairs
SES Associate Commissioner for Management and Operations

Center for Food Safety and Applied Nutrition

SES Director, Center for Food Safety and Applied Nutrition
SES Deputy Director, Center for Food Safety and Applied Nutrition
SES Associate Director for Toxicological Sciences
SES Director, Division of Toxicology
SES Associate Director for Laboratory Investigations
SES Director, Division of Chemistry and Physics
SES Director, Division of Microbiology
SES Director, Office of Compliance
SES Director, Office of Physical Sciences
SES Deputy Director, Office of Physical Sciences
SES Director, Division of Food Technology
SES Director of Mathematics
SES Director, Division of Food and Color Additives
SES Director, Division of Chemical Technology
SES Associate Director for Nutrition and Food Sciences
SES Director, Division of Regulatory Guidance
SES Director, Office of Management
SES Deputy Associate Director for Nutrition and Food Sciences
SES Director, Division of Nutrition

Center for Drugs and Biologics

0-8 Director, Center for Drugs and Biologics
SES Deputy Director, Center for Drugs and Biologics
0-7 Director, Office of Biologics Research and Review
SES Deputy Director, Office of Biologics Research and Review
SES Director, Office of Compliance
SES Director, Office of Drug Research and Review
SES Deputy Director for Program Management
SES Director, Division of Oncology and Radiopharmaceutical Drugs Products
SES Director, Division of Scientific Investigations Staff
SES Director, Division of Anti-Infective Drug Products
SES Director, Division of Metabolism and Endocrine Drug Products
SES Director, Division of Surgical-Dental Drug Products
SES Director, Office of Management
SES Director, Division of Cardio-Renal Drug Products
SES Deputy Director for Medical Activities
SES Director, Division of Biochemistry and Biophysics
SES Director, Division of OTC Drug Evaluation
SES* Director, Office of Drug Standards
SES* Deputy Director, Office of Drug Standards
SES* Associate Director for Program Coordination
SES Director, Division of Neuropharmacological Drugs Products
SES Director, Division of Drug Biology
SES Director, Division of Drug Chemistry
SES Director, Division of Product Quality Control
SES Director, Division of Blood and Blood Products
SES Director, Division of Biological Products Compliance
SES Director, Office of Epidemiology and Biostatistics
SES Deputy Director, Division of Epidemiology and Biostatistics
SES Director, Division of Biometrics
SES Director, Divison of Drug and Biological Experience Products
SES Director, Division of Biopharmaceutics

Center for Veterinary Medicine

SES Director, Center for Veterinary Medicine
SES Deputy Director, Center for Veterinary Medicine
SES Associate Director for Scientific Evaluation
SES Director, Division of Therapeutic Drugs for Non-Food Animals
SES Associate Director for Human Food Safety
SES Associate Director for Surveillance and Compliance
SES Associate Director for Research
SES Director, Division of Veterinary Medical Research
SES* Director, Division of Animal Feed
SES* Associate Director for Scientific Information and Education
SES Director, Division of Biometrics and Production Drugs
SES Director, Division of Therapeutic Drugs for Food Animals
SES Director, Division of Drug Manufacturing and Controls

Center for Devices and Radiological Health

SES Director, Office of Device Evaluation
SES Associate Director for Standards and Regulations
SES Associate Director for Compliance
0-8 Director, Center for Devices and Radiological Health
SES Deputy Director, Center for Devices and Radiologial Health

National Center for Toxicological Research

SES Director, National Center for Toxicological Research
SES Director, Division of Biometry
SES Associate Director for Research
SES Deputy Director, National Center for Toxicological Research

Office of Regulatory Affairs

SES* Associate Commissioner for Regulatory Affairs

SES* Deputy Associate Commissioner for Regulatory Affairs (Enforcement)
SES* Deputy Associate Commissioner for Regulatory Affairs (Regional Operations)
SES* Deputy Director, Office of Regional Operations
SES* Deputy Director, Office of Enforcement
SES* Director, Office of Regulatory Resource Management
SES Regional Food and Drug Director, Region I
SES Regional Food and Drug Director, Region II
SES Regional Food and Drug Director, Region III
SES Regional Food and Drug Director, Region IV
SES Regional Food and Drug Director, Region V
SES Regional Food and Drug Director, Region VI
SES Regional Food and Drug Director, Region VII
SES Regional Food and Drug Director, Region VIII
SES Regional Food and Drug Director, Region IX
SES Regional Food and Drug Director, Region X
0-7 Regional Medical Officer, Region X

Social Security Administration

SES Deputy Commissioner, Operations
SES Deputy Commissioner, Programs and Policy
SES Deputy to Deputy Commissioner, Programs and Policy
SES Associate Commissioner, Policy
SES Associate Commissioner, Assessment
SES Deputy Associate Commissioner, Assessment
SES Deputy Commissioner, Systems
SES Associate Commissioner, Family Assistance
SES Deputy Associate Commissioner, Family Assistance
SES Associate Commissioner, Central Operations
SES Deputy Associate Commissioner, Central Operations
SES Associate Commissioner, Hearings and Appeals
SES Deputy Associate Commissioner, Hearings and Appeals (Appeals)
SES Deputy Commissioner, Management Support and Assessment
SES Deputy Director, Office of Child Support Enforcement
SES Associate Deputy Director, OCSE
SES Regional Commissioner, Boston—Region I
SES Regional Commissioner, New York—Region II
SES Regional Commissioner, Philadelphia—Region III
SES Regional Commissioner, Atlanta—Region IV
SES Regional Commissioner, Chicago—Region V
SES Regional Commissioner, Dallas—Region VI
SES Regional Commissioner, Kansas City—Region VII
SES Regional Commissioner, Denver—Region VIII
SES Regional Commissioner, San Francisco—Region IX
SES Regional Commissioner, Seattle—Region X
SES Associate Commissioner, Field Operations
SES Deputy Associate Commissioner for Field Operations
SES Chief Actuary
SES Associate Commissioner, Management, Budget and Personnel
SES Deputy Associate Commissioner, Management, Budget and Personnel
SES Associate Commissioner, System Operations
SES Associate Commissioner, System Integration
SES Director, Office of Refugee Resettlement
SES Associate Commissioner, Governmental Affairs
SES Associate Commissioner for System Requirement
SES Deputy Associate Commissioner, Systems Operations
SES Deputy Associate Commissioner, System Requirements
SES Deputy Associate Commissioner, System Integration
SES Associate Commissioner, Disability
SES Deputy Associate Commissioner, Disability
SES Associate Commissioner, Supplemental Security Income
SES Deputy Associate Commissioner, Supplemental Security Income
SES Special Assistant to Deputy Commissioner, Programs and Policy
SES Associate Commissioner, Retirement and Survivors Insurance
SES Deputy Associate Commissioner, Hearings and Appeals (Management)
SES* Director, Office of Child Support Enforcement
SES* Deputy Associate Commissioner, Retirement and Survivors Insurance
SES* Deputy to Deputy Commissioner, Systems (Management)
SES* Deputy Associate Commissioner, Governmental Affairs

AGENCY: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Positions:

OFFICE OF THE SECRETARY

SES Deputy Undersecretary for Intergovernmental Relations
SES Executive Assistant to the Secretary
SES Executive Assistant to the Under Secretary
SES Deputy Under Secretary for Field Coordination
SES Assistant to the Secretary for International Affairs
SES Assistant to the Secretary for Labor Relations

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

SES General Deputy Assistant Secretary for Public Affairs
SES* Deputy Assistant Secretary for Public Affairs
SES* Special Assistant to the Secretary for Public Affairs (Director of Public Affairs)

OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING

SES Deputy Assistant Secretary for Multifamily Housing Programs
SES Deputy Assistant Secretary for Single-Family Housing and Mortgagee Activities
SES Deputy Assistant Secretary for Policy and Financial Management, and Administration
SES General Deputy Assistant Secretary for Housing/Deputy Federal Housing Commissioner

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING

SES General Deputy Assistant Secretary for Public and Indian Housing

OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

SES Deputy Assistant Secretary for Program Policy Development and Evaluation
SES Director, Office of Urban Development Action Grants
SES General Deputy Assistant Secretary for Community Planning and Development
SES Deputy Assistant Secretary for Program Management
SES Deputy Assistant Secretary for Field Operations and Environment/Energy

OFFICE OF THE ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY

SES Deputy Assistant Secretary for Operations and Management
SES General Deputy Assistant Secretary for Fair Housing and Equal Opportunity
SES Deputy Assistant Secretary for Enforcement and Compliance

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

SES Deputy Assistant Secretary for Housing Studies
SES Deputy Assistant Secretary for Policy Development
SES Deputy Assistant Secretary for Economic Affairs
SES Deputy Assistant Secretary for Urban and Community Studies
SES* General Deputy Assistant Secretary for Policy Development and Research
SES* Associate Deputy Assistant Secretary for Economic Affairs

OFFICE OF THE GENERAL COUNSEL

SES Deputy General Counsel
SES Deputy General Counsel (Operations)

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

SES Deputy Assistant Secretary for Administration

OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL RELATIONS

SES Deputy Assistant Secretary for Legislation
SES Deputy Assistant Secretary for Congressional Relations

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General
SES* Assistant Inspector General for Investigations
SES* Assistant Inspector General for Audit
SES* Assistant Inspector General for Fraud Control and Management Operations

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SES Vice President, (Mortgage Finance)
SES Vice President, (Mortgage Backed Securities)
SES Executive Vice President

Solar Energy and Energy Conservation Bank

SES Manager

FIELD OFFICES

Region I

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator

Region II

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Area Manager, Newark Area Office

Region III

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, Pittsburgh Office

Region IV

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, Jacksonville Office

Region V

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, Detroit Office
SES Manager, Columbus Office
SES Manager, Minneapolis/St. Paul Office
SES Manager, Indianapolis Office

Region VI

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, New Orleans Office
SES Manager, Oklahoma City Office

Region VII

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator

Region VIII

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator

Region IX

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, Los Angeles Office

Region X

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator

AGENCY: DEPARTMENT OF THE INTERIOR

Positions:

Office of the Secretary

SES Principal Deputy Under Secretary
SES Deputy Under Secretary
SES Counselor to the Secretary (2)
SES Executive Assistant to the Secretary
SES Assistant to the Secretary/Director of Public Affairs
SES Assistant to the Secretary and Director, Office of Congressional Affairs
SES Deputy Director—Congressional and Legislative Affairs (Senate)
SES Deputy Director House
SES Director, Office of Small and Disadvantaged Business Utilization
SES* Assistant to the Secretary and Director—External Affairs
SES Legislative Counsel
SES Special Assistant (Field Rep.—Sacramento)
SES Special Assistant (Field Rep. Denver)
SES* Associate Director/Assistant to the Assistant Secretary—PBA
SES Assistant Director, Title VI
AD Commissioner, Delaware River Basin Commission
AD Commissioner, Susquehanna River Basin Commission
AD Federal Co-Chairman, Alaska Land Use Council

Office of Hearings and Appeals

SES Director
SES* Special Counsel
SES* Chief, Administrative Law Judge
GS-18 Chairman, Board of Contract Appeals
GS-17 Vice Chairman, Board of Contract Appeals

Office of Inspector General

SES Assistant Inspector General—Audit
SES Assistant Inspector General—Investigations

Office of Territorial and International Affairs

SES Deputy Assistant Secretary
SES Director, Division of Technical Assistance
GS-18 High Commissioner of the Trust Territories

Office of the Solicitor

SES Deputy Solicitor
SES* Principal Deputy Solicitor
SES Special Assistant to the Solicitor
SES Associate Solicitor—Audit and Investigation
SES Associate Solicitor—Energy and Resources
SES Associate Solicitor—Indian Affairs
SES Associate Solicitor—Surface Mining
SES Regional Solicitor—Portland
SES Regional Solicitor—Anchorage
SES Regional Solicitor—Denver
SES Regional Solicitor—Sacramento
SES Regional Solicitor—Boston
SES Regional Solicitor—Tulsa
SES Regional Solicitor—Atlanta

Office of Fish and Wildlife and Parks

SES Deputy Assistant Secretary
SES Special Assistant to the Assistant Secretary—FWP (Alaska)
SES* Executive Director—National Fish and Wildlife Foundation

National Park Service

SES Director
SES Deputy Director (2)
SES Assistant Director Legislative and Congressional Affairs
SES* Executive Director President's Commission on Americans Outdoors
SES Associate Director—Natural Resource
SES Associate Director—Park Operations
SES Associate Director—Cultural Resources
SES Senior Scientist
SES Director, National Capital Region
SES Regional Director, Seattle
SES Regional Director, Atlanta
SES Regional Director, Philadelphia
SES Regional Director, Omaha
SES Regional Director, Alaska
SES Regional Director, Boston
SES Regional Director, Santa Fe
SES Regional Director, San Francisco
SES Regional Director, Denver
SES* Associate Director, Planning and Development

U.S. Fish and Wildlife Service

SES Deputy Director
SES Associate Director, Wildlife Resources
SES Associate Director, Habitat Resources
SES Associate Director, Research and Development
SES Associate Director, Federal Assistance
SES Associate Director, Fishery Resources
SES Assistant Director for Administration
SES Assistant Director, Planning and Budget
SES Regional Director, Portland
SES Regional Director, Twin Cities
SES Regional Director, Atlanta
SES Regional Director, Boston
SES Regional Director, Anchorage
SES Regional Director, Denver
SES Regional Director, Albuquerque

Office of Water and Science

SES Deputy Assistant Secretary
SES Staff Assistant to Assist Secretary
SES* Staff Assistant
SES Staff Assistant—Economics

Bureau of Reclamation

SES Special Assistant to the Commissioner
SES Assistant Commissioner, Planning and Operations
SES Assistant Commissioner, Administration
SES Special Assistant to Commissioner for State Liaison
SES Assistant Commissioner, Engineering and Research
SES Regional Director, Lower Colorado (Boulder City)
SES Regional Director, Mid-Pacific (Sacramento)
SES Regional Director, Pacific Northwest (Boise)
SES Regional Director, Lower Missouri (Denver)
SES Regional Director, Upper Colorado (Salt Lake City)

SES Regional Director, Southwest (Amarillo)
SES Regional Director, Upper Missouri (Billings)
SES* Western Program Coordinator (Denver)

Bureau of Mines

SES Deputy Director
SES Chief Staff Officer
SES Chief Mining Engineer
SES Assistant Director, Mining Research
SES Assistant Director, Minerals Information
SES* Assistant Director, Management Resources
SES Assistant Director, Management Services
SES Assistant Director, Minerals Data Analysis
SES Assistant Director, Minerals and Materials Research

U.S. Geological Survey

SES Associate Director
SES Assistant Director, Research
SES Assistant Director, Engineering Geology
SES Assistant Director for Information Systems
SES Assistant Director, Administration
SES Assistant Director for Programs
SES Assistant Director, Intergovernmental Affairs

Land and Minerals Management

SES Deputy Assistant Secretary (2)
SES Staff Assistant to the Assistant Secretary

Minerals Management Service

SES Director
SES Associate Director for Royalty Management
SES Associate Director for Offshore Minerals
SES Assistant Director for Administration
SES Regional Director, Gulf of Mexico OCS Region
SES Regional Director, Pacific OCS Region
SES Regional Director, Atlantic OCS Region
SES Regional Director, Alaska OCS Region

Office of Surface Mining

SES Deputy Director (Operations)
SES Deputy Director (Policy)
SES Assistant Director for Technical Standards and Research
SES* Assistant Director for Finance and Accounting
SES Assistant Director for Budget and Administration
SES* Special Assistant to the Assistant Director—Technical Service and Research

Bureau of Land Management

SES Associate Director
SES* Special Assistant to the Associate Director
SES Deputy Director—Energy and Mineral Resources
SES Assistant to the Deputy Director—Energy and Mineral Resources
SES Deputy Director—Lands and Renewable Resources
SES Deputy Director, Management Services
SES Assistant Director for Administration
SES Assistant Director—Technical Services
SES Assistant Director—Renewable Resources
SES Assistant Director Solid Leasable Minerals
SES Chief, Planning and Environmental Coordination
SES Assistant Director—Fluid Leasable Minerals
SES Associate Deputy Director—Energy and Mineral Resources/Assistant Director—Mineral Resources and Mining Law
SES State Director—Eastern States
SES State Director—Utah
SES State Director—Wyoming
SES State Director—Montana
SES State Director—Colorado
SES State Director—California
SES State Director—Alaska
SES State Director—Oregon
SES State Director—Arizona
SES State Director—New Mexico
SES State Director—Idaho
SES State Director—Nevada
SES Director, Denver Service Center (2)

Policy, Budget and Administration

SES Principal Deputy Assistant Secretary
SES Deputy Assistant Secretary (2)
SES* Controller (Principal Deputy Assistant Secretary)
SES* Assistant to the Controller (2)
SES* Counselor to the Controller
SES Deputy Assistant Secretary and Director, Office of Policy Analysis
SES Director, Office of Aircraft Services
SES Special Assistant to the Assistant Secretary (2)
SES Director, Office of Acquisition and Property Management
SES Chief, Division of Acquisition and Grants
SES Director, Office of Information Resources Management
SES Director, Office of Environmental Project Review
SES Director, Office of Administrative Services
SES Director, Office of Budget
SES Deputy Director, Office of Budget
SES Chief, Division of Budget Operations (A)
SES Chief, Division of Budget Operations (B)
SES Deputy Director, Office of Policy Analysis
SES Assistant Director for Economics
SES Assistant Director for Studies
SES Director, Office of Personnel
SES Deputy Director, Office of Personnel
SES Director, Office of Financial Management
SES Deputy Director, Office of Financial Management

Bureau of Indian Affairs

SES Deputy Assistant Secretary (Operations)
SES Director Indian Services
SES Director of Trust Responsibilities
SES Director of Indian Education Programs
SES Director, Office of Data System
SES Deputy Director of Indian Education Programs (Comptroller)
SES Director, Office of Administration
SES Area Director, Muskogee
SES Area Director, Anadarko
SES Area Director, Navajo
SES Area Director, Albuquerque
SES Area Director, Portland
SES Area Director, Juneau
SES Area Director, Minneapolis
SES Area Director, Eastern Area
SES Area Director, Phoenix
SES Area Director, Aberdeen
SES Area Director, Billings
SES Area Director, Sacramento

AGENCY: DEPARTMENT OF JUSTICE

Positions:

Office of the Attorney General

SES Counselor to the Attorney General
SES Special Counsel to the Attorney General (Vacant)

Office of the Deputy Attorney General

SES All Associate Deputy Attorneys General (4) (2 Vacant)

Office of the Associate Attorney General

SES All Deputy Associate Attorneys General (4)
SES* Assistant Associate Attorney General

Office of the Solicitor General

SES All Deputy Solicitors General (5)

Legal Divisions: Antitrust, Civil, Civil Rights, Criminal, Land and Natural Resources, and Tax

SES All Deputy Assistant Attorneys General in Legal Divisions (21)
SES Special Counsel to the Asst. Attorney General, Tax Division
SES Director of Operations, Antitrust Division
SES Director, Economic Policy, Antitrust Division
SES Chief, Organized Crime and Racketeering Section, Criminal Division

Office of Legal Counsel

SES All Deputy Assistant Attorneys General (3)

Office of Legislative and Intergovernmental Affairs

No section 207(d)(1)(C) designations.

Justice Management Division

SES Assistant Attorney General for Administration
SES All Deputy Assistant Attorneys General (4)
SES Senior Management Counsel
SES Staff Directors (10)
SES Deputy Director, Audit Staff

Office of Public Affairs

SES Director

Office of the Pardon Attorney

No section 207(d)(1)(C) designations.

United States Parole Commission

GS-18 All Commissioners (9)

United States Marshals Service

SES Director
SES Deputy Director

SES Assistant Director for Operations
SES Assistant Director for Administration

United States Attorneys

SES All United States Attorneys (89)

Drug Enforcement Administration

GS–18 All Assistant Administrators (3)
GS–17 All Deputy Assistant Administrators (8)

Federal Bureau of Investigation

GS–18 Executive Assistant Directors (3) (1 Vacant)
GS–18 All Assistant Directors (12)
GS–17 All Inspectors/Deputy Assistant Directors (18)
GS–18 or GS–17 All Special Agents in Charge of Field Offices above GS–16 (25)
GS–17 Special Assistant to the Director

Immigration and Naturalization Service

SES Deputy Commissioner
SES All Associate Commissioners (4)
SES All Regional Commissioners (4)
SES General Counsel
SES Executive Associate Commissioner

Bureau of Prisons

SES All Assistant Directors (2)
SES All Regional Directors (5)
SES Associate Commissioner for Prison Industries
SES Wardens (13)
SES Deputy Associate Commissioner/Secretary for Prison Industries
SES Deputy Associate Commissioner for Prison Industries
SES General Counsel
SES Director, National Institute of Corrections

Community Relations Service

Office of Justice Assistance, Research, and Statistics

SES Comptroller
SES General Counsel

National Institute of Justice

SES Assistant Director, Office of Development Testing and Dissemination
SES Assistant Director, Office of Research Programs

Office of Juvenile Justice and Delinquency Prevention

SES Deputy Administrator

Bureau of Justice Statistics

SES Deputy Director

Office of Legal Policy

SES Deputy Assistant Attorneys General (3)

Office of Intelligence Policy Review

SES Counsel for Intelligence Policy
SES Deputy Counsel for Intelligence Policy
SES Deputy Counsel for Intelligence Operations

Foreign Claims Settlement Commission

SES General Counsel

AGENCY: DEPARTMENT OF LABOR

Positions:

Office of the Inspector General (OIG)

SES Deputy Inspector General
SES Assistant Inspector General for Investigations
SES Assistant Inspector General for Audit
SES Deputy Assistant Inspector General for Audit
SES Assistant Inspector General for Resource Management and Legislative Assessment

Women's Bureau

GS–17 Director
SES Deputy Director

Office of The Assistant Secretary For Legislative Affairs

No section 207(d)(1)(C) designations.

Office of the Assistant Secretary Administration and Management

SES Deputy Assistant Secretary
SES Director, Office of Procurement and Grants Management
SES Comptroller for the Department
SES Deputy Comptroller

Office of Administrative Law Judges (ALJ)

No section 207(d)(1)(C) designations.

Office of the Assistant Secretary for Labor-Management Relations (LMSA)

SES Deputy Assistant Secretary for Management and Services
SES Deputy Assistant Secretary for Program Operations
SES Administrator for Pension and Welfare Benefit Programs (PWBP)
SES Deputy Administrator for Pension and Welfare Benefit Programs (PWBP)
SES Director, Office of Labor-Management Standards Enforcement (LMSE)

Office of the Assistant Secretary for Occupational Safety and Health Administration (OSHA)

SES Deputy Assistant Secretary for Occupational Safety and Health Administration
SES Director, Policy Analysis, Integration and Evaluation
SES Director, Federal Compliance and State Programs
SES Director, Safety Standards Programs
SES Director, Health Standards Programs
SES Director, Technical Support, TECFAP

Office of the Assistant Secretary for Mine Safety and Health Administration (MSHA)

SES Deputy Assistant Secretary for Mine Safety and Health Administration
SES Administrator for Metal and Nonmetal Mine Safety and Health
SES Deputy Administrator for Metal and Nonmetal Mine Safety and Health
SES Administrator for Coal Mine Safety and Health
SES Deputy Administrator for Coal
SES Director of Technical Support
SES Director of Educational Policy and Development
SES Chief, Standards, Regulations and Variances

Office of the Deputy Under Secretary for Employment Standards Administration (ESA)

SES Deputy Under Secretary for Employment Standards
SES Associate Deputy Under Secretary for Employment Standards
SES Director, Office of Federal Contract Compliance Programs (OFCCP)
SES Deputy Director, OFCCP
SES Deputy Administrator, Wage and Hour Division (WH)
SES Director, Office of Workers' Compensation Programs (OWCP)
SES Deputy Director, OWCP for Operations

Bureau of Labor Statistics (BLS)

SES Deputy Commissioner For Administration and Internal Operations

Office of the Solicitor of Labor

SES Deputy Solicitor
SES Deputy Solicitor for Regional Operations

Office of the Assistant Secretary, Employment and Training Administration (ETA)

SES Associate Assistant Secretary, ETA
SES Administrator, Office of Strategic Planning and Policy Development (OSPPD)
SES Deputy Administrator, Office of Strategic Planning and Policy Development (OSPPD)
SES Director, Office of Research and Evaluation, OSPPD
SES Administrator, Office of Employment Security (OES)
SES Administrator, Office of Comprehensive Employment and Training (OCET)
SES Deputy Administrator, Office of Comprehensive Employment and Training (OCET)
SES Administrator, Office of Financial Control and Management Systems (OFCMS)

Office of the Deputy Under Secretary for International Labor Affairs (ILAB)

SES Deputy Under Secretary for International Affairs
SES Associate Deputy Under Secretary for International Labor Affairs

Office of the Assistant Secretary for Policy (ASP)

SES Deputy Assistant Secretary for Policy, Evaluation and Research
SES Deputy Assistant Secretary for Economic Policy and Research

National Commission for Employment Policy (NCEP)

GS–18 Director

President's Committee on Employment of the Handicapped (PCEH)

SES Executive Director
SES Deputy Executive Director

Office of the Assistant Secretary for Veterans' Employment

SES Deputy Assistant Secretary

AGENCY: DEPARTMENT OF STATE

Positions:

FEMC Executive Asst to Secretary, S
FEMC SA to Sec & Coord Int'l Lab Aff, S/IL
ESOO* Chief of Protocol, S/CPR
FEMC SA to Sec & Exec Sec of Dept., S/S
ESOO* Mem. For Pol Planning Council, S/P (2)
FEMC Mem. Foreign Policy Plan Council, S/P
ESOO* Chairman, Policy Plan Council, S/P
FEMC Exec Asst to Deputy Secretary, D
FEMC Office Director, M/CT
FEMC Deputy to the Under Secretary, P
ESOO* Coord. Int'l Comm & Info Pol, T/CIP
FEMC Deputy Coordinator, T/CIP
FEMC Deputy Under Secretary for Economic Affairs, E
FEMC Executive Assistant, M
ESOO* Deputy Assistant Secretary, M/EEOCR
FEMC Dir of Management Operations, M/MO
FEMC Dep Dir of Mgmt Operations, M/MO (3)
ESOO* Director, Off of For Missions, M/OFM
FEMC Program Director, M/OFM
FEMC Deputy Inspector General, S/IG (2)
ESOO* State Representative, PM/SREP
ESOO* Dep Rep START Negotiations, PM/SREP
FEMC United States Representative, PM/CDE
FEMC Deputy Assistant Secretary, PM/RASA
FEMC* Deputy Assistant Secretary, PM/PDAS
ESOO* Deputy Asst Secretary, PM/DAC
ESOO* Deputy Asst Secretary, HA (2)
ESOO* Deputy Asst Secretary, INM
FEMC Deputy Assistant Secretary, INM
ESOO* Principal Deputy Asst Secretary, OES
ESOO* Deputy Asst Secretary, OES/O
ESOO* Deputy Asst Secretary, OES/S
ESOO* Deputy Asst Secretary, OES/E
ESOO* Deputy Asst Secretary, OES/N
ESOO* Director of Refugee Programs, RP
FEMC Deputy Assistant Secretary, RP/MCT
ESOO* Deputy Asst Secretary, RP/IA
ESOO* Deputy Asst Secretary, RP/RE
ESOO* Deputy Legal Adviser, L (4)
FEMC Deputy Assistant Secretary, EB
FEMC Deputy Assistant Secretary, EB/TDC
FEMC Deputy Assistant Secretary, EB/IFD
ESOO* Deputy Asst Secretary, EB/TT
FEMC Deputy Assistant Secretary, EB/IEP
ESOO* Deputy Asst Secretary, EB/ITC
FEMC Deputy Assistant Secretary, INR
FEMC Deputy Assistant Secretary, INR/CA
FEMC Deputy Assistant Secretary, INR/C
ESOO* Deputy Assistant Secretary, INR/AR
ESOO* Deputy Asst Secretary, INR/I
ESOO* Deputy Asst Secretary, H (3)
FEMC Deputy Assistant Secretary, H
ESOO* Comptroller, M/COMP
ESOO* Deputy Assistant Secretary, PA
FEMC Deputy Assistant Secretary, PA
ESOO* Deputy Asst Secretary, ARA (2)
FEMC Deputy Assistant Secretary, ARA (3)
FEMC Dep US Representative, ARA/USOAS
ESOO* Deputy Asst Secretary, EUR
FEMC Deputy Assistant Secretary, EUR (4)
FEMC Deputy Assistant Secretary, EAP (4)
ESOO* US Representative, EAP/PIA
ESOO* Deputy Asst Secretary, NEA
FEMC Deputy Assistant Secretary, NEA (4)
ESOO* Deputy Asst Secretary, AF
FEMC Deputy Assistant Secretary, AF
FEMC Deputy Assistant Secretary, AF (2)
AD00 United States Representative, USUN (5)
AD00 Deputy U.S. Representative, USUN
FEMC Dep US Representative, USUN
ESOO* Dep Asst Sec Pvt Sec Initiatives
FEMC Deputy Assistant Secretary, IO (2)
ESOO* Deputy Assistant Secretary, IO
FEMC Deputy Assistant Secretary, A/CDC
FEMC Deputy Assistant Secretary, A/FBO
FEMC Director Assistant Secretary, DGP/PER (2)
FEMC Deputy Assistant Secretary, A/OPR
FEMC Deputy Assistant Secretary, A/SY
FEMC Director Foreign Service Inst, M/FSI
FEMC Deputy Assistant Secretary, A/OC
FEMC Deputy Assistant Secretary, CA
FEMC Deputy Assistant Secretary, CA/PPT
FEMC Deputy Assistant Secretary, CA/VO
ESOO Deputy Assistant Secretary, CA/OCS
FEMC Deputy Chief of Mission, Buenos Aires
FEMC* Deputy Chief of Mission, Brasilia
FEMC Principal Officer, Rio De Jan
FEMC Principal Officer, Sao Paulo
FEMC Deputy Chief of Mission, Bogota
FEMC Principal Officer, Havana
FEMC Charge d'Affaires, St. Georges
FEMC Deputy Chief of Mission, Kingston
FEMC Deputy Chief of Mission, Mexico D.F
FEMC Deputy Chief of Mission, Panama
FEMC Deputy Chief of Mission, Lima
FEMC Deputy Chief of Mission, Caracas
FEMC Deputy Chief of Mission, Vienna
FEMC* United States Representative, UNVIE Vienna
FEMC Dep US Representative, UNVIE Vienna
FEMC United States Representative, MBFR Vienna
FEMC Dep US Representative, MBFR Vienna
FEMC Deputy Chief of Mission, Brussels
FEMC Deputy Chief of Mission, Brussel—EC
FECM United States Representative, Brussels NTO
FEMC Deputy Chief of Mission, Brussels NTO
FEMC Deputy Chief of Mission, Athens
FEMC United States Representative, Montreal
FEMC Deputy Chief of Mission, Ottawa
FEMC Principal Officer, Montreal
FEMC Principal Officer, Toronto
FEMC Deputy Chief of Mission, London
FEMC Deputy Chief of Mission, Paris
FEMC Deputy Chief of Mission, OECD Paris
FEMC United States Representative, OECD Paris
FEMC Deputy Chief of Mission, Bonn
FEMC Assistant Chief of Mission, Berlin
FEMC Principal Officer, Frankfurt
FEMC Principal Officer, Munich
FEMC Deputy Chief of Mission, Rome
FEMC Principal Officer, Milan
FEMC Principal Officer, Naples
FEMC United States Representative, USM FAO Rome
FEMC Deputy U.S. Representative, USM FAO Rome
FEMC Charge d'Affaires, Warsaw
FEMC Deputy Chief of Mission, Madrid
FEMC Deputy Chief of Mission, Stockholm
FEMC United States Representative, US MIS GEN
FEMC Dep US Representative, US MIS GEN
FEMC* U.S. Negotiator, Geneva (3)
FEMC Deputy Chief of Mission, Ankara
FEMC Principal Officer, Istanbul
FEMC Deputy Chief of Mission, Moscow
FEMC Principal Officer, Hong Kong
FEMC Deputy Principal Officer, Hong Kong
FEMC Deputy Chief of Mission, Beijing
FEMC Principal Officer, Guangzhou
FEMC Deputy Chief of Mission, Jakarta
FEMC Deputy Chief of Mission, Canberra
FEMC Principal Officer, Melbourne
FEMC Principal Officer, Sydney
FEMC Deputy Chief of Mission, Tokyo
FEMC Deputy Chief of Mission, Seoul
FEMC Deputy Chief of Mission, Vientiane
FEMC Deputy Chief of Mission, Manila
FEMC Director, Asian Develop Bank, ASIAN DEV BK
FEMC Deputy Chief of Mission, Bangkok
FEMC Deputy Chief of Mission, Cairo
FEMC Deputy Chief of Mission, New Delhi
FEMC Principal Officer, Bombay
FEMC Principal Officer, Baghdad
FEMC Deputy Chief of Mission, Tel Aviv
FEMC Principal Officer, Jerusalem
FEMC Deputy Chief of Mission, Beirut
FEMC Deputy Chief of Mission, Islamabad
FEMC* Principal Officer, Karachi
FEMC* Deputy Chief of Mission, Riyadh
FEMC Deputy Chief of Mission, Kinshasa
FEMC Charge d'Affaires, Add. Ababa
FEMC Deputy Chief of Mission, Nairobi
FEMC Deputy Chief of Mission, Lagos
ADOO Commissioner, IJC
SROO Commissioner Intl Joint Comm, IJC
SROO* Commissioner Intl Joint Comm, IJC

AGENCY: DEPARTMENT OF TRANSPORTATION

Positions:

OFFICE OF THE SECRETARY OF TRANSPORTATION

SES Deputy General Counsel
SES Deputy Assistant Secretary for Planning and Policy Analysis
SES Deputy Assistant Secretary for Policy and Program Development
SES Deputy Assistant Secretary for Budget and Programs
SES Deputy Assistant Secretary for Governmental Affairs
SES* Deputy Assistant Secretary for Public Affairs
SES Assistant Secretary for Administration
SES Deputy Assistant Secretary for Administration
SES* Director, Office of Commercial Space Transportation
SES Director, Office of Civil Rights
SES* Director, Office of Essential Air Service

OFFICE OF THE INSPECTOR GENERAL

SES Assistant Inspector General for Auditing, Office of the Secretary
SES Deputy Assistant Inspector General for Auditing
SES Director, Office of Surface Transportation Programs, Office of the Assistant Inspector General for Auditing
SES Director, Office Aviation, Marine and Research Programs, Office of the Inspector General for Auditing
SES Director, Office of ADP Audits and Technical Support
SES Assistant Inspector General for Investigations
SES Assistant Inspector General for Policy, Planning and Resources

UNITED STATES COAST GUARD

0-7/0-8 Chief Counsel
SES Deputy Chief Counsel
0-7/0-8 Chief of Staff
0-7/0-8 Chief, Office of Boating, Public and Consumer Affairs
0-7/0-8 Comptroller
0-7/0-8 Chief, Office of Engineering
0-7/0-8 Chief, Office of Marine Environment and Systems
0-7/0-8 Chief, Office of Merchant Marine Safety
0-7/0-8 Chief, Office of Navigation
0-7/0-8 Chief, Office of Command, Control and Communication
0-7/0-8 Chief, Office of Operations
0-7/0-8 Chief, Office of Research and Development
0-7/0-8 District Commanders (10)

FEDERAL AVIATION ADMINISTRATION

SES Associate Administrator for Administration
SES Deputy Associate Administrator for Administration
SES Associate Administrator for Airports
SES Deputy Associate Administrator for Airports
SES Associate Administrator for Development and Logistics
SES Deputy Associate Administrator for Development and Logistics
SES Associate Administrator for Aviation Standards
SES Deputy Associate Administrator for Aviation Standards
SES Associate Administrator for Air Traffic
SES Deputy Associate Administrator for Air Traffic
SES Associate Administrator for Policy and International Aviation
SES Deputy Associate Administrator for Policy and International Aviation
SES Associate Administrator for Human Resource Management
SES Deputy Associate Administrator for Human Resource Management
SES Chief Counsel
SES Deputy Chief Counsel
SES Director, Office of Aviation Safety
SES Deputy Director, Office of Aviation Safety
SES Federal Air Surgeon
SES Deputy Federal Air Surgeon
SES Director, Eastern Region (New York)
SES Deputy Director, Eastern Region
SES Director, New England Region (Boston)
SES Deputy Director, New England Region
SES Director, Southern Region (Atlanta)
SES Deputy Director, Southern Region
SES Director, Southwest Region (Fort Worth)
SES Deputy Director, Southwest Region
SES Director, Central Regional (Kansas City)
SES Deputy Director, Central Region
SES Director, Great Lakes Region (Chicago)
SES Deputy Director, Great Lakes Region
SES Director, Western-Pacific Region (Los Angeles)
SES Deputy Director, Western-Pacific Region
SES Director, Northwest Mountain Region (Seattle)
SES Deputy Director, Northwest Mountain Region
SES Director, Alaska Region (Anchorage)
SES Director, Europe, Africa, and Middle East Office (Brussels)

FEDERAL HIGHWAY ADMINISTRATION

SES Deputy Administrator
SES* Executive Director
SES Associate Administrator for Planning and Policy Development
SES Associate Administrator for Research Development and Technology
SES Associate Administrator for Right-Of-Way and Environment
SES Associate Administrator for Engineering and Operations
SES Associate Administrator for Safety and Traffic Engineering
SES* Associate Administrator for Motor Carriers
SES Associate Administrator for Administration
SES Chief Counsel
SES* Deputy Chief Counsel
SES Regional Federal Highway Administrators (9)

FEDERAL RAILROAD ADMINISTRATION

SES Deputy Administrator
SES* Special Assistant to the Administrator
SES Associate Administrator for Administration
SES* Executive Director
SES Chief Counsel
SES* Deputy Chief Counsel
SES Associate Administrator for Federal Assistance
SES Deputy Associate Administrator for Passenger and Freight Services
SES Associate Administrator for Research and Development
SES Associate Administrator for Policy
SES* Deputy Associate Administrator for Policy
SES Associate Administrator for Safety
SES Deputy Associate Administrator for Safety

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SES Deputy Administrator
SES Chief Counsel
SES Associate Administrator for Rulemaking
SES Associate Administrator for Plans and Programs
SES Associate Administrator for Traffic Safety Programs
SES Associate Administrator for Research and Development
SES Deputy Associate Administrator for Research and Development
SES Associate Administrator for Enforcement
SES Associate Administrator for Administration

URBAN MASS TRANSPORTATION ADMINISTRATION

SES Deputy Administrator
SES Executive Director
SES Associate Administrator for Administration
SES Chief Counsel
SES Director, Office of Financial Management
SES Associate Administrator for Technical Assistance
SES Associate Administrator for Budget and Policy
SES Associate Administrator for Grants Management

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SES Chief Counsel
SES Associate Administrator

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

SES Administrator
SES* Deputy Administrator
SES Chief Counsel
SES* Director, Office of Hazardous Materials Transportation
SES* Director, Office of Pipeline Safety
SES Director, Transportation Systems Center
SES Deputy Director, Transportation Systems Center

MARITIME ADMINISTRATION

SES Deputy Administrator
SES Deputy Administrator for Inland Waterways and Great Lakes
SES* Special Assistant to Maritime Administrator
SES Chief Counsel
SES Deputy Chief Counsel
SES Associate Administrator for Administration
SES* Associate Administrator for Policy and International Affairs
SES Associate Administrator for Maritime Aids
SES Associate Administrator for Shipbuilding, Operations and Research
SES Director, Office of Naval Architecture and Engineering, Office of the Associate Administrator for Shipbuilding and Research
SES Director, Office of Shipbuilding Costs and Production, Office of the Associate Administrator for Shipbuilding Operations and Research
SES Director, Office of Ship Operations, Office of the Associate Administrator for Shipbuilding Operations and Research
SES* Senior Advisor for Research and Development
SES Associate Administrator for Marketing and Domestic Enterprise
SES Superintendent, Merchant Marine Academy

AGENCY: DEPARTMENT OF THE TREASURY

Positions:

OFFICE OF THE INSPECTOR GENERAL

SES Inspector General
SES* Deputy Inspector General

OFFICE OF THE ASSISTANT SECRETARY FOR DOMESTIC FINANCE

SES Deputy Assistant Secretary, State and Local Finance
SES Deputy Assistant Secretary, Federal Finance

OFFICE OF THE ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS

SES Deputy Assistant Secretary for International Monetary Affairs
SES Deputy Assistant Secretary for Developing Nations Finance
SES Deputy Assistant Secretary, Trade and Investment Policy

OFFICE OF THE ASSISTANT SECRETARY FOR TAX POLICY

SES Deputy Assistant Secretary, Tax Policy
SES Deputy Assistant Secretary, Tax Analysis

OFFICE OF THE FISCAL ASSISTANT SECRETARY

SES Assistant Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR MANAGEMENT

SES Deputy Assistant Secretary for Administration
SES* Deputy Assistant Secretary for Departmental Management
SES* Deputy Assistant Secretary (Management) for Information Systems

TREASURER OF THE UNITED STATES

GS–18 Treasurer and National Savings Bond Director, Office of the Secretary
SES Deputy Treasurer

OFFICE OF REVENUE SHARING

SES Director

COMPTROLLER OF THE CURRENCY

SES Deputy Comptroller, Industry and Public Affairs
SES Senior Deputy Comptroller for National Operations
SES Senior Deputy Comptroller for Policy and Planning
SES Senior Deputy Comptroller for Bank Supervision

CUSTOMS SERVICE

SES Commissioner
SES Deputy Commissioner
SES Assistant Commissioner, International Affairs
SES Assistant Commissioner, Enforcement
SES Deputy Assistant Commissioner, Enforcement
SES Director, Office of Investigations
SES Assistant Commissioner, Commercial Operations
SES Deputy Assistant Commissioner, Inspection and Control
SES* Director, Office of Intelligence
SES Assistant Commissioner, Inspection and Control
SES Comptroller
SES Assistant Commissioner, Internal Affairs

FINANCIAL MANAGEMENT SERVICE

SES Commissioner
SES Deputy Commissioner

INTERNAL REVENUE SERVICE

SES Deputy Commissioner
SES Associate Commissioner (Data Processing)
SES Associate Commissioner (Operations)
SES Associate Commissioner (Policy and Management)
SES Assistant Commissioner (Inspection)
SES Regional Commissioner (C)
SES Regional Commissioner (MA)
SES Regional Commissioner (MW)
SES Regional Commissioner (NA)
SES Regional Commissioner (SE)
SES Regional Commissioner (SW)
SES Regional Commissioner (W)

LEGAL DIVISION

SES Deputy General Counsel, Office of the General Counsel
SES Tax Legislative Counsel, Office of the Assistant Secretary (Tax Policy)
SES International Tax Counsel, Office of the Assistant Secretary (Tax Policy)
SES Chief Counsel, U.S. Customs Service
SES Deputy Chief Counsel, U.S. Customs Service
SES Chief Counsel, Comptroller of the Currency
SES Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
SES Deputy Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
SES Deputy Chief Counsel, Internal Revenue Service

U.S. MINT

GS–18 Director
SES Deputy Director of the Mint
SES Associate Director for Policy and Management
SES Associate Director for Operations

U.S. SAVINGS BONDS DIVISION

No section 207(d)(1)(C) designations.

U.S. SECRET SERVICE

SES Director
SES Deputy Director

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SES Director
SES Deputy Director/Associate Director (Compliance Operations)
SES Deputy Director/Associate Director (Law Enforcement)
SES Assistant Director, Internal Affairs

BUREAU OF PUBLIC DEBT

SES Commissioner of Public Debt

OFFICE OF REVENUE SHARING

SES Director

FEDERAL LAW ENFORCEMENT TRAINING CENTER

No section 207(d)(1)(C) designations.

BUREAU OF ENGRAVING AND PRINTING

SES Director
SES Deputy Director
SES Assistant Director (Administration)
SES Assistant Director (Operations)
SES Assistant Director (Research and Engineering)

AGENCY: ACTION

Positions:

SES Executive Officer
SES Deputy Associate Director for Older Americans Volunteer Program (OAVP)
SES Assistant Director for Administration
SES Deputy Assistant Director for Administration
SES General Counsel
SES Deputy Assistant Director for Volunteer Liaison
SES Assistant Director for Financial Management
SES Deputy Associate Director for VISTA/Service Learning Programs
SES Director, Vietnam Veterans Leadership Program
SES Inspector General
SES Executive Assistant
SES Deputy General Counsel

AGENCY: ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Positions:

SES General Counsel
SES Executive Director
SES Research Director

AGENCY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

Positions:

SES Executive Director
SES General Counsel

AGENCY: AMERICAN BATTLE MONUMENTS COMMISSION

Position:

0–8 Secretary

AGENCY: APPALACHIAN REGIONAL COMMISSION

Positions: No section 207(d)(1)(C) designations.

AGENCY: BOARD FOR INTERNATIONAL BROADCASTING

Position:

SES Executive Director

AGENCY: CENTRAL INTELLIGENCE AGENCY

Positions:

AD Executive Director
AD All Deputy Directors and Associate Deputy Directors of Directorates
AD All Heads of Independent Offices

AGENCY: CIVIL AERONAUTICS BOARD

Positions:

SES Managing Director, Office of Managing Director

SES Director, Office of Congressional, Community & Consumer Affairs
SES Director, Bureau of Domestic Aviation
SES Deputy Director/Associate Director, Legal, Bureau of Domestic Aviation
SES General Counsel, Office of the General Counsel
SES Deputy General Counsel, Office of the General Counsel
SES* Director, Bureau of International Aviation
SES Deputy Director, Bureau of International Aviation

AGENCY: COMMISSION ON CIVIL RIGHTS

Positions:

SES Solicitor
SES Assistant Staff Director for Regional Programs
SES Assistant Staff Director for Administration
SES Assistant Staff Director for Program Planning and Evaluation
SES Acting Assistant Staff Director for Program and Policy Review
SES Assistant Staff Director for Civil Rights Evaluation
SES Assistant Staff Director for Congressional and Public Affairs
SES Deputy Staff Director
SES General Counsel

AGENCY: COMMISSION OF FINE ARTS

Positions: No section 207(d)(1)(C) designations.

AGENCY: COMMODITY FUTURES TRADING COMMISSION

Positions:

SES Executive Director
SES Deputy Executive Director (1)
SES Director, Division of Enforcement
SES Deputy Director, Division of Enforcement (3)
SES Chief Economist, Division of Economic Analysis
SES Deputy Chief Economist, Division of Economic Analysis (1)
SES Director, Division of Trading and Markets
SES Deputy Director, Division of Trading and Markets (1)
SES Deputy General Counsel, Office of General Counsel (3)
SES Associate Director for Market Analysis, Division of Economic Analysis
SES General Counsel
SES Associate General Counsel for Opinions and Review, Office of General Counsel
SES Associate Director for Surveillance, Division of Economic Analysis
SES Chief Counsel, Division of Trading and Markets

AGENCY: CONSUMER PRODUCT SAFETY COMMISSION

Positions:

SES General Counsel
SES Executive Director
SES Deputy Executive Director
SES Associate Executive Director for Engineering Sciences
SES Associate Executive Director for Administration
SES Associate Executive Director for Compliance and Administrative Litigation
SES Associate Executive Director for Health Sciences
SES Associate Executive Director for Epidemiology
SES Director, Office of Program Management
SES Director, Office of Budget, Program Planning and Evaluation
SES* Associate Executive Director for Field Operations

AGENCY: COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Positions: No section 207(d)(1)(C) designations.

AGENCY: DISTRICT OF COLUMBIA GOVERNMENT

Positions:

AD Superintendent of Schools
AD President, University of the District of Columbia
AD General Manager, Convention Center

AGENCY: ENVIRONMENTAL PROTECTION AGENCY

Positions:

SES Regional Administrator, Region I
SES Regional Administrator, Region II
SES Regional Administrator, Region III
SES Regional Administrator, Region IV
SES Regional Administrator, Region V
SES Regional Administrator, Region VI
SES Regional Administrator, Region VII
SES Regional Administrator, Region VIII
SES Regional Administrator, Region IX
SES Regional Administrator, Region X
SES Director, Office of Radiation Programs, OAR
SES Director, Office of Water Program Operations, OW
SES Director, Office of Water Regulations and Standards, OW
SES Director, Office of Solid Waste, SWER
SES Director, Office of Drinking Water, OW
SES Director, Office of Pesticides Programs, OPTS
SES Director, Office of Monitoring Systems and Quality Assurance, ORD
SES Director, Office of Environmental Processes and Effects Research, ORD
SES Director, Office of Environmental Engineering and Technology, ORD
SES Director, Office of Toxic Substances, OPTS
SES Deputy General Counsel, OGC
SES Director, Office of Federal Activities, OEA
SES Director, Office of Mobile Sources, OAR
SES Director, Office of Emergency and Remedial Response, SWER
SES Deputy Inspector General, OIA
SES Deputy Inspector General for Investigations, OIG
SES* Deputy Assistant Administrator for Administration and Resource Management, OARM
SES* Senior Enforcement Counsel, OECM
SES* Deputy Assistant Administrator for Policy, Planning and Evalution, OPPE
SES* Director, Office of Policy Analysis, OPPE
SES* Director, Office of Standards and Regulations, OPPE
SES* Deputy Assistant Administrator for External Affairs, OEA
SES* Director, Office of Congressional Liaison, OEA
SES* Director, Office of Legislative Analysis
SES* Assistant Inspector General for Audits, OIG
SES* Deputy Assistant Administrator for Water, OW
SES* Director, Office of Marine and Estaurine Protection, OW
SES* Director, Office of Ground Water Protection, OW
SES* Director, Office of Water Enforcement and Permits, OW
SES* Deputy Assistant Administrator for Solid Waste and Emergency Response, SWER
SES* Director, Office of Waste Programs Enforcement, SWER
SES* Deputy Assistant Administrator for Air and Radiation, OAR
SES* Director, Office of Air Quality Planning and Standards, OAR
SES* Deputy Assistant Administrator for Pesticides and Toxic Substances, OPTS
SES* Deputy Assistant Administrator for Research and Development, ORD
SES* Director, Office of Health Research, ORD
SES* Deputy Regional Administrator, Region I
SES* Deputy Regional Administrator, Region II
SES* Deputy Regional Administrator, Region III
SES* Deputy Regional Administrator, Region IV
SES* Deputy Regional Administrator, Regional V
SES* Deputy Regional Administrator, Region VI
SES* Deputy Regional Administrator, Region VII
SES* Deputy Regional Administrator, Region VIII
SES* Deputy Regional Administrator, Region IX
SES* Deputy Regional Administrator, Region X

AGENCY: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Positions:

SES Deputy General Counsel
SES Associate General Counsel for Trial Services
SES Legal Counsel
SES Director, Office of Program Operations

AGENCY: EXPORT-IMPORT BANK OF THE UNITED STATES

Positions:

GS–18 General Counsel
GS–17 Senior Vice President, Exporter Credits, Guarantees and Insurance

GS–17 Senior Vice President, Direct Credits and Financial Guarantees
GS–17 Senior Vice President for Finance

AGENCY: FARM CREDIT ADMINISTRATION

Positions:

SES Senior Deputy Governor
SES* Executive Assistant and Secretary to the Federal Farm Credit Board
SES General Counsel
SES* Director of Internal Audit
SES Deputy Governor and Chief Examiner, Office of Examination and Supervision (OES)
SES Associate Deputy Governor, OES
SES Assistant Deputy Governor, OES
SES Division Director, Division A, OES
SES Division Director, Division B, OES
SES Division Director, Division C, OES
SES Division Director, Division D, OES
SES Deputy Governor, Office of Administration
SES Associate Deputy Governor and Chief Economist, Office of Administration
SES Director, Congressional and Public Affairs Division
SES Director, Records and Projects Division, OA
GS–18 (equiv.) (13) Members of the Federal Farm Credit Board

AGENCY: FEDERAL COMMUNICATIONS COMMISSION

Positions:

SES Managing Director
SES General Counsel
SES Chief Scientist
SES Chief, Mass Media Bureau
SES Chief, Common Carrier Bureau
SES Chief, Private Radio Bureau
SES Chief, Field Operations Bureau
SES Chief, Office of Plans and Policy
SES Deputy Managing Director
SES Deputy General Counsel
SES Deputy Chief Scientist (Policy)
SES Deputy Chief, Scientist (Operations)
SES Deputy Chief, Mlass Media Bureau (Operations)
SES Deputy Chief, Mass Media Bureau (Policy)
SES Deputy Chief, Common Carrier Bureau (Policy)
SES Deputy Chief, Common Carrier Bureau (Operations)
SES Deputy Chief, Private Radio Bureau
SES Deputy Chief, Field Operations Bureau
SES Deputy Chief, Office of Plans and Policy

AGENCY: FEDERAL DEPOSIT INSURANCE CORPORATION

Positions:

AD–18 Deputy to the Chairman
AD–18 Deputy to the Director (Appointive)
AD–18 General Counsel
AD–18 Director, Division of Bank Supervision
AD–18 Director, Division of Liquidation
AD–18 Director, Division of Research and Strategic Planning
AD–18 Director, Division of Accounting and Corporate Services
AD–17 Associate Director, Division of Bank Supervision, Administration and Corporate Applications
AD–17 Deputy General Counsel, Open Bank Regulation, Litigation and Legislation Branch, Legal Division
AD–17 Deputy General Counsel, Closed Bank Investigation and Litigation Branch, Legal Division
AD–17 Associate Director, Division of Bank Supervision, Enforcement and Surveillance
AD–17 Associate Director, Division of Bank Supervision, Planning and Program Development
AD–17 Deputy Director, Regional Offices Coordination, Division of Bank Supervision
AD–17 Regional Director, Atlanta Region, Division of Bank Supervision
AD–17 Regional Director, Boston Region, Division of Bank Supervision
AD–17 Regional Director, Chicago Region, Division of Bank Supervision
AD–17 Regional Director, Columbus Region, Division of Bank Supervision
AD–17 Regional Director, Dallas Region, Division of Bank Supervision
AD–17 Regional Director, Kansas City Region, Division of Bank Supervision
AD–17 Regional Director, Memphis Region, Division of Bank Supervision
AD–17 Regional Director, Minneapolis Region, Division of Bank Supervision
AD–17 Regional Director, New York Region, Division of Bank Supervision
AD–17 Regional Director, San Francisco Region, Division of Bank Supervision
AD–17 Associate Director, Division of Accounting and Corporate Services (Financial Services)
AD–17 Associate Director, Division of Accounting and Corporate Services (Management Information Services)
AD–17 Associate Director, Division of Liquidation (Operations)
AD–17 Associate Director, Division of Liquidation (Credit)
AD–16–17 Associate Director, Division of Liquidation (Administration)
AD–17 Associate Director, Division of Accounting and Corporate Services (Corporate Services)
AD–17 Regional Director (Liquidation), Atlanta Region
AD–17 Regional Director (Liquidation), Dallas Region
AD–17 Regional Director (Liquidation), New York Region
AD–17 Regional Director (Liquidation), San Francisco Region
AD–17 Regional Director (Liquidation), Chicago Region
AD–17 Associate Director, Division of Research and Strategic Planning
AD–17* Special Assistant to the Director (Appointive)
AD–17* Deputy General Counsel, Regional and Corporate Affairs Branch, Legal Division
AD–17* Regional Director (Liquidation), Kansas City Region
AD–17* Deputy Regional Director, Kansas City Region, Division of Bank Supervision

AGENCY: FEDERAL ELECTION COMMISSION

Position:

GS–17 Deputy General Counsel

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY

Positions:

SES Regional Director, FEMA, Region I, Boston Massachusetts
SES Regional Director, FEMA, Region II, New York, New York
SES Regional Director, FEMA, Region III, Philadelphia, Pennsylvania
SES Regional Director, FEMA, Region IV, Atlanta, Georgia
SES Regional Director, FEMA, Region V, Chicago, Illinois
SES Regional Director, FEMA, Region VI, Denton, Texas
SES Regional Director, FEMA, Region VII, Kansas City, Missouri
SES Regional Director, FEMA, Region VIII, Denver, Colorado
SES Regional Director, FEMA, Region IX, San Francisco, California
SES Regional Director, FEMA, Region X, Bothell, Washington

Office of Executive Administration

SES General Counsel
SES Inspector General
SES Director of Personnel
SES Comptroller
SES* Executive Administrator

Federal Insurance Administration

SES Deputy Administrator

Training and Education

SES Superintendent of National Fire Academy
SES Superintendent, Emergency Management Institute

National Preparedness Programs Directorate

SES Deputy Associate Director
SES Assistant Associate Director for Resources Preparedness
SES Assistant Associate Director for Civil Preparedness
SES Assistant Associate Director for Federal Preparedness

State and Local Programs and Support Directorate

SES Deputy Associate Director
SES Assistant Associate Director, Natural & Technological Hazards
SES Assistant Associate Director, Emergency Management Programs
SES Assistant Associate Director, Disaster Assistance Programs

AGENCY: FEDERAL ENERGY REGULATORY COMMISSION

Positions:

SES Executive Director, Office of the Executive Director
SES Deputy Executive Director, Office of the Executive Director
SES Director, Office of Electric Power Regulation

SES Deputy Director, Office of Electric Power Regulation
SES Director, Office of Pipeline and Producer Regulation
SES Deputy Director, Office of Pipeline and Producer Regulation
SES General Counsel, Office of General Counsel
SES Deputy General Counsel, Office of General Counsel
SES Director, Office of Regulatory Analysis
SES Chief Accountant, Office of Chief Accountant
SES Deputy Chief Accountant, Office of Chief Accountant
SES* Director, Office of Hydropower Licensing
SES* Deputy Director, Office of Hydropower Licensing

AGENCY: FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Positions:

GS-18 Executive Secretary

AGENCY: FEDERAL HOME LOAN BANK BOARD

Positions:

SES General Counsel
SES Director, Office of District Banks
SES Director, Office of Policy and Economic Research
SES Director, Federal Savings and Loan Insurance Corporation
SES Executive Staff Director
SES Director, Office of Examinations and Supervision
SES Director, Internal Evaluation and Compliance Office

AGENCY: FEDERAL HOME LOAN MORTGAGE CORPORATION

Positions:

AD President—Chief Executive Officer
AD Executive Vice President—Chief Financial Officer
AD Executivc Vice President—Internal and External Affairs
AD Executive Vice President—Marketing and Sales
AD Executive Vice President—Operations
AD Senior Vice President—Information Services
AD Senior Vice President—General Counsel
AD Senior Vice President—Corporate Finance and Treasurer
AD Senior Vice President—Financial and Economic Analysis
AD Vice President—Controller
AD* Regional Vice President—Western Region
AD* Regional Vice President—Southwest Region
AD* Regional Vice President—North Central Region
AD* Regional Vice President—Southeast Region
AD* Regional Vice President—Northeast Region

AGENCY: FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Positions:

SES Deputy Federal Inspector (Washington)
SES Deputy Federal Inspector (Alaska)
SES General Counsel
SES Director, Environment
SES Director, Engineering
SES Director of Administration
SES Director, Construction
SES* Director of Regulatory Affairs

AGENCY: FEDERAL LABOR RELATIONS AUTHORITY

Positions:

GS-18 Chairman, Federal Service Impasses Panel
GS-18 Members of the Federal Service Impasses Panel (6)
GS-18* Chairman, Foreign Service Impasse Disputes Panel
GS-18* Member, Foreign Service Impasse Disputes Panel (4)
GS-17 Chief Administrative Law Judge
SES Executive Director/Administrator
SES Solicitor
SES Director, Case Management
SES Chief Counsel
SES Assistant Chief Counsel, Negotiability
SES Assistant Chief Counsel, Representation and Unfair Labor Practices
SES Assistant Chief Counsel, Arbitration
SES Associate General Counsel
SES Assistant General Counsel for Field Management
SES Assistant General Counsel for Field Management/Legal Policy
SES Assistant General Counsel, Appeals
SES Regional Director, Boston
SES Regional Director, New York
SES Regional Director, Washington
SES Regional Director, Atlanta
SES Regional Director, Chicago
SES Regional Director, Dallas
SES Regional Director, Denver
SES Regional Director, Los Angeles
SES Regional Director, San Francisco
SES Executive Director, Federal Service Impasses Panel

AGENCY: FEDERAL MARITIME COMMISSION

Positions:

SES General Counsel
SES Director, Bureau of Tariffs
SES Director, Bureau of Agreements and Trade Monitoring
SES Deputy General Counsel
SES Director, Bureau of Hearing Counsel
SES Secretary
SES Director of Programs
SES Director, Office of Policy Planning and International Affairs
SES Director, Bureau of Investigations
SES Counsel to the Chairman
SES* Director, Office of Regulatory Overview

AGENCY: FEDERAL MEDIATION AND CONCILIATION SERVICE

Positions:

SES Deputy Director
SES Executive Director
SES Regional Directors (3)

AGENCY: FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
SES General Counsel

AGENCY: FEDERAL RESERVE SYSTEM

Positions:

FRO-I Staff Director for Monetary and Financial Policy
FRO-I Staff Director for Federal Reserve Bank Activities
FRO-I Staff Director for Management
FRO-I General Counsel
FRO-I Director, Division of Research and Statistics
FRO-I Director, Division of International Finance
FRO-I Director, Division of Supervision and Regulation
FRO-II Special Assistant to the Chairman
FRO-II Secretary of the Board
FRO-II Director, Division of Federal Reserve Bank Operations
FRO-II Director, Division of Consumer and Community Affairs
FRO-II Director, Division of Personnel
FRO-II Director, Division of Data Processing
FRO-II Assistant to the Board (for Public Affairs)
FRO-II Assistant to the Board (for Congressional Liaison)
FRO-II Deputy Staff Director (for Monetary and Financial Policy).
FRO-II Deputy Director, Division of Research and Statistics
FRO-II Deputy Director, Division of Data Processing
FRO-II Deputy Director, Division of Banking Supervision and Regulation
FRO-III Senior Associate Director, Division of International Finance
FROM-III* Staff Advisor, Division of International Finance
FRO-III* Associate General Counsel (2)
FRO-III* Assistant to the Board (for Monetary and Financial Policy)
FRO-III Associate Director Division of Research and Statistics
FRO-II* Deputy Associate Director, Division of Research and Statistics
FRO-III* Associate Director, Division of International Finance
FRO-III* Associate Director, Division of International Finance
FRO-III* Associate General Counsel
FRO-III* Associate General Counsel
FRO-III* Assistant to the Board (for Monetary and Financial Policy)

AGENCY: FEDERAL TRADE COMMISSION

Positions:

SES General Counsel
SES Deputy General Counsel
SES Director, Bureau of Competition
SES Deputy Directors, Bureau of Competition

SES Director, Bureau of Consumer Protection
SES Deputy Directors, Bureau of Consumer Protection
SES Director, Bureau of Economics
SES Deputy Directors, Bureau of Economics
SES Executive Director
SES Executive Assistant to the Chairman
SES Director, Office of Congressional Relations

AGENCY: GENERAL ACCOUNTING OFFICE

Positions:

SES Deputy Director, for Planning and Reporting (RCED)
SES Director, Resources, Community and Economic Development Division (RCED)
SES Deputy Director, for Operations (RCED)
SES Director, Accounting and Financial Management Division (AFMD)
SES Deputy Director, (AFMD)
SES Director, General Government Division (GGD)
SES* Deputy Director for Planning and Reporting (GGD)
SES* Deputy Director for Operations (GGD)
SES Director, Human Resources Division
SES Deputy General Counsel
SES Director, Office of Internal Evaluation
SES* Director, European Branch
SES* Director, Far East Branch
SES Director, Office of Policy
SES Director of Personnel
SES Director, General Services and Controller
SES Deputy Director of Personnel
SES Deputy Director, General Services and Controller
SES Director, Office of Organization and Human Development
SES* Director, Program Evaluation and Methodology Division
SES* Deputy Director, Program Evaluation and Methodology Division
SES Director, Civil Rights Office
SES General Counsel
SES Assistant Comptroller General for Program Evaluation
SES* Assistant Comptroller General
SES Assistant Comptroller General for Planning and Reporting
SES Assistant Comptroller General for Operations
SES Assistant Comptroller General for Human Resources
SES Director, Office of Quality Assurance
SES* Special Assistant to the Assistant Comptroller General for Operations (2)
SES* Assistant to the Comptroller General for Retirement Matters
SES* Director, Personnel Systems Development Project
SES* Chief Economist
SES* Deputy Director (OCE)
SES* Director, National Security and International Affairs (NSIAD)
SES* Deputy Director for Planning and Reporting (NSIAD)
SES* Deputy Director for Operations (NSIAD)
SES* Director for Planning (NSIAD)
SES* Director, Information Management and Technology Division (IMTEC)
SES* Deputy Director for Operations (IMTEC)
SES Regional Manager, Los Angeles
SES Regional Manager, Dallas
SES Regional Manager, Philadelphia
SES Regional Manager, Atlanta
SES Regional Manager, Boston
SES Regional Manager, San Francisco
SES Regional Manager, Washington
SES Regional Manager, Denver
SES Regional Manager, New York
SES Regional Manager, Detroit
SES Regional Manager, Cincinnati
SES Regional Manager, Kansas City
SES Regional Manager, Seattle
SES Regional Manager, Chicago
SES Regional Manager, Norfolk

AGENCY: GENERAL SERVICES ADMINISTRATION

Positions:

OFFICE OF THE ADMINISTRATOR

SES Deputy Administrator
SES Associate Administrator for Administration
SES Deputy Associate Administrator for Administration
SES Associate Administrator for Operations
SES Deputy Associate Administrator for Operations
SES Associate Administrator for Policy and Management
SES Deputy Associate Administrator for Policy and Management
SES Director, Office of Small and Disadvantaged Business Utilization
SES Executive Assistant to the Administrator
SES* Special Assistant to the Administrator
SES* Assistant to the Administrator for Industry and Business Affairs

OFFICE OF INFORMATION SECURITY OVERSIGHT

SES Director of Information Oversight

OFFICE OF ACQUISITION POLICY

SES Assistant Administrator for Acquisition Policy
SES Deputy Assistant Administrator for Acquisition Policy
SES Director of Acquisition Management and Contract Clearance
SES Policy Advisor to the Assistant Administrator

OFFICE OF THE COMPTROLLER

SES Comptroller
SES Director of Finance
SES Director of Budget
SES Director of Transportation Audits

OFFICE OF INFORMATION RESOURCES MANAGEMENT (OIRM)

SES Assistant Administrator for Information Resources Management
SES Deputy Assistant Administrator for Information Resources Management
SES Deputy Assistant Administrator for Central Information Services
SES Director of Information Resources Management Policy
SES Director of Information Resources Procurement
SES Director of Network Services
SES Executive Director
SES Director of Regional Information Services
SES Director of Advanced Planning
SES Director of GSA Information Systems
SES Director of Office of Information Systems
SES Director of Systems and Technology Assessment
SES Program Manager, Washington Interagency Telecommunications System
SES* Special Assistant for Telecommunications
SES* Chief, Federal Program Information Branch

FEDERAL PROPERTY RESOURCES SERVICE (FPRS)

SES Commissioner, Federal Property Resources Service
SES Assistant Commissioner for Real Property
SES Assistant Commissioner for Stockpile Management
SES Assistant Commissioner for Stockpile Transactions

OFFICE OF FEDERAL SUPPLY AND SERVICES (FSS)

SES Assistant Administrator for Federal Supply and Services
SES Deputy Assistant Administrator for Federal Supply and Services
SES Director of Management
SES Director of Policy and Agency Assistance
SES Director of Procurement
SES Director of Contract Management
SES Director of Property Management
SES Director of Transportation

PUBLIC BUILDINGS SERVICE (PBS)

SES Commissioner, Public Buildings Service
SES* Deputy Commissioner
SES Assistant Commissioner for Space Management
SES Assistant Commissioner for Buildings Management
SES Assistant Commissioner for Federal Protection and Safety
SES Assistant Commissioner for Policy and Program Support
SES Assistant Commissioner for Public Utilities
SES Assistant Commissioner for Design and Construction

OFFICE OF GENERAL COUNSEL (OGC)

SES General Counsel
SES Deputy General Counsel

GSA BOARD OF CONTRACT APPEALS

GS-18 Chairman and Chief Administrative Judge of Board of Contract Appeals
GS-17 Vice Chairman, Board of Contract Appeals

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General
SES Assistant Inspector General for Policy, Plans and Evaluation Management Systems
SES Assistant Inspector General for Auditing
SES Deputy Assistant Inspector General for Auditing

SES Assistant Inspector General for Investigations

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR POLICY AND MANAGEMENT SYSTEMS

SES Director of Oversight
SES Director, Office o! Administrative Services

REGIONAL OFFICES

SES Regional Administrator, Region l (Boston)
SES Deputy Regional Administrator, Region l (Boston)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region l (Boston)
SES Regional Administrator, Region 2 (New York)
SES Deputy Regional Administrator, Region 2 (New York)
SES Assistant Regional Administrator for Administration, Region 2 (New York)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region 2 (New York)
SES Assistant Regional Administrator for Federal Supply and Services, Region 2 (New York)
SES Regional Administrator, Region 3 (Philadelphia)
SES Deputy Regional Administrator, Region 3 (Philadelphia)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region 3 (Philadelphia)
SES Regional Administrator, Region 4 (Atlanta)
SES Deputy Regional Administrator, Region 4 (Atlanta)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region 4 (Atlanta)
SES* Assistant Regional Administrator for Information Resources Management, Region 4 (Atlanta)
SES Assistant Regional Administrator for Federal Supply and Services, Region 4 (Atlanta)
SES Regional Administrator, Region 5 (Chicago)
SES Deputy Regional Administrator, Region 5 (Chicago)
SES* Assistant Regional Administrator for Administration, Region 5 (Chicago)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region 5 (Chicago)
SES Regional Administrator, Region 6 (Kansas City)
SES Deputy Regional Administrator, Region 6 (Kansas City)
SES Assistant Administrator for Administration, Region 6 (Kansas City)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region 6 (Kansas City)
SES Assistant Regional Administrator for Information Resources Management, Region 6 (Kansas City)
SES Regional Administrator, Region 7 (Fort Worth)
SES Deputy Regional Administrator, Region 7 (Fort Worth)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region 7 (Fort Worth)
SES Assistant Regional Administrator !or Federal Supply and Services, Region 7 (Fort Worth)
SES Assistant Regional Administrator for Information Resources Management, Region 7 (Fort Worth)
SES Regional Administrator, Region 8 (Denver)
SES Deputy Regional Administrator, Region 8 (Denver)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region 8 (Denver)
SES Regional Administrator, Region 9 (San Francisco)
SES Deputy Regional Administrator, Region 9 (San Francisco)
SES Assistant Regional Administrator for Public Buildings and Real Property, Region 9 (San Francisco)
SES Assistant Regional Administrator for Federal Supply and Services, Region 9 (San Francisco)
SES Assistant Regional Administrator for Information Resources Management, Region 9 (San Francisco)
SES Regional Administrator, Region 10 (Auburn)
SES Deputy Regional Administrator, Region 10 (Auburn)
SES Assistant Regional Administrator for Public Utilities Buildings and Real Property, Region 10 (Auburn)
SES Regional Administrator, National Capitol Region (Washington, D.C.)
SES Deputy Regional Administrator, National Capitol Region (Washington, D.C.)
SES Assistant Administrator for Administration (National Captial Region)
SES Assistant Regional Administrator for Public Buildings and Real Property (National Capital Region)
SES Assistant Regional Administrator for Federal Supply and Services (National Capital Region)
SES Assistant Regional Administrator for Information Resources Management (National Capital Region)

AGENCY: INTER-AMERICAN FOUNDATION

Positions: No section 207(d)(1)(C) designations.

AGENCY: INTERNATIONAL JOINT COMMISSION

Positions: No section 207(d)(1)(C) designations.

AGENCY: INTERNATIONAL TRADE COMMISSION

Positions:

SES Director, Office of Operations
SES General Counsel
SES Director, Office of Industries
SES Director, Office of Investigations
SES Director, Office of Economics
SES Director, Office of Administration
SES Director, Office of Tariff Affairs and Trade Agreements

AGENCY: INTERSTATE COMMERCE COMMISSION

Positions:

SES Managing Director
SES General Counsel
SES Director, Bureau of Traffic
SES Director, Bureau of Accounts
SES Director, Office of Proceedings
SES Director, Office of Transportation Analysis (OTA)
SES Assistant Managing Director
SES Deputy General Counsel
SES Associate Director, Office of Proceedings
SES Associate Director, Office of Transportation Analysis (OTA)
SES Director, Office Compliance and Consumer Assistance—OCCA
SES Associate Director, Office of Compliance and Consumer Assistance—OCCA
SES Chief of Staff
SES* Director, Office of Legislation and Governmental Affairs
SES Deputy Director, Bureau of Accounts
SES Assistant Director, Bureau of Traffic

AGENCY: JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Position:

SES Executive Director

AGENCY: MARINE MAMMAL COMMISSION

Position:

GS–18* Executive Director

AGENCY: MERIT SYSTEMS PROTECTION BOARD

Positions:

SES Executive Assistant to the Chairman
SES Managing Director
SES Assistant Managing Director for Management
SES Associate Assistant Managing Director for Management
SES Assistant Managing Director for Regional Operations
SES General Counsel
SES Deputy General Counsel
SES Associate General Counsel for Litigation
SES Legislative Counsel
SES Director, Office of Appeals Counsel
SES Associate Director, Office of Appeals Counsel
SES Director, Office of Merit Systems Review and Studies
SES Regional Director, Atlanta
SES Regional Director, Chicago
SES Regional Director, Dallas
SES Regional Director, New York
SES Regional Director, Philadelphia
SES Regional Director, San Francisco
SES Regional Director, Washington, D.C.

AGENCY: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Positions:

OFFICE OF THE ADMINISTRATOR

SES Associate Deputy Administrator

OFFICE OF THE COMPTROLLER

SES Deputy Comptroller, NASA
SES Comptroller, NASA

OFFICE OF LEGISLATIVE AFFAIRS

SES Assistant Administrator for Legislative Affairs
SES Deputy Assistant Administrator for Legislative Affairs

OFFICE OF THE CHIEF ENGINEER

SES Chief Engineer, NASA
SES Deputy Chief Engineer, NASA

OFFICE OF SPACE SCIENCE AND APPLICATIONS

SES Associate Administrator for Space Science and Applications
SES Deputy Associate Administrator for Space Science and Applications

OFFICE OF GENERAL COUNSEL

SES General Counsel
SES Deputy General Counsel, NASA

OFFICE OF PROCUREMENT

SES Assistant Administrator for Procurement
SES Deputy Assistant Administrator for Procurement

OFFICE OF COMMERCIAL PROGRAMS

SES* Assistant Administrator for Commercial Programs
SES* Deputy Assistant Administrator for Commercial Programs

OFFICE OF EXTERNAL RELATIONS

SES Associate Administrator for External Relations
SES Deputy Associate Administrator for External Relations

OFFICE OF SPACE FLIGHT

SES Associate Administrator for Space Flight
SES Deputy Associate Administrator for Space Flight

OFFICE OF MANAGEMENT

SES Associate Administrator for Management
SES Deputy Associate Administrator for Management

OFFICE OF AERONAUTICS AND SPACE TECHNOLOGY

SES Associate Administrator for Aeronautics and Space Technology
SES Deputy Associate Administrator for Aeronautics and Space Technology

OFFICE OF POLICY

SES Associate Administrator for Policy

OFFICE OF CHIEF SCIENTIST

SES Chief Scientist

OFFICE OF SPACE TRACKING AND DATA SYSTEMS

SES Associate Administrator for Space Tracking and Data Systems
SES Deputy Associate Administrator for Space Tracking and Data Systems

OFFICE OF SPACE STATION

SES* Associate Administrator for Space Station
SES* Deputy Associate Administrator for Space Station

OFFICE OF EQUAL OPPORTUNITY PROGRAMS

SES Assistant Administrator for Equal Opportunity Programs
SES Deputy Assistant Administrator for Equal Opportunity Programs

INSPECTOR GENERAL

SES Deputy Inspector General

AMES RESEARCH CENTER

SES Director, NASA Ames Research Center
SES Deputy Director, NASA Ames Research Center

GODDARD SPACE FLIGHT CENTER

SES Director, NASA Goddard Space Flight Center
SES Deputy Director, NASA Goddard Space Flight Center

JOHNSON SPACE CENTER

SES Director, NASA Johnson Space Center
SES Deputy Director, NASA Johnson Space Center

KENNEDY SPACE CENTER

SES Director, NASA Kennedy Space Center
SES Deputy Director, NASA Kennedy Space Center

LANGLEY RESEARCH CENTER

SES Director, NASA Langley Research Center
SES Deputy Director, NASA Langley Research Center

LEWIS RESEARCH CENTER

SES Director, NASA Lewis Research Center
SES Deputy Director, NASA Lewis Research Center

MARSHALL SPACE FLIGHT CENTER

SES Director, NASA Marshall Space Flight Center
SES Deputy Director, NASA Marshall Space Flight Center

NATIONAL SPACE TECHNOLOGY LABORATORIES

SES Manager, National Space Technology Laboratories
SES Deputy Manager, National Space Technology Laboratories

AGENCY: NATIONAL CAPITAL PLANNING COMMISSION

Position:

SES Executive Director
SES Associate Executive Director for Regional Affairs
SES Associate Executive Director for District of Columbia Affairs
SES Assistant Executive Director for Operations

AGENCY: NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Position:

SES 0–4 Executive Director

AGENCY: NATIONAL CREDIT UNION ADMINISTRATION

Positions:

SES General Counsel
SES Director, Division of Supervision and Examination
SES Regional Directors (6)
SES Deputy General Counsel
SES Director, Division of Information Systems
SES Director, Office of Programs
SES Director, Office of Services
SES* Special Assistant to NCUA Board

AGENCY: NATIONAL ENDOWMENT FOR THE ARTS

Positions:

SES Director of Special Projects
SES Director of Policy, Planning, Research and Budget
SES* Director of Administration
SES Deputy Chairman for Programs
SES Associate Deputy Chairman for Programs and Director of Program Coordination

AGENCY: NATIONAL ENDOWMENT FOR THE HUMANITIES

Positions:

SES Deputy Chairman
SES Director, Division of Education Programs
SES Director of Administration
SES* Assistant Chairman for Programs
SES* Director of Division of Research Programs
SES* Director of Division of General Programs
SES* Director of Office of Preservation

AGENCY: NATIONAL LABOR RELATIONS BOARD

Positions:

SES Solicitor
SES Executive Secretary
SES Deputy General Counsel
SES Associate General Counsel, Division of Enforcement Litigation

AGENCY: NATIONAL MEDIATION BOARD

Position:

SES* Executive Secretary

AGENCY: NATIONAL SCIENCE FOUNDATION

Positions:

SES Staff Director, National Science Foundation
SES* Executive Officer, National Science Board
SES Director, Office of Audit and Oversight
SES* Director, Office of Legislative and Public Affairs
SES* Controller, National Science Foundation
SES General Counsel
SES Director, Office of Small Business Research and Development
SES Director, Office of Advanced Scientific Computing

SES Assistant Director for Engineering
SES Assistant Director for Science and Engineering Education
SES Assistant Director for Scientific, Technological and International Affairs
SES Assistant Director for Administration
SES Deputy Assistant Director for Astronomical, Atmospheric, Earth and Ocean Sciences
SES Deputy Assistant Director for Biological, Behavioral and Social Sciences
SES Deputy Assistant Director for Engineering
SES Deputy Assistant Director for Mathematical and Physical Sciences
SES Deputy Assistant Director for Science and Engineering Education
SES Deputy Assistant Director for Scientific, Technological and International Affairs
SES Deputy Assistant Director for Administration

AGENCY: NATIONAL TRANSPORTATION SAFETY BOARD

Positions:

SES Managing Director
SES Deputy Managing Director
SES General Counsel
SES Director, Bureau of Accident Investigation
SES Director, Bureau of Technology
SES Director, Bureau of Administration
SES Director, Bureau of Safety Programs
SES Director, Bureau of Field Operations

AGENCY: NUCLEAR REGULATORY COMMISSION

Positions:

Office of the Commission

GG–18 Executive Assistant to the Chairman

Advisory Committee on Reactor Safeguards

SES Executive Director, ACRS
SES Assistant Executive Director for Project Review, ACRS
SES Assistant Executive Director for Technical Activities, ACRS

Office of Administration

SES Director, Office of Administration
SES Deputy Director, Office of Administration
SES Director, Division of Organization & Personnel
SES Director, Division of Contracts
SES Director, Division of Tech Information & Document Control

Office of Resource Management

SES Controller and Director
SES Deputy Controller and Deputy Director

Office of the Secretary

SES Secretary of the Commission
SES Assistant Secretary of the Commission

Office of Inspector and Auditor

SES Director, Office of Inspector and Auditor
SES Deputy Director, Office of Inspector and Auditor

Office of State Programs

SES Director, Office of State Programs

Office of Investigations

SES Director, Office of Investigations
SES Deputy Director of Investigations

Atomic Safety and Licensing Board Panel

SES Chief Administrative Judge
SES Deputy Chief Administrative Judge (Executive)
GG–17 Deputy Chief Administrative Judge (Technical)

Atomic Safety and Licensing Appeal Panel

SES Chairman, ASLAP
GG–17 Administrative Judge (Legal) ASLAP (3)
GG–17 Administrative Judge (Technical) (2)

Office of the General Counsel

SES General Counsel
SES Solicitor, OGC
SES Deputy General Counsel for Dom Lic & Reg
SES Assistant General Counsel for Administration and Adjudication

Office of Public Affairs

SES Director, Office of Public Affairs
SES Deputy Director, Office of Public Affairs

Office of Congressional Affairs

SES Director, Office of Congressional Affairs

Office of Policy Evaluation

SES Director, Office of Policy Evaluation
SES A/D for Technical Review, OPE
SES Deputy Director for Special Projects, OPE

Executive Director for Operations

SES Executive Director for Operations
SES Deputy Executive Director for Operations
SES Assistant for Operations
SES Deputy Executive Director for Regional Operations and Generic Requirements
SES Director, Regional Operations and Generic Requirements Staff

Office of the Executive Legal Director

SES Executive Legal Director
SES Deputy Executive Legal Director
SES Director & Chief Counsel, Regulations Division
GG–17 Special Assistant to the Executive Legal Director
GG–17 Special Assistant for International Affairs
SES Director and Chief Counsel, Operations and Administration Division
SES Director & Chief Counsel, Hearing Division
SES Assistant Chiefs, Hearing Counsel (3)
SES* Assistant Chief Hearing Counsel/Antitrust Counsel
SES Deputy Chief, Hearing Counsel, Deputy Director, Hearing Division
SES Director & Chief Counsel, Regional Operations and Enforcement Division

Office of International Programs

SES Director, Office of International Programs
SES A/D for International Cooperation
SES A/D for Export/Import & International Safeguards

Office of Nuclear Reactor Regulation

SES Director, Office of Nuclear Reactor Regulation
SES Deputy Director, Office of Nuclear Reactor Regulation
SES Program Director, TMI Program Office
SES Deputy Program Director, TMI Program Office
SES Director, Planning & Program Analysis Staff
SES Director, Division of Licensing
SES Deputy Director, Division of Licensing
SES Assistant Director for Operating Reactors
SES Chief, Operating Reactors Branch 1
SES Chief, Operating Reactors Branch 2
SES Chief, Operating Reactors Branch 3
SES Chief, Operating Reactors Branch 4
SES Assistant Director for Licensing
SES Chief, Licensing Branch 1
SES Chief, Licensing Branch 2
SES Chief, Licensing Branch 3
SES Chief, Licensing Branch 4
SES Assistant Director for Safety Assessment
SES Chief, Standardization and Special Projects Branch
SES Chief, Operating Reactors Branch 5
SES Chief, Systematic Evaluation Program Branch
SES Chief, Operating Reactors Assessment Branch
SES Director, Division of Engineering
SES Assistant Director for Components & Structures Engineering
SES Chief, Mechanical Engineering Branch
SES Chief, Geosciences Branch
SES Chief, Structural and Geotechnical Engineering Branch
SES Chief, Equipment Qualification Branch
SES Assistant Director for Materials, Chemical & Environmental Technology
SES Chief, Materials Engineering Branch
SES Chief, Chemical Engineering Branch
SES Chief, Environmental and Hydrologic Engineering Branch
SES Chief, Site Analysis Branch
SES Director, Division of Systems Integration
SES Assistant Director for Core and Plant Systems
SES Chief, Instrumentation & Control Systems Branch
SES Chief, Power Systems Branch
SES Chief, Auxiliary Systems Branch
SES Chief, Core Performance Branch
SES Assistant Director for Radiation Protection
SES Chief, Accident Evaluation Branch
SES Chief, Radiological Assessment Branch
SES Chief, Meteorology and Effluent Branch
SES Assistant Director for Reactor Safety
SES Chief, Containment Systems Branch
SES Chief, Reactor Systems Branch
SES Director, Division of Human Factors Safety
SES Deputy Director, Division of Human Factors Safety
SES Chief, Human Factors Engineering Branch
SES Chief, Operator Licensing Branch
SES Chief, Licensee Qualifications Branch
SES Chief, Procedures & Systems Review Branch
SES Director, Division of Safety Technology

SES Assistant Director for Generic Projects
SES Chief, Generic Issues Branch
SES Chief, Research & Standards Coordination Branch
SES Assistant Director for Technology
SES Chief, Safety Program Evaluation Branch
SES Chief, Reliability and Risk Assessment Branch

Office of Nuclear Regulatory Research

SES Director, Nuclear Regulatory Research
SES Deputy Director, Nuclear Regulatory Research

Office of Nuclear Material Safety and Safeguards

SES Director, NMSS
SES Deputy Director, NMSS
SES Director, Division of Safeguards
SES Deputy Director, Division of Safeguards
SES Chief, Licensing Policy and Program Branch
SES Chief, Power Reactor Safeguards Licensing Branch
SES Chief, Fuel Facility Safeguards Licensing Branch
SES Chief, Material Transfer Safeguards Licensing Branch
SES* Chief, Safeguards Special Projects Branch
SES Deputy Director, Division of Fuel Cycle & Material Safety
SES Director, Division of Fuel Cycle & Material Safety
SES Chief, Adv & Spent Fuel Licensing Branch
SES Chief, Uranium Fuel Licensing Branch
SES Chief, Transportation Certification Branch
SES* Chief, Materials Licensing Branch
SES Deputy Director, Division Waste Management
SES Director, Division of Waste Management
SES* Chief, Repository Projects Branch
SES Chief, Engineering Branch
SES Chief, Geotechnical Branch
SES Chief, Low-Level and Uranium Recovery Projects Branch
SES* Chief, Policy and Program Control Branch

Office of Inspection and Enforcement

SES Director, Inspection and Enforcement
SES Deputy Director, Office Inspection and Enforcement
SES* Special Assistant to the Director
SES Director, Program Support and Analysis Staff
SES Director, Enforcement Staff
SES Director, Division of Emergency Preparedness and Engineering Response
SES Deputy Director, Division of Emergency Preparedness and Engineering Response
SES Chief, Emergency Preparedness Branch
SES Chief, Operating Reactors Programs Branch
SES Chief, Reactor Construction Programs Branch
SES Director, Division of Quality Assurance, Safeguards and Inspection Programs
SES Deputy Director, Division of Quality Assurance, Safeguards and Inspection Programs
SES Chief, Engineering and Generic Communications Branch
SES* Director, Technical Training Center
SES Chief, Quality Assurance Branch
SES Chief, Events Analysis Branch
SES Chief, Incident Response Branch
SES Chief, Safeguards and Materials Programs Branch
SES* Chief, Vendor Program Branch

Regional Offices

SES Regional Administrator, Region I
SES Deputy Regional Administrator, Region I
SES Director, Division of Reactor Projects, Region I
SES* Deputy Director, Division of Reactor Projects, Region I
SES Director, Division of Reactor Safety, Region I
SES* Director, Division of Radiation Safety and Safeguards, Region I
SES Regional Administrator, Region II
SES Deputy Regional Administrator, Region II
SES Director, Division of Radiation Safety and Safeguards, Region II
SES Director, Division of Reactor Safety, Region II
SES* Director, Division of Reactor Projects, Region II
SES* Deputy Director, Division of Reactor Projects, Region II
SES Regional Administrator, Region III
SES Deputy Regional Administrator, Region III
SES Director, Division of Reactor Projects, Region III
SES* Deputy Director, Division of Reactor Projects, Region III
SES Director, Division of Radiation Safety and Safeguards, Region III
SES* Director, Division of Reactor Safety, Region III
SES Regional Administrator, Region IV
SES* Director, Division of Radiation Safety and Safeguards, Region IV
SES Director, Uranium Recovery Field Office, Region IV
SES Deputy Regional Administrator, Region IV
SES* Director, Division of Reactor Safety and Projects, Region IV
SES* Deputy Director, Division of Reactor Safety and Projects, Region IV
SES Regional Administrator, Region V
SES Deputy Regional Administrator, Region V
SES Director, Division of Reactor Safety and Projects, Region V
SES* Deputy Director, Division of Reactor Safety and Projects, Region V
SES Director, Division of Radiation Safety and Safeguards, Region V

Office for Analysis and Evaluation of Operational Data

SES Director, Office for Analysis and Evaluation of Operational Data
SES Deputy Director, Office for Analysis and Evaluation of Operational Data
SES Chief, Reactor Operations Analysis Branch
SES Chief, Program Technology Branch

Office of Small and Disadvantaged Business Utilization and Civil Rights

SES Director, Office of Small and Disadvantaged Business Utilization and Civil Rights

AGENCY: OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
SES General Counsel

AGENCY: OFFICE OF PERSONNEL MANAGEMENT

Positions:

SES General Counsel, Office of the General Counsel
SES Associate Director for Administration, Administration Group
SES Associate Director for Compensation, Compensation Group
SES Associate Director for Compliance and Investigations, Compliance and Investigations Group
SES Associate Director for Staffing, Staffing Group
SES Associate Director for Workforce Effectiveness and Development, Workforce Effectiveness and Development Group
SES Director, Office of Congressional Relations
SES Director, Office of Executive Administration
SES Director, Office of Public Affairs
SES Inspector General, Office of the Inspector General
SES Chairman, Federal Prevailing Rate Advisory Committee
SES Deputy Director and Chief Counsel, Office of Government Ethics
SES Deputy General Counsel, Office of the General Counsel
SES Deputy Associate Director for Administration, Administration Group
SES Deputy Associate Director for Compensation, Compensation Group
SES Deputy Associate Director for Compliance and Investigations, Compliance and Investigations Group
SES Deputy Associate Director for Staffing, Staffing Group
SES Deputy Associate Director for Workforce Effectiveness and Development, Workforce Effectiveness and Development Group
SES Associate General Counsel, Office of the General Counsel
SES Assistant Director for Finance and Administrative Services, Administration Group
SES Assistant Director for Information Management, Administration Group
SES Assistant Director for Budget and Management, Administration Group
SES Assistant Director for Personnel and EEO, Administration Group
SES Assistant Director for Financial Control and Management, Compensation Group
SES Assistant Director for Insurance Programs, Compensation Group
SES Assistant Director for Pay and Benefits Policy, Compensation Group
SES Assistant Director for Pay Programs, Compensation Group

SES Assistant Director for Retirement Programs, Compensation Group
SES Assistant Director for Agency Compliance and Evaluation, Compliance and Investigations Group
SES Assistant Director for Personnel Investigations, Compliance and Investigations Group
SES Assistant Director for Workforce Information, Compliance and Investigations Group
SES Assistant Director for Administrative Law Judges, Staffing Group
SES Assistant Director for Staffing Operations, Staffing Group
SES Assistant Director for Staffing Policy, Staffing Group
SES Assistant Director for Standards Development, Staffing Group
SES Assistant Director for Affirmative Employment Programs, Workforce Effectiveness and Development Group
SES Assistant Director for Performance Management, Workforce Effectiveness and Development Group
SES Assistant Director for Training and Development, Workforce Effectiveness and Development Group
SES Assistant Director for Employee, Labor, and Agency Relations, Workforce Effectiveness and Development Group
SES Regional Director, Atlanta Region
SES Regional Director, Boston Region
SES Regional Director, Chicago Region
SES Regional Director, Dallas Region
SES Regional Director, Denver Region
SES Regional Director, New York Region
SES Regional Director, Philadelphia Region
SES Regional Director, St. Louis Region
SES Regional Director, San Francisco Region
SES Regional Director, Seattle Region
SES Chief Actuary, Compensation Group
SES Dean, Federal Executive Institute, Workforce Effectiveness and Development Group
SES Deputy Regional Director, Philadelphia Region
SES Deputy Regional Director, San Francisco Region
SES* Counselor to the Director, Office of the Director
SES* Management Advisor to the Director, Office of the Director
SES* Director, Office of International Affairs
SES* Assistant Director for Compliance and Investigations Policy, Compliance and Investigations Policy
SES* Executive Assistant Director for Actuarial Analysis and Insurance, Compensation Group
SES* Chief, Recruiting and Examining Division, Staffing Group
SES* Assistant Director for Washington Area Examining Operations, Staffing Group
SES* Associate Dean, Operations Division, Workforce Effectiveness and Development Group
SES* Associate Dean, Program Division, Workforce Effectiveness and Development Group

AGENCY: OFFICE OF SPECIAL COUNSEL (MSPB)

Positions:

SES Deputy Special Counsel
SES Associate Special Counsel for Investigation
SES Associate Special Counsel for Prosecution
SES Deputy Associate Special Counsel for Prosecution
SES* Associate Special Counsel for Planning and Oversight

AGENCY: OVERSEAS PRIVATE INVESTMENT CORPORATION

Positions: No section 207(d)(1)(C) designations.

AGENCY: PANAMA CANAL COMMISSION

Positions:

AD Administrator (18 U.S.C. 207(d)(1)(A) comparable)
CX Deputy Administrator

AGENCY: PEACE CORPS

Positions:

FE-2 General Counsel, Peace Corps
FE-2 Associate Director, International Operations, Peace Corps
FE-2* Executive Assistant to the Director, Peace Corps
FE-2* Associate Director, Marketing, Recruitment, Placement and Staging, Peace Corps
FE-2* Associate Director, Management, Peace Corps

AGENCY: PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Positions:

AD Executive Director of the Corporation
AD Assistant Director—Legal
AD Assistant Director—Development
AD All members of the Board of Directors (23)

AGENCY: PENSION BENEFIT GUARANTY CORPORATION

Positions:

GS-17 Deputy Executive Director for Insurance Programs
GS-17 Director, Legal Department
GS-17 Director, Insurance Operations Department
GS-17 Director, Financial Operations Department

AGENCY: POSTAL RATE COMMISSION

Positions:

AD-18 General Counsel of the Commission
AD-18 Director of the Office of Technical Analysis and Planning
AD-18 Director of Office of Consumer Advocate

AGENCY: RAILROAD RETIREMENT BOARD

Positions:

SES Executive Director
SES Associate Executive Director for Legal and Administrative Services/General Counsel
SES Associate Executive Director for Systems and Analysis
SES Associate Executive Director for Field Service
SES Associate Executive Director for Retirement Claims
SES Associate Executive Director for Unemployment and Sickness Insurance
SES Chief Actuary and Director of Research
SES Director of Data Processing
SES Associate Executive Director for Fiscal Operations

AGENCY: SECURITIES AND EXCHANGE COMMISSION

Positions:

SES General Counsel
SES Director, Division of Corporation Finance
SES Director, Division of Enforcement
SES Director, Division of Investment Management
SES Director, Division of Market Regulation
SES Chief Accountant of the Commission
SES Deputy Chief Accountant
SES Executive Director
SES Regional Administrator, New York
SES Regional Administrator, Chicago
SES Regional Administrator, Los Angeles
SES Deputy Regional Administrator, New York

AGENCY: SELECTIVE SERVICE SYSTEM

Positions:

SES Deputy Director of the Agency
SES Associate Director, Operations
SES Associate Director, Management Information Systems

AGENCY: SMALL BUSINESS ADMINISTRATION

Positions:

SES Deputy Administrator
SES Regional Administrator, Region I
SES Regional Administrator, Region II
SES Regional Administrator, Region III
SES Regional Administrator, Region IV
SES Regional Administrator, Region V
SES Regional Administrator, Region VI
SES Regional Administrator, Region VII
SES Regional Administrator, Region VIII
SES Regional Administrator, Region IX
SES Regional Administrator, Region X
SES Director, Equal Employment Opportunity and Compliance
SES General Counsel
SES Deputy General Counsel
SES Associate Administrator for Procurement Assistance
SES Associate Administrator for Management Assistance
SES Associate Administrator for Minority Small Business & Capital Ownership Development
SES Associate Administrator of Finance and Investment
SES Assistant Administrator for Administration
SES Director of Personnel

SES Associate Deputy Administrator for Management and Administration
SES Associate Deputy Administrator for Special Programs
SES Assistant Administrator for Hearings and Appeals
SES Comptroller
SES Director of Program Analysis and Review

AGENCY: TENNESSEE VALLEY AUTHORITY

Positions: No section 207(d)(1)(C) designations.

AGENCY: UNITED STATES ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Positions: No section 207(d)(1)(C) designations.

AGENCY: UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Positions:

SES* Counselor
0-7/0-8 Senior Military Adviser, D
SES Special Representative for INF
SFS U.S. Representative to CD
SES Administrative Director
SES General Counsel
SES* Director, Office of Public Affairs
SES Deputy Assistant Director, SP
SFS Deputy Assistant Director, NWC
IPA Deputy Assistant Director, VI
SES Deputy Assistant Director, MA

AGENCY: UNITED STATES INFORMATION AGENCY

Positions:

SES Director, Office of Public Liaison
SES General Counsel
SES Deputy General Counsel

Office of Inspector General

SES Inspector General

Office of Inspections

SFS Chief of Inspections

The Bureau of Educational and Cultural Affairs

SFS Director of Cultural Centers and Resources
SES Director, Office of Academic Programs
SES Director, Office of International Visitors
SES Director, Office of Private Sector Programs

The Voice of America

SFS Deputy Director (Modernization)
SES Deputy Director (Programs)
SES Director, Office of Administration
SES Director for News and English Broadcasts
SFS Director for Regional Language Broadcasts
SES Director of Engineering and Technical Operations
SES Director, Office of Personnel
SES Director, Radio Marti
SES Director of Broadcast Operations

The Bureau of Management

SFS Deputy Associate Director
SES Director, Office of Administration and Technology
SES Director, Office of Comptroller
SES Director, Office of Personnel
SFS Director, Office of Equal Employment Opportunity and Civil Rights
SES Director, Officer of Contracts
SES Director, Office of Security

The Bureau of Programs

SES Director of Exhibits Service
SFS Director of Press and Publication Services
SES Deputy Associate Director
SES Executive Officer
SES Director, Office of Program Coordination and Development
SFS Director, Foreign Press Centers
SES Director, Office of Research

Television and Film Service

SES Director of Television and Film Service
SES Deputy Director
SES International Marketing Manager
SES Facilities Manager
SES News and Current Events Manager

Area Offices

SFS Director of African Affairs
SFS Deputy Director, African Affairs
SFS Director of European Affairs
SFS Deputy Directors of European Affairs (2)
SFS Director of East Asian and Pacific Affairs
SFS Deputy Director of East Asian and Pacific Affairs
SFS Director of American Republics Affairs
SFS Deputy Director of American Republics Affairs
SFS Director of North African, Near Eastern and South Asian Affairs
SFS Deputy Director of North African and Near Eastern and South Asian Affairs
SFS Public Affairs Officers of Class 1 Posts (22)

AGENCY: U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Positions:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Office of the Administrator

SES Counselor to the Agency

Office of the General Counsel

SES General Counsel
SES Deputy General Counsel

Office of the Inspector General

SES Inspector General
SES Assistant Inspector General for Investigations and Inspection
SES Assistant Inspector General for Security
SES Assistant Inspector General for Audit

Office of Legislative Affairs (LEG)

SES Director

Bureau for External Affairs (XA)

SES Deputy Assistant Administrator (PML)

Board for International Food and Agricultural Development Support Staff (BIFAD/S)

Office of the Executive Director

SES Executive Director
SFS-MC Deputy Director

Office of U.S. Foreign Disaster Assistance (OFDA)

SES Coordinator, Foreign Disaster Relief

Bureau for Management

Office of the Assistant to the Administrator for Management (AA/M)

SES Assistant to the Administrator for Management
SES Deputy Assistant to the Administrator for Management

Office of Financial Management (M/FM)

SES Controller
SES Deputy Controller

Office of Personnel Management (M/PM)

SFS-MC Director
SES Deputy Director

Directorate for Program and Management Services (M/SER)

Office of the Associate Assistant to the Administrator

SES Associate Assistant to the Administrator for Management (M/AAA/SER)

Office of Information Resources Management (M/SER/IRM)

SES Director

Office of Management Operations (M/SER/MO)

SES Director
SFS-C Deputy Director

Office of Contract Management (M/SER/CM)

SES Director
SES Deputy Director

Office of Commodity Management (M/SER/COM)

SES Director
SFS-C Deputy Director

Executive and Overseas Management Service

Office of the Director

SFS-C Director

Office of Equal Opportunity Programs (EOP)

SES Director

Bureau for Food for Peace and Voluntary Assistance (FVA)

Office of the Assistant Administrator (AA/FVA)

SFS-MC Deputy Assistant Administrator

Office of Program, Policy and Evaluation (PPE)

SFS-C Director, Program Policy and Evaluation

Office of Private and Voluntary Cooperation (PVC)

SES Director, Private and Voluntary Cooperation

Office of Food for Peace (FFP)

SES Coordinator, Food for Peace
SFS–C* Deputy Coordinator, Food for Peace

Bureau for Private Enterprise (PRE)

Office of the Assistant Administrator (AA/PRE)

SFS–MC Deputy Assistant Administrator for Policy and Investment
SES Deputy Assistant Administrator for Housing & Urban Programs

Office of Policy and Program Review (PPR)

SFS–C Director

Office of Housing & Urban Programs (H)

SFS–MC Deputy Director

Bureau for Program and Policy Coordination

Office of the Assistant Administrator (AA/PPC)

SFS–CM Deputy Assistant Administrator
SFS–CM* Deputy Assistant Administrator

Office of Policy Development and Program Review (PPC/PDPR)

SES Associate Assistant Administrator

Office of Planning and Budgeting (PPC/PB)

SFS–MC Associate Assistant Administrator

Office of Economic Affairs

SFS–MC Associate Assistant Administrator

Center for Development Information and Evaluation

SFS–C Associate Assistant Administrator

Bureau for Science and Technology (S & T)

Office of the Senior Assistant Administrator

SFS–MC Deputy Assistant Administrator for Research
SFS–MC Deputy Assistant Administrator for Technical Cooperation

Office of Research and University Relations

AD–18 Director

Office of Program

SFS–MC Director

Agency Directorate for Food and Agriculture

SES Agency Director for Food and Agriculture

Office of Agriculture

SES Director

Office of Nutrition

SES Director

Agency Directorate for Energy and Natural Resources

SES Agency Director for Energy and Natural Resources

Office of Forestry, Environment and Natural Resources

SES Director

Office of Energy

SES Director

Agency Directorate for Human Resources

SES Agency Director for Human Resources

Office of Rural and Institutional Development

SFS–C Director

Office of Education

SFS–C Director

Office of International Training

SES Director

Office of Health

SES Director

Office of Population

SES Director
SES Deputy Director

Bureau of Africa (AFR)

SFS–CM Deputy Assistant Administrator
SFS–CM Deputy Assistant Administrator for East and Southern Africa
SFS–CM Deputy Assistant Administrator for West and Central Africa

Office of Technical Resources (AFR/TR)

SFS–MC Director

Office of Project Development (AFR/PD)

SFS–C Director

Office of Regional Affairs (AFR/RA)

SFS* Director

Bureau of Asia and Near East (ANE)

Office of the Assistant Administrator (AA/ANE)

SFS–MC Deputy Assistant Administrator (2)

Office of Development Planning (ANE/DP)

SFS–MC Director

Office of Technical Resources (ANE/TR)

SFS–MC Director

Bureau for Latin American and Caribbean (LAC)

Office of the Assistant Administrator (AA/LAC)

SES Deputy Assistant Administrator
AD–18 Special Assistant

Office of Development Programs (LAC/DR)

SFS–MC Director

Office of Development Resources (LAC/DR)

SFS–MC Director

MISSIONS

Africa

SFS–MC Director, Botswana
SFS–C AID Representative, Burundi
SFS–MC Director, Cameroon
SFS–C AID Representative, Chad
SFS–C AID Representative, Djibouti
SFS–C* AID Representative, Ethiopia
SFS–MC AID Representative, Gambia
SFS–MC Director, Ghana
SFS–MC Director, Kenya
SFS–MC Director, Lesotho
SFS–C AID Representative, Malawi
SFS–MC Director, Mali
SFS–MC Director, Mauritania
SFS–MC Director, Niger
SFS–C AID Representative, Rwanda
SFS–MC Director, Senegal
SFS–MC Director, Somolia
SFS–MC Director, Sudan
SFS–MC Director, Swaziland
SFS–C AID Representative, Togo
SFS–MC Director, Uganda
SFS–MC Director, Burkina Faso
SFS–MC AID Representative, Zambia
SFS–MC Director, Zimbabwe
SFS–C Controller, Regional Financial Management Center (Kenya)
SFS–MC Director, Regional Economic Development Services Office, West Africa
SFS–MC Director, Regional Economic Development Services Office, East Africa
SFS–C* AID Representative, Cape Verde
SFS–C Regional Housing Officer, West Africa
SFS–C* AID, Representative, Guinea-Bissau
SFS–C* AID Affairs Officer (AFR/SEC/S)
SFS–C Regional Housing Officer, East Africa

Asia/Near East

SFS–C AID Representative, Burma
SCS–C Regional Development Officer, Fiji
SFS–MC Director, Nepal
SFS–MC Director, Sri-Lanka
SFS–MC Director, Thailand
SFS–MC Director, Lebanon
SFS–MC Director, Morocco
SFS–C AID Representative, Oman
SFS–MC Director, Tunisia
SFS–MC Director, Yemen
SFS–C Regional Housing Officer, Tunisia

Europe

SFS–C AID Coordinator, Geneva
SFS–C Regional Food for Peace Officer, FAO Affairs, Rome

Latin America and the Caribbean

SFS–C AID Representative, Belize
SFS–MC Director, Bolivia
SFS–MC Director, Regional Development Office, Caribbean
SFS–MC Director, Costa Rica
SFS–MC Director, Equador
SFS–MC Director, El Salvador
SFS–MC Director, Guatemala
SFS–MC Director, Regional Office for Central American Programs, (ROCAP)
SFS–MC Director, Haiti
SFS–MC Director, Honduras
SFS–MC Director, Jamaica
SFS–MC Director, Panama
SFS–C Regional Housing Officer, Latin America
SFS–C AID Representative, Mexico

TRADE AND DEVELOPMENT PROGRAM

SES Director

OFFICE OF THE SCIENCE ADVISOR

SES Science Advisor A/AID

AGENCY: U.S. POSTAL SERVICE

Positions:

AD–17 Associate Judicial Officer

AGENCY: UNITED STATES RAILWAY ASSOCIATION

Positions:

AD President
AD Executive Vice President
AD Vice President—(1)

AGENCY: UNITED STATES SOLDIERS' & AIRMEN'S HOME

Positions: No section 207(d)(1)(C) designations.

AGENCY: VETERANS ADMINISTRATION

Positions:

Office of the Administrator

SES* Associate Deputy Administrator for Congressional and Intergovernmental Affairs
SES Associate Deputy Administrator for Logistics
SES Associate Deputy Administrator for Information Resources Management
SES* Associate Deputy Administrator for Public and Consumer Affairs

Office of Inspector General

SES Deputy Inspector General

Office of the General Counsel

SES General Counsel
SES Deputy General Counsel

Office of Program Planning and Evaluation

SES Director

Office of Budget & Finance

SES Director

Office of Construction

SES Director
SES Deputy Director

Department of Memorial Affairs

SES Chief Memorial Affairs Director
SES Deputy Chief Memorial Affairs Director

Department of Veterans' Benefits

SES Chief Benefits Director
SES Deputy Chief Benefits Director

Department of Medicine and Surgery

AD Deputy Associate Deputy Chief Medical Director

Office of Personnel & Labor Relations

SES Director
SES Deputy Director

Office of Data Management and Telecommunications

SES Director

Office of Procurement & Supply

SES Director
SES Deputy Director

Office of Information Management & Statistics

SES Director

[FR Doc. 86-15664 Filed 7-15-86; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-155-AD; Amdt. 39-5359]

Airworthiness Directives; SAAB Fairchild SF-340A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all known persons an amendment adopting a new airworthiness directive (AD), which was previously made effective as to all known U.S. owners and operators of SAAB Fairchild SF-340A series airplanes by individual telegrams. This AD requires deactivation of certain non-essential circuits providing power to cabin internal lights. This action is prompted by a report of electrical arcing, caused by a short circuit in the overhead lighting system wiring, which resulted in smoke in the cabin during flight.

EFFECTIVE DATES: August 4, 1986.

This AD was effective earlier to all recipients of telegraphic AD T85-25-54, issued December 13, 1985.

ADDRESSES: The applicable service information may be obtained from SAAB Fairchild, Product Support, S-58188, Linkoping, Sweden. This information may be examined at the Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, 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: On December 13, 1985, the FAA issued telegraphic AD T85-25-54, applicable to certain SAAB Fairchild SF-340A series airplanes, airliner version, which requires the deactivation of certain non-essential electrical circuits providing power to cabin internal lights. This was in response to a report of electrical arcing caused by a short circuit in the overhead lighting system wiring, which resulted in smoke entering the cabin during flight. Further evaluation revealed that the incident was the result of a manufacturing defect. However, during the investigation of the incident, an additional problem with the overhead lighting system was discovered. If a lighting tube burns out or is partially burned out, the power supply system output voltage reaches extremely high continuous values as the system attempts to relight. Corona was observed in several instances on the output wires of certain power supply units which were insufficiently insulated. The high voltages also interfered with communication and navigation systems.

In view of the foregoing, the FAA has determined that the deactivation of the overhead lighting system must continue until the system is modified.

Since a situation existed, and still exists, that requires immediate adoption of this regulation, 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.

The Federal Aviation Administration 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 the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 29, 1979), and 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).

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.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

SAAB Fairchild: Applies to Model SF-340A series airplanes, airliner version, certificated in any category. Compliance is required as indicated. To reduce the hazards associated with possible electrical arcing, prior to further flight accomplish the following:

A. Incorporate the following into the limitations section of the airplane flight manual. This may be accomplished by including a copy of this AD in the airplane flight manual.

1. During all flight operations and ground operations with the engines running, deactivate the circuits providing power to the cabin internal overhead and window lights by first switching off these lights, and then opening circuit breakers number F24 and F25.

2. During operations with cabin internal overhead and window lights deactivated, the reading light switch for Row B on the flight attendant's panel must be selected "ON."

B. An alternate means of compliance or adjustment 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.

C. 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 modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer, may obtain copies upon request to SAAB Fairchild, Product Support, S-58188, Linkoping, Sweden. This information 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 4, 1986, as to all persons, except those persons to whom it was made immediately effective by telegraphic AD T85-25-54, issued December 13, 1985.

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

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 86-15946 Filed 7-15-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 371

[Docket No. 60609-6109]

Exporting Under General License Baggage

June 24, 1986.

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: Under 15 CFR 371.6, a person leaving the United States for any destination may take along commodities considered as personal baggage and classified as personal or household effects, vehicles or tools of trade. This personal baggage may or may not accompany the individual as he or she leaves the United States. Currently, 15 CFR 371.6 regulations prevent the person departing from the United States from exporting certain commodities under General License Baggage to Country Group Q, S, W, Y, or Z or to the People's Republic of China.

The regulations are being amended now to prevent certain commodities from being included in exports of personal baggage to any destination by nationals of Country Groups Q, S, W, Y, or Z, or the People's Republic of China who are leaving the United States. Also, a requirement is imposed that commodities exported under General License Baggage be owned by the individual on the date of the individual's departure from the United States. The definition of commodities classified as "tools of trade" is amended to include those used as a hobby or avocation and the word "individual" is substituted for the word "person" to clarify the intent of the regulations.

DATES: This rule is effective July 16, 1987. Comments must be received by September 15, 1986.

ADDRESS: Written comments (six copies) should be sent to: Betty Ferrell, Regulations Branch, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

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

SUPPLEMENTARY INFORMATION: Rulemaking Requirements and Invitation to Comment:

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

2. Section 13(a) of the Export Administration Act of 1979 as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule.

However, because of the importance of the issues raised by these regulations, this rule is issued in interim form and comments will be considered in developing final regulations. Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

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

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

The period for submission of comments will close September 15, 1986. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will

not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Part 731

Exports, Reporting and recordkeeping requirements.

PART 371—[AMENDED]

Accordingly, Part 371 of the Export Administration Regulations is amended as follows:

1. The authority citation for 15 CFR Part 371 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. In § 371.6, paragraphs (a) and (b)(4) are revised to read as follows:

§ 371.6 General License Baggage

(a) *Scope.* A general license designated BAGGAGE is established, subject to the provisions of this § 371.6, authorizing individuals leaving the United States to take to any destination, as personal baggage, accompanied or unaccompanied, the classes of commodities listed in paragraphs (b) (1), (2), (3), and (4) of this section, provided the commodities are owned by such individuals or members of their immediate families on the dates they depart from the United States; are intended for and necessary and appropriate for the use of such individuals or members of their immediate families; and are not intended for sale. Accompanied baggage is that taken by an individual departing from the United States on the same carrier on which the individual departs. Unaccompanied baggage is baggage sent from the United States on a carrier other than that on which an individual departs. Unaccompanied shipments under this general license shall be clearly marked "BAGGAGE." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after departure of the consignee on owner from the United States. Items of personal baggage identified by Code Letter "A", "B", "C", or "M" following the Export Control Commodity Number (ECCN) on the Commodity Control List ((CCL) Supplement No. 1 to § 399.1) must be shipped within 3 months before or after the month in which the consignee or owner departs the United States. However, commodities identified by the code letters "A", "B", "C", or "M" following the ECCN on the CCL may not be exported under this general license to Country Groups Q, S, W, Y, or Z, or to any destination by nationals of Country Groups Q, S, W, Y, or Z. Commodities identified by the code letters "A" or "M" may not be exported under this general license to the People's Republic of China, or to any destination by nationals of the People's Republic of China. This general license may not be used by members of crews of vessels or aircraft (see § 371.11 for General License CREW).

(b) * * *

(4) *Tools of trade.* Usual and reasonable kinds and quantities of tools, instruments, or equipment and their containers for use in the trade, occupation, employment, avocation, or hobby of the traveler.

* * * * *

Dated: July 11, 1986

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86-16042 Filed 7-15-86; 8:45 am]

BILLING CODE 3510-DT-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-23424]

Delegation of Authority to Executive Director

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations governing the functional responsibilities of its offices to delegate the Executive Director responsibility to publish quarterly compilations of reimbursements for travel and subsistence expenses accepted by the Commission for Commission members and staff who attend conferences concerning the agency's responsibilities.

EFFECTIVE DATE: Effective, nunc pro tunc, May 10, 1985.

FOR FURTHER INFORMATION CONTACT: Kathleen Jackson, Special Counsel to the Executive Director, SEC, 450 Fifth Street, NW., Washington, DC 20549-6004 (202) 272-2700.

SUPPLEMENTARY INFORMATION: The Commission finds, in accordance with the Administrative Procedure Act ("APA") (15 U.S.C. 553(b) that this amendment relates solely to agency organization, procedures, or practices, that notice and procedures under the APA are therefore not necessary, and that such amendment shall be adopted, effective immediately).

List of Subjects in 17 CFR Part 200

Administrative practice and procedures, Freedom of Information, Privacy, Securities.

Part 200 of 17 CFR Chapter II is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart A—Organization and Program Management

1. The authority citation for Part 200 is revised to read as follows.

Authority: Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855, sec. 1, 76 Stat. 395, sec. 25, 89 Stat. 163, 15 U.S.C. 77d-1, 77d-2, 77s, 78w, 79t, 79sss, 80a-37, 80b-11, unless otherwise noted.

2. By adding § 200.30-15 as follows:

§ 200.30-15 Delegation of authority to Executive Director.

Under Pub. L. 94-29, 89 Stat. 163, Pub. L. 87-592, 76 Stat. 395, 15 U.S.C. 78d-1, 78d-2, the Securities and Exchange Commission delegates, until the Commission orders otherwise, the following function to the Executive Director, to be performed by him or under his direction by persons designated by the Chairman of the Commission: The publication, required by 17 CFR 200.735-4(b)(4), of quarterly compilations of reimbursements for Commission members and staff for attending non-Federal conferences that

concern the agency's responsibilities. By the Commission.

July 11, 1986

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16037 Filed 7-15-85; 8:45 am]

BILLING CODE 8010-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[OPP-00000/R785; FRL-3049-4]

Revocation of Benzene Hexachloride Food Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule revokes the food additive regulation for residue of the insecticide benzene hexachloride (BHC) in dehydrated peppers (paprika). EPA is taking this action to remove a pesticide food additive regulation for which related registered uses has been cancelled because of the Agency's concern about the oncogenic risks associated with BHC and various non-gamma BHC isomer (technical grade BHC is primarily composed of the alpha, beta, gamma, and delta isomers of the BHC molecule).

EFFECTIVE DATE: Effective on July 16, 1986.

ADDRESS: Written objections, identified by the document control number [OPP-00000/R785], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: James Tompkins, Registration Division (TS-767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of January 2, 1985 (50 FR 120), which (1) proposed the revocation of the food additive regulation for residues of the insecticide benzene hexachloride (BHC) in dehydrated peppers (paprika) listed in 21 CFR 193.35; (2) listed the action level that EPA intended to recommend to the Food and Drug Administration (FDA) to replace the food additive regulation once the rule revoking the regulation was final; and (3) listed EPA's recommendations to FDA with regard to the various existing action levels for processed food and feed commodities.

No public comments were received in response to this notice of proposed rulemaking.

The revocation proposal discussed EPA's intention to recommend that FDA reduce the existing action level of 5 ppm in paprika to 0.05 ppm. However, FDA has indicated that the expected level in paprika would be at least one order of magnitude higher. For this reason and because residues below 1 ppm are difficult to analyze in paprika, EPA is now recommending that FDA set the action level at 1.0 ppm.

Therefore, based on the information considered by the Agency, and discussed in detail in the January 2, 1985 proposal, the Agency is hereby revoking the food additive regulation in 21 CFR 193.35 and recommends that FDA establish an action level, expressed in parts per million (ppm), to replace the food additive limitation for BHC as follows:

TABLE 1. RECOMMENDED REPLACEMENT ACTION LEVEL

Commodity	Existing food additive limitation (ppm) BHC	Recommended action level (ppm) BHC
Dehydrated peppers (paprika)	5	1

EPA recommends that FDA establish the following action level to replace the existing action level for residues of BHC in processed feed.

TABLE 2. ACTION LEVEL TO BE REDUCED

Commodity	Existing action level (ppm) BHC	Recommended action level (ppm) BHC
Animal feed processed	0.1	0.05

There are no established feed additive tolerances in 21 CFR Part 561 for residues of BHC which would be subject to revocation under section 409(h) of the Federal Food, Drug and Cosmetic Act. Therefore, a separate **Federal Register** notice addressing the action level which EPA recommends that FDA establish for residues of BHC in processed feed will not be published.

The revocation proposal for BHC discussed action levels of 0.3 ppm for residues in butter and manufactured dairy products. In a related document (OPP-00000/R786), EPA is recommending that FDA retain at the current level the existing action level of 0.3 ppm for residues of BHC in raw milk. FDA indicates that the action level in raw milk will automatically apply to any processed milk product and therefore action levels in individual products such as butter are unnecessary.

In that same document (OPP-00000/R786), EPA is (1) revoking the tolerances for residues of the insecticide BHC in or on all raw agricultural commodities; (2) listing the action levels which EPA recommends that FDA establish to replace the revoked tolerances; and (3) listing EPA's recommendations to FDA and the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) with regard to the various existing action levels.

Any person adversely affected by this regulation revoking the food additive regulation may, within 30 days after the date of publication of this regulation in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

This action has been reviewed by the Office of Management and Budget as required under section 3 of Executive Order 12291.

In order to satisfy requirements for analysis as specified by the Regulatory Flexibility Act, the Agency has analyzed the costs and benefits of the revocation of the food additive regulation for this chemical. This analysis is available for public inspection in Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Executive Order 12291

As explained in the proposal published January 2, 1985, the Agency has determined, pursuant to the requirements of Executive Order 12291, that the revocation of these tolerances will not cause adverse economic impacts on the significant portions of U.S. enterprises.

Regulatory Flexibility Act

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the January 2, 1985, proposal.

List of Subjects in 21 CFR Part 193

Food additives, Pesticides and pests.

Dated: July 8, 1986.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 193—[AMENDED]

Therefore, 21 CFR Part 193 is amended as follows:

1. The authority citation for Part 193 continues to read as follows:

Authority: 21 U.S.C. 342(a)(2)(C); 21 U.S.C. 348.

§ 193.35 [Removed]

2. Section 193.35 *Benzene hexachloride (BHC)* is removed.

[FR Doc. 86-15990 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject To Certification; Ivermectin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's) filed by Merck Sharp & Dohme Research Laboratories, providing for the over-the-counter (OTC) use of Ivomec® (ivermectin) injection and for treating and controlling certain additional parasites in cattle.

EFFECTIVE DATE: July 16, 1986.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065, has filed two supplements to NADA 128-409 for Ivomec® (ivermectin) injection. One supplement provides for over-the-counter (OTC) use of the drug for the control and treatment of gastrointestinal nematodes, lungworms, grubs, lice, and mites in cattle. The other supplement provides for use of the drug for the control and treatment of two additional parasites (*Bunostomum phlebotomum* and *Solenopotes capillatus*) in cattle. The supplements are approved and the regulations are amended to reflect this approval. The regulations are also amended to add an additional warning statement. The basis for approval of the use of the drug for the two additional parasites is discussed in the freedom of information summary.

Use of Ivomec® (ivermectin) injection in cattle has been restricted to use by or on the order of a licensed veterinarian (i.e., prescription use) since its approval on February 13, 1984 (49 FR 5343). The restriction was imposed because of adverse reactions occurring when this product is used in horses. Following the approval of ivermectin injection in horses, a number of adverse reactions were reported involving clostridial infections at the site of injection. Ivermectin is administered to horses intramuscularly. The intramuscular injection results in irritation and damage to the muscle tissue. This in turn provides a favorable environment for the growth of clostridial organisms. In addition, the horse is particularly susceptible to clostridial infections at injection sites. During the 2 years since ivermectin was approved for use in cattle, such clostridial infections have not proved to be a hazard in this species. The drug is administered to cattle by the subcutaneous route. The labeling includes adequate instructions for proper site selection (in front of or behind the shoulder) and for the use of short hypodermic needles to minimize accidental penetration of the muscle and the resultant potential for infection. Other drugs administered by subcutaneous injection in cattle have been approved for OTC use, and no serious problems have been seen. In view of the history of use of Ivomec® (ivermectin) injection in cattle, the Center for Veterinary Medicine believes adequate directions for safe and effective use have been written, and the drug can now be removed from prescription status.

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

The agency has carefully considered the potential environmental effects of these actions and has concluded that the actions will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by the rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

List of Subjects in 21 CFR Part 522

Animal drugs.

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

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

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

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

2. Section 522.1192 is amended by revising paragraph (d)(2) (ii) and (iii) to read as follows:

§ 522.1192 Ivermectin injection.

* * * * *

(d) * * *

(2) * * *

(ii) *Indications for use.* It is used in cattle for the treatment and control of gastrointestinal nematodes (adults and fourth-stage larvae) (*Haemonchus placei, Ostertagia ostertagi* (including inhibited larvae), *O. lyrata, Trichostrongylus axei, T. colubriformis, Cooperia oncophora, C. punctata, C. pectinata, Oesophagostomum radiatum, Nematodirus helvetianus* (adults only), *N. spathiger* (adults only), *Bunostomum phlebotomum*); lungworms (adults and fourth-stage larvae) (*Dictyocaulus viviparus*); grubs (first, second, and third instars) (*Hypoderma bovis, H. lineatum*); lice (*Linognathus vituli, Haematopinus eurysternus, Solenopotes capillatus*); mites (*Psoroptes ovis* (syn. *P. communis* var. *bovis*), Sarcoptes scabiei var. *bovis*).

(iii) *Limitations.* For subcutaneous use only. Not for intramuscular use. Do not treat cattle within 35 days of slaughter. Because a withdrawal time in milk has not been established, do not use in female dairy cattle of breeding age. Do not use in other animal species because

severe adverse reactions, including fatalities in dogs, may result. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Dated: July 9, 1986.

Marvin A. Norcross,

Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-15961 Filed 7-15-86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 730

[Docket No. 84N-0044]

Modification of Voluntary Filing of Cosmetic Product Experiences

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is changing, from semiannually to annually, the frequency with which voluntary reports of cosmetic product experiences should be submitted to the agency and is deleting a redundant item from one reporting form. These changes will reduce the burdens involved in submitting these reports to the agency without significantly affecting the quality of the reports.

EFFECTIVE DATE: July 16, 1986.

FOR FURTHER INFORMATION CONTACT: Raymond L. Decker, Jr., Center for Food Safety and Applied Nutrition (HFF-444), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1094.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 20, 1985 (50 FR 47760), FDA proposed (1) to amend 21 CFR 730.2 to change, from semiannually to annually, the frequency with which the firms participating in the program of voluntary filing of cosmetic product experiences submit their reports to FDA, (2) to amend 21 CFR 730.4(a)(1) to delete as redundant and unnecessary the disclosure of the full address of the reporting firm on each cosmetic product experience report (Form FDA 2704), and (3) to simplify 21 CFR 730.3 by making clear that the forms may be obtained from, and completed forms should be submitted to, the Division of Cosmetics Technology.

The agency stated that the proposed changes would not affect the usefulness of the statistical data on consumer-perceived adverse reactions to cosmetics, and that it hoped that the reduced reporting burden would encourage additional participation in the program. Interested persons were given until January 31, 1986, to comment.

Two comments were received in response to the proposal. One comment was submitted by a cosmetic trade association; the other was from a manufacturer of cosmetics. Both comments fully supported the proposed changes. The comments stated that the change to annual reporting would provide an incentive for increased participation in the program.

Accordingly, for the reasons set forth above and in the proposal, FDA is amending Part 730 as proposed.

Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

In accordance with Executive Order 12291, FDA has previously analyzed the potential economic effects of this final rule. As announced in the proposal, the agency has determined that the rule is not a major rule as determined by the Order. The agency has not received any new information or comments that would alter its previous determination.

In accordance with the Regulatory Flexibility Act, the agency previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

List of Subjects in 21 CFR Part 730

Cosmetics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 730 is amended as follows:

PART 730—VOLUNTARY FILING OF COSMETIC PRODUCT EXPERIENCES

1. The authority citations under the sections are removed and the authority citation for 21 CFR Part 730 is revised to read as follows:

Authority: Secs. 201(n), 301, 601, 602, 701(a), 52 Stat. 1041-1043 as amended, 1054 as amended, 1055 (21 U.S.C. 321(n), 331, 361, 362, 371(a)); 21 CFR 5.10.

2. By revising § 730.2 to read as follows:

§ 730.2 Time for filing.

(a) Reportable experiences should be reported on an annual basis, for the period January through December, not later than 60 days after the close of the reporting period.

(b) A summary report of cosmetic product experience by product categories should be filed on an annual basis, for the period January through December, not later than 60 days after the close of the reporting period.

3. By revising § 730.3 to read as follows:

§ 730.3 How and where to file.

Form FDA 2704 (Cosmetic Product Experience Report) and Form FDA 2706 (Summary Report of Cosmetic Product Experience by Product Categories) are obtainable from, and the completed forms should be mailed or delivered to, Cosmetic Product Experience Report, Division of Cosmetics Technology (HFF-444), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

4. In § 730.4 by revising paragraph (a)(1) to read as follows:

§ 730.4 Information requested.

(a) * * *

(1) The name of the person (manufacturer, packer, or distributor) designated on the label of the cosmetic product.

* * * * *

Dated: June 21, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86-15959 Filed 7-15-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 200, 236, 882, 812, and 912

[Docket No. R-86-974; FR-1588]

Restriction on Use of Assisted Housing; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule; correction.

SUMMARY: This document makes technical corrections to the final rule on restriction on use of assisted housing, which was published in the **Federal Register** on April 1, 1986 (51 FR 11198).

EFFECTIVE DATE: July 30, 1986.

FOR FURTHER INFORMATION CONTACT: For Parts 200, 236, and 812: James J. Tahash, Program Planning Division, Office of Multifamily Housing Management, (202) 426-3944.

For Part 912: Edward Whipple, Rental and Occupancy Branch, Office of Public Housing, (202) 426-0744.

For Part 882: Madeline Hastings, Existing Housing Division, (202) 755-5866. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This document makes technical corrections to the final rule published in the **Federal Register** on April 1, 1986 (51 FR 11198):

(1) Definition of "Current Participant".

The definitions of "current participant" for the project based rental subsidy programs are corrected to provide that a current participant is a family for which an assisted lease was entered before the effective date of the rule (July 30, 1986), but to eliminate the additional requirement that the assisted lease term must also commence before the effective date. Where the family has entered into *an* assisted lease, there is a contractual undertaking by the owner to rent the unit to the family with the benefit of assistance. The family should be treated as a family which was admitted before the effective date of the rule, even if the lease term begins after the effective date. As a current participant, the family is not required to present documentation of citizenship or eligible alien status until the first regular reexamination after the Initial Implementation Period. Until this reexamination, the family is not required to submit such documentation when a new family member is admitted to the unit.

Before being corrected, the definition of "current participant" for the section 8 Housing Certificate Program and Housing Voucher Program provided that a family qualifies as a current participant if a *lease was approved* before July 30, 1986. This definition is corrected to provide that a current participant is a family for which *an assistance contract was entered into* before July 30, 1986. (In these programs, the lease is approved before the PHA enters the assistance contract.)

Where a Certificate or Voucher lease is approved before July 30, 1986, but the assistance contract is entered on or after that date, the family must submit documentation prior to admission (*i.e.*, before the PHA enters into the assistance contract). For such a family, it is not appropriate to apply the special transition provisions for "current participants" (e.g., first submission of alien status documentation at first annual reexamination after Initial Implementation Period).

(2) Nonimmigrant Student Aliens.

This correction document deletes an obsolete provision on denial of section 236 assistance for nonimmigrant student aliens. As stated in the preamble to the final rule (51 FR 11213), HUD intended systematically to delete prior regulatory provisions that bar assistance to a nonimmigrant student alien.

(3) Waiting List.

The regulation (§ 882.209(a)(7)) for the section 8 Existing Housing Certificate Program is corrected to eliminate a provision of the final rule that stated that a PHA may not add a family to the waiting list unless the family has submitted required evidence of citizenship or eligible alien status. As corrected, the rule requires the PHA to maintain a waiting list of applicants for participation in the PHA's section 8 Certificate Program. The PHA may add to the waiting list a family that has not yet submitted the required evidence.

Before an applicant family is admitted to the Certificate Program, however, the PHA must determine that the family has satisfied program eligibility requirements, including income eligibility and citizenship or eligible alien status (see § 882.209(a)(2), as amended by final rule). Some PHAs do not determine family eligibility until the applicant family is about to be admitted to the program. The rule is not intended to require a change in PHA administrative practice concerning the point at which the eligibility determination is made, so long as the determination is made before admission to the program. The PHA may not enter into a HAP Contract or approve a lease unless an applicant has submitted all required documentation of citizenship or eligible alien status.

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards.

24 CFR Part 236

Low and moderate income housing. Mortgage insurance. Rent subsidies.

24 CFR Part 812

Low and moderate income housing. Rent subsidies.

24 CFR Part 882

Grant programs—housing and community development, Low and moderate income housing, Rent subsudies.

24 CFR Part 912

Low and moderate income housing.

Accordingly, 24 CFR Parts 200, 236, 812, 882 and 912 are amended as follows:

PART 200—INTRODUCTION

1. The authority citation for Part 200 continues to read as follows:

Authority: Secs. 2, 211, and 807, National Housing Act (12 U.S.C. 1703, 1715b, and 1748f)); sec. 7(d), Dept. of HUD Act (42 U.S.C. 3535(d)); Subpart G is also issued under sec. 214, Housing and Community Development Act of 1980, as amended by sec. 329, Housing and Community Development Amendments of 1981 (42 U.S.C. 1436a.)

2. In § 200.181, the definition of "Current Participant" is revised to read as follows:

"Current Participant. A tenant for which an assisted lease was entered into before July 30, 1986."

3. The authority citation for Part 236 continues to read as follows:

Authority: Secs. 211 and 236, National Housing Act (12 U.S.C. 1715b and 1715z-1); sec 7(d), Dept. of HUD Act (42 U.S.C. 3535(d)).

§ 236.70 [Amended]

4. Section 236.70 is amended by removing paragraph (d).

PART 812—DEFINITION OF FAMILY AND OTHER RELATED TERMS: OCCUPANCY BY SINGLE PERSONS

5. The authority citation for Part 812 continues to read as follows:

Authority: Sec. 3, U.S. Housing Act of 1937 (42 U.S.C. 1437a); sec. 7(d), Dept. of H.U.D. Act (42 U.S.C. 3535(d)). Part 812 is also issued under sec. 214, Housing and Community Development Act of 1980, as amended by section 329, Housing and Community Development Amendments of 1981 (42 U.S.C. 1436a).

§ 812.2 [Amended]

6. In § 812.2, the definition of "Current Participant" is revised to read as follows:

"Current Participant. (a) *For a participant under the Section 8 Housing Certificate Program or Housing Voucher Program.* A Family for which an assistance contract was entered into before July 30, 1986.

(b) *For all other Section 8 assistance under this Part.* A Family for which an assisted lease was entered into before July 30, 1986."

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

7. The authority citation for Part 882 continues to read as follows:

Authority: Secs. 3, 5, and 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d), Dept. of H.U.D. Act (42 U.S.C. 3535(d)).

§ 882.209 [Amended]

8. Section 882.209(a)(7) is revised to read as follows:

"(7) the PHA shall maintain a waiting list of applicants for participation in the PHA's Section 8 Certificate Program. The PHA shall select applicants for participation from the waiting list in accordance with policies and procedures (including any preferences) stated in the administrative plan or equal opportunity plan."

PART 912—DEFINITION OF FAMILY AND OTHER RELATED TERMS; OCCUPANCY BY SINGLE PERSONS

9. the authority citation for Part 912 is revised to read as follows:

Authority: Sec. 3, U.S. Housing Act of 1937 (42 U.S.C. 1437a); sec. 7(d)), Dept of H.U.D. Act (42 U.S.C. 3535(d)). Part 912 is also issued under sec. 214, Housing and Community Development Act of 1980, as amended by sec. 329, Housing and Community Development Amendments of 1981 (42 U.S.C. 1436a).

§ 912.2 [Amended]

10. In § 912.2, the definition of "Current Participant" is revised to read as follows:

"*Current Participant.* A Family for which an assisted lease was entered into before July 30, 1986."

Dated: July 10, 1986.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 86-15877 Filed 7-15-86; 8:45 am]

BILLING CODE 4210-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2676

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Assets and Plan Benefits Following Mass Withdrawal, which was published on March 25, 1986 (at 51 FR 10322). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rates series for the month of August 1986.

EFFECTIVE DATE: August 1, 1986.

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

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

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

List of Subjects in 29 CFR Part 2676

Employee benefit plans, Pensions.

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

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

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

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

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) *Interest rates.*

For valuation dates occurring in the month—	The values of i_k are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_{16}
August 1986	.09625	.0925	.0875	.0825	.0775	.07125	.07125	.07125	.07125	.07125	.065	.065	.065	.065	.065	.06

Issued at Washington, DC, on this 11th day of July, 1986.

Kevin W. Putt,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86-16000 Filed 7-15-85; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 203

[ER 500-1-1]

Emergency Employment of Army and Other Resources, Natural Disaster Procedures

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: These changes amend the regulation dated December 21, 1983, and provide revised procedures for the Corps of Engineers in conducting certain emergency activities pursuant to Pub. L. 84-99.

This action amends previous rules concerning the rehabilitation of flood control projects (normally levees) which are constructed and maintained by non-Federal interests. The amended rules are consistent with policy and procedures established by other Federal agencies for disaster assistance. Additionally, state and local governments will have a more active role in determining whether applications for Corps of Engineers assistance to repair flood control projects are consistent with programs established by public agencies for proper floodplain management. This will help assure that the intent of Executive Order 11988 is met.

EFFECTIVE DATE: July 16, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. Hecker, (202) 272-0251.

SUPPLEMENTARY INFORMATION:

Background

The Corps of Engineers has authority, under Pub. L. 84-99, to repair flood control projects which are damaged by flood. Flood control projects constructed by non-Federal interests may be eligible for this disaster recovery assistance provided that certain criteria for eligibility and local cooperation are met. For example, a project constructed by non-Federal interests must meet guidelines established by the Corps of Engineers to establish its structural integrity for flood control purposes.

In the past, there has been a wide variation in the interpretation of Corps design and maintenance standards as they apply to structures not originally constructed by a Federal agency. The changes being implemented by this final rule will lead to improved uniformity throughout the Corps in establishing requirements for state and local participation associated with rehabilitation assistance. The Corps-wide eligibility guidelines established for non-Federal projects will help ensure that equivalent requirements for local cooperation are established regardless of project location.

Publication of this rule is the culmination of a comprehensive review of the levee rehabilitation program under Pub. L. 84-99 which focused on development of uniform eligibility guidelines and requirements for public sponsorship and local cooperation, to include cost sharing.

The requirements for public sponsorship and cost sharing will establish closure uniformity with requirements for similar disaster assistance programs administered by other Federal agencies and reduce public misunderstanding of local cooperation requirements for Federal programs.

Summary of Changes

These changes prescribe a set of minimum guidelines for non-Federal flood control projects to be eligible for rehabilitation under the provisions of Pub. L. 84-99. These guidelines address both maintenance and engineering criteria and revise the existing cost-sharing formula for non-Federal projects. The changes also include a requirement that all applications for rehabilitation of non-Federal projects have a public sponsor. Private individuals or groups who have received direct Corps rehabilitation assistance in the past will be given a two-year "grace" period before the public sponsorship requirement will become a binding condition on further Corps assistance in repairing their projects. The new cost-sharing requirements, effective immediately, establish and 80% Federal—20% non-Federal distribution of the construction cost of the rehabilitation of non-Federal flood control projects (minus engineering and design costs). This replaces the current formula which applies only to modifications of these non-Federal projects.

Reasons for the Changes

These changes promote cooperation and assistance by state and local emergency service organizations with the Corps in review of requests for levee rehabilitation assistance. The Corps will look to appropriate State agencies to support requests for rehabilitation assistance, and will not proceed with a project if a state does not concur with this action. This will ensure that requests are consistent with state objectives for land use and floodplain management. As a result, Federal resources available for post-flood recovery under Pub. L. 84-99 can be applied to projects which will yield the greatest benefit to the general public.

These changes provide for greater participation in the Corps levee rehabilitation program by concerned state and local agencies, ensure that project sponsors nationwide are given the same program eligibility requirements, and direct the attention of local interests to important flood preparedness activities by encouraging improved levee design and maintenance and sound floodplain management practices.

These amended rules were developed in coordination with the Federal Emergency Management Agency (FEMA) and Soil Conservation Service (U.S. Dept. of Agriculture), and are consistent with rules and policies promulgated by those agencies for similar forms of Federal disaster assistance.

Public Comment

All comments received in response to the proposed rule published in the **Federal Register** on August 8, 1985 (50 FR 3209(2)) were considered in developing the final change to these regulations. Because of an unintentionally short public reponse period, late comments were accepted. Additionally, efforts were made to provide copies of the proposed rule to project sponsors/owners who have received past Corps assistance and letters were sent to various national organizations (National Governors' Association, National Association of Counties, etc.) to bring the proposed rule to their attention. The full text of all written comments received is on file and available for public inspection.

In general, the proposed rulemaking was fully supported by the two Federal agencies noted above, which are directly concerned with the Corps emergency activities as they complement work performed under their own authorities for Federal disaster assistance. The Corps of Engineers, FEMA, and Soil Conservation Service have had numerous discussions over the past two years to improve the consistency of Federal disaster recovery activities, and agree that this rulemaking action will serve to significantly

improve the uniformity, fairness, and timeliness of this important interagency mission.

The National Governor's Association and several state and local water resource agencies were supportive of the proposed rule change, with some reservations. As expected, many respondents expressed concern for the cost sharing and public sponsorship requirements being established by this rule change. These reservations and concerns are addressed in the following summary of the major comments received in response to the proposed rulemaking.

Comment: Many private levee owners and several public levee organizations expressed concern that the proposal to establish and 80% Federal—20% non-Federal cost sharing formula for levee rehabilitation places additional financial burden on project sponsors whose resources may be inadequate to meet disaster recovery needs.

Response: The proposed 80–20 cost sharing formula has been designed to conform to basic Federal policy for providing emergency assistance. FEMA and SCS have already established a similar cost sharing policy for disaster recovery work, which recognizes that assistance provided by Federal agencies should be supplemental to the efforts of State and local interests. The 20 percent non-Federal share may be provided through cash or appropriate in-kind services, and is considered to be a fair and reasonable contribution towards projects where investment of public funds is being made. For these reasons, this provision is being retained in the final rule.

Comment: There was concern expressed that private levee owners who have received past flood recovery assistance from the Corps may find it difficult to secure a public sponsor.

Response: A two-year grace period will be established from the effective date of this rulemaking for private levee owners, who have received direct Corps assistance in the past, to secure a public sponsor. The requirement for public sponsorship is a key element for consistent and uniform application of Federal assistance following a flood event. Additionally, several public agencies were very favorable to this aspect of the proposed rulemaking.

Comment: Several public agencies expressed concern that the engineering and maintenance guidelines for non-Federal projects being established by the Corps to determine eligibility for repair, could conflict with established state or local design standards.

Response: The engineering and maintenance guidelines are being established only to serve as a uniform guide for all Corps offices to use in evaluating the eligibility of non-Federal levees for repair under Pub. L. 84–99. These are not intended to impose design standards on any sponsor, but to provide sponsors with information on what improvements may be required for their levees to provide reliable flood protection and be eligible for Corps assistance if damaged by flood. The guidelines have been developed to provide a reasonable degree of flexibility, and may be modified from time to time as necessary to serve the rehabilitation program as intended. Any sponsor who feels that excessive improvements must be made to the levee to comply with these guidelines may reclama for reconsideration to the appropriate Corps District office by providing documentation to support the claim of structural integrity of the levee for flood control purposes. The claim must be verified by a qualified professional engineer.

Sponsors will be provided with a reasonable amount of time to comply with the new eligibility guidelines. After the specified time for compliance has expired, projects which do not meet these guidelines will be ineligible for rehabilitation by the Corps under Pub. L. 84–99.

The proposed engineering and maintenance rating guide and eligibility guidelines (Subpart H) have been revised based on comments received and additional Corps technical review. This information will be provided to sponsors by the Corps District in their area upon request and/or in conjunction with inspection activities.

Note.—The U.S. Army Corps of Engineers has determined that this regulation is not a major rule under Executive Order 12291. It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 203

Disaster assistance, Flood assistance and drought assistance.

PART 203—[AMENDED]

Accordingly, 33 CFR Part 203 is amended as shown:

* * * * *

The authority citation for 33 CFR Part 203 continues to read as follows:

Authority: Pub. L. 84–99, 69 Stat. 186; 33 U.S.C. 701n.

1. By revising § 203.13(c) as follows:

§ 203.13 [Amended]

* * * * *

(c) *Rehabilitation.* Prior to Corps rehabilitation of non-Federal projects, non-Federal interests must furnish formal written assurances of local cooperation. (The local cooperation requirements are detailed in Subpart G of this regulation.) Sponsorship by a public entity is required. Additional requirements of local participation include such items as cost-sharing and costs attributable to deficient or deferred maintenance.

* * * * *

2. By revising § 203.42(c) as follows:

§ 203.42 [Amended]

* * * * *

(c) *Maintenance and deterioration deficiencies.* Rehabilitation under Pub. L. 84–99 will not be applied to works which, as a result of poor maintenance or deterioration, require substantial reconstruction. All deficient or deferred maintenance existing when flood damage occurs will be accomplished by or at the expense of the responsible non-Federal interests, either prior to or concurrently with authorized rehabilitation work. When work accomplished by the Corps corrects deferred maintenance, the estimated deferred maintenance cost will be included as contributed non-Federal funds in addition to the cost-sharing requirement addressed in § 203.82(d). Failure of responsible non-Federal interests to correct significant deficiencies noted during regular inspections may result in suspension of any future rehabilitation assistance under Pub. L. 84–99.

3. By revising § 203.81(a) as follows:

§ 203.81 [Amended]

(a) *Requirements for cooperation and participation.* In order to maintain a firm understanding between the Corps and non-Federal interests concerning the responsbilities of each party in responding to a natural disaster, division or district commanders should negotiate a local cooperation agreement with local interests whenever assistance is furnished. Non-Federal interests or local interests may be public entities, organizations, or groups. For assistance to other than a public entity, it is required that there be a public agency to sponsor the project and cosign the agreement. Project sponsors must be one of the following:

(1) Legal subdivision of a state or a state government.

(2) Local unit of government.

(3) Qualified Indian tribe or tribal organization.

(4) State chartered organization, such as a levee board.

Agreements do not require approval by HQUSACE unless they contain special or unusual conditions of local cooperation and participation.

* * * * *

4. By adding § 203.82(f) as follows:

§ 203.82 [Amended]

* * * * *

(f) *Cost sharing.* The Federal government may bear up to 80 percent of the construction costs for rehabilitation of non-Federal projects. Sponsors may provide their share of construction costs in the form of cash, in-kind services such as labor or equipment, etc., or a combination of cash and in-kind services. The sponsor's share is in addition to providing real estate interests needed for construction and inspection and any deferred maintenance costs. The Corps will determine the dollar value of any in-kind services being provided by the sponsor.

* * * * *

5. By adding a new Subpart H to read as follows:

Subpart H—Non-Federal Levee Rehabilitation Eligibility Guidelines

§ 203.91 General.

(a) *Intent.* The intent of these guidelines is to facilitate the evaluation of the design, construction and maintenance of non-Federal flood control facilities to determine eligiblity for repair under Pub. L. 84–99. Based on its common use the word "levees" will be used in this text to mean any flood control work.

(b) *Level of detail.* The evaluation will be made through site inspections and technical analyses by trained (experienced) Corps district technical staff. This inspection will assess the general functional and structural integrity of the levee for flood control purposes and will serve as a basis for determining Corps assistance. The guidelines are not intended to establish design standards for non-Federal levees, but to provide uniform procedures within the Corps for determining eligibility under Pub. L. 84–99. If the results of the Corps study are not acceptable to the levee owner, he may choose to provide his own detailed engineering study (certified by a qualified professional engineer) as a reclama to establish the elibility of his levee for Corps assistance.

§ 203.92 Procedures.

(a) *General.* Corps involvement with any non-Federal levee normally begins the first time an owner/sponsor requests repairs under Pub. L. 84–99. To evaluate these levees, it is imperative that the initial eligibility investigation assess the integrity and reliability of the levee. In addition, other key information required to determine the Federal interest in repairing the levee will be obtained. Any levee repaired by the Corps will be inspected periodically to assure that the conditions of local cooperation are being fulfilled by the sponsor. These inspections will also be used in determining the eligibility of the levee for possible future Corps assistance under Pub. L. 84–99. The project sponsor will be advised of any work required to maintain project eligibility. The guidelines established herein may also be used where an owner/sponsor who has not previously received levee rehabilitation assistance from the Corps, submits a request for inspection to determine whether his levee meets established eligibility criteria.

(b) *Inspection procedure.* A Rating Guide will be used to establish performance levels for non-Federal levees to be included in the Corps rehabilitation program. This guide will be provided to all non-Federal levee sponsors for their use in maintaining or upgrading their projects as required to remain eligible for the Corps rehabilitation program. (A copy of the Rating Guide will be provided to sponsors by the Corps District in their area.) The inspection will identify all areas where work is required to upgrade the levee to an acceptable performance level, and specify an appropriate time period to sponsors in which to accomplish the work. If a levee sponsor fails to comply with identified requirements, notification will be provided that the levee is not eligible for consideration for rehabilitation under Pub. L. 84–99 until the Corps is advised that the work is completed. No further inspections will be made of a levee that is ineligible until the sponsor provides notification by letter indicating that noted deficiencies have been corrected.

(c) *Technical evaluation.* Technical evaluation procedures are intended to establish the general capability of a non-Federal levee to provide reliable flood protection.

§ 203.93 Inspections.

(a) *General.* The initial inspection of any non-Federal levee using these guidelines will establish the estimated level of protection and structural reliability of the existing levee. Subsequent inspections will detect changed project conditions which have an impact on the integrity of the flood protection provided by the levee.

(b) *Hydrologic/hydraulic analyses.* The level of protection provided by a non-Federal levee will be evaluated and expressed in terms of exceedence frequency (e.g., a 20%, 10% etc. chance of the levee being overtopped in any given year.) These analyses also include an evaluation of existing or needed erosion control features for portions of the levee which may be threatened by wind generated waves, stream or surface flows.

(c) *Geotechnical analyses.* The geotechnical evaluation will be based primarily on a detailed visual inspection. The initial inspection will identify critical sections where levee stability appears weakest and will document the location, reach, and cross-section at these points.

(d) *Maintenance.* The Maintenance section of Rating is intended for use in evaluation of maintenance performance and deficiencies to the same scope and degree as is required to determine compliance with assurance agreements entered into pursuant to 33 CFR 208.10. This evaluation should reflect the level of maintenance required to assure the intended degree of flood protection and performance of local cooperation required for a levee to remain eligible for the rehabilitation program under Pub. L. 84–99. The Rating Guide is also applicable to levees where no local cooperation agreement exists (i.e., not previously repaired under Pub. L. 84–99), but an eligibility review is requested by the owner/sponsor of the project.

§ 203.94 Evaluation of eligibility based on the Rating Guide.

After the technical evaluation has assessed the integrity of the levee, the current definitive condition of the levee will be evaluated using the Rating Guide as a basis. The following table provides general guidance on appropriate inspection recommendations based on the Rating Guide parameters:

Condition	Recommendation
A—Acceptable	No immediate work required.
M—Minimally Acceptable.	A deficient condition exists which needs to be improved by the levee sponsor/owner. The inspector's evaluation should address the impacts on the original design and/or on operating deficiencies resulting from the condition identified.

Condition	Recommendation
U—Unacceptable...	Items which fall within this category may render the levee ineligible for rehabilitation under Pub. L. 84-99 unless immediate corrective action is taken by the sponsor/owner. The inspector's evaluation will establish specific time periods within which the unacceptable performance items must be upgraded to at least Condition M.

If the sponsor/owner does not comply with the recommendation for correction of Condition "U" items, within specified time frames a notification will be provided to the sponsor/owner that the levee is ineligible for rehabilitation under Pub. L. 84-99 until the deficiencies are corrected. No further inspections will be made until the sponsor/owner notifies the Corps that this has been completed.

§ 203.95 Rehabilitation investigation.

The inspection program outlined in this subpart is intended to facilitate the completion of rehabilitation investigations when levees in the program are damaged by flood. The most recent inspection report should provide most of the general information required to support a request to rehabilitate a levee under Pub. L. 84-99.

Dated: July 8, 1986.

Dennis J. York,

Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc. 86-15969 Filed 7-15-86; 8:45 am]

BILLING CODE 3710-92-M

Department of the Army

35 CFR Part 253

Regulations of the Secretary of the Army: Panama Canal Employment System

AGENCY: Department of the Army, Defense.

ACTION: Final rule.

SUMMARY: By this document, a portion of the regulations governing employment and compensation for Federal agencies in Panama covered by the Panama Canal Employment System is amended.

EFFECTIVE DATE: July 16, 1986.

ADDRESS: Department of the Army, Office of the Assistant Secretary of the Army (CW), Washington, DC 20310, Tel (202) 695-0482.

FOR FURTHER INFORMATION CONTACT: LTC Ken Dunn, Office of the Assistant Secretary of the Army (CW), Washington, DC 20310, Tel. (202) 695-0482.

SUPPLEMENTARY INFORMATION: Because this rule pertains to personnel of agencies covered by these regulations, it is not necessary to issue a notice of proposed rulemaking under 5 U.S.C. 553.

List of Subjects in 35 CFR Part 253

Administrative practice and procedure, Employment, Government employees, Panama Canal.

Adoption of Amendments

Accordingly, effective as indicated above, the following amendments to Title 35, Code of Federal Regulations are adopted:

PART 253—[AMENDED]

1. The authority citation for Part 253 continues to read as follows:

Authority: 5 U.S.C. 5102, E.O. 12173, 12215.

§ 253.8 [Amended]

2. Section 253.8 is amended by revising paragraphs (b) introductory text, (b)(1) and (b)(6) to read as follows:

* * * * *

(b) The following positions, and the incumbents thereof, are excluded from all the provisions of subchapter II (except section 1217(d) [refers to recruitment and retention remuneration, overseas differentials and allowances in R. P.]) and the regulations of this part, and in Part 251 of this chapter:

(1) The Administrator, Deputy Administrator, Chief Engineer, Chief Financial Officer, Secretary and Assistant to the Secretary for Congressional Affairs of the Panama Canal Commission.

* * * * *

(6) Positions in the Panama Canal Commission and the incumbents thereof, if a substantial portion of the duties and responsibilities are performed in the United States. All of the rights and privileges which are provided by applicable laws and regulations for citizens of the United States employed in the competitive service, except Title 5 U.S. Code, Chapter 43 pertaining to performance appraisal, are extended to the incumbents of such positions, other than the Assistant to the Secretary of Congressional Affairs of the Panama Canal Commission.

* * * * *

Dated: July 9, 1986.

William R. Gianelli,

Chairman, Panama Area Personnel Board.

[FR Doc. 86-15774 Filed 7-15-86; 8:45 am]

BILLING CODE 3710-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-3-FRL-3047-8]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Direct Final Approval of an Administrative Order Issued by the Pennsylvania Department of Environmental Resources to Boyertown Packaging Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking

SUMMARY: EPA is approving an Administrative Order as a Delayed Compliance Order (Order) issued by the Pennsylvania Department of Environmental Resources (PADER) to Boyertown Packaging Corporation. The Order requires the company to bring air emissions from its rotogravure and flexographic printing facility located in Colebrookdale Township, Berks County, Pennsylvania into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) for the control of ozone. Compliance shall be achieved by April 21, 1987, utilizing a combination of low solvent technology (LST), add-on controls, and alternative emission limitations. Since the Order has been issued to a major source and permits delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a Delayed Compliance Order pursuant to section 113(d) of the Clean Air Act (the Act). If approved by EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the enforcement provisions of section 113 of the Act or the citizen suit provisions of section 304 of the Act for violations of the SIP regulations covered by the Order.

DATE: This action will be effective September 15, 1986, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments should be submitted to: Director, Air Management Division, EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at the EPA Region III address above during normal business hours.

FOR FURTHER INFORMATION CONTACT: Jack W. Reynolds, Environmental Scientist, Enforcement Policy and State Coordination Section, Air Management Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Telephone: (215) 597-9100.

SUPPLEMENTARY INFORMATION: Boyertown Packaging Corporation operates a rotogravure and flexographic printing facility in Colebrookdale Township, Berks County, Pennsylvania. The Order under consideration addresses emissions from two laminators (identified as Nos. 2 and 7) and six flexographic presses (identified as Nos. 6, 7, 9, 10, 11 and HS-3), which are subject to sections 129.52 and 129.67, respectively of Title 25 of the Pennsylvania Code. The regulations limit the emissions of Volatile Organic Compounds (VOC), and are part of the federally approved Pennsylvania State Implementation Plan (SIP) for the control of ozone. The Order requires final compliance with the regulations by April 21, 1987, utilizing a combination of low solvent technology (LST), add-on controls, and/or alternative emission limitations (a "bubble"). In the event that Boyertown Packaging Corporation chooses to pursue alternative emission limitations the Company must meet the provisions of section 129.53 of Title 25 of the Pennsylvania Code. Also, if an averaging time of greater than twenty-four hours is requested such request must be submitted to EPA as a State Impementation Plan Revision. Failure by Boyertown Packaging Corporation to receive full PADER and EPA approval of alternative emission reduction limitations will not relieve the Company of its obligation to achieve full compliance by April 21, 1987.

Because this Order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulations, it must be approved by EPA before it becomes effective as a Delayed Compliance Order under section 113(d) of the Act. EPA has reviewed the Order and has found that the Order satisfies the requirements of the Act. However, any proposed alternative emission limitations sought under the Order outside the provisions of section 129.53 of the Pennsylvania Code, must be submitted by PARDER to EPA as a SIP revision and approved by EPA before they can become a federally approved means for the company to comply with the SIP. EPA's review indicates that the printing facility is a major source of VOC emissions. The facility, located in Berks County, a nonattainment area for the National Ambient Air Quality Standard for ozone, is situated within the Northeast Pennsylvania-Upper Delaware Valley Interstate (New Jersey-Pennsylvania Air Quality Control Region. The facility, as presently constructed, is unable to comply with regulations limiting emissions of VOC's codified at sections 129.52 and 129.67 of Title 25 of the Pennsylvania Code, part of the federally approved State Implementation Plan, because low solvent coatings and inks are still being developed. The Order requires compliance by April 21, 1987, utilizing a combination of LST, add-on controls , and alternative emission limitations.

Prior to issuance of the Order, Pennsylvania provided an opportunity for public comment and hearing on the Order. No public comments or requests for public hearing were received by the State. The Order contains requirements for expeditious increments of progress towards compliance, emission monitoring and reporting requirements and provides for interim emission reduction as required by section 113(d)(6) of the Clean Air Act. These requirements are sufficient to avoid any imminent and substantial endangerment to health within the meaning of section 113(d)(7) of the Clean Air Act. A major increment of progress, which required the installation of an incinerator on the No. 7 laminator by April 2, 1985 has been completed. Based on 1983 production levels, the 1985 installation and operation of the incinerator now reduces the 708 T/Y emissions by approximately 67 T/Y. The 1983 VOC emissions of 708 Tons per year (T/Y) will be reduced to an emission level such that compliance will be achieved by April 21, 1987. Research and development of low solvent technology shall be completed on or before July 21, 1986, whereas Boyertown shall submit an application for plan approval to bring VOC emissions into compliance with 25 PA Code section 129.67. On or before August 21, 1986 the company shall place purchase orders for the low solvent coatings or alternative technology. In addition, on or before February 21, 1987 Boyertown shall receive delivery and commence utilization of either the low solvent coatings or alternative control technology. Either compliance method shall be completed by March 21, 1987 and on or before April 21, 1987 the VOC emissions from flexographic pressed 6, 7, 8, 9, 10, 11, and HS-3 shall comply with 25 PA Code section 129.67.

The system of emissions reduction required during the period covered by this Order is the best practicable system in light of the ultimate emission reductions required for compliance with the SIP. This interim system provides substantial emissions reduction in a manner which permits the company to move toward the use of either low solvent coatings, alternative emission limitations, facility alterations to install add-on controls or a combination thereof.

The Order requires the facility to comply with the State Implementation Plan whenever it is temporarily able to do so which meets the requirements of section 113(d)(7)(B). As required by section 113(d)(1)(E) of the Act, the Order notfies Boyertown Packaging Corporation of its liability for noncompliance penalties under section 120 of the Clean Air Act, 42 U.S.C. 7420.

If the Order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect.

Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded.

If approved, the Order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the Order will not preclude assessment of any penalties under section 120 of the Act, unless the source is otherwise entitled to an exemption under section 120(a)(2) (B) or (C).

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective September 15, 1986, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the notice set forth herein and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective September 15, 1986.

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

List of Subjects in 40 CFR Part 65

Air pollution control.

Authority: 42 U.S.C. 7413, 7601.

Dated: July 3, 1986.

Lee M. Thomas,

Administrator.

In consideration of the foregoing, Chapter, I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 7413, 7601.

2. The table in § 65.431 is amended by adding the entry for Boyertown Packaging Corp. in alphabetical order to read as follows:

§ 65.431 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
*	*	*	*	*	*
Boyertown Packaging Corp.	Colebrookdale Township, Berks County, PA.			§ 129.52, and § 129.67 of Title 25.	Apr. 21, 1987.
*	*	*	*	*	*

[FR Doc. 86-15671 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300136A; FRL-3050-1]

N-Butanol; Pesticide Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts *n*-butanol from the requirement of a tolerance when used as an inert ingredient solvent in pesticide formulations applied to growing crops on to raw agricultural commodities. This regulation was requested by the Amway Corp.

EFFECTIVE DATE: Effective on July 16, 1986.

ADDRESS: Written objections may be submitted to the:

Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: N Bhushan Mandava, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, Va 22202, 703-557-7700.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of July 31, 1985 (50 FR 30963), which announced that the Amway Corp., Ada, MI 49355, had requested that 40 CFR 180.1001 be amended by establishing an exemption from the requirement of a tolerance for *n*-butanol when used as an inert ingredient solvent in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

Inert ingredients are ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carageenan and modified cellulose; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

In the proposed rule, EPA stated the basis for a determination that when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. However, after the proposed rule was published, EPA initiated new review procedures for tolerance exemptions for inert ingredients. *n*-Butanol was subjected to these new review procedures which included reviews of structure-activity relationships concerning oncogenicity and developmental toxicity and also concerns for ecotoxicity. Based on these new review procedures and the direct food use clearances for *n*-butanol, the Agency has determined that no additional test data will be required to support this regulation.

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

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 7, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

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

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

2. Section 180.1001 is amended by adding and alphabetically inserting the inert ingredient *n*-Butanol to the table in paragraph (c), removing *n*-Butyl alcohol from the table in paragraph (d), and correcting the entry alpha-Butanol in paragraph (e) to *n*-Butanol, as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
*	*	*
n-Butanol (CAS Reg. No. 71-36-3)		Solvent, cosolvent
*	*	*

(d) * * *

Inert ingredients	Limits	Uses
* * *	* *	*
n-Butyl alcohol [Removed].	.....	Solvent, cosolvent [Removed].
* * *	* *	*

(e) * * *

Inert ingredients	Limits	Uses
* * *	* *	*
n-Butanol (CAS Reg. No. 71-36-3).	.....	Solvent for blended emulsifiers.
* * *	* *	*

[FR Doc. 86-15985 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2720, 3F2916, 3F2957/R796; FRL-3050-2]

Pesticide Tolerances for Metolachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule increases or establishes tolerances for combined residues of the herbicide metolachlor and its metabolites in or on certain raw agricultural commodities. This regulation to increase or establish the maximum permissible level for residues of the herbicide in or on the commodities was requested by Ciba-Geigy Corp.

EFFECTIVE DATE: July 16, 1986.

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

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** that Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409, had filed petitions with EPA. These petitions proposed that 40 CFR 180.368(a) be amended by increasing or establishing tolerances for combined residues of the herbicide metolachlor (2-chloro-*N*-(2-ethyl-6-methylphenyl-*N*-(2-methoxy-1-methylethyl)acetamide) and its metabolites, determined as the derivatives 2-((2-ethyl-6-methylphenyl)amino)-1-propanol and 4-(2-ethyl-6-methylpohenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on the raw agricultural commodities at the parts per million (ppm) listed below:

Petition	Date	Issue	Commodities	From ppm to ppm
2F2720	8/25/82	47 FR 37289	Corn fodder and forage	1.0-6.0
			Peanut hulls	1.0-6.0
			Soybeans	0.1-0.2
			Peanuts	0.1-0.5
			Soybean fodder and forage	2.0-6.0
			Peanut forage and hay	3.0-30.0
			Liver of cattle, goats, hogs, horses, poultry, sheep	0.05
			Kidney of cattle, goats, hogs, horses, poultry, sheep	0.2
3F2916	9/7/83	48 FR 40432	Pod and seed vegetables, fodder and forage	15.0
3F2957	9/30/83	48 FR 44903	Stone fruits	0.1

The petitioner subsequently amended pesticide petition 3F2916 to designate foliage of legume vegetables, except soybeans, and amended petition 2F2720 to propose increased levels for corn fodder, corn forage, soybean forage and soybean hay at 8.0 ppm and to delete poultry kidney. The notice of filing of amended petition (2F2720) was published in the **Federal Register** on February 2, 1983 (48 FR 4717). No comments were received in response to these notices of filing.

The data submitted in these petitions and other relevant material have been evaluated. The data considered in support of these proposals include the following: A 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 ppm (12.5 milligrams (mg)/kilogram (kg); a 6-month dog feeding study with a NOEL of 100 ppm (2.5 mg/kg); a rat teratology study with no evidence of teratogenicity or fetotoxicity at the highest dose tested of 360 mg/kg; a rabbit teratology study with a maternal NOEL of 120 mg/kg and no eivdence of teratogenicity or fetotoxicity at the highest dose tested of 360 mg/kg; a 2-generation rat reproduction study with a reproductive NOEL of 300 ppm (15 mg/kg) and a lowest effect level (LEL) of 1,000 ppm (50 mg/kg); a mouse dominant-lethal study negative for mutagenic effects; an AMES mutagenicity assay negative for mutagenic effects; a 2-year mouse oncogenicity study with no observed oncogenic potential at 30, 1,000 and 3,000 ppm (429 mg/kg) (highest dose tested); a repeated 2-year mouse oncogeniciy study with no observed oncogenic potential at the same dose levels as the original study; a 2-year chronic feeding/oncogenicity study in the rat (IBT validated, core supplementary) a dietary doses of 0, 30, 300, and 3,000 ppm with a statistically significant increase in primary liver neoplasms in females of the high-dose group (3,000 ppm); and a repeated 2-year chronic feeding/oncogenicity study in the rat conducted at the same dietary doses as the original study with a systemic NOEL of 30 ppm (1.5 mg/kg), a systemic LEL of 300 ppm (testicular atrophy), and a statistically significant increased incidence of neoplastic liver nodules and proliferative hepatic lesions in females of the high-dose group (3,000 ppm).

Data considered desirable but lacking are additional animal metabolism studies conducted according to current guidelines. An in vivo cytogenetics study and two in vitro DNA repair studies were submitted by the petitioner and are currently under Agency review.

The Agency has evaluated dietary exposure to metolachlor residues based on the rat studies. Assuming 100 percent of the corps are treated, the "worse case" dietary risk for the proposed tolerances is calculated to be 3 incidences in 1 million. Previously established tolerances provide a dietary oncogenic risk of 1 incidence in 1 million. The incremental increase in risk for the proposed tolerance in the diet is 7.87 percent of the theoretical maximum residue contribution (TMRC). The total dietary "worst case" risk from established and proposed tolerances is calculated to be 3 incidences in 1 million.

Tolerances have previously been established for residues of metolachlor ranging from 0.02 ppm in meat, milk, poultry, and eggs to 3.0 in peanut forage and hay. Based on the rat chronic feeding study with a NOEL of 30 (1.5 mg/kg/day) for nononcogenic effects and using a 100-fold safety factor, the acceptable daily intake (ADI) is 0.015 mg/kg/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.9 mg/day. The TMRC from existing tolerances for a 1.5 kg diet

is calculated to be 0.0699 mg/day. The proposals described above will increase the TMRC by 0.0055 mg/day (7.87 percent). The proposed and established tolerances utilize 8.38 percent of the ADI for nononcogenic effects.

The pesticide is considered useful for the purpose for which the tolerances are sought. There are no regulatory actions pending against the continued registration of the pesticide. The metabolism of metolachlor in plants for the proposed tolerances is adequately understood, and an analytical method, gas chromatography, is available for enforcement purposes. The proposed tolerances and tolerances previously established under 40 CFR 180.368(a) are adequate to cover residues that would result in meat, milk, and poultry.

Based on the information cited above, the Agency has determined that the establishment of the tolerances for residues of the pesticide in or on the commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

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).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 8, 1986.

Douglas D. Campt,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.368(a) is amended as follows:

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

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

2. Section 180.368(a) is amended by revising the table in therein to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

(a) * * *

Commodities	Parts per million
Cattle, fat	0.02
Cattle, kidney	0.2
Cattle, liver	0.05
Cattle, meat	0.02
Cattle, mbyp (except kidney and liver	0.02
Corn, fresh (inc. sweet K+CWHR)	0.1
Corn, forage and fodder	8.0
Corn, grain	0.1
Cottonseed	0.1
Eggs	0.02
Goats, fat	0.02
Goats, kidney	0.2
Goats, liver	0.05
Goats, meat	0.02
Goats, mbyp (except kidney and liver)	0.02
Hogs, fat	0.02
Hogs, kidney	0.2
Hogs, liver	0.05
Hogs, meat	0.02
Hogs, mbyp (except kidney and liver)	0.02
Horses, fat	0.02
Horses, kidney	0.2
Horses, liver	0.05
Horses, meat	0.02
Horses, mbyp (except kidney and liver)	0.02
Legume vegetables group foliage (except soybean forage and soybean hay)	15.0
Milk	0.02
Peanuts	0.05
Peanut, forage and hay	30.0
Peanut, hulls	6.0
Peppers, chili	0.5
Potatoes	0.2
Poultry, fat	0.02
Poultry, liver	0.05
Poultry, meat	0.02
Poultry, mbyp (except liver)	0.02
Safflower seed	0.01
Seed and pod vegetables (except soybeans)	0.03
Sheep, fat	0.02
Sheep, kidney	0.2
Sheep, liver	0.05
Sheep, meat	0.02
Sheep, mbyp (except kidney and liver)	0.02
Sorghum, forage and fodder	2.0
Sorghum, grain	0.3
Soybeans	0.2
Soybeans, forage and hay	8.0
Stone fruits group	0.1

* * * * *

[FR Doc. 86-15984 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-00000/R786; FRL-3049-3]

Revocation of Benzene Hexachloride Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule revokes the tolerances for residues of the insecticide benzene hexachloride (BHC) in or on all raw agricultural commodities. EPA is taking this action to remove a pesticide tolerance regulation for which related registered uses had been cancelled because of the Agency's concern about the oncogenic risks associated with BHC and various non-gamma BHC isomers (technical-grade BHC is primarily composed of the alpha, beta, gamma, and delta isomers of the BHC molecule).

EFFECTIVE DATE: Effective on July 16, 1986.

ADDRESS: Written objections, identified by the document control number [OPP-00000/R786], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

James Tompkins, Registration Division (TS-767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

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

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of January 2, 1985 (50 FR 125), which (1) proposed the revocation of tolerances for residues of the insecticide benzene hexachloride (BHC) in or on all raw agricultural commodities listed at 40 CFR 180.140; (2) listed the action levels that EPA intended to recommend to the Food and Drug Administration (FDA) to replace the tolerances once the rule revoking the regulation was final; and (3) listed EPA's recommendations to FDA and the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) with regard to the various existing BHC action levels for food and feed commodities for which no BHC tolerances were established.

No public comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, based on the information considered by the Agency and discussed

in detail in the January 2, 1985 proposal, the Agency is hereby revoking the tolerances in 40 CFR 180.140 and recommends that FDA establish action levels, expressed in parts per million (ppm), to replace the existing tolerances for benzene hexachloride as follows:

TABLE 1.—RECOMMENDED REPLACEMENT ACTION LEVELS

Commodities	Existing tolerances (ppm) BHC	Recommended action levels (ppm) BHC
Apples	1	0.05
Apricots	1	0.05
Asparagus	1	0.05
Avocadoes	1	0.05
Broccoli	1	0.05
Brussels sprouts	1	0.05
Cauliflower	1	0.05
Cabbage	1	0.05
Celery	1	0.05
Cherries	1	0.05
Collards	1	0.05
Cucumbers	1	0.05
Eggplants	1	0.05
Grapes	1	0.05
Kale	1	0.05
Kohlrabi	1	0.05
Lettuce	1	0.05
Melons	1	0.05
Mustard greens	1	0.05
Nectarines	1	0.05
Okra	1	0.05
Onions (dry bulb only)	1	0.05
Peaches	1	0.05
Pears	1	0.05
Pecans	0.01	0.05
Peppers	1	0.05
Plums (fresh prunes)	1	0.05
Pumpkins	1	0.05
Spinach	1	0.05
Squash (summer & winter)	1	0.05
Strawberries	1	0.05
Swiss chard	1	0.05
Tomatoes	1	0.05

EPA recommends that FDA establish the following action levels to replace existing action levels for residues of BHC in raw agricultural commodities:

TABLE 2.—ACTION LEVELS TO BE REDUCED

Commodities	Existing action levels (ppm) BHC	Recommended action levels (ppm) BHC
Artichokes	0.5	0.05
Barley, grain (animal feed)	0.1	0.05
Barley, grain (human food)	0.1	0.05
Beans	0.5	0.05
Beets	0.5	0.05
Blackberries	0.5	0.05
Blueberries	0.5	0.05
Boysenberries	0.5	0.05
Carrots	0.5	0.3
Citrus fruits	0.5	0.05
Corn, fresh sweet	0.5	0.05
Corn grain (animal feed)	0.5	0.05
Corn grain (human food)	0.1	0.05
Cranberries	0.5	0.05
Currants	0.5	0.05
Dewberries	0.5	0.05
Eggs	0.5	0.05
Elderberries	0.5	0.05
Endive	0.5	0.05
Figs	0.5	0.05
Frog legs (edible portion)	0.5	0.3
Gooseberries	0.5	0.05
Guavas	0.5	0.05
Hays (animal feed)	0.1	0.05

TABLE 2.—ACTION LEVELS TO BE REDUCED—Continued

Commodities	Existing action levels (ppm) BHC	Recommended action levels (ppm) BHC
Huckleberries	0.5	0.05
Loganberries	0.5	0.05
Mangoes	0.5	0.05
Milo sorghum (animal feed)	0.1	0.05
Milo sorghum (human food)	0.1	0.05
Oats grain (animal feed)	0.1	0.05
Oats grain (human food)	0.1	0.05
Peas	0.5	0.05
Pineapples	0.5	0.05
Potatoes	0.5	0.05
Quinces	0.5	0.05
Radishes	0.5	0.05
Raspberries	0.5	0.05
Rice grain	0.1	0.05
Rutabagas	0.5	0.05
Rye grain (animal feed)	0.1	0.05
Rye grain (human food)	0.1	0.05
Sweet Potatoes	0.5	0.05
Turnips	0.5	0.05
Wheat grain (animal feed)	0.1	0.05
Wheat grain (human food)	0.1	0.05

The Agency has recommended that FDA and FSIS/USDA retain at the current level the following existing action levels for residues of BHC:

TABLE 3.—ACTION LEVELS TO REMAIN IN EFFECT

Commodities	Existing and recommended action levels (ppm) BHC
Cocoa beans (whole raw beans)	0.5
Fat of cattle, calves, chickens, ducks, geese, goats, horses, rabbits, sheep, swine, and turkeys	0.3
Milk, raw unpasteurized (fat basis)	0.3

Elsewhere in this issue of the **Federal Register**, EPA has published a related document [OPP-00000/R785], which (1) revokes the food additive regulation for residues of benzene hexachloride (BHC) in dehydrated peppers (paprika) under 21 CFR 193.35; (2) lists the action levels which EPA recommends that FDA establish to replace the revoked food additive regulation once the rule revoking the regulation is final; and (3) lists EPA's recommendations to FDA with regard to the various existing action level for processed animal feed.

Any person adversely affected by this regulation revoking the tolerances may, within 30 days after the date of publication of this regulation in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

This document has been submitted to the Office of Management and Budget for review as required by section 3 of Executive Order 12291.

In order to satisfy requirements for analysis as specified by the Regulatory Flexibility Act, the Agency has analyzed the costs and benefits of the revocation of tolerances for this chemical. This analysis is available for public inspection in Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Executive Order 12291

As explained in the proposal published January 2, 1985, the Agency has determined, pursuant to the requirements of Executive Order 12291, that the revocation of these tolerances will not cause adverse economic impacts on significant portions of U.S. enterprises.

Regulatory Flexibility Act

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 et seq.) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the January 2 proposal.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 8, 1986.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

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

Authority: 21 U.S.C. 342(a)(2)(B) and 346a.

§ 180.140 [Removed]

2. Section 180.140 *BHC; tolerances for residues* is removed.

[FR Doc. 86-15991 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[SW-FRL-3049-1]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is granting final exclusions for the solid wastes generated at three particular generating facilities from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions received by the Agency under 40 CFR 260.20 and 260.22 to exclude wastes on a "generator-specific" basis from the hazardous waste lists. The effect of this action is to exclude certain wastes generated at these facilities from listing as hazardous wastes under 40 CFR Part 261.

EFFECTIVE DATE: July 16, 1986.

ADDRESSES: The RCRA regulatory docket for this final rule is located at the U.S. Environmental Protection Agency, 401 M Street SW. (Sub-basement), Washington, DC 20460, and is available for public viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Cal Mia Zmud at (202) 475-9327 or Kate Blow at (202) 382-4675 for appointments. The reference number for this docket is "F-86-CHEF-FFFFF". The public may copy a maximum of 50 pages of materials from any one regulatory docket at no cost. Additional copies cost $.20/page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline, toll-free at (800) 424-9346, or (202) 382-3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-5096.

SUPPLEMENTARY INFORMATION:

On March 6, 1986, EPA proposed to exclude specific wastes generated by several facilities, including: (1) Chamberlain-Featherlite, Inc., located in Hot Springs, Arkansas (see 51 FR 7817); (2) Falconer Glass Industries, Inc., located in Falconer, New York (see 51 FR 7819); and (3) Loxcreen Company, Inc., located in Hayti, Missouri (see 51 FR 7822).[1] These actions were taken in response to petitions submitted by these companies (pursuant to 40 CFR 260.20 and 260.22) to exclude their wastes from hazardous waste control. In their petitions, these companies have argued that certain of their wastes were non-hazardous based upon the criteria for which the waste was listed. The petitioners have also provided information which enabled the Agency to determine whether any other toxicants are present in the wastes at levels of regulatory concern. The purpose of today's actions is to make final those proposals and to make our decisions effective immediately. More specifically, today's rule allows these three facilities to manage their petitioned wastes as non-hazardous. The exclusions remain in effect unless the waste from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process).[2] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.

The Agency notes that the petitioners granted final exclusions in today's **Federal Register** have been reviewed for both the listed and non-listed criteria. As required by the Hazardous and Solid Waste Amendments of 1984, the Agency evaluated the wastes for the listed constituents of concern as well as for all other factors (including additional constituents) for which there was a reasonable basis to believe that they could cause the waste to be hazardous. These petitioners have demonstrated through submission of raw materials data, EP toxicity test data for all EP toxic metals, and test data on the four hazardous waste characteristics that their wastes do not exhibit any of the hazardous waste characteristics, and do not contain any other toxicants at levels of regulatory concern.

Limited Effect of Federal Exclusion

States are allowed to impose requirements that are more stringent than EPA's, pursuant to section 3009 of RCRA. State programs thus need not include those Federal provisions which exempt persons from certain regulatory requirements. For example, States are not required to provide a delisting mechanism to obtain final authorization. If the State program does include a delisting mechanism, however, that mechanism must be no less stringent than that of the Federal program for the State to obtain and keep final authorization.

As a result of enactment of the Hazardous and Solid Waste Amendments of 1984, no State delisting programs are presently authorized. Any States which had delisting programs prior to the Amendments must become reauthorized under the new provisions.[3] The final exclusions granted today, therefore, are issued under the Federal program. States, however, can still decide whether to exclude these wastes under their State (non-RCRA) program. Since a petitioner's waste may be regulated by a dual system (*i.e.*, both Federal (RCRA) and State (non-RCRA) programs), petitioners are urged to contact their State regulatory authority to determine the current status of their wastes under State law.

The exclusions made final here involve the following petitioners: Chamberlain-Featherlite, Inc., Hot Springs, Arkansas; Falconer Glass Industries, Inc., Falconer, New York; and Loxcreen Company, Inc., Hayti, Missouri.

I. Chamberlain-Featherlite, Inc.

A. Proposed Exclusion

Chamberlain-Featherlite, Inc. (Chamberlain) has petitioned the Agency to exclude its wastewater treatment sludge (filter press sludge) from EPA Hazardous Waste No. F019, based upon the absence or immobilization of the listed constituents in the waste. Data submitted by Chamberlain substantiate their claim that the listed constitutents of concern are either not present in the waste at levels of regulatory concern or are present in essentially an immobile form. Furthermore, additional data provided by Chamberlain indicate that no other hazardous constituents are present in the waste, and that this waste does not exhibit any of the characteristics of hazardous waste. (See 51 FR 7817-7819, March 6, 1986, for a more detailed

[1] In the same **Federal Register** notice, the Agency also proposed to exclude specific wastes generated by Olin Corporation, located in Augusta, Georgia (see FR 7824); SR of Tennessee, located in Ripley, Tennessee (see 51 FR 7825); Tennessee Electroplating, located in Ripley, Tennessee (see 51 FR 7827); and Lake City Army Ammunition Plant, located in Independence, Missouri (see 51 FR 7820). The Agency will address these proposed decisions in a later **Federal Register** notice. The Agency also proposed to exclude specific wastes generated by Valley City Steel Co., located in Valley City, Ohio (see 51 FR 7829). Due to the May 28, 1986 **Federal Register** final rule which amended the EPA Hazardous Waste No. K062 listing, the petition submitted by Valley City become moot. (See 51 FR 19320-19322.)

[2] The current exclusions apply only to the processes covered by the original demonstrations. A facility may file a new petition if it alters its process. The facility must treat its waste as hazardous, however, until a new exclusion is granted.

[3] RCRA Reauthorization Statutory Interpretation #4: Effect of Hazardous and Solid Waste Amendments of 1984 on State Delisting Decisions, May 16, 1985, Jack W. McGraw, Acting Assistant Administrator for the Office of Solid Waste and Emergency Response.

explanation of why EPA proposed to grant Chamberlain's petition.)

B. Agency Response to Public Comments

The Agency did not receive any public comments regarding its decision to grant an exclusion to Chamberlain for the waste identified in its petition.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the waste is non-hazardous and as such should be excluded from hazardous waste control. The Agency, therefore, is granting a final exclusion to Chamberlain-Featherlite, Inc. for its dewatered wastewater treatment sludge (filter press sludge) resulting from the chemical conversion coating of aluminum, listed as EPA Hazardous Waste No. F019, generated at its Hot Springs, Arkansas facility. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing of treatment process).[4] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.)

II. Falconer Glass Industries, Inc.

A. Proposed Exclusion

Falconer Glass Industries, Inc. (Falconer) has petitioned the Agency to exclude its wastewater treatment sludge (filter press and separator sludge) from EPA Hazardous Waste No. F006, based on the immobilization of the listed constituents in the waste. Data submitted by Falconer substantiate their claim that the listed constituents of concern are essentially present in an immobile form. Furthermore, additional data provided by Falconer indicate that no other hazardous constituents are present in the waste at levels of regulatory concern, and that the waste does not exhibit any of the characteristics of hazardous waste. (See FR 7819–7820, March 6, 1986, for a more detailed explanation of why EPA proposed to grant Falconer's petition).

B. Agency Response to Public Comments

The Agency did not receive any public comments regarding its decision to grant an exclusion to Falconer for the waste identified in its petition.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the filter press and separator sludge is non-hazardous and as such should be excluded from hazardous waste control. The Agency, therefore, is granting a final exclusion to Falconer Glass Industries, Inc. for its dewatered treatment sludge (filter press and separator sludge) resulting from electroplating operations, listed as EPA Hazardous Waste No. F006, generated at its Falconer, New York facility. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process). [5] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazard waste.)

III. Loxcreen Company, Inc.

A. Proposed Exclusion

Loxcreen Company, Incorporated (Loxcreen) has petitioned the Agency to exclude its dewatered wastewater treatment sludge (filter press sludge) from EPA Hazardous Waste No. F019, based on the immobilization of the listed constituents of conern in this waste. Data submitted by Loxcreen substantiate their claim that the listed constituents of concern are present in essentially an immobile form. Furthermore, additional data provided by Loxcreen indicate that no other hazardous constituents are present in this waste, and that the waste does not exhibit any of the characteristics of hazardous waste. (See 51 FR 7822–7824, March 6, 1986, for a more detailed explanation of why EPA proposed to grant Loxcreen's petition.)

B. Agency Response to Public Comments

The Agency did not receive any public comments regarding its decision to grant an exclusion to Loxcreen for the waste identified in its petition.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that this waste is non-hazardous and as such should be excluded from hazardous waste control. The Agency, therefore, is granting a final exclusion to Loxcreen Company, Inc. for its dewatered wastewater treatment sludge (filter press sludge) resulting from the chemical conversion coating of aluminum, listed as EPA Hazardous Waste No. F019, generated at its Hayti, Missouri facility. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process).[6] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.)

IV. Effective Date

This rule is effective immediately. Although regulations under Subtitle C of RCRA normally take effect six months from promulgation (RCRA section 3010(b)), the Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here since this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense which would be imposed on the petitioners by an effective date six months after promulgation, and the fact that such a deadline is not necessary to achieve the purpose of section 3010, we believe that this rule should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This grant of exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's lists of hazardous wastes, thereby enabling these facilities to treat their wastes as non-hazardous.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental

[4] The current exclusion applies only to the processes covered by the original demonstrations. A facility may file a new petition if it alters its process. The facility must treat its waste as hazardous, however, until an new petition is granted.

[5] See footnote 4.

[6] See footnote 4.

jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effects will be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous wastes, Recycling.

Dated: July 7, 1986.

Marcia Williams,

Director, Office of Solid Waste.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

Appendix IX [Amended]

2. In Appendix IX, add the following wastestreams in alphabetical order to Table 1 as indicated:

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste Description
* * *	* * *	* * *
Chamberlian-Featherlite, Inc.	Hot Springs, AR	Dewatered wastewater treatment sludges (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after [insert date of publication].
* * *	* * *	* * *
Falconer Glass Indust., Inc.	Falconer, NY	Wastewater treatment sludges from the filter press and magnetic drum separator (EPA Hazardous Waste No. F006) generated from electroplating operations after [insert date of publication]
* * *	* * *	* * *
Loxcreen Company, Inc.	Hayti, MO	Dewatered wastewater treatment sludges (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after [insert date of publication].
* * *	* * *	* * *

[FR Doc. 85-15875 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, as of that date, flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable floodplain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Issued: July 10, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Region I					
Connecticut	Farmington, town of, Hartford County.	090029B	Nov. 26, 1971, Emerg.; Aug. 15, 1977, Reg.; June 17, 1986, Susp.	July 28, 1974 and July 17, 1986	July 17, 1986
Maine	Portland, city of, Cumberland County.	230051B	June 11, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	April 29, 1977 and July 17, 1986	Do.
Massachusetts	Essex, town of, Essex County	250080B	Nov. 14, 1973, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	July 26, 1974, July 23, 1976 and July 17, 1986.	Do.
Do	Newbury, town of, Essex County	250096B	March 15, 1977, Emerg.; July 17, 1986 Reg.; July 17, 1986, Susp.	Mar. 15, 1977 and July 17, 1986	Do.
Do	Plymouth, town of, Plymouth County.	250278C	Feb. 5, 1974, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	June 28, 1974, May, 25, 1977, Oct. 1, 1983 and July 17, 1986.	Do.
Do	Somerville, city of, Middlesex County.	250214B	Feb. 4, 1974, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	July 26, 1974, Nov. 26, 1976 and July 17, 1986.	Do.
Do	Swansea, town of, Bristol County	255221C	June 12, 1970, Emerg.; Aug. 6, 1971, Reg.; July 17, 1986, Susp.	June 20, 1970, Aug. 6, 1971, July 1, 1974, July 30, 1976, Oct. 1, 1983 and July 17, 1986.	Do.
Vermont	Arlington, town of, Bennington County.	500012C	Aug. 5, 1986, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Aug. 2, 1974, Dec. 10, 1976, Nov. 29, 1977 and July 17, 1986.	Do.
Region II					
New York	Springville, village of, Erie County	360258C	July 24, 1975, Emerg.; Feb. 27, 1984, Reg.; July 17, 1986, Susp.	May 17, 1974, June 4, 1976 and July 17, 1986.	Do.
Region VI					
Texas	White Settlement, city of, Tarrant County.	480617B	May 13, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	May 24, 1974, Sept. 3, 1976 and July 17, 1986.	Do.
Texas	Albany, city of, Shackelford County	480565B	Sept. 4, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	May 3, 1974, Mar. 5, 1976 and July 17, 1986.	Do.
Region I—Minimal Conversions					
New Hampshire	Sandwich town of, Carroll County	33017B	Nov. 3, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	July 26, 1974, Nov. 26, 1976 and July 17, 1986.	Do.
Region IV					
Alabama	Crenshaw County, Unincorporated areas.	010246B	Dec. 15, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Dec. 6, 1974, Jan. 27, 1978 and July 17, 1986.	Do.
Kentucky	McKee, city of, Jackson County	210119B	Mar. 31, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Oct. 25, 1974, Feb. 20, 1976 and July 17, 1986.	Do.
Do	Worthville, city of, Carroll County	210049B	May 24, 1976, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Jan. 23, 1974, June 11, 1976 and July 17, 1986.	Do.
Mississippi	Doddsville, town of, Sunflower County.	280162A	Apr. 15, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Nov. 8, 1974 and July 17, 1986	Do.
Do	Sharkey County, Unincorporated areas.	280152B	May 14, 1973, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Dec. 9, 1977 and July 17, 1986	Do.
North Carolina	Kenansville, town of, Duplin County.	370399B	Nov. 1, 1979, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	June 24, 1977 and July 17, 1986	Do.
Do	Swain County, Unincorporated areas.	370227B	Feb. 3, 1980, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Jan. 19, 1979 and July 17, 1986	Do.
South Carolina	Estill, town of, Hampton County	450097B	June 20, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	May 31, 1974, Aug. 22, 1975 and July 17, 1986.	Do.
Do	Pinewood, town of, Sumtes County	450183B	Aug. 4, 1976, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	June 21, 1974, May 28, 1976 and July 17, 1986.	Do.
Do	Scotia, town of, Hampton County	450101A	Feb. 19, 1976, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Feb. 21, 1975 and July 17, 1986	Do.
Do	Williams, town of, Colleton County	450049A	Feb. 3, 1976, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Jan. 10, 1975 and July 17, 1986	Do.
Tennessee	Camden, city of, Benton County	470010C	Apr. 2, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	June 14, 1974, Oct. 1, 1976, Mar. 11, 1977 and July 17, 1986.	Do.
Do	Erin, city of, Houston County	470213B	Apr. 23, 1974, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	June 14, 1974, June 18, 1976, and July 17, 1986.	Do.
Region V					
Minnesota	Bertha, city of, Todd County	270474B	Apr. 7, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Apr. 12, 1974, June 18, 1976 and July 17, 1986.	Do.
Do	Wadena, city of, Wadena County	270495C	Apr. 16, 1974, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	June 21, 1974, Aug. 6, 1976, Apr. 16, 1982, and July 17, 1986.	Do.
Wisconsin	Shullsburg, city of, Lafayette County.	550230B	Sept. 4, 1978, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	May 17, 1974, May 28, 1976 and July 17, 1986.	Do.
Do	Tigerton, village of, Shawano County.	550422B	May 21, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	May 24, 1974, June 4, 1976 and July 17, 1986.	Do.
Ohio	West Salem, village of, Wayne County.	390668B	June 9, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Apr. 5, 1974, June 4, 1976 and July 17, 1986.	Do.
Region VII					
Iowa	Brooklyn, city of, Poweshiek County.	190495A	May 4, 1976, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Apr. 18, 1975 and July 17, 1986	Do.
Missouri	Bernie, city of, Stoddard County	290422B	March 26, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Mar. 29, 1975, Nov. 28, 1975 and July 17, 1986.	Do.
Region VIII					
Utah	Iron County, Unincorporated areas	490073B	May 8, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Apr. 11, 1978 and July 17, 1986	Do.
Do	Summit County, Unincorporated areas.	490134B	June 10, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Jan. 8, 1978 and July 17, 1986	Do.
Region X					
Washington	Stevenson, city of, Skamania County.	530161A	February 20, 1978, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.	Apr. 23, 1976 and July 17, 1986	Do.

[1] Date certain Federal assistance no longer available in special flood hazard areas.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

[FR Doc. 86-15964 Filed 7-15-86; 8:45 am]

BILLING CODE 6718-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 513

[Acquisition Circular AC-86-1; Supplement 1]

Increase in Imprest Fund and Certified Invoice Thresholds

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement to the General Services Administration Acquisition Regulation Acquisition Circular AC-86-1 extends the expiration date to January 14, 1987. The intended effect is to extend the policies and procedures as established in AC-86-1, which increased the imprest fund threshold for field offices within the Public Buildings Service and increased the threshold for use of the certified invoice procedures.

DATES: *Effective Date:* July 15, 1986.

Expiration Date: This circular expires January 14, 1987, unless extended or cancelled.

FOR FURTHER INFORMATION CONTACT: Ms. Ida Ustad, Office of GSA Acquisition Policy and Regulations (VP), 202-566-1224.

Regulatory Impact

This temporary rule was not published for public comment because it does not have a significant effect beyond the internal operating procedures of the agency or have a cost or administrative impact on contractors or offerors. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq. This temporary rule revises internal agency procedures. Accordingly, no flexibility analysis has been prepared. This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq. Government procurement.

PART 513—[AMENDED]

1. The authority citation for 48 CFR Part 513 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR Part 513 is amended by the following supplement of Acquisition Circular AC-86-1:

General Services Administration Acquisition Regulation Acquisition Circular AC-86-1; Supplement 1

July 7, 1986.

To: All GSA Contracting activities.

Subject: Increase in imprest fund and certified invoice thresholds.

1. *Purpose.* This supplement extends the expiration date of General Services Administration Acquisition Regulation (GSAR) Acquisition Circular AC-86-1.

2. *Effective date.* July 15, 1986.

3. *Expiration date.* Acquisition Circular AC-86-1 and this supplement will expire on January 14, 1987, unless cancelled earlier.

Patricia A. Szervo,

Associate Administration for Acquisition Policy.

[FR Doc. 86-15953 Filed 7-15-86; 8:45 am]

BILLING CODE 6820-61-M

48 CFR Part 552

[Acquisition Circular AC-86-6]

Status Report of Orders and Shipments

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This Acquisition Circular temporarily amends § 552.242-70 of the General Services Administration Acquisition Regulation (GSAR), Chapter 5, by revising the Status Report of Orders and Shipments clause to change the reporting freqency from once a month to every two weeks. The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system pending a revision to the GSAR.

DATES: *Effective date:* July 3, 1986

Expiration: January 2, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Ida Ustad, Office of GSA Acquisition Policy and Regulations (VP), 202-566-1224.

SUPPLEMENTARY INFORMATION: This temporary rule was not published for public comment because it does not have a significant cost or administrative impact on contractors or offerors. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). This rule changes the reporting frequency under GSAR clause 552.242-70, Status Report of Orders and Shipments, from once a month to every two weeks. The nature of the status report is such that information is inserted by the contractor on an ongoing basis as delivery orders are received and supplies shipped. Therefore, the change in frequency has no real impact on the reporting burden. Additionally, individual reports will take less time to prepare because there will not be as much information to compile. Therefore, a Regulatory Flexibility analysis was not prepared. The Status Report of Orders and Shipments (GSA Form 1678) has been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.) and assigned OMB Control Number 3090-0027. Government procurement.

PART 552—[AMENDED]

1. The authority citation for 48 CFR Part 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR Part 552 is amended by the following Acquisition Circular:

General Services Administration Acquisition Regulation Acquisition Circular AC-86-6

July 3, 1986.

To: All contracting activities.

Subject: Status Report of Orders and Shipments.

1. *Purpose.* This Acquisition Circular temporarily amends § 552.242-70 of the General Services Administration Acquisition Regulation (GSAR), Chapter 5 (APD 2800.12), by revising the Status Report of Orders and Shipments clause to change the reporting frequency from once a month to every two weeks.

2. *Background.* Change 24 to the GSAR added clause 552.246-77, Contractor Inspection Requirements, which replaced the Quality Approved Manufacturer Agreement (QAMA) clause contained in FSS Acquisition Letter 84-46-6 dated May 8, 1984. The new clause maintains reliance on the contractor's quality control system, but deletes the requirements for submitting certificates of conformance. The certificates of conformance were used a mechanism for tracking contractor performance and updating the management information system. Since the certificates will not be submitted, it is necessary to increase the frequency for submitting the Status Report of Orders and Shipments in order to provide the information needed to monitor performance.

3. *Effective date.* July 3, 1986

4. *Expiration date.* This Circular expires 6 months after issuance unless cancelled earlier.

5. *Reference to regulation.* Section 552.242-70 of the GSAR.

6. *Explanation of change.* Section 552.242-70 is amended by revising the clause to read as follows:

Section 552.242-70 Status Report of Orders and Shipments.

* * * * *

Status Report of Orders and Shipments (July 1986)

(a) The Contractor shall furnish to the Administrative Contracting Officer (ACO) a report covering orders received and shipments made during each two week period this contract is in effect. The information required by the Government must be reported on GSA Form 1678, Status Report of Orders and Shipments, in accordance with instructions on the form, and forwarded to the ACO not later than the seventh workday after the close of each reporting period.

(b) Submission of the information in an automated printout form as an attachment to the GSA Form 1678 is acceptable when authorized by the ACO. In that instance, blocks 1 through 5 of the GSA Form 1678 must be completed and attached as a cover page to the automated report.

(c) An initial supply of GSA Form 1678 will be forwarded to the Contractor with the contract. Additional copies of the form, if needed, may be obtained from the ACO, or the Contractor may reproduce the form.

(End of Clause)

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 86-15952 Filed 7-15-86; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 41276-4176]

Foreign Fishing

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

ACTION: Notice to respecify fishery specifications.

SUMMARY: NOAA issues this notice to respecify joint venture processing (JVP) amounts in the foreign fishing regulations for the Hake Fishery of the Northwest Atlantic Preliminary Management Plan (PMP). The JVPs are specified for Georges Bank and Southern New England silver hake and red hake on Georges Bank. The intended effect of the new specifications is to allow processing of joint venture applications for 1986.

EFFECTIVE DATE: July 14, 1986.

FOR FURTHER INFORMATION CONTACT: Peter D. Colosi, Jr., 617-281-3600, ext. 272.

SUPPLEMENTARY INFORMATION: NOAA published a notice of initial specifications on January 30, 1986 (51 FR 3788), to present the optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), reserve, and total allowable level of foreign fishing (TALFF) for all foreign fisheries, including the hake fisheries conducted under the Northwest Atlantic PMP. These specifications were current as of January 1, 1986.

NMFS has received joint venture applications involving the Atlantic hakes and has reviewed the data. It reaffirms that the DAPs presented for all hakes except red hake in Northwest Atlantic areas 1-4 (Southern New England) are appropriate to satisfy the domestic processing sector, including projected activity in 1986 by newly operating catcher/processor vessels. Based on this review, NMFS respecifies appropriate amounts of JVP for Georges Bank and Southern New England silver hake, and transfers the reserve of red hake in NW Atlantic Area 5 to DAH and JVP. These respecifications do not modify the DAPs.

A separate notice is being issued to reassess the DAP for the Southern New England red hake stock under procedures of § 611.51(b).

In the table published at 51 FR 3788 (January 30, 1986), the entry for hake fisheries in the Northeast Region, Northwest Atlantic Ocean Fisheries is revised to read as follows:

Species	Species code	Areas	OY or TAC	DAH	DAP	JVP	Reserve	TALFF
1. NW Atlantic Ocean fisheries								
A. Hake fisheries:								
Hake, silver	104	NW Atlantic 1-4	30,000	20,600	5,600	15,000	0	9,400
		NW Atlantic 5	13,000	9,000	2,000	7,000	0	4,000
Hake, red	105	NW Atlantic 5	6,000	3,500	500	3,000	0	2,500

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

Dated: July 11, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resources Management, National Marine Fisheries Service.

[FR Doc. 86-16034 Filed 7-14-86; 9:43 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 136
Wednesday, July 16, 1986

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 735

[Amdt. No. 1]

Cotton Warehouses; Inspection Fees

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: A Proposed Rule to amend the regulations at 7 CFR Part 735 was published September 27, 1985, at 50, Federal Register 39129. The Department reviewed the comments received and information which became available as a result of a change in examination procedures implemented in 1985. Those procedural changes resulted in lower examination costs. The allocation of those costs required susbstantive changes to the proposed rule. Consequently, no final action was taken on this proposal. The proposal is being republished in its entirety.

The intended effect of this revised rule is to: (1) Allow for examination of a cotton warehouse upon the request of a license holder and provide a fee for that examination; (2) provide for an examination after license suspension and provide a fee therefor; (3) provide for a charge for a tag check of the warehouse inventory whenever the Department determines such tag check is required to satisfactorily complete an examination of the warehouse; and (4) establish an annual warehouse fee to be paid by each cotton warehouse licensed under the United States Warehouse Act (Act) or applying for license under the Act. This rule is promulgated under the authority of the United States Warehouse Act, as amended.

DATE: Written comments should be received on or before August 15, 1986 to assure consideration.

ADDRESS: Written comments on this proposed rule should be sent to Paul W. King, Director, Warehouse Division, Room 5968–South Agriculture Building, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Department of Agriculture, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Ford Lanterman, (202) 475–4032.

SUPPLEMENTARY INFORMATION:

Rulemaking Matters

This proposed rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. A complete review is in process.

Milton J. Hertz, Acting Administrator, ASCS, has determined that this action is "not major" since implementation of the proposed rule will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State or local government, or a geographic region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets.

The information collection requirements under this rule have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980. Comments concerning the information collection requirements contained in these proposed rules may be addressed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer, ASCS/USDA, Washington, DC 20503, Telephone (202) 395–7340.

Milton J. Hertz, Acting Administrator, ASCS, has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because (i) the proposed fees will represent a minimal part of total operating expenses, (ii) the proposed fees will be proportionate to volume of business, and (iii) application for a license and use of the service is voluntary. Consequently, no regulatory flexibility analysis is required.

This action will have no significant adverse impact on the quality of the human environment, health, and safety. In addition, it will not adversely affect environmental factors such as wildlife habitat, water quality, or land use and appearance. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This action will not have a significant impact specifically upon area and community development. Therefore, review as established by Executive Order 12372 was not used to assure that units of local government are informed of this action.

Background

The U.S. Warehouse Act (7 U.S.C. 241 *et seq.*) (the "Act") provides for the licensing of warehousemen who apply to the Secretary of Agriculture and meet certain statutory and regulatory standards. The primary objectives of the Act are to: (1) Protect producers and others who store their property in public warehouses; (2) assure the integrity of warehouse receipts as documents of title, thereby facilitating trading of agricultural commodities in interstate commerce; and (3) set and maintain a standard for sound warehouse operations.

These objectives have been attained by research and development of basic standards for good warehousing practices; original and continuing examinations of applicants and licensees; financial and bonding requirements; and licensing and regulatory requirements.

The Department's supervision of licensees has focused on examinations of subject warehouses. The Department conducts an examination of a warehouseman applying for a license in order to determine whether the warehouseman and the warehouse which is the subject of the license application meet the standards for licensing under the Act. The Department also conducts unannounced examinations of licensed warehouses to determine whether the warehouse and the warehouseman continue to meet these standards and whether the warehouseman is capable of fulfilling all of the obligations that may have been assumed as a licensee.

The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, amended section 10 of the Act (7 U.S.C. 251) to provide that "The Secretary of

Agriculture, or the Secretary's designated representative, shall charge, assess, and cause to be collected a reasonable fee for (1) each examination or inspection of a warehouse (including the physical facilities and records thereof and the agricultural products therein) under this Act; (2) each license issued to any person to classify, inspect, grade, sample, or weigh agricultural products stored or to be stored under provisions of this Act; (3) each annual warehouse license issued to a warehouseman to conduct a warehouse under this Act; and (4) each warehouse license amended, modified, extended, or reinstated under this Act. Such fees shall cover, as nearly as practicable, the costs of providing such services and licenses, including administrative and supervisory costs."

In addition, section 156(d) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 374), stated that "Notwithstanding any other provision of law, the Secretary shall take such action as may be necessary to insure that the . . . licensing and inspection procedures for cotton warehouses are preserved. . . ."

Accordingly, it was determined that cotton warehousemen should be charged reasonable fees covering, as nearly as practicable, the costs to the Department of providing licenses and services in accordance with the Act, including applicable administrative and supervisory costs related to maintaining an effective program. After taking into account all available information, including comments received concerning fee proposals issued by the Department in 1981, 1983 and 1985 and discussions with the cotton trade, together with the fiscal situation expected to exist in fiscal year 1987, it has been determined that the imposition of reasonable charges and fees will not endanger the preservation of the licensing and inspection procedures for cotton warehouses.

It has also been determined, based on discussions with the cotton trade and other information available to the Department, that the most acceptable and practicable method of assessing annual fees is the assessment of a fixed fee for all warehouses, together with a variable fee based on the number of receipted bales handled and the average volume of bales stored.

Annual Fee

Under the proposed rule, a warehouseman would be charged an annual fee for those warehouses for which the warehouseman has a license and for those warehouses for which the warehouseman has requested a license. The Department has carefully reviewed the funding necessary to carry on the cotton licensing and examination program under the Act considering savings due to field structure charges and examination procedures which were changed from a tag check to a bale count.

The proposed fee will equal the total of the following:

(1) A fee of $200 for each warehouse to help offset certain fixed costs associated with maintaining licenses which do not tend to vary according to storage activity;

(2) For each bale handled at the warehouse during the twelve months of the calendar year preceding assessment of the fee, a change of 2¢ for each bale for which card type receipts have been issued or a charge of 5¢ for each bale for which paper type receipts have been issued, to cover the costs associated with tracking and accounting for each bale handled at the warehouse; and

(3) A charge of 1½¢ times the average number of bales in storage in the warehouse during the preceding calendar year (computed from month end inventories) to offset the costs associated with the counting of bales that actually are in the warehouse at the time of the examination.

The total proposed annual fee reflects several cost factors, including salaries, rents, miscellaneous overhead, and includes applicable administrative and supervisory costs. Approximately 75 percent of the annual fee is directly related to the costs of conducting an examination of the warehouse. The remaining 25 percent reflects the costs of financial review and analysis, licensing and bonding, research and development, and other services.

Inasmuch as the Department has no historical information to calculate fees for (2) and (3) above on new applicants for license, the original examination/inspection fee provided for in the present 7 CFR 735.51 will be used to cover the annual fee from date of first license to the next October 1. The costs of examining a warehouse in its first full year of operation under the Act will approximate 75 percent of the original examination/inspection fee. Therefore, the annual fee for the first full year of license after the first October 1 will be 75 percent of the original examination/inspection fee.

Examination Fees

In addition, it has been determined that the fees for examinations currently provided for in 7 CFR 735.51 should be amended to include examinations requested by the warehouseman and examinations conducted to determine whether a warehouseman's suspended license should be reinstated.

A warehouseman might request a warehouse examination in order to: (1) Meet requests or requirements of depositors or lending agencies, (2) determine the quantity or condition of cotton in store, (3) determine whether the quantity and quality of cotton in storage is sufficient to satisfy outstanding storage obligations, or (4) have an independent physical inventory coinciding with an end of fiscal year audit.

Under the proposed rule a warehouseman would submit a written request for such an examination stating the purposes of the examination and agreeing to pay the prescribed fee. The Department would conduct the examination if it did not adversely affect its ability to meet program commitments.

Since a requested examination will consist of only an onsite examination of the facility, the costs of providing such an examination will equal approximately 75 percent of the annual warehouse fee. Therefore, the fee proposed for this service is 75 percent of the annual fee.

If the Department has suspended a warehouseman's license because of deficiencies in operation and other violations of the applicable regulations by the warehouseman, the warehouseman may attain reinstatement of the warehouseman's license only if a reexamination of the warehouse has been made and the Department is assured that the deficiencies and violations have been corrected.

Costs of an examination for reinstatement would be much the same as those for a requested examination, except that additional time must be devoted to verify and report on the correction of the deficiencies which resulted in the suspension, thus an increased fee would be required to cover all of the costs incurred. Therefore, the proposed fee for a reinstatement examination is equal to 100 percent of the annual fee. The fee for a reinstatement examination will not be assessed the warehouseman if the Department determines, after an opportunity for hearing, that the license suspension was unjustified.

Tag Check Fee

Cotton is usually stored on an identity preserved basis, a warehouse receipt being issued for each individual bale received into storage, each bale having a visible and accessible tag, and arranged in storage so as to permit an accurate

inventory check. The Department has had a policy of locating and verifying against the warehouse receipt each bale of cotton in the warehouse (commonly called a tag check). This procedure will be retained for examining warehouses of new applicants for a license. However, since costs for tag checks are very high, the Department proposes to accept a bale count for subsequent compliance examinations as evidence that the warehouseman is meeting inventory requirements, provided that the bale count meets acceptable tolerances and provided that the examination does not otherwise indicate stock deficiencies or other adverse storage conditions requiring a tag check. A tolerance of ½ of 1 percent of the total number of bales which should be in the warehouse to support all storage and and non-storage obligations will usually be allowed. If a bale count is not within this tolerance or an examiner discovers stock discrepancies or other adverse conditions, the Department will conduct a complete tag check.

The cost of the tag check will be assessed to the warehouseman at the rate of 10 cents per bale checked. This represents the additional costs to the Department for a tag check examination as opposed to a bale count.

There will be no charge to a warehouseman when the Department makes a tag check for purposes of losses or damage or potential losses or damage from fire, floods or other situations where the Department considers the examination information necessary to protect the integrity of the program.

Payments of Commodity Credit Corporation

The Commodity Credit Corporation (CCC) owns or has an interest in considerable quantities of cotton stored in federally licensed warehouses. The examination of such warehouses protects the interest of CCC and makes CCC a major beneficiary of the program. For this reason it is proposed, as is done presently with other agricultural commodities, that if CCC shares in the costs of the examination program at a warehouse, the applicable fees to be charged will be reduced to that warehouseman by the amount CCC pays. CCC will share the cost of the annual fee but CCC will not share in the cost of any examination for an original license, amendment, requested examination, reinstatement examination, or tag check.

Fee Payment

It is also proposed to amend § 735.52 to require that a warehouseman pay the annual fee on or before October 1 each year and that fees for other types of examinations be paid before the examination is made. Fees for tag checks must be paid within 15 days of the tag check. Failure to pay any prescribed fees will be grounds for revoking a warehouseman's license.

Recordkeeping Requirements

A warehouseman's records should include information as to (1) how many and what bales of cotton are in the warehouse (i.e., in licensed space) at any given time, and (2) how many and what bales should be in the warehouse to support outstanding warehouse receipts and all other storage or non-storage obligations. Presently, pursuant to 7 CFR 735.34, each licensed warehouseman is required to make reports as requested by the Administrator. Pursuant to that section, each warehouseman will be required to provide annually on Form WA-137, OMB Approval No. 0560-0119, the number of bales handled during the year and the number of bales in storage at the end of each month during the preceding calendar year. This information will serve as the basis for determining the annual fee.

List of Subjects in 7 CFR Part 735

Administrative practice and procedure, Cotton, Reporting and recordkeeping requirements, Fees, Warehouses.

Proposed Rule

PART 735—COTTON WAREHOUSES

Accordingly, the regulations for cotton warehouses (7 CFR Part 735) are proposed to be amended as follows:

1. The authority citation for 7 CFR Part 735 continues to read as follows:

Authority: Sec. 28, 39 Stat. 480 (7 U.S.C. 268).

2. Section 735.51 is revised to read as follows:

§ 735.51 Warehouse inspection fees.

(a) (1) There shall be charged and collected for each original examination or inspection, or reexamination or reinspection of a warehouse under the Act a fee at the rate of $50 for each 1,000 bales of storage capacity, or fraction thereof, determined in accordance with § 735.5, but in no case less than $100 or more than $1,000.

(2) There shall be charged and collected from each warehouseman, for any examination of a licensed warehouse conducted by the Department at the request of the warehouseman, an examination fee equal to 75 percent of the fee provided for in paragraph (b)(1) of this section. A request for such examination must be made in writing to the Department by the warehouseman and must state the purposes of the examination.

(3) There shall be charged and collected from each warehouseman, for each warehouse for which the license has been suspended by the Department, a fee equal to 100 percent of the fee provided for in paragraph (b)(1) of this section for any examination of such warehouse conducted by the Department for the purpose of determining whether the warehouseman's license should be reinstated. The charge for the examination will be made unless the Department determines after an opportunity for hearing that the suspension was unjustified.

(4) A tag check fee of 10 cents per bale checked will be charged by the Department for any warehouse for which the warehouseman is applying for a license under the Act and for any licensed warehouse whenever the Department determines that a tag check of the bales stored in a licensed warehouse is warranted. A tag check of the licensed warehouse shall be deemed to be warranted whenever the examiner's bale count is not within ½ of 1 percent of the total number of bales which should be in the warehouse as determined by the total or receipted and not receipted obligations.

(b)(1) There shall be charged and collected from each warehouseman for each warehouse licensed under the Act an annual fee equal to the total of:

(i) A fixed charge of $200;

(ii) A charge of 2 cents a bale for each bale handled at the warehouse during the preceding calendar year and for which card type warehouse receipts have been issued or are subject to issue, or a charge of 5 cents a bale for each bale handled at the warehouse during the preceding calendar year and for which paper warehouse receipts have been issued or are subject to issue; and

(iii) A charge of 1½ cents times the average number of bales in storage in the warehouse during the preceding calendar year (computed from month-end inventories).

(b)(2) No annual fee will be charged a warehouseman applying for an original warehouseman's license from the date of first license to the next Octoberr 1. For the first full year of operation after

the first October 1 the annual few will be 75 percent of the original examination/inspection fee assessed under (a)(1). Thereafter, an annual fee shall be charged and collected in accordance with the provisions of (b)(1).

(c) Any fees provided for by this section will be reduced by the amount paid by the Commodity Credit Corporation with respect to such fee.

3. Section 735.52 is revised to read as follows:

§735.52 Payment of fees.

(a) Fees for each original warehouseman's license and for each amended, modified, extended, reinstated, or duplicate warehouseman's license and for each license or amendment issued to any person to classify, sample, or weigh cotton must be paid upon application for such license.

(b) A warehouseman who has a license under the Act must pay the annual fee for each licensed warehouse on or before October 1 of each year.

(c) A warehouseman must pay any examination fees in advance of the date such examination is scheduled.

(d) Charges for a tag check conducted by the Department shall be due and payable upon completion of the tag check and must be paid no later than fifteen days following completion of the tag check.

(e) All fees and charges provided for by this part shall be paid to the "Agricultural Stabilization and Conservation Service, USDA".

(f) Failure of a warehouseman to pay any fees provided for in this part shall be a basis for suspension and revocation of such warehouseman's license.

Signed at Washington, DC, on July 11, 1986.

Milton J. Hertz,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 86-15972 Filed 7-15-86; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 24942; Petition Notice PR 86-8]

Regulation of VFR Cruising Altitude or Flight Level Rulemaking; Petition of Ronald E. Harbut; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to petition for rulemaking.

SUMMARY: An error was noted in the rulemaking petition on Regulation of VFR Cruising Altitude or Flight Level which was published in the **Federal Register** on June 10, 1986, (51 FR 20979) (Docket No. 24942).

FOR FURTHER INFORMATION CONTACT: Janet H. Glivings, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 86-12973 was published on June 10, 1986, which gave notice of a petition for rulemaking concerning the regulation of VFR cruising altitudes and flight levels. An error was discovered in the discussion of the petition. This action corrects the error.

List of Subjects in 14 CFR Part 91

Aircraft altitude, Visual flight rules, Aviation Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 86-12973, as published in the **Federal Register** on June 10, 1986, (51 FR 20979), is amended by revising the last paragraph in column 3 on page 20980, as follows:

The correct application of these 100-foot altitude adjustments by pilots would not be difficult to remember and consistently apply. This is because the two words "Up" and "North" and the two words "Down" and "South" are commonly associated in our language. Thus, the conventional phrases "Up North" and "Down South" are applied easily to the altitude adjustments required by this proposal. Aircraft would go up 100 feet above any current BMCDA if cruising toward the North side of the magnetic compass (270 degrees through 089 degrees); and, aircraft will go down 100 feet below any current BMCDA if cruising toward the South side of the magnetic compass (090 degrees through 269 degrees).

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

Donald P. Byrne,

Acting Assistant Chief Counsel, Regulations and Enforcement.

[FR Doc. 86-15947 Filed 7-15-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 2

[Docket Nos. 85P-0265 and 85P-0289]

Chlorofluorocarbon Propellants in Self-Pressurized Containers; Proposed Amendment of Essential Uses

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to add to the list of products containing a chlorofluorocarbon for an essential use metered-dose ipratropium bromide and metered-dose thiazinamium chloride, both for oral inhalation. This action responds to citizen petitions submitted by the manufacturers of these two products, each requesting that their product be added to the list of uses considered essential and establishing that their product provides a unique health benefit unavailable without the use of a chlorofluorocarbon.

DATE: Comments by September 15, 1986.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Adele Seifried, Center for Drugs and Biologics (HFN-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8046.

SUPPLEMENTARY INFORMATION:

I. Background

Under § 2.125 (21 CFR 2.125), any food, drug, device, or cosmetic in a self-pressurized container that contains a chlorofluorocarbon propellant for a nonessential use is adulterated or misbranded, or both, under the Federal Food, Drug, and Cosmetic Act (the act). This prohibition is based on scientific research indicating that chlorofluorocarbons may reduce the amount of ozone in the stratosphere and thereby increase the amount of ultraviolet radiation reaching the earth. An increase in ultraviolet radiation may increase the incidence of skin cancer, change the climate, and produce other adverse effects of unknown magnitude on humans, animals, and plants.

Section 2.125(d) exempts from the adulteration and misbranding provisions of § 2.125(c) certain products containing chlorofluorocarbon propellants which FDA determines provide a unique health

benefit that would not be available without the use of a chlorofluorocarbon. These products are referred to in the regulation as essential uses of chlorofluorocarbon and are listed in § 2.125(e).

Under § 2.125(f), a person may petition the agency to request additions to the list of uses considered essential. To demonstrate that the use of a chlorofluorocarbon is essential, the petition must be supported by an adequate showing that: (1) There are no technically feasible alternatives to the use of a chlorofluorocarbon in the product; (2) the product provides a substantial health, environmental, or other public benefit unobtainable without the use of the chlorofluorocarbon; and (3) the use does not involve a significant release of chlorofluorocarbons into the atmosphere or, if it does, the release is warranted by the benefit conveyed.

II. Petitions Received by FDA

The agency has received two petitions submitted under § 2.125(f) and Part 10 (21 CFR Part 10) requesting additions to the list of chlorofluorocarbon uses considered essential. These petitions are on file and may be seen in the Dockets Management Branch (address above). One petition, submitted by Boehringer Ingelheim, requests that § 2.125(e) be amended to include metered-dose ipratropium bromide for oral inhalation as an essential use of chlorofluorocarbon. The petition contains a discussion supporting the position that there are no technically feasible alternatives to the use of chlorofluorocarbon in the product. It includes information showing that neither alternative delivery system, such as the hand operated "pump," nor other substitute propellants such as compressed or other gases, could provide as safe and uniform dispersal of the drug for effective inhalation therapy as do chlorofluorocarbon propellants. Also, the petition states that the product provides a substantial health benefit that would not be obtainable without the use of chlorofluorocarbon. In this regard, the petition contains information to support the use of this product as a anticholinergic bronchodilator. Further, the petition states that, unlike a nebulizer, the vial and the mouthpiece for the product are portable and can be easily carried in a purse or a pocket. The petition asserts the metered-dose ipratropium bromide would not result in a significant release of chlorofluorocarbon propellants into the atmosphere because the total daily amount released per product is estimated to be approximately 0.56 gram (g).

The second petition, submitted by Wyeth Laboratories, requests that § 2.125(e) be amended to include metered-dose thiazinamium chloride for oral inhalation. The petition contains a detailed discussion supporting the position that there are no technically feasible alternatives to the use of chlorofluorocarbon in this product. Also, the petition states that the product provides a substantial health benefit that would not be obtainable without the use of chlorofluorocarbon. In this regard, the petition contains data supporting the claim that there is no marketed product in the United States that is similar pharmacologically in that it has both bronchodilator and bronchoprotective activity. The petition also asserts that metered-dose thiazinamium chloride would not result in a significant release of chlorofluorocarbons into the atmosphere because each inhaler releases only approximately 0.104 g freons per spray.

III. FDA's Review of the Petitions

The agency has received numerous petitions from firms clearly documenting, as petitioners did in these petitions, that there are no technically feasible alternatives to the use of chlorofluorocarbons in metered-dose drug products and that by its very design, a metered-dose container does not involve a significant release of chlorofluorocarbons into the atmosphere. Further, FDA tentatively agrees that the use of metered-dose ipratropium bromide and thiazinamium chloride provide a special benefit for asthmatic patients which would be unavailable without the use of chlorofluorocarbons. Therefore, FDA proposes to amend § 2.125(e) to include metered-dose ipratropium bromide human drugs administered by oral inhalation and metered-dose thiazinamium chloride human drugs for oral inhalation as essential uses of chlorofluorocarbon propellants.

IV. Environmental Impact

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the proposed action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25) that was published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985).

V. Economic Impact

FDA has carefully analyzed the regulatory impact and regulatory flexibility of the proposed rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354). The proposed rule would add two drug products to the list of products containing a chlorofluorocarbon as essential uses, thereby permitting the manufacturing and marketing of these drug products, provided the drugs are subject to an approved new drug application. Therefore, the agency has determined that the proposed rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

VI. Request for Comments

Interested persons may, on or before September 15, 1986, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 2

Administrative practice and procedure, Cosmetics, Drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Part 2, Subpart G, be amended as follows:

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

Subpart G—Provisions Applicable to Specific Products Subject to the Federal Food, Drug, and Cosmetic Act

1. The authority citation for 21 CFR Part 2, Subpart G, continues to read as follows:

Authority: Secs. 301, 402, 409, 501, 502, 507, 512, 601, 701, 52 Stat. 1042–1043 as amended, 1046–1047 as amended, 1049–1054 as amended, 1055–1056 as amended, 59 Stat. 463

as amended, 72 Stat. 1785–1788 as amended, 82 Stat. 343–351 (21 U.S.C. 331, 342, 348, 351, 352, 355, 357, 360b, 361, 371); 21 CFR 5.10.

2. In § 2.125 by adding new paragraphs (e)(11) and (12) to read as follows:

§ 2.125 Use of chlorofluorocarbon propellants in self-pressurized containers.

* * * * *

(e) * * *

(11) Metered-dose ipratropium bromide for oral inhalation.

(12) Metered-dose thiazinamium chloride for oral inhalation.

* * * * *

Dated: June 23, 1986.

James W. Swanson,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–15960 Filed 7–15–86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 630

[Docket No. 86N–0027]

Additional Standards for Viral Vaccines; Poliovirus Vaccine Live Oral; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period on a proposal to revise the existing biologics regulations governing the manufacture of Poliovirus Vaccine Live Oral. The extension is being granted in response to a request from the licensed manufacturer of Poliovirus Vaccine Live Oral.

DATE: Written comments by August 6, 1986.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Steven F. Falter, Center for Drugs and Biologics (HFN–362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8046.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 5, 1986 (51 FR 16620), FDA proposed to revise the regulations in 21 CFR 630.10 through 630.17 governing the manufacture of Poliovirus Vaccine Live Oral. FDA had reviewed these regulations and proposed amendments to update the regulations consistent with current scientific knowledge and to remove unnecessary regulatory burdens. FDA also proposed amendments that would make its standards more consistent with the requirements for manufacturing and testing oral poliovirus vaccine issued by the World Health Organization. The proposed amendments would facilitate the licensure for U.S. distribution of oral poliovirus vaccine currently meeting international standards of safety and effectiveness. Interested persons were given until July 7, 1986, to comment on the proposed rule.

The sole licensed manufacturer of Poliovirus Vaccine Live Oral, Lederle Laboratories, Division of American Cyanamid Co., has submitted to the agency a request for an extension of 90 days to the comment period. The request stated the review of the proposed rule was a major undertaking requiring extensive planning and effort by many of the establishment's staff. The request stated that the firm needed information requested from FDA under the Freedom of Information Act to evaluate the proposed rule. (Lederle requested the information by letter of June 4, 1986. Lederle's request was further clarified by a telephone conversation of June 13, 1986. FDA sent the requested information to the firm on June 26, 1986.) The request also noted that any comments offered by the establishment must be carefully analyzed and approved by the firm's legal department.

Connaught Laboratories, Inc., filed a letter on July 7, 1986, opposing any further extension of the comment period. The letter of opposition questioned Lederle's motives for requesting the extension. Connaught argued that it would be in the public interest to issue the final rule quickly so that the United States would not have to continue to rely on a sole source to provide oral poliovirus vaccine.

FDA has evaluated the request and has determined that an extension of the comment period of 30 days is appropriate. Because of the technical nature and significance of the proposed rule, FDA concludes that an additional 30 days is appropriate to assure that Lederle and other interested persons may thoroughly review the proposed rule. The agency does not believe that an extension for this period of time will significantly or unreasonably delay the issuance of a final rule. FDA notes that the raw data requested by Lederle did not serve as a basic for FDA's decision to revise the regulations and was not made part of the administrative record for the proposed rule. Therefore, FDA believes it is unnecessary to provide additional time, beyond the 30 days offered in this notice, to allow for Lederle's analysis of these data before the close of the comment period. The information sent to Lederle is available from FDA upon written request to the Freedom of Information Staff (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857.

Interested persons may, on or before August 6, 1986, submit to the Dockets Management Branch (address above) written comments regarding the proposed rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 11, 1986.

James W. Swanson,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–16062 Filed 7–14–86; 10:46 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 553

Application of the Fair Labor Standards Act to Employees of State and Local Governments

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Publication of Regulatory Impact Analysis; Request for Comment.

SUMMARY: This document provides the Department's regulatory impact analysis for proposed regulations concerning the application of the Fair Labor Standards Act to employees of State and local governments .

DATE: Comments are due on or before July 31, 1986.

ADDRESS: Submit comments to Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, room S–3502, 200 Constitution Avenue, NW., Washington, DC, 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped post card.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC, 20210, (202) 523–8305. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On April 18, 1986, proposed Regulations, 29 CFR

Part 553, Application of the Fair Labor Standards Act to Employees of State and Local Governments, were published in the **Federal Register** (51 FR 13402). Interested parties were afforded the opportunity to submit comments within 45 days after publication. The proposal also included certain preliminary information on costs associated with the Fair Labor Standards Act (FLSA) coverage of State and local governments. In addition, commenters were asked to submit any available data on the economic impact of the 1985 FLSA Amendments. Subsequent to the publication of the proposed regulations, it was determined that the Department could provide certain additional information on the cost impact of the above proposal. Accordingly, this document provides the Department's preliminary regulatory impact analysis under Executive Order 12291.

Background

After the decision by the U.S. Supreme Court in *Garcia* v. *San Antonio Metropolitan Transit Authority et al. (Garcia)*, 105 S. Ct. 1005 (February 19, 1985), holding that the FLSA may constitutionally be applied to State and local governments, representatives of many State and local government employer and employee organizations identified several areas in which they believed they would be adversely affected by application of the FLSA. On November 13, 1985, the Fair Labor Standards Amendments of 1985 were enacted into law. These amendments changed certain provisions of the FLSA as they relate to employees of State and local governments.

The 1985 Amendments responded to many of these concerns by including special provisions in the FLSA which apply only to employees of State and local governments.

Summary of Preliminary Regulatory Impact Analysis

I. Methodology for Estimating the Fiscal Impact of the FLSA Overtime Provisions as a Result of the Garcia Decision

Background

On February 19, 1985, the U.S. Supreme Court in *Garcia* v. *San Antonio Metropolitan Transit Authority (Garcia)* overturned the 1976 *National League of Cities* v. *Usery* (426 US 833) decision. In the *Garcia* decision, the Court ruled that State and local governments were subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, as amended, (FLSA). As a result of the *Garcia* decision, State and local units of government were required, among other things, to compensate workers who work overtime with cash wages rather than compensatory time off.

The immediate impact of the *Garcia* decision was to bring approximately 13.8 million state and local employees under FLSA coverage of which about 7.5 million were subject to the minimum wage and 6.9 million were subject to overtime compensation. This situation evoked serious concern by State and local government administrators, taxpayers, union officials, and others about the fiscal impact of the *Garcia* decision on these units of government.

Efforts were made by a variety of State, local and city governments, associations of units of government, unions representing State and local government employees, the Congressional Budget Office, and others to measure the fiscal impact of the *Garcia* decision. Some of these estimates were provided to the Department of Labor (DOL) and others were provided to the Congress during hearings in 1985.

These efforts to estimate fiscal impact produced an annual budgetary cost ranging between $500 million and $3 billion. For example, the National League of Cities estimated the annual cost to cities of complying with the overtime provisions to be in excess of $1 billion. The National Public Employer Labor Relations Association estimated the costs to range from $1 to $3 billion. The International City Managers Association estimated the additional overtime costs for all local governments to range from $321 million to $1.5 billion for the first year. The American Federation of State, County, and Municipal Employees estimated that complying with the overtime provisions would cost State and local governments an additional $500 to $700 million on an annual basis. The Congressional Budget Office estimated that the initial annual costs of complying with the minimum wage and overtime provisions of FLSA would run between $0.5 billion and $1.5 billion nationwide. The Department of Labor estimated the annual cost of the *Garcia* overtime provision at about $733 million.

A number of large cities and large states produced cost estimates that, if realized, could result in reduced public service, increases in State or local taxes, or alteration of the kinds of goods and services provided through these units of government. Some effort was made to describe the sources of the estimates provided to DOL and the Congress, but overall there were serious limitations in the various approaches that made the comparisons of impact difficult. Many of the estimates were not supported by statistically reliable data sources and others were based on judgment and intuition rather than acceptable statistical estimating techniques.

As a consequence, DOL initiated a procedure to estimate the fiscal impact of the *Garcia* decision using published statistical data and conventional statistical techniques. What follows is a description of the data sources, assumptions, and methodology underlying the Department's estimates. Since the published data were not developed to directly address the impact questions, several key assumptions were needed to permit the estimates to be made. Commenters are urged to examine the character of these assumptions in terms of their reasonableness and applicability to the fiscal impact issues.

Data Sources

The primary data source was the May 1980 Current Population Survey (CPS) of Dual Jobholders in the United States. This survey was conducted by the Bureau of the Census to, among other things, estimate the extent of dual jobholding and the number of scheduled weekly hours worked on the primary job. This permitted estimating the weekly hours of work associated with State and local government employment. Also, important to this estimating procedure were the data collected on several key economic variables and the ability to identify State and local units of government and various occupational groups in the data. The CPS, Dual Jobholders Survey specifically provided the following:

(1) Hours worked by occupation

(2) Premium pay by occupation

(3) Overtime hours worked by occupation

(4) Employment by occupation in State and local government

(5) Total State and local nonsupervisory wage and salary income

To further delimit the employees subject to the overtime provisions, criteria employed by the Minimum Wage Study Commission were used to exclude workers exempt under section 13(a)(1) of the FLSA. These criteria were identified in *Volume* IV of the *Report of the Minimum Wage Study Commission*, June 1981, pp. 235–272.

Assumptions

The assumptions used in this methodology are:

(1) State and local employees who did not self-identify in the CPS survey as receiving premium pay, did not receive any premium pay for overtime work;

(2) State and local units of government which paid overtime used an overtime rate of 150 percent of the straight time hourly rate for weekly hours in excess of the applicable weekly overtime hours standard;

(3) Law enforcement and firefighting personnel had overtime hours and compensation based on DOL regulatory standards under section 7(K) of the FLSA, e.g., *43* for law enforcement and *53 for firefighters;*

(4) The May 1980 survey week is representative of the entire calendar year;

(5) There were no significant structural changes, e.g., occupational composition, coverage, etc., between 1980 and 1984 in State and local government employment.

Methodology.[1]

The estimation methodology involved two separate calculations: (1) Estimate that fiscal impact for calendar year 1980; and (2) update the 1980 estimate to calendar year 1984, the last full year before the 1985 FLSA Amendments.

The first step in the process involved separating exempt executive, administrative and professional employees as defined by FLSA section 13(a)(1) from nonexempt employees. Salary tests under Regulation 541 were applied to certain occupations to exclude employees exempt under FLSA section 13(a)(1). The occupation and salary test application was selected for May 1980 according to criteria employed the Minimum Wage Study Commission in its study of the section 13(a)(1) exemption as it applies to data from the Current Population Survey (CPS).

The CPS data were then used to identify State and local government employees by occupation (police officers, fire fighters, and others) and to estimate the hours worked in excess of the applicable weekly hours standard—53 hours for fire fighters, 43 hours for police officers and 40 hours for all other employees.

The next step was to extract from the CPS data the number of exployees who received premium pay, e.g., cash overtime wages. We assumed that those who received premium pay were compensated at a rate of at least time and one-half the regular rate.

The estimate for calendar year 1980 was then based on an assumed overtime compensation rate of 150 percent of the straight time rate for hours exceeding the applicable hours standard. Mulitplying the weekly estimate by 52 produced an annual overtime compensation rate of $433 million.

To update the 1980 rate to 1984, the total annual wage bill for State and local employees was estimated utilizing CPS data. Then, the total annual wage bill for these employees was estimated for 1984. The changes in the 1980 and 1984 estimates were calculated by State and local categories. The percentage changes were then applied to each category and summed for a total projected annual cost in 1984 of $733 million.

Separate estimates were made of the minimum wage impacts. Examination of wage structure data from the 1984 CPS indicated that about 2.9 percent of State and local employees earned less than $3.35 per hour. Raising the wages of these 260,000 workers to $3.35 per hours would produce an annual cost to State and local government of about $396 million. This annual cost is about three tenths of one percent of the total annual wage bill of nonsupervisory State and local employees.

These fiscal impact estimates exclude Puerto Rico, the Virgin Islands, and American Samoa because data limitations did not permit independent estimates for these jurisdictions. However, the Commonwealth of Puerto Rico did provide an estimated fiscal impact of the Garcia decision of $150 million for the first year.

Summary

These estimates described the annual fiscal impact of the Garcia decision on State and local government units. The annual percentage wage bill for these units of government would increase approximately $733 million due to compliance with the FLSA's overtime compensation provisions and about $396 million to comply with the FLSA minimum wage requirements, assuming no structural changes in the personnel practices of State and local governments (see Tables I and II). The total annual wage bill impact of the *Garcia* decision is estimated at $1,129 million.

[1] See Appendix I for alternative methodology.

TABLE I.—PROJECTED ANNUAL COST, AS OF MAY 1980 and Annual Average Costs for 1984 FOR PAYMENT OF OVERTIME PAY UNDER THE FAIR LABOR STANDARDS ACT PRIOR TO THE 1985 FLSA AMENDMENTS

[Full-time Nonsupervisory Workers in State and Local Government, May 1980]*

	Total full-time nonsupervisory workers (in thousands)[1]	Weekly hours standard[2]	Worked over hours standard, May 1980 and not paid premium		Projected annual cost, May 1980 (in millions)	Projected annual cost, 1984 (in millions)
			Workers (in thousands)[3]	Average hours over[4]		
State and local government	5,001		364		$433	$733
Firefighters	112	53	80	7.9	85	103
Policemen	340	43	63	7.3	106	174
Other	4,549	40	221	10.4	242	456
State	1,546	40	86	8.4	99	136
Local	3,003	40	136	11.5	142	320

Note: *Details may not add to totals due to rounding. Due to data limitations, these estimates exclude Puerto Rico, the Virgin Islands, and American Samoa. On March 27, 1985, Representatives of the Commonwealth of Puerto Rico provided and estimate to the Department of Labor of the impact of the *Garcia* decision on the Commonwealth. "The additional prospective cost, including the effect on fringe benefits, would be approximately $150 million for the first year."

Source: Current Population Survey, May 1980 with Dual Job Supplement and 1984 monthly data.

[1] Estimate of only fulltime nonsupervisory workers in State and local government.
[2] Weekly hours standard applying to State and local government workers.
[3] Estimate of workers exceeding the weekly hours standard.
[4] Average hours exceeding the weekly hours standard.

TABLE II.—ESTIMATED NUMBER OF EMPLOYEES AFFECTED AND ESTIMATED ANNUAL COST OF MEETING THE MINIMUM WAGE, STANDARD UNDER THE FAIR LABOR STADARDS ACT, FOR STATE AND LOCAL GOVERNMENT, 1984*

	Nonsupervisory wage and salary workers (in thousands)[1]	Annual wage bill for nonsupervisory employees (in millions)[2]	Employees earning less than $3.35 (in thousands)[3]	Percent of employees earning less than $3.35 (in percent)[4]	Annual cost (in millions)[5]	Percent of annual wages (in percent)[6]
State and local government	8,860	$139,164	260	2.9	$396	0.3
State Government	2,420	34,764	82	3.4	156	.4
Local Government	6,440	104,400	178	2.8	242	.2

Note: *Details may not add to totals due to rounding. (See footnote on Table I).

Source: Current Population Survey, 1984.

[1] The number of nonsupervisory wage and salary workers in units of State and local government.
[2] Annual wage bill in 1984 for all nonsupervisory employees in units of State and local government.
[3] The estimate of the number of State and local employees earning less than $3.35 per hour.
[4] The estimated percent of State and local employees earning less than $3.35 per hour.
[5] The annual cost of raising the State and local employees earning less than $3.35 per hour to $3.35 per hour.
[6] The percent increase in the total wage bill of raising all State and local employees to $3.35 per hour.

II. Methodology for Estimating the Fiscal Impact of the 1985 FLSA Amendments

Cost Impact of Section 7(o)

Section 7(o) of the FLSA Amendments provided some relief from the imposition of the overtime provisions of the FLSA by permitting, within defined limits, compensatory time off in lieu of monetary payment. Such compensatory time is earned at a rate of not less than one and one-half hours for each hour of overtime. It is this provision which requires a change in the methodologies followed in estimating the impact for the *Garcia* decision.

Section 7(o) permits covered and nonexempt employees engaged in public safety, emergency respose, and seasonal activities to accure 480 hours of compensatory time. All other covered and nonexempt employees can accure up to 240 hours of compensatory time. This provides State and local governments and individual employees some flexibility which would not otherwise be available as a result of the *Gracia* decision. The cost effect of this provision will depend upon the necessity for governments to provide a given service. For example, certain services such as police protection must be maintained consistently, and as a result, the hours of work committed to that activity cannot be reduced or postponed, and additional people with necessary skills are not immediately available. In other words, the demand for and supply of people providing that service are inelastic. Another factor which must be taken into account is the propensity of employees to "bank" or save their compensatory time earned. To the extent that employees "bank" their compensatory time, there will be a delay in the cost impact of the FLSA Amendments. Thus, for the cost estimate, it is necessary to:

- Identify employees qualifying for 480 hours of compensatory time—those engaged in public safety, emergency response, and seasonal activities. (All other covered and non exempt employees qualify for 240 hours of compensatory time.)
- Identify occupations for which the demand and supply is inelastic.
- Identify the accural or "banking" tendencies of State and local government employees with regard to compensatory time earned.

Employees Qualifing for 480 Hours of Compensatory Time

For estimating purposes, the two-digit industry classifications (1970 census) and three-digit occupational classifications (1970 census) were reviewed, and employees in the following industries and occupations were designated under this category (*Note*: These classifications were selected for estimating purposes only. The Department does not intend to imply that employees in these industries meet the statutory requirements to be considered engaged in "public safety," "emergency response" or "seasonal" activities under section 7(o) of the FLSA.):

Census	code
Industry:	
Entertainment and recreation	41
Forestry and fisheries	47
Agricultural services	02
Occupations:	
Telephone line installers and splicers	554
Gardners and groundskeepers	755
Chain, rod & ax person; surveying	605
Fire fighters, fire protection	961
Marshals and constables	963
Police officers and detectives	964
Sheriffs and bailiffs	965

Employees in Occupations with inelastic Demand and Supply.

For estimating purposes, the three digit occupational classifications were reviewed, and the following occupations were included in this category:

Occupations	Census code
Radio operators	171
Dispatchers	315
Estimators and investigators, not elsewhere classified	321
Insurance adjusters, examiners, and investigators	326
Computer and peripheral equip. oper.	343
Inspectors, scalers, and graders; log and lumber	450
Inspectors, not elsewhere classified	452
Data processing machine repair persons	475
Stationary firers	666
Bus drivers	703
Conductors and motor operators, urban rail transit	704
Fire fighters, fire protection	961
Marshals and constables	963
Police officers and detectives	964
Sheriffs and bailiffs	965

Accrual of Compensatory Time

Data on the accrual of compensatory time by State and local government employees are not readily available. Because Federal government employees can accumulate and carry-over from year to year a maximum of 240 hours of annual leave, their "banking" pattern was selected as a proxy for the accrual tendencies of State and local government employees. Although a distribution of all Federal employees by the number of hours of annual leave accrued could not be obtained, such data were obtained for all DOL employees and used as the proxy for the propensity of State and local government employees to accrue compensatory time. It should be noted that the actual accrual pattern of State and local government employees may differ from that of DOL employees. This could be due to such factors as dissimilar workforce characteristics (staffing patterns, length of service, occupations, age composition, etc.) or employee fringe benefits (paid leave, severance pay, etc).

Methodology

The estimating procedures is the same as that described above for the *Garcia* decision with the following modifications:

1. Employees were grouped according to the applicable hours accrual cap—480 and 240 hours.

2. Employees in occupations for which the demand and supply were deemed inelastic were separated from other employees. Schematically, we have:

(A) 480 hours accrual group.

(1) Employees in designated two digit industries.

(2) Employees in designated three digit occupational classes.

(a) Employees in occupations with inelastic demand and supply.

(B) 240 hours accrual group.

(1) Employees in designated two digit industries.

(2) Employees in designated three digit occupation classes.

(a) Employees in occupations with inelastic demand and supply.

3. Based on the employee's scheduled weekly hours of work (CPS data), the number of hours in excess of the applicable "weekly hours standard" were calculated. For firefighters, the "applicable weekly standard" is 53 hours (the 212 hour exemption of section 7(k) for 28 day work periods divided by 4 weeks); for law enforcement, the "standard" is 43 hours (the 171 hour exemption of section 7(k) for 28 day work periods divided by 4 weeks); and for all other employees, the "weekly hours standard" is 40 hours.

4. For each of the categories, employees were distributed by the number of hours worked in excess of the applicable "weekly hours standard."

5. The estimated propensity to accrue compensatory time was applied to each interval in the distributions of step 4. This process indicates the points in time when the applicable compensatory hours cap or accrual limit is reached. The assumptions are that State and local government employees (1) work the reported scheduled weekly hours (CPS) every week and (2) "bank" their compensatory time in the same pattern exhibited by DOL employees. For example, assume 2,600 law enforcement people worked 51 hours a week, which is 8 hours in excess of the applicable "weekly standard," and the estimated propensity to assrue compensatory time shows that 20 percent save all hours. Thus, in the example, 520 or 20% of the 2,600 employes will reach their 480 hours cap in 40 weeks (8 hrs. x 40 wks.=320 hrs.)

6. For all employees in occupations with inelastic demand and supply, the additional cost attributable to overtime hours worked by those who reach the accrual limit (320 hours worked for the 480 hour limit and 160 hours worked for the 240 hour limit) or upon reaching a lower accrual level indicated by their propensity to save hours was computed at one-half times the employee's regular rate. Prior to reaching these limits, there was no cost required by the overtime hours. By definition, the services provided by these employees have to be provided and there is no supply of additional labor available at straight time rates. Continuing the example in step 5, the 520 employees reached their accrual limit in the 40th week; after that, all hours worked in excess of their applicable "weekly standard" would be paid for at time and one-half their regular rates of pay.

Note: For employees other than those in occupations with inelastic demand and supply, overtime hours worked in excess of their accrual limit do not result in additional costs under this methodology. For these employees, it is assumed that States and local governments can and will make adjustments for such hours. Although unlikely, such adjustments may result in a change in the level or mix of services provided to the public. If such adjustments occur, they would not be costless to the population segments dependent on these services. In fact, while we cannot estimate the economic costs of these changes, it is reasonable to assume that reduced services or changes in the mix of services may impose direct and indirect costs on individuals in the economy and possibly identifiable groups in the society. For example, if the governmental unit reduces the hours of operation of the local park, swimming pools, or other recreational facility, those who use these facilities will receive fewer benefits from reduced utilization. If the jurisdiction reduces the number of inspections (building, food, safety, automobile, etc.), one could reasonably assume that additional costs would accrue to the population segments protected by these activities.

In summary, we recognize that the cost impacts provided by the regulatory analysis do not identify or measure these opportunity costs, if any, attributable to actions that State and local government may take in response to the changes in the legislation. (Commenters are urged to examine this assumption in terms of its reasonableness and effect on the estimates of fiscal impact.)

7. The costs for all covered and nonexempt employees were computed on an annulized basis for three month intevals commencing with the April-June 1986. As indicated in Table III below, the added cost incurred during the first quarter, on an annulized basis is estimated at $119 million. In the second quarter as more employees reach their "accrual limit," the cost of the regulations has increased to $218 million on an annual basis. By the seventh quarter, virtually the full cost of the regulations is incurred, adding an estimated $316 million per year to State and local government expenses.

Summary

The 1985 FLSA Amendments reduced the fiscal impact on State and local units of government. The fiscal impact [2] is summarized as follows:

	Overtime payroll costs (in millions)
Cost of *Garcia* Decision (1984 data reference)	$733
Savings resulting from 1985 Amendments (1985 data reference)	517
Remaining Cost	216

[2] The 1985 FLSA Amendments did not change the status of minimum wage workers in relation to the *Garcia* decision with the possible exception of the use of volunteers. Therefore, there is no minimum wage payroll cost impact estimated for the 1985 FLSA Amendments. The estimated minimum wage impact of the *Garcia* decision for calendar year 1984 was $396 million.

TABLE III.—ESTIMATED SCHEDULE OF FISCAL PAYMENTS TO MEET OVERTIME STANDARDS FOR THE FAIR LABOR STANDARDS ACT, WITH BANKING OF COMPENSATORY HOURS PROVIDED UNDER THE 1985 AMENDMENTS

Year and quarter	Annual rate of payment (millions of 1985 Dollars) [1]
1986:	
April–June	$119
July–September	218
October–December	237
1987:	
January–March	289
Estimated fiscal payments—April 1986–March 1987	216 [2]
April–June	310
July–September	310
October–December	316
1988:	
January–March	316
Estimated fiscal payment—April 1986–March 1988	313 [2]
Projected annual cost for subsequent years	332
Projected annual savings for subsequent years	401 [3]

Source: Current Population Survey.

[1] Constant person-hours assumed.

[2] From April 1986 through March 1987 approximately $216 million will be paid in overtime premium payments; from April 1987 through March 1988, approximately $313 million will be paid in overtime premium payments.

[3] The estimate for the *Garcia* decision was $733 million. The projected annual savings estimate assumes that state and local governments did not change any of their employment practices to accommodate the overtime costs associated with the decision.

III. Volunteers

State and local governments provide a significant portion of their services to the public through the efforts of volunteers in a wide range of activities. Volunteers are commonly engaged in firefighting, health care, education, social services, crime prevention, evironmental work, and other civic functions.

While interpretations issued under the FLSA traditionally have provided for the exclusion of volunteers from the Act's coverage, the criteria for such exclusion reflected volunteer practices in the private sector. Following the *Garcia* decision, the Congress recognized that certain legitimate practices with respect to public agency volunteers could bring into question their status as bona fide volunteers, rather than employees, under FLSA and thus result in increased monetary liabilities for State and local governments. The 1985 Amendments addressed this issue by providing special rules on volunteers for the public sector which permit the continuation of such common practices as reimbursement for expenses, reasonable benefits, and nominal fees.

However, under the 1985 Amendments employees of public agencies, as is the case in the private sector, continue to be precluded from "volunteering" extra hours of work in their usual occupations for their employers. While it is not clear how widespread this practice is today, the requirement that such extra hours be compensated at the minimum wage will result in some additional cost to State and local governments.

The Department in examining the issue of volunteers under the 1985 Amendments, has concluded that no reliable, comprehensive data exist which could be used to evaluate the impact on public agencies of FLSA coverage with respect to individuals who volunteer to perform services for public agencies for less than the minimum wage and who will now be entitled to the full minimum wage. However, it is clear that any potential cost impact of the *Garcia* decision has been reduced as a result of the 1985 Amendments and proposed implementing regulations. Under the proposed rules, public agency volunteers may receive reimbursement for any expenses they incur, including payments for meals, transportation, tuition, books, supplies, or other materials essential to their training or services. They may receive certain fringe benefits, such as insurance benefits provided to employees who perform similar work. Further, such volunteers may be given a fee, or stipend, provided that the fee is "nominal" in the context of the economic circumstances in which it is provided. The proposed rules are consistent with the statutory language and legislative history of the 1985 Amendments and thus do not diminish the savings to State and local governments with respect to volunteers which resulted from these amendments. While no reliable data is available, it is apparent, therefore, that the 1985 Amendments permit greater numbers of individuals to be considered public agency volunteers under the FLSA than would have been the case prior to the Amendments.

Appendix I—Alternative Methodology for Estimating Garcia Decision Impact

The *Garcia* decision impact was estimated as described in Section I of this Preliminary Regulatory Impact Analysis. These estimates were generated in early 1985 in conjunction with a series of external efforts to measure the fiscal cost of implementing the *Garcia* decision. A number of assumptions were incorporated into the estimation procedure because of the limitations in the available data and the time constraints on the estimation process. The DOL estimates and those provided by external organizations were incorporated into the 1986 FLSA 4(d)(I) report to the Congress.

The 1985 FLSA Amendments provided flexibility to State and local governmental units in the utilization of overtime work. The methodology used in the analysis of the cost impact of the 1985 FLSA Amendments is described in Section II of this Preliminary Regulatory Impact Analysis. That methodology is based on the same primary data sources and in principle the same set of assumptions used in the impact analysis of the *Garcia* decision. However, it included an occupational dichotomy was not used in the impact estimates for the *Garcia* decision. We sorted the occupations in State and local government into those that are relatively inelastic in demand and supply and those that are relatively elastic. The idea was that some occupations afforded governmental units more flexibility in terms of utilizing replacement workers or, in some cases, in delivering the type and level of services found in the pre-Amendment period. To the extent that governmental units adopted this flexibility, they could delay the fiscal impact of the overtime provisions of the 1985 Amendments until some time in the future. In other words, if certain occupations were characterized as relatively flexible in terms of when the service was provided by the governmental unit, the governmental unit could transfer the fiscal impact into future time periods. We have in fact assumed that governmental units will adopt a variety of adjustment mechanisms described in section II to permit the fiscal impact to be accommodated over a period of time.

The following cost impact estimates for this alternative methodology are based on an adaptation of the original *Garcia* cost impact estimates by incorporating the occupational dichotomy described above. While useful in a comparative analysis of cost impact, it is our belief that the savings estimates presented below are probably at the lower end of a continuum. The estimation process used assumes a simple dichotomy of elastic and inelastic demand and supply categories. There is undoubtedly a continuous range of occupational elasticity along the continuum of inelastic to elastic. Available data, however, do not permit us to subdivide the elastic segment into these various gradations and therefore, they are all considered in the perfectly elastic (very flexible) category. If this variability in elasticity could be estimated, it would probably yield greater savings.

In any event, with the incorporation of the occupational dichotomy into the original *Garcia* estimation methodology, the impact estimates are as follows:

Overtime Payroll Costs (in millions)

Cost of *Garcia* Decision (1984 data reference) $300
Savings resulting from 1985 Amendments $84
Remaining Cost $216

This document was prepared under the director and control of Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 553

Minimum wages, Overtime pay, State and local government employees, Volunteers.

Signed at Washington, DC, on this 11th day of July 1986.

Susan R. Meisinger,

Deputy Under Secretary for Employment Standards.

Paula V. Smith,

Administrator, Wage and Hour Division.

[FR Doc. 86-16017 Filed 7-15-86; 8:45 am]

BILLING CODE 4510-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-3048-7 AL-012]

Approval and Promulgation of Implementation Plans, Alabama, Jefferson County Lead SIP

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Pursuant to section 110 of the Clean Air Act and National Ambient Air Quality Standard (NAAQS) for lead, the State of Alabama has submitted to EPA a State Implementation Plan (SIP) for lead for Jefferson County. On May 2, 1984 (40 FR 18737), EPA disapproved the original SIP for lead submitted by the State of Alabama on March 24, 1982, because the SIP did not provide for the attainment of the NAAQS for lead throughout the State. On March 18, 1985, and May 6, 1985, the State of Alabama submitted portions of a revised lead SIP which demonstrates attainment of the NAAQS for lead for all areas of Alabama except Jefferson County. EPA proposed approval of this revised plan on January 2, 1986 (51 FR 41). The lead SIP for Jefferson County was submitted by Alabama on October 7, 1985. EPA is today proposing to approve the Alabama lead SIP for Jefferson County.

DATE: Interested persons are invited to submit comments on this proposed action on or before August 15, 1986.

ADDRESSES: Written comments should be addressed to Raymond S. Gregory of EPA Region IV's Air Programs Branch (see EPA Region IV address below). The materials submitted by Alabama in support of this SIP revision may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365;

Alabama Department of Environmental Management, Air Division, 1751 Federal Drive, Montgomery, Alabama 36130;

Jefferson County Department of Health, Bureau of Environmental Health, 1400 Sixth Avenue, South, Birmingham, Alabama 35233.

FOR FURTHER INFORMATION CONTACT: Phillip Burns, EPA, Region IV, Air Programs Branch, at the above listed address and phone (404) 347-2864 or FTS: 257-2864.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the NAAQS for lead was promulgated by EPA [43 FR 46246]. Both the primary and secondary standards were set at a level of 1.5 micrograms of lead per cubic meter of air (μg lead/m^3) averaged over a calendar quarter. As required by section 110(a)(2)(A) of the Clean Air Act (CAA), and the October 5, 1978, promulgation of the NAAQS for lead, all states must submit a SIP which will provide for attainment "as expeditiously as practicable" of the lead NAAQS but in no case later than three years from the date of approval of the plan unless an extension is requested and granted. Section 110(e) of the CAA allows EPA to grant up to a two-year extension of the lead NAAQS attainment date if the governor of a state requests it for a specified area of the state, and if the state's SIP provides a proper justification for the need for up to a two-year extension.

The general requirements for a SIP are outlined in section 110 of the Clean Air Act and EPA regulations 40 CFR Part 51, Subpart B. Specific requirements for developing a lead SIP are outlined in 40 CFR Part 51, Subpart E. These provisions require the submission of air quality data, emission data, air quality modeling, control strategies for each area exceeding the NAAQS, a demonstration that the NAAQS will be attained within the time frame specified by the CAA, and provisions for ensuring maintenance of the NAAQS. On October 7, 1985, the State of Alabama submitted a SIP for control of lead in Jefferson County and a request under section 110(e) for an extension of the lead NAAQS attainment date. A previous submittal by the State of Alabama has addressed attainment of the NAAQS for lead in the remainder of Alabama. EPA has evaluated the lead SIP submitted by Alabama for Jefferson County and compared it to the requirements for an approvable SIP. Today's notice explains EPA's proposed approval of the Jefferson County lead plan and EPA's proposed rejection of the requested two-year extension. Today's proposed action requires that before final approval will be given, Alabama must submit a revised study schedule for the RACT-plus study in Jefferson County that identifies precise measures to be accomplished during the study, and specifies increments of progress for design, including dates for adoption by Jefferson County of regulations requiring the selected control measures. This schedule must be submitted by September 15, 1986.

II. Description of the Plan

Alabama submitted the control plan on October 7, 1985, along with the basic control regulations developed by the Jefferson County Department of Health which are applicable to existing secondary lead smelters located in Jefferson County. The October 1985 submittal contained an additional regulation which specified particulate emission requirements for blast (cupola) and reverberatory furnace primary exhaust stack gases. The analysis in the plan found that in Jefferson County, only one facility required development of regulations. That facility is Interstate Lead Corporation (ILCO), a secondary lead smelter located in Jefferson County. This plan addressed both an analysis of lead impact in Jefferson County and an analysis of lead concentrations around ILCO. This plan does not demonstrate attainment of the lead NAAQS, but relies on the application of RACT and a study to determine what additional controls may be necessary.

A. Analysis of Lead Control Strategy

As indicated earlier, in order to be approved, the SIP must include air quality data, emission data, air quality modeling, control strategies for each area exceeding the NAAQS, a demonstration that the NAAQS will be attained within the time frame specified by CAA, and provisions for ensuring maintenance of the NAAQS. This SIP contains the required summaries of air quality data for 1974 to 1983, emission data or inventory of sources exceeding five actual tons of lead emissions per year, a control strategy demonstration for the area which did not demonstrate attainment of the lead NAAQS, regulations for control of lead emissions from existing secondary lead smelters, and a request for an extension of the attainment date while a study is conducted to determine what additional controls are needed to attain and maintain the NAAQS for lead. The air quality data submitted showed a violation in Jefferson County in an area not impacted by a lead point source. Automobiles are the major contributors to lead emissions in areas which are not in the vicinity of lead point sources but have exceeded the NAAQS for lead. Federal regulations that limit the lead content of gasoline have resulted, and will continue to result, in a gradual decrease in lead emissions from automobiles. Depending on the lead air concentrations in the base (historic) year, it is possible for such areas to attain the lead standard solely due to these federal regulations. Based on this information about past and projected gasoline usages, and assuming that lead concentrations decrease proportionally with automotive lead emissions, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983 draft report entitled *Updated Information on Approval and Promulgation of Lead Implementation Plans.* If the highest lead concentration for a given base year/attainment year combination is less than the critical value for that combination, EPA assumes that the standard will be attained by that attainment year. One monitoring site in Jefferson County not

significantly impacted by a stationary source showed an ambient lead concentration of 1.59 $\mu g/m^3$ for the fourth quarter of 1978, which is higher than the NAAQS. This monitored violation occurred at the monitor located at 720 South 20th Street in Birmingham. This value of 1.59 $\mu g/m^3$ was below the critical value as described above for that base year/attainment year combination and has shown monitored attainment since then. No further exceedances have been monitored at this site since 1978.

EPA has concluded that Alabama's regulations regarding new source review are adequate to meet the requirements for review and permitting of new significant point sources of lead (actual emissions equal to or greater than 5 tons per year) and modification of existing significant point sources of lead (physical change or change in the method of operation resulting in a net emission increase of 0.6 tons per year potential emissions).

Such sources are required to obtain a permit from the Alabama Department of Environmenal Management. Since the *Code of Alabama* requires local air pollution control agencies to be consistent with or more strict in the control or prevention of air pollution than the Alabama Department of Environmental Management, EPA also concludes that the new source review and permitting requirements for lead sources will be met in Jefferson County.

B. Control Plan for ILCO

The SIP focused on the area around ILCO where both monitored air quality data and air quality model predictions showed violations of the NAAQS for lead. This source was modeled using the Industrial Source Complex (ISC) air quality model in its long-term mode (ISCLT). The attainment demonstration shows that the source-specific regulations will not result in the attainment and maintenance of the lead standard in the areas that the source impacts. Also, the lead monitoring network around ILCO has monitored and is presently showing violations of the NAAQS for lead. (The public may inspect the description of the montoring network for lead at the Jefferson County Health Department, 1400 Sixth Avenue South, Birmingham, Alabama). Monitored lead concentrations for the fourth quarter of 1985 in the vicinity of ILCO were still above above the NAAQS. A monitor located near the ILCO facility recorded a quarterly average for the fourth quarter of 1985 over 6 $\mu g/m^3$, more than four times the NAAQS for lead.

The source regulations are a mix of measures designed to control lead emissions from both point and fugitive emission soucres at ILCO. In general, the control measures can be described as: (a) Requiring a specific lead emission rate for the stack emissions; (b) requiring the use of enclosed buildings for the storage and unloading of all lead bearing materials or storage and transport in closed containers; (c) requiring certain paved areas external to buildings to be washed so that "no visible emissions are observed emanating from the pave area;" (d) requiring other areas to be vacuum swent; (e) requiring the planting of ground cover on unpaved areas; (f) requiring the washing of truck transport tires; and (g) requiring visible emission limitations for any process emissions escaping capture and for subsequent control of captured emission.

Alternative approaches for reducing the lead emissions at ILCO were considered by Jefferson County. One would have required the reduction of production levels to reduce emissions. However, in a letter from Jefferson County dated November 25, 1985, EPA was informed that ILCO, Inc., is presently operating under a bankruptcy petition (BK-82-04736-S, U.S. Bankruptcy Court, Northern District of Alabama, Southern Division). Since a reduction in production would have to be in excess of 66% and this facility would not be able to operate and make a profit, it is unlikely that the court would allow implementation of this control technique. In addition, the required reduction of operation rates will not be attainable for certain fugitive dust sources, such as outside storage piles and plant grounds and roads. Therefore, the effect of a 66% reduction on production rates would probably result in a reduction of emissions from fugitive dust sources by less than 66%, which woud not result in attainment of the lead NAAQS.

Jefferson County has included several provisions in the source regulations which allow the Health Officer discretionary authority. These include 6.11.2(i) "other material which has been excluded in writing by the Health Officer," which relates to allowing exclusion from the requirement that lead-bearing material be unloaded and stored in enclosed buildings; 6.11.2(k) "except under specific conditions as approved by Health Officer," which allows exclusion from the twice daily vacuum sweeping requirements for paved areas; and 6.11.3(c), which allows for petition from the source for an alternative compliance schedule with a required final compliance not later than December 31, 1987, (the alternative schedule submitted by ILCO has been rejected by Jefferson County in a letter dated November 25, 1985).

These provisions have the potential to impact lead concentrations around ILCO Lead. EPA has informed Alabama previously that all such revisions and appropriate demonstrations must be submitted for approval as plan revisions. This holds true for similar provisions in the Jefferson County plan also.

As indicated above, the State of Alabama has requested a two-year extension of the attainment date for the lead NAAQS in Jefferson County under section 110(e) of the CAA. This request was made because the control strategy demonstration, even with Reasonably Available Control Technology (RACT) applied to both the stack emissions and fugitive sources, did not demonstrate attainment. This additional time has been requested to perform a "RACT-plus study" to determine and install what additional controls will be needed to attain the lead NAAQS.

The schedule for the RACT-plus study was found by EPA to be inadequate. Jefferson County and the State have been informed by EPA (letter dated January 23, 1985) that a revised schedule must be submitted before the Jefferson County lead SIP can be given final approval.

III. Request for Section 110(e) Extension

Alabama's submittal of October 7, 1985, requested a two-year extension under section 110(e) of the CAA in order for the necessary controls beyond RACT to be identified and installed. This extension as requested would be until January 1, 1991. This date results from the maximum time allowed under section 110(a)(2)(A) of the CAA ("as expeditiously as practicable" but is no case later than three years from the date of approval) and a requested two-year extension under section 110(e).

This is a total of 5 years and with an appropriate approval date by EPA of July 1, 1986, would require final attainment by July 1, 1991. A five-year period for this source to attain the lead standards is not a reasonable time period. The regulations representing RACT for ILCO adopted by Jefferson County are to be installed within one (1) year of adoption unless an alternative schedule was submitted by the source.

An alternative schedule was submitted but was not accepted by Jefferson County as justifying more than the original one year period. In addition, the only alternative which has been

considered by Jefferson County as a control means beyond RACT and a study for ILCO in an enclosed building for all operations. Because of the terrain in the area, this appears to be the only additional control measure short of a significant reduction in production which will allow for attainment of the NAAQS for lead based on the control strategy demonstration modeling.

The analysis and design of such a building or enclosure would be a substantial part of the study for which the extension is being requested. Also, there is some question as to the accuracy of the modeling of fugitive emissions which are the cause of pedicted violations after the installation of RACT. As part of the proposed study, an inventory is to be compiled based on testing and measurements of emissions and their lead content. This effort is to result in a revised and more accurate inventory for use in modeling of the facility after installation of RACT. An ambient monitoring network around ILCO is to collect data for use after the installation of RACT to determine if ambient violations of the lead NAAQS are continuing. This ambient air quality data should aid in evaluating the predicted concentrations.

EPA's review of the requested extension has focused on the time period needed for installation of RACT and what can be accomplished by a study to determine what controls can be added in addition to RACT. The regulations and compliance schedule adopted by Jefferson County appear appropriate to allow ILCO to install or udpate the specified control measures representing RACT within the time frame allowed, for September 1985 to September 1986 (1 year). EPA's evaluation of the proposed study of additional control measures has found little justification for an extension.

In conclusion, the one year provided in the Jefferson County Department of Health, Air Pollution Control Regulations (6.11.3(b)) for compliance with the lead regulations for secondary lead smelters is considered by EPA to be adequate for the installation of RACT. In addition, a requested two-year extension under 110(e) is being denied on the basis that the three-year period under section 110(a)(2)(A) is sufficient additional time for ILCO to complete a RACT-plus study (1 year) and install any additional control measures of practices deemed necessary to attain the NAAQS (2 years).

V. Proposed Action

EPA has evaluated the lead SIP for Jefferson County against the requirements of section 110(a) of the Clean Air Act and 40 CFR Part 51, Subparts B and E. EPA believes that if the adopted RACT control measures are installed and if the additional studies are performed leading to a determination of what additional control measures of practices are necessary, the submitted SIP (when the revised schedule is submitted) is approvable. The revised schedule is to be submitted by September 15, 1986. EPA is now proposing to approve the submitted SIP and adopted regulations (6.11.1-3) for secondary lead smelters in Jefferson County with the caveat expressed above concerning discretionary authority.

The public is invited to submit written comments on this proposed action. Comments should be submitted to EPA's Atlanta address listed above.

Further details pertaining to technical aspects of this plan are contained in the Technical Support Document available for public inspection at EPA's Regional Office in Atlanta, Georgia, and at EPA Headquarters in Washington, DC.

Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities, because the requirements are already in place at the State level in the form of adopted regulations.

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

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Lead.

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

Dated: March 25, 1986.

Joe R. Franzmathes,

Acting Regional Administrator.

[FR Doc. 86-15870 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-4-FRL-3049-7; KY-006]

Approval and Promulgation of Implementation Plans, Kentucky, Federal Assistance Limitations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On January 22, 1986, the Commonwealth of Kentucky requested that EPA lift the limitations on federal assistance under sections 176(a) and 316(b) of the Clean Air Act which are in effect in Campbell and Kenton Counties. This request was based on the adoption of enabling legislation for a vehicle inspection/maintenance (I/M) program by each of the three Northern Kentucky counties (Boone, Campbell and Kenton). The counties also adopted an implementation schedule and an intergovernmental agreement providing for a unified administrative group for the program. Further, on March 21, 1986, the counties provided additional detailed information on the planned operation of the program which indicates that it should meet EPA requirements. Based on these actions. EPA proposes a finding that Kentucky is making reasonable efforts to submit a state implementation plan (SIP) for ozone as required by section 172 of the Act. Therefore, EPA also proposes lifting of the limitations on federal assistance under sections 176(a) and 316(b) in Campbell and Kenton Counties.

DATES: Comments on this proposal must be received by August 15, 1986.

ADDRESSESS: Comments should be addressed to Thomas P. Lyttle, Air Programs Branch, EPA Region IV, 345 Courtland Street, Atlanta, Georgia, 30365. Copies of Kentucky's submittal may be obtained by contacting Mr. Lyttle at the above address, or from the Kentucky Division of Air Pollution Control, 18 Reilly Road, Frankfort, KY, 40601.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lyttle, EPA, Region IV at the address above or 404-347-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION:

Background

The 1977 Clean Air Act Amendments (the Act) required states to submit by January 1, 1979, nonattainment area plans that insured attainment of the National Ambient Air Quality Standards by December 31, 1982. For areas that demonstrated they could not attain the ozone (O_3) or carbon monoxide (CO) standards by the 1982 deadline, even with the implementation of all reasonably available control measures, section 172(a)(2) of the Act allowed EPA to extend the attainment deadline to no later than December 31, 1987.

States that received an extension of the O_3 or CO deadline were required by section 172(b)(11) to submit specific measures in their 1979 nonattainment plan. One such measure was a schedule for implementation of a vehicle emission control inspection and maintenance (I/M) program, along with evidence that the state had legal authority to implement and enforce that program.

The basic statutory, regulatory and policy criteria for EPA's review of the 1979 SIPs have been summarized and discussed in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas (44 FR 20372; April 4, 1979) and its supplements (44 FR 38583), July 2, 1979; 44 FR 50371, August 28, 1979; 44 FR 53761, September 17, 1979; and 44 FR 67182, November 23, 1979).

Sections 176(a) and 316(b) of the Act provide that in certain situations funds related to highways and increased sewage treatment capacity be withheld. The Act requires withholding highway funds unless (1) there was an acceptable SIP for a transportation-related pollutant in place to deal with the air pollution problem, or (2) the state was making reasonable efforts to develop such a plan. Further, the Act authorizes withholding sewage treatment funds under the same circumstances. The EPA policy and procedures for implementing sections 176(a) and 316(b) were published in the **Federal Register** on April 10, 1980 and August 11, 1980, respectively (45 FR 24692; 45 FR 53382).

On March 3, 1978 (40 FR 8962), EPA designated Boone, Campbell and Kenton Counties as nonattainment for ozone. These counties are part of the metropolitan Cincinnati O_3 nonattainment area. As part of its 1979 SIP, the Commonwealth determined that even with the implementation of all reasonably available control measures, these counties would not be able to attain the ozone standard by December 31, 1982. Therefore, the Governor requested an extension of the attainment date to December 31, 1987, and committed to implementation of an I/M program. Kentucky's 1979 ozone SIP was conditionally approved, the condition being that legal authority for I/M be adopted by June 30, 1980. After the Kentucky General Assembly considered, but failed to enact, I/M legislation in early 1980, the counties then had to act independently to enact I/M legislation. Boone County adopted an I/M ordinance and implementation schedule, but Campbell and Kenton Counties failed to do so. As a result of the failure of both the Commonwealth and the two counties to enact I/M legal authority, the 1979 SIP for the Northern Kentucky counties was disapproved on September 22, 1980 (41 FR 62810). This disapproval imposed restrictions on the issuance of permits for the construction of major new or modified sources of hydrocarbons. In addition, on December 12, 1980 (45 FR 81752), after review of public comments, EPA found that reasonable efforts were not being made to submit an approval SIP for Campbell and Kenton Counties and therefore imposed restrictions on funding for highway construction and for sewage treatement plants under sections 176(a) and 316(b), respectively, for those two counties. A more detailed discussion of the history and rationale for this decision, and the procedureal steps leading to imposition of these restrictions is found in the December 12, 1980, notice.

Until early 1985, neither the Commonwealth nor Campbell and Kenton Counties took any action toward adopting the necessary I/M enabling legislation. Boone proceeded with implementation of its I/M program, until the 1982 SIP revision for the area projected attainment of the ozone standard by the end of 1982.

This would have eliminated the I/M requirements. EPA initially proposed approval of this SIP attainment demonstration on February 3, 1983 (48 FR 5118). However, because of subsequent ozone violations during June and July 1983, EPA did not take final action on the proposal. Instead, a new proposal to disapprove the attainment demonstration was published on July 25, 1984 (49 FR 56882). A final action notice on this proposal was published on March 25, 1986 (51 FR 10198). As a result of this disapproval, Kentucky must amend the attainment demonstration and otherwise update the 1982 SIP.

Northern Kentucky I/M Program

Early in 1985, the three counties expressed an interest in proceeding with an anti-tampering/anti-misfueling program to meet the I/M requirement. A consultant hired by the counties developed a proposed program that would be able to meet EPA requirements for emission reductions from vehicles. The proposed program would cover 1980 and later model autos and light-duty trucks of less than 8,500 pounds gross vehicle weight. Components to be inspected each year include the positive crankcase ventilation (PCV) system, air injection system, evaporative emission control system, catalytic converter, and fuel inlet restrictor. In addition, a test for lead in the tailpipe using lead sensitive paper (Plumbtesmo) would be performed. A failure of the catalytic converter, fuel inlet restrictor or Plumbtesmo portions of the test would require replacement of the vehicle's catalytic converter. The consultant estimated that this program would yield a hydrocarbon emission reduction equivalent to a 24.1% reduction from all autos in the Northern Kentucky urbanized area at the end of 1987. Since the program would cover all vehicles in the counties and not just those in the urbanized area, the consultant estimated the total emission reduction credit would be approximately 32.5%, which exceeds EPA's reasonably available control technology (RACT) requirement of a nominal 25% hydrocarbon emission reduction for autos in the urbanized area at the end of 1987. EPA recalculated the emission reduction using more up-to-date procedures, but this recalculation still shows that the proposed program would meet the RACT requirement (22.9% reduction in the urbanized area, 29.0% when the entire counties are included.)

The inspections will be performed by garages and other facilities licensed by the program to perform inspections. A plan for conducting monthly audits as well as undercover surveillance has been provided by the counties. The inspection requirement will be enforced through a computerized system to match vehicle registration data to inspection data to identify noncomplying vehicles. Owners of such vehicles would be issued a warning and, if the vehicle is not brought into compliance, a court summons would be issued and the owner prosecuted.

County ordinances needed to establish the inspection program were passed by the county Fiscal Courts on December 17, 1985, (Boone and Campbell Counties) and December 19, 1985 (Kenton County). The Fiscal Courts also adopted an intergovernmental agreement needed to establish an appointed board and administrative unit to operate the program for the three counties. Finally, the Fiscal Courts adopted an implementation schedule for the program, including a startup date of September 1, 1986. In addition, the Kentucky Division of Air Pollution Control has provided a schedule for submittal of a complete SIP for the Northern Kentucky area. The submittal date for the SIP is to be June 30, 1986.

Proposed Action

Based on the adoption by Boone, Campbell and Kenton Counties of legal authority to implement an I/M program in three counties, along with the necessary intergovernmental agreement and implementation schedule, and the fact that the State has provided a schedule for submittal of a complete SIP for the Northern Kentucky area, EPA believes that a reasonable effort is now being made to submit an SIP which considers each of the elements in section 172 of the Act. Therefore, EPA proposes to lift the Federal funding limitations imposed on Campbell and

Kenton Counties pursuant to section 176(a) and 316(b) of the Act.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Hydrocarbons.

Authority: 42 U.S.C. 7401–7642.

Dated: March 31, 1986.

Sanford W. Harvey, Jr.,

Acting Deputy Regional Administrator.

[FR Doc. 86–15988 Filed 7–15–86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-1-FRL-3049-8]

Approval and Promulgation of Implementation Plans; Rhode Island; Reasonably Available Control Technology for Bostitch Division of Textron Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from Bostitch Division of Stanley Works (Bostitch) in East Greenwich, Rhode Island. The intended effect of this action is to propose approval of a source-specific RACT determination made by the State in accordance with commitments specified in its Ozone Attainment Plan approved by EPA on July 6, 1983 (48 FR 31027).

DATE: Comments must be received on or before August 15, 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, Region I, Room 2311, JFK Federal Bldg., Boston, MA 02203, and the Air and Hazardous Materials Division, Department of Environmental Management, 75 Davis Street, Cannon Bldg., Room 204, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: David B. Conroy, (617) 223–4869; FTS 223–4869.

SUPPLEMENTARY INFORMATION: On November 18, 1985 the Rhode Island Department of Environmental Management (DEM) submitted a SIP revision to EPA. This revision is a consent agreement between the DEM and the Bostitch which defines VOC emission limitations for Bostitch in East Greenwich, Rhode Island. These emission limitations constitute RACT for this facility as required by Rhode Island Regulation No. 15, subsection 15.5, "Miscellaneous Facilities Emitting 100 Tons/Year or More."

Rhode Island Regulation No. 15, subsection 15.5 requires the DEM to determine and impose RACT on otherwise unregulated stationary sources of VOC greater than or equal to 100 tons per year. EPA approved these provisions of Regulation No. 15 on July 6, 1983 (48 FR 31027). That approval stipulated that all RACT determinations made by the DEM be submitted to EPA as source-specific SIP revisions.

For states that demonstrated attainment of the primary National Ambient Air Quality Standard (NAAQS) for ozone by December 31, 1983, EPA's minimum control strategy requirements include adoption of regulations to control stationary sources of VOC in all the Group I and II Control Techniques Guidelines (CTG) categories. Rhode Island demonstrated attainment of the primary NAAQS for ozone by December 31, 1982 (see 48 FR 31026). Rhode Island adopted Regulation No. 15, subsection 15.5 to fulfill 1979 SIP requirements to control major CTG VOC sources. Regulation 15 meets those requirements in two ways. First, it requires RACT on major sources in two Group II CTG categories (miscellaneous metal parts and products, and perchloroethylene dry cleaning). Secondly, it substitutes control of major VOC sources which are not covered by a CTG document for control of cutback asphalt (a CTG category).

In the February 3, 1983 notice of proposed rulemaking (NPR) (48 FR 5062), EPA determined that this substitution was acceptable in Rhode Island because control of the non-CTG sources was not needed either to meet EPA's minimum ozone control requirements (see 46 FR 7182) or to provide for attainment of the ozone standard. Additionally, the Rhode Island 1982 Ozone Attainment Plan showed that the control of the non-CTG sources had the potential to reduce emissions by at least the same amount as controls on the use of cutback asphalt. Since the plan did not contain RACT limits for the non-CTG sources, EPA concluded that Rhode Island needed to submit a specific demonstration showing that the reductions of VOC emissions that would be attained by imposing controls on the non-CTG sources would offset the amount of VOC reductions which would result from imposing RACT on the use of cutback asphalt. The reductions from Bostitch alone, which is one of the non-CTG sources to be controlled, will offset the amount of VOC reductions which would have resulted from imposing RACT on the use of cutback asphalt. The reductions from Bostitch are projected to be 388 TPY and the maximum reductions from controlling cutback asphalt would have been 290 TPY. Therefore, this revision satisfies Rhode Island's requirement to submit a specific demonstration of equivalence.

Summary of SIP Revision

Bostitch Division of Stanley Works operates wirewinding machines which are used to manufacture commercial and industrial staples at its facility in East Greenwich, Rhode Island. Bostitch also operates coil nail machines, stick nail machines, and a paint application machine. These machines are used to make coil and stick nails and to paint the metal components of the staplers Bostitch manufactures. The adhesives and coatings used in the manufacturing of all of these products emit VOC during the curing and drying processes. All of the processes, except the paint application process, are not covered by CTG documents and the total VOC emissions from all of these processes is greater than 100 TPY. The paint application process would have been covered by the Miscellaneous Metal Parts and Products CTG, but the quantity of emissions from this process is significantly less than the applicable cutoff (100 TPY) required under EPA policy for Rhode Island. Therefore, since overall, unregulated emissions from Bostitch are greater than 100 TPY, emissions from the paint application process as well as the non-CTG emissions are covered by Rhode Island Regulation No. 15, subsection 15.5.

Bostitch emitted 671 tons of VOC in 1983 from all of the above mentioned processes. Therefore, Bostitch is required by Rhode Island Regulation No. 15, subsection 15.5 to apply RACT to its VOC emitting processes. The consent agreement and an addendum to it between the DEM and Bostitch requires Bostitch to meet specific emission limits, specified in pounds VOC/gallon of

coating (minus water), for every adhesive and coating it uses on all of its VOC emitting processes covered under Rhode Island Regulation No. 15, subsection 15.5. These emission limits are:

1. The major staple adhesives will be required to meet an emission limitation of 2.9 pounds VOC/gallon of coating (minus water).

2. The major nail coating will be required to meet an emission limitation of 4.3 pounds VOC/gallon of coating (minus water).

3. The coating used on the paint application process will be required to meet an emission limitation of 3.05 pounds VOC/gallon of coating (minus water).

All other minor use coatings will be required to maintain their present emission limitations as specified in pounds VOC/gallon of coating (minus water). Bostitch is required by the consent agreement to achieve all of these emission limitations by December 31, 1986. This date is the final compliance date allowed by Rhode Island Regulation No. 15, subsection 15.5.3(b). Bostitch will meet these emission limitations with reformulation of its solvent-based coatings to low/no solvent formulations.

The consent agreement also limits Bostitch's VOC emissions from its VOC emitting processes subject to subsection 15.5 to 283 TPY after December 31, 1986. Bostitch signed the consent agreement and addendum on June 3, 1985 and September 10, 1985, respectively.

Proposed Action

EPA is proposing to approve the provisions required in the consent agreement as stated above between Bostitch and the DEM and submitted to EPA by the DEM on November 18, 1985 as RACT for the control of VOCs from this facility.

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

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

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7642.

Dated: March 31, 1986.

Michael R. Deland,

Regional Administrator, Region I.

[FR Doc. 86-15987 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 6F3309/P398; FRL-3048-2]

Pesticide Tolerance For Tralomethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide tralomethrin and its metabolites calculated as parent in or on the raw agricultural commodity soybeans. This proposal to establish the maximum permissible level for residues of the insecticide on soybeans was requested by the American Hoechst Corp. acting as the registered U.S. agent for Roussel-Uclaf of Paris, France.

DATE: Comments, identified by the document control number [PP 6F3309/P398], must be received on or before July 31, 1986.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

George LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 204, CM #2, 401 M St., SW., Washington, DC 20460.

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

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of November 6, 1985 (50 FR 46176) and corrected in the **Federal Register** of February 5, 1986 (51 FR 4535), which announced that American Hoescht Corp., Rte. 202-206, North Somerville, NJ 08876, acting as the registered U.S. agent for Roussel-Uclaf, 163 Ave. Ganbetta, 750 Paris, France, had submitted pesticide petition (PP) 6F3309, proposing to amend 40 CFR Part 180 by establishing a tolerance for residues of the insecticide tralomethrin([1*R*,3*S*)3[(1'*RS*)(1',2',2'-tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester]) and its metabolites (*S*)-alpha-cyano-3-phenoxybenzyl (1*R*,3*R*)-*cis, trans*-2,2-dimethyl-3-(2,2-dibromovinyl)cyclopropanecarboxylate calculated as parent, in or on the raw agricultural commodity soybeans at 0.02 part per million (ppm).

There were no comments received in response to the notice of filing. The petitioner has subsequently requested that the tolerance level be increased from 0.02 ppm to 0.05 ppm.

On September 6, 1985, the Agency issued a conditional registration for [(1*R*, 3*S*)3[(1'*RS*(1',2',2',2',-tetrabromoethyl)]-2-dimethylcylopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester] (tralomethrin) on cotton with a final expiration date of December 31, 1989. One of the conditions for registration was the submission of a simulated and/or actual field test (72-7) to determine the effect of tralomethrin on aquatic life. This study must be submitted to the Agency by August 31, 1989. Owing to the lack of field studies, the Agency is proposing to establish the tolerance for this pesticide on soybeans with an expiration date of December 31, 1990, to cover residues expected to be present from use during the period of conditional registration.

The data submitted in the petition and other relevant material have been

evaluated. The toxicology data considered in support of the tolerance include 13-week oral toxicity studies in rats and dogs with a no-observed-effect level (NOEL) of 1.0 mg/kg/day for both species; a 1-year oral toxicity study in dogs with a NOEL of 1.0 mg/kg/day; 24-month rat and mouse chronic feeding oncogenicity studies with a NOEL of 0.75 mg/kg/day for both rats and mice with no oncogenic effects observed under the conditions of the study; teratology studies in rats and rabbits with no teratogenic effects in rats at 18 mg/kg (highest dose tested; (HDT)) or rabbits at 32 mg/kg (HDT); a 2-generation reproduction study in rats with a NOEL of 0.7 mg/kg/day; and the following mutagenicity studies: reverse mutation assay, Slater diffusion assay, micronucleus test with mice, dominant lethal study with rats, chromosome aberration assay in vitro, forward gene mutation assay with mouse lymphoma cells (all negative except for the mouse lymphoma which was positive with metabolic activation but negative without metabolic activation).

The acceptable daily intake (ADI) is calculated to be 0.0075 mg/kg/day based on the 2-year rat chronic feeding study and its NOEL of 0.75 mg/kg/day using a 100-fold safety factor. The maximum permissible intake (MPI) is calculated to be 0.45 mg/day for a 60-kg person. This tolerance for soybeans would result in a theoretical maximum reside contribution (TMRC) from all tolerances of 0.000018 mg/kg/day for a 60-kg person and will utilize a total of 0.23 percent of the ADI.

The metabolism of the chemical in plants for this soybean use is adequately understood, and an analytical method is available for the insecticide and the metabolites calculated as parent. This analytical method consists of gel permeation chromatography and gas liquid chromatography with an electron capture detector and is adequate for enforcement purposes.

Because of the long lead time from establishing this tolerance to publication of the enforcement methodology in the Pesticide Analytical Manual II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from:

By mail: Information Service Section (TS-767C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-3262

There are currently no regulatory actions pending against the registration of this pecticide. The pesticide is considered useful for the purpose for which the tolerance is sought.

In addition, the section heading for 40 CFR 180.422, incorrectly printed when the section was added (50 FR 37852; September 18, 1985), would be revised to reflect the common name of the chemical, i.e. tralomethrin.

Based on the above information and data considered, the Agency concludes that the tolerance would protect the public health. Therefore, as proposed below, the tolerance would be established for a period extending to December 31, 1990, to cover residues existing from the conditional registration of tralomethrin.

Interested persons are invited to submit written comments on the proposed regulation. As provided for in the Administrative Procedure Act (5 U.S.C. 553 (d)(3)), the time for comments is being limited to 15 days in order that the permanent tolerance may be established in the first week of July 1986. Comments must bear a notation indicating the document control number [PP 6F3309/P398]. Written comments filed in response to this proposed rule will be available in the Information Services Section at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget (OMB) has exempted this proposed rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 2, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

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

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

2. Section 180.422 is amended by revising the section heading and introductory text and by adding and alphabetically inserting the listing for soybeans, to read as follows:

§ 180.442 Tralomethrin; tolerances for residues.

Tolerances are established for the combined residues of the insecticide tralomethrin ((1*R*,3*S*)3[1'*RS*)(1',2',2',2'-tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester and its major metabolites, (1*R*, 3*R*)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)alpha-cyano-3-phenoxbenzyl ester and (1*R*,3*R*)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropane carboxylic acid (*S*)-alpha-cyano-3 phenoxybenzyl ester in or on the following raw agricultural commodities:

Commodities	Parts per million
* * * * *	
Soybeans	0.05

[FR Doc. 86-15677 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 403

[OW-10-FRL-3049-5]

Washington's Application To Administer the National Pollutant Discharge Elimination System (NPDES) Pretreatment Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of application.

SUMMARY: The State of Washington Department of Ecology has requested approval of its proposed State Pretreatment Program. The U.S. Environmental Protection Agency (EPA) has received the State's complete application which includes an Attorney General's Statement which outlines Ecology's legal authority to administer

the program, a detailed description of the procedures Ecology will use in administering the program and a Memorandum of Understanding to be entered into EPA. This notice provides a 30 day comment period on Washington's request. EPA's Region 10 Regional Administrator will approve or disapprove the request after taking into consideration all comments received.

DATE: To be considered, comments must be received on or before August 15, 1986. Interested persons may also request a public hearing on the State's request. If there is a significant public interest expressed in the comments, U.S. EPA will schedule a hearing. In the event U.S. EPA determines to hold a public hearing, prior notice of the date, time, and location of such a hearing will be given. All requests for a public hearing must be submitted on or before the expiration of the comment period.

ADDRESSES: Comments should be addressed to: U.S. EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Mr. Robert R. Robichaud, Water Permits Branch (M/S 521).

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Robichaud, Water Permits Branch M/S 521, U.S. EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101; (206) 442-1448.

SUPPLEMENTARY INFORMATION: On June 26, 1978, the United States Environmental Protection Agency (U.S. EPA) promulgated the general Pretreatment Regulations (40 CFR Part 403). Amendments to the General Pretreatment Regulations were published on January 28, 1981. These regulations mandated by the Clean Water Act of 1977 (Pub. L. 95-217), govern the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs), commonly referred to as municipal sewage treatment plants. The objectives of the regulations are to: (1) Prevent introdction of pollutants into POTWs which will interfere with plant operations and/or disposal or use of municipal sludges; (2) prevent introduction of pollutants into POTWs which will pass through treatment works in unacceptable amounts to receiving waters; and (3) improve the feasibility of recycling and reclaiming municipal and industrial wastewater and sludges. The State of Washington received NPDES permit authority on November 14, 1973. One of the keystones of the industrial waste control program as set forth in the general Pretreatment Regulations is the establishment of Pretreatment Programs as a supplement to the existing State National Pollutant Discharge Elimination System (NPDES) permit program. In order to be approved, a request for State Pretreatment Program approval must demonstrate that the State has legal authority, procedures, available funding, and qualified personnel to implement a State Pretreatment Program as specified in § 403.10 of the Regulations. Generally, local Pretreatment Programs administered at the City level will be the primary vehicle for applying and enforcing Federal Pretreatment Standards for Industrial Users of POTWs. States will be required to apply and enforce Pretreatment Standards directly against industries that discharge to POTWs where local programs have not been developed.

The Regional Administator's decision to approve or disapprove the proposed pretreatment program will be based on a determination of whether the proposed program meets the requirements of the Clean Water Act and 40 CFR Part 403 and on the comments received.

The Washington submission may be reviewed by the public at the State of Washington, Department of Ecology, St. Martins Campus, Lacy WA 98504, and the U.S. EPA office of Seattle at the address appearing at the beginning of this Notice. Copies of the submittal may also be obtained (at cost of 20 cents a page) from these offices. The submittal will also be available at the following State locations:

Washington Department of Ecology, Northwest Region, 4350 150th Ave. NE., Redmond, WA 98052

Washington Department of Ecology, Eastern Region, 103 East Indiana Ave., Spokane, WA 99207

Washington Department of Ecology, Central Region, 3601 West Washington, Yakima, WA 98903

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 403

Confidential business information, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: July 8, 1986.

Ralph R. Bauer,

Regional Administrator, Region 10.

[FR Doc. 86-15989 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 86-241; FCC 86-293]

Charges for Aviation Radiotelephone Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission has proposed eliminating the prescription that uniform, nationwide rates be applied to aviation radiotelephone service. In light of our general policy in favor of cost-base rates, the Commission tentatively concludes that elimination of this prescription is appropriate at this time.

DATES: Comments must be received on or before September 15, 1986. Reply comments must be received on or before October 14, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Ann Stevens, Tariff Division, Common Carrier Bureau (202) 632-6917.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, CC Docket 86-241, adopted June 12, 1986 and released July 7, 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, 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, Suite 140, Washington, DC. 20037.

Summary of Notice of Proposed Rulemaking

In 1969, the Commission adopted rules governing the establishment of air-ground service and determined that the preservation of integrated nationwide service required that all air-ground licensees maintain uniform tariffs. In proposing the elimination of this prescription, the Commission indicated that air-ground service was well-established. It stated that in light of its general policy favoring cost-based rates, and the absence of countervailing conditions, it tentatively concluded that allowing the carriers to establish their own cost-based rates for air-ground service appeared to be appropriate at this time.

Ordering Clauses

Pursuant to the authority under sections 4(i), 4(j), 201–205, and 403 of the Communications Act, 47 U.S.C. 154(i), 154(j), 201–205, and 403, it is ordered that this rulemaking proceeding is instituted. Comments on the proposed rule change shall be due on September 15, 1986, with reply comments due on October 14, 1986.

In accordance with the provisions of § 1.419(b) of the Commission's Rules, 47 CFR 1.419(b), it is ordered that an original and six copies of all comments, replies, pleadings, briefs and other documents filed in this proceeding shall be furnished to the Commission. Members of the public who wish to express their views informally may do so by submitting one or more copies of their comments without regard to form (as long as the docket number is clearly stated in the heading). Copies of all filings will be available for public inspection during the regular business hours in the Commission's Docket Reference Room (Room 239) at its headquarters at 1919 M Street, NW., Washington, DC.

William J. Tricarico,

Secretary.

[FR Doc. 86–15911 Filed 7–15–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 41276–4176]

Foreign Fishing; Hake Preliminary Reassessment

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

ACTION: Notice of hake preliminary reassessment.

SUMMARY: NOAA issues this notice to reassess the domestic annual processing (DAP) amount found in the foreign fishing rule for the Hake Fishery of the Northwest Atlantic Preliminary Fishery Management Plan (PMP), and requests comments for 15 days. The DAP has been reassessed, and a joint venture processing (JVP) amount is specified for red hake in the NW Atlantic 1–4 (Southern New England) area. The DAH and reserve are also respecified as part of this reassessment. The intended effect of this action is to allow NMFS to process joint venture applications in 1986.

DATE: Comments must be submitted on or before July 31, 1986.

ADDRESS: Send comments to Peter Colosi, National Marine Fisheries Services, Northeast Regional Office, 14 Elm Street, Gloucester, Massachusetts 01930. Mark the outside of the envelope "Comments on Hake Specifications".

FOR FURTHER INFORMATION CONTACT: Peter Colosi, 617–281–3600, ext. 272.

SUPPLEMENTARY INFORMATION: Foreign fishing regulations that govern the Atlantic hikes PMP contain procedures at § 611.51(b) to reassess DAP. If a joint venture fishing application is received for an amount of hake which exceeds the JVP specified in the annual fishing year initial specifications, the Secretary will reassess DAP to determine whether additional JVP can be made available. In making the reassessment, the Secretary will consult with the appropriate fishery management councils, and consider those factors listed at §611.51(b)(ii) to assess the current and projected U.S. harvesting and processing performance. The preliminary reassessment will be published in the **Federal Register** and a public comment period of 15 days will be provided.

The Secretary has received a joint venture request for 3,000 metric tons (mt) of red hake, some of which may be taken in the Southern New England management area. The request exceeds the current specified JVP specification of zero (0) mt. Therefore, the Secretary has conducted a reassessment of DAP as discussed above.

The PMP specifies a 13,000 mt DAH and DAP for Southern New England red hake. However, the actual combined red hake catch from this area and the Georges Bank has been at low levels in recent years, averaging only 2,320 mt during 1980–1984. Only 1,820 mt were landed in 1985. This level of performance is reasonable reflection of the past and present DAP. This implies that a substantial amount of DAP for hake may be made available for the JVP.

The Secretary expects that the 1980–1985 trend will continue in 1986. Catches from traditional hake harvesters are expected to be comparable to last year's level of 1,820 mt. Four new domestic catch/processor vessels in operation this year have indicated no directed effort toward red hake, although very small amounts of by-catch may occur.

There is a concern expressed by the Mid Atlantic Council that the red hake stock in the Southern New England Area is not rebuilding as anticipated, even in the absence of a major fishery since the early 1970's. On the other hand, the application for the joint venture indicates that eight U.S. vessels are available to harvest Atlantic hakes. Therefore in order to address these concerns and yet allow an opportunity for U.S. fishermen in the hake fishery, NOAA is respecifying a DAH of 8,000 mt for red hake with 5,000 mt in reserve and a DAP of 5,000 mt. This allows 3,000 mt of red hake for JVP, as indicated in the table below.

PRELIMINARY REASSESSMENT OF RED HAKE IN THE NW ATLANTIC 1–4 AREA FOR THE 1986 ANNUAL FISHING YEAR

Specification[1]	Initial amount (mt)	Reassessed amount (mt)
OY or TAC	16,000	
DAH	13,000	8,000
DAP	13,000	5,000
JVP	0	3,000
Reserve	0	5,000
TALFF	3,000	

[1] Optimum yield or total allowable catch (OY or TAC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), total allowable levels of foreign fishing (TALFF).

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirement.

Authority: 16 U.S.C. 1801 et seq., unless otherwise noted.

Dated: July 11, 1986.

Carmen J. Blondin,

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

[FR Doc. 86–16035 Filed 7–14–86; 9:43 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 136
Wednesday, July 16, 1986

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

ACTION

Information Collection Request Under Reveiw

AGENCY: Action.

ACTION: Information collection request under review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

Background

Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on the proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [requests for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents] may be obtained from the agency clearance officer.

Information About This Proposed Collection:

Agency Clearance Officer—Melvin E. Beetle, (202) 634–9318.

Agency Address: ACTION, 806 Connecticut Avenue NW., Washington, DC 20525.

Office of ACTION issuing the Proposal: Office of Compliance, Evaluation Division.

Title of Form: VISTA Goal Accomplishment and Community Effects Evaluation.

Type of Request: New.

Frequency of Collection: Two rounds of data collection within a two-year period. Nonrecurring beyond this.

General Description of Respondents: VISTA volunteers, staff of sponsoring organizations, and community members.

Estimated Number of Annual Responses: 450.

Estimated Annual Reporting or Disclosure Burden: 315 hours.

Respondent's Obligation to Reply: Voluntary.

Person responsible for OMB Review: Judy MacIntosh, (202) 395–6880.

Dated: July 10, 1986.

Melvin E. Beetle,
ACTION Clearance Officer.

[FR Doc. 86–15975 Filed 7–15–86; 8:45 am]

BILLING CODE 6050-28-M

DEPARTMENT OF AGRICULTURE

Cooperative Agreements; University of Arizona

AGENCY: Office of International Cooperation and Development, USDA.

ACTION: Notice of Intent to Enter Into a Cooperative Agreement.

Activity

The Office of International Cooperation and Development intends to enter into a cooperative agreement with the University of Arizona for the development of an educational slide-tape program covering the Aridisol Soil Order.

Authority

Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

The Office of International Cooperation and Development announces the availability of funds during Fiscal Year 1986 to enter into a cooperative agreement with the University of Arizona to produce an educational slide-tape program covering the Aridisol soil order. The University of Arizona will collaborate with the USDA in the development of the materials and will gain an enhancement of their international soils program, particularly in the area of arid soils. Data produced will also be used by the University as part of their arid land studies. Approximately 250 copies of the program will be provided to Soil Management Support Services (SMSS) for distribution to less developed countries.

The thrust of the program will be to explain the soil classes within the Aridisol order. Particular attention will be paid to the practical management criterion used to develop each class. Typically, each soil class encompasses certain limitations. For instance, Natrargids and natric subgroups contain sodium which may cause agricultural problems. The major management limitations related to the use of Aridisols in irrigated agriculture will be discussed along with their possible ameliorations.

Assistance will be provided only to the University of Arizona which has the requisite resources as well as faculty who have performed preliminary research in the field of Aridisols. In addition, the University faculty has the professional experience and the close working relationship with colleagues in collaborating countries which are needed so that completion of this project can accomplish in a timely and effective manner. Therefore, this is not a formal request for applications. It is expected that approximately $31,313 will be available in FY 1986. It is anticipated that the cooperative agreement will be funded for budget period of 5 months. Funding estimate noted above is subject to change.

Information may be obtained from: Nancy J. Croft, Contracting Officer, Management Services Branch, Office of International Cooperation and Development, U.S. Department of Agriculture (58–319R–6–036).

Dated: July 11, 1986.

Nancy J. Croft,
Contracting Officer.

[FR Doc. 86–15949 Filed 7–15–86; 8:45 am]

BILLING CODE 3410-DP-M

Forms Under Review by Office of Management and Budget

July 11, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or

reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin, Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

• Agricultural Stabilization and Conservation Service
Report of Cargo Over,
Short and/or Damaged
KC–269A (Reverse)
On occasion
Businesses or other for profit; 9,000 responses; 2,250 hours; not applicable under 3504(h)
Dean W. Petersen (816) 926–6451

New

• Farmers Home Administration
7 CFR 1951–C, Offsets of Federal Payments to FmHA Borrowers
On occasion
Individuals or households; Farms; Businesses or other for-profit;
Small businesses or organizations; 200 responses; 50 hours; not applicable under 3504(h)
Jack Holston (202) 382–9736

Reinstatement

• Forest Service
Pilot Qualification and Approval Record, Aircraft Data Card and Approval Record
FS–5700–20, FS–5700–20a, FS–5700–21, FS–5700–21a
Annually
Individuals or households; Small businesses or organizations; 1,696 responses; 1,300 hours; not applicable under 3504(h)
Bill Munro (703) 235–8666

Revision

• Forest Service
Special Use Application and Report
FS–2700–3, SF–299
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 4,050 responses; 16,200 hours; not applicable under 3504(h)
Paul Stockinger (703) 235–2410

Jane A. Benoit,
Departmental Clearance Officer.

[FR Doc. 86–16007 Filed 7–15–86; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management Programs and Estuarine Sanctuaries State Programs; Alabama

ACTION: Notice of Preliminary Determination to Approve Amendment. Location: Baldwin County, Alabama.

SUMMARY: The Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA) received a request from the State of Alabama to amend its Coastal Area Management Program (ACAMP) to change the regulatory definition of the Construction Setback Line (CSL) to a Construction Control Line (CCL) on beaches and dunes in Baldwin County, Alabama. The State's request was made pursuant to section 306(g) of the Coastal Zone Management Act of 1972, as amended (CZMA), 16 U.S.C 1455(g) and implementing regulations at 15 CFR 923.81. The CCL is a fixed, mapped line demarcated by the use of concrete monuments. This amendment does away with the need to identify the crestline of the primary dune system on a case-by-case permit request basis, a task that has been difficult ot accomplish and has lead to unacceptable administrative burdens on applicants and the State. The proposed amendment allows for increased predictability and consistency in the management of the ACAMP.

The Director of the Office of Ocean and Coastal Resource Management has reviewed the amendment request and has made a preliminary determination that the ACAMP as amended will still constitute an approvable program and that the procedural requirements of section 306(c) of the CZMA have been met.

The Director also determined that approval of the proposed change does not constitute a major Federal action having a significant effect on the environment. Therefore, an environmental impact statement on the approval of the amendment under the National Environmental Policy Act of 1969, as amended, is not required. Copies of the Finding of No Significant Impact (FONSI), including the supporting Environmental Assessment (EA) and the Director's preliminary determination of approvability, are available at the address below.

Comments on the Preliminary Determination to approve the Alabama amendment request and on the EA and FONSI should be made within 30 days from the date of this notice. Address comments to: Ben Mieremet, Coastal Hazards and Technical Assistance Coordinator, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Avenue NW., Washington, DC 20235, (202) 673–5158.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: July 7, 1986.

Peter L. Tweedt,
Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 86–15978 Filed 7–15–86; 8:45 am]

BILLING CODE 3510–08–M

Western Pacific Fishery Management Council; Public Meeting

The Western Pacific Fishery Management Council's Crustacean Plan Development Team will convene a public meeting, July 16, 1986, at 12:30 p.m., at the Council's Office, 1164 Bishop Street, Room 1405, Honolulu, HI, to formulate recommendations to the Council regarding a new minimum size for the common slipper lobster in the Northwestern Hawaiian Islands (NWHI), on the basis of an expanded set of data; continue discussion on escape gap research plans for the NWHI lobster fishery, as well as discuss other Team business. For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI; telephone: (808) 523–1368.

Dated: July 11, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-16111 Filed 7-15-86; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Airborne Reconnaissance; Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Airborne Reconnaissance will meet in closed session on August 7, 1986 in Sunnyvale, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine the technical and programmatic aspects as well as conceptual applications of the capabilities and systems to accomplish airborne reconnaissance.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II (1982)), it has been determined that this DSB Panel meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

July 11, 1986.

[FR Doc. 86-16019 Filed 7-15-86; 8:45 am]

BILLING CODE 3810-01-M

Renewal of the Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law, and is being renewed effective July 23, 1986 as an advisory committee.

This committee was established pursuant to Pub. L. 94-142, "Education For All Handicapped Children Act of 1975."

Patricia Means,

OSD Federal Registration Officer, Department of Defense.

July, 11, 1986.

[FR Doc. 86-16021 Filed 7-15-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

July 7, 1986.

The USAF Scientific Advisory Board Biosciences Panel will conduct a closed meeting at Wright-Patterson AFB, Ohio on August 14-15, 1986, from 8:00 am to 5:00 pm.

The purpose of the meeting will be to review Project Forecast II projects.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-15954 Filed 7-15-86; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Military Traffic Management Command; Directorate of Personal Property; International Program

AGENT: Military Traffic Management Command (MTMC), Army Department, DOD.

ACTION: Request for comments from the carrier industry on two issues under consideration for the Volume 54 ITGBL Rate Solicitation. These changes involve storage-in-transit and related charges and the use of Government-owned containers.

SUMMARY: An explanation of the proposals are as follows:

a. *Storage-in-transit (SIT).* The present system requires compensation for SIT (daily rates in CONUS and 30-day period rates in overseas areas), warehouse handling, and delivery to/from the warehouse. Proposal will change all SIT charges, including those for overseas, to equally stated daily rates applicable for each country or area of responsibility in CONUS. The inflated first day SIT charge and warehouse handling charge will be eliminated. The SIT charge will be based on the cost of securing and maintaining warehouse space. Industry input regarding cost will be considered when developing rates. The single factor rate covers delivery into a residence, warehouse or other building. Therefore, the cost of placing the shipment into the warehouse is included in the rate. The current cost of delivery from SIT will be replaced by a line-haul rate similar to those stated in the line-haul rate tables in the Volume 53 Rate Solicitation. Rates will be increased to cover removal from the warehouse and placement into residence as well as the line-haul transportation cost.

b. *Government-Owned Container (GOC).* Carriers are now required to use GOCs only when carrier-owned containers are not available. The proposal from the military services would require carriers to use GOCs when directed by the installation transportation officer. Reduction to the single factor rate will remain.

c. *Elimination of Me-Too phase, and other revisions.* Announcement and mode of change in the manner that ITGBL rates will be solicited and tonnage awarded for Volume 54 involves elimination for me-toos, reduction/elimination of rate cancellation cycles, and establishment of a simplified Carrier Evaluation and Reporting System. Comments were requested last October on elimination of the me-too cycle. Some of the carriers' concerns are discussed in our current proposal.

Elimination of the me-too phase is based on several factors (more explicitly set forth in MTMC letter 3 June 1986, available on request).

1. Establishment by a carrier of the initial low rate at which others may serve has not always been beneficial because of insufficiencies of time and other resources to assure the rate is sufficiently compensatory, and, because sometimes the carriers lack the necessary capability/capacity to execute obligations in terms of volume and quality.

2. Carriers should not be placed in the dilemma of having to meet a competitor's rate or possibly not participate in the program.

3. Timeliness, efficiency, and economy are adversely affected when the volume in a traffic channel is simultaneously allocated to primary and "me-too" carriers.

4. The administrative problems involved in supporting the "me-too" policy including additional solicitation cycles.

Our concept of the operation would include the following:

A standard performance score will be established and carriers will be rquired to meet that score during the Volume 53 traffic in order to participate in Volume 54 traffic.

Carriers meeting the quality control standard will be offered tonnage in accordance with rates. All traffic will be as presently done for class 1 rates. However, primary carriers need only accept shipments consistent with their capacity.

Administrative rates will be eliminated. Current maximum filing criteria of $50 per hundredweight above the low rate will apply to all traffic channels.

Carriers shall submit rates only for those channels they desire to serve and can provide quality service.

The elimination of the me-too cycle will produce the following benefits for industry, MTMC, and ITOs.

1. Reduction in cost of filing and processing rates.

2. Provide more time to prepare for the start of cycle as rates would be available to the ITOs earlier.

3. Primary carriers could place equipment in advance of the cycle.

4. Economies of scale by consolidation.

Comments should be returned no later than August 5, 1986.

FOR FURTHER INFORMATION CONTACT: Mrs. Naomi King or Ms. Eunice Anderson, HQ, Military Traffic Management Command, Attn: MT-PPC (Room 408), 5611 Columbia Pike, Falls Church, Virginia 22041-5050, (202) 756-2385.

Joseph R. Marotta,

Colonel, GS, Director of Personal Property.

[FR Doc. 86-15968 Filed 7-15-86; 8:45 am]

BILLING CODE 3710-08-M

Defense Intelligence Agency

Membership of the Defense Intelligence Agency (DIA) Performance Review Committee

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice of membership of the Defense Intelligence Agency Performance Review Committee.

SUMMARY: This notice announces the appointment of members of the Performance Review Committee (PRC) of the Defense Intelligence Agency. The PRC's jurisdiction includes the entire Defense Intelligence Senior Executive Service. The Publication of PRC membership is required by 10 U.S.C. 1601(a)(4).

The PRC provides fair and impartial review of Defense Intelligence Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Director, Defense Intelligence Agency.

EFFECTIVE DATE: July 31, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Michael T. Curriden, Personnel Management Specialist, Policy and Program Division, Directorate for Human Resources, Defense Intelligence Agency, Washington, DC 20340-3193, (202) 373-2685.

SUPPLEMENTARY INFORMATION: In accordance with 10 U.S.C. 1601(a)(4), the following are names and titles of those who have been appointed to serve as members of the Performance Review Committee. They will serve a one-year renewable term, effective July 31, 1985.

Mr. Gordon F. Negus, Executive Director (Chairman)

RADM Thomas A. Brooks, USN, Deputy Director for JCS Support

BG James W. Shufelt, USA, Deputy Director for Operations, Plans, and Training

BG Clarke M. Brintnall, USA, Assistant Deputy Director for Attaches and Operations

Dr. Wynfred Joshua, Defense Intelligence Officer-European and Soviet Political/Military Affairs

Mr. A. Denis Clift, Deputy Director for External Relations

Mr. Richard B. Walker, Assistant Deputy Director for DoDIIS Planning and Management

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

July 11, 1986

[FR Doc. 86-16020 Filed 7-15-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Environmental Prediction Research Facility (NEPRF) Review Team of the Naval Research Advisory Committee Panel on Laboratory Oversight will meet on August 18 through 20, 1986, at the Naval Environmental Prediction Research Facility, Monterey, California. The meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on August 18; commence at 8:30 a.m. and terminate at 5:00 p.m. on August 19; and commence at 8:30 a.m. and terminate at 1:00 p.m. on August 20, 1986. The entire meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NEPRF. The agenda for the meeting will consist of technical briefings by the NEPRF management and discussion among the Review Team members to begin collecting data for consolidation into a draft report. The entire meeting will consist of information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this matter contact: Commander T.C. Fritz, U.S. Navy, Office of the Chief of Naval Research (Code OONR), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: June 20, 1986.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy Federal Register Liaison Officer.

[FR Doc. 86-15996 Filed 7-15-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-C&E-86-33; OFP Case No. 68011-9313-20, 21, 22-24]

Wichita Falls Energy Investments, Inc.—JV; Exemptions; Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting to Wichita Falls Energy Investments, Inc.—JV, exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel

Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Wichita Falls Energy Investments, Inc.—JV ("WFEI" or "the petitioner"). The permanent exemption permits the use of natural gas as the primary energy source for its proposed facility located at CertainTeed Corporation's Fiberglass Reinforcement Plant at Wichita Falls, Texas. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: The order shall take effect on September 15, 1986. The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Steven Mintz, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-076, Washington, DC 20585, Telephone (202) 252-9506

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: WFEI proposes to construct and operate its 80 MW powerplant at CertainTeed Corporation's Fiberglass Reinforcement Plant at Wichita Falls, Texas. The system will consist of three gas fired turbine generators, three heat recovery steam generators, one steam driven turbine generator, and ancillary equipment. The facility will generate electrical power for sale to Texas Utilities Electric Company and produce steam to be used at the adjoining CertainTeed plant.

On March 19, 1986, WFEI filed a petition with ERA requesting a permanent exemption for the proposed cogeneration facility from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act").

The requested exemption was "based on the lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum." Necessary certifications and data required for this type of exemption was supplied with the petition. Final rules setting forth criteria and procedures for petitioning for this type of exemption from the prohibitions of Title II of FUA are found in 10 CFR 503.32.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including WFEI's certification to ERA, in accordance with 10 CFR 503.32, that:

(1) A good faith effort had been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in section 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under section 503.8 of the regulations;

(4) Use of the mixtures is not feasible, as required under section 503.9 of the regulations; and

(5) Alternative sites are not available, as required under section 503.11 of the regulations.

In accordance with the evidentiary requirements of section 503.32(b) (and in addition to the certifications discussed above), WFEI has included as part of its petition:

(1) Exhibits containing the basis for the certifications described above; and

(2) An environmental impact anlaysis, as required under 10 CFR 503.13.

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on April 25, 1986 (51 FR 15673), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on June 9, 1986; no comments were received and no hearing was requested.

Nepa Complaince

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determiend that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA had determined that WFEI has satisfied the eligibility requirements for the requested permanent lack of alternate fuel exemption, as set forth in 10 CFR 503.32. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent exemption to WFEI to permit the use of natural gas as the primary energy source for its cogeneration facility located at CertainTeed Corporation's Fiberglass Reinforcement Plant at Wichita Falls, Texas.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, DC, on July 10, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-15993 Filed 7-15-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER81-179-025, et al.]

Arizona Public Service Co. et al; Electric Rate and Corporate Regulation Filings

July 10, 1986.

Take notice that the following filings have been made with the Commission:

1. Arizona Public Service Company

[Docket No. ER81-179-025]

Take notice that on July 3, 1986, Arizona Public Service Company (APS) tendered its Compliance Refund Report in response to the Commission's Order on Remand issued June 3, 1986 in Docket No. ER81-179-024. APS states that a copy of its filing has been served upon the Arizona Corporation Commission and upon each affected wholesale customer.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Arizona Public Service Company

[Docket No. ER86-580-000]

Take notice that on July 3, 1986, Arizona Public Service Company (APS) tendered for filing an Economy Energy

Interchange Agreement between APS and the City of Vernon, California (Vernon), executed June 16, 1986.

APS requested that this Agreement become effective 60 days from the date of filing with FERC.

Copies of this filing are being served upon Vernon and the Arizona Corporation Commission.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Consolidated Edison Company of New York, Inc.

[Docket No. ER86-581-000]

Take notice that on July 3, 1986, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing a notice of termination of its currently effective Rate Schedule FERC No. 61. The Rate Schedule, dated September 28, 1982, provides for transmission service to the companies of the Northeast Utilities System (the "NU Companies"), consisting of interruptible transmission of power and energy purchased by the NU Companies from Pennsylvania Power & Light Company.

The Rate Schedule has been terminated pursuant to a letter agreement between Con Edison and the NU Companies dated August 15, 1985.

Con Edison seeks an effective date of September 1, 1985, and therefore requests waiver of the Commission's notice requirements.

A copy of this filing has been served upon the NU Companies.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Georgia Power Company

[Docket No. ER86-578-000]

Take notice that on July 3, 1986, Georgia Power Company ("Georgia") tendered for filing an extension of its Interchange Contract with Savannah Electric and Power Company ("Savannah"), Georgia's Rate Schedule FERC No. 798. The present contract expires on May 31, 1986. The proposed amendment would continue the present contract for consecutive 30-day periods until the parties complete negotiation of a new contract. Georgia states that the proposed extension continues the interconnected operation of the parties' systems and provides for emergency assistance and economy energy and short-term capacity transactions; it does not contain any change in rates or charges.

Georgia requests waiver of the Commission's notice requirements to allow an effective date of June 1, 1986.

Georgia states that copies of the filing have been mailed to Savannah.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this document.

5. Kansas Gas and Electric Company

[Docket No. ER86-579-000]

Take notice that on July 3, 1986, Kansas Gas and Electric Company (KG&E) tendered for filing a proposed change in its FERC Electric Service Tariff Nos. 128, 154, 153, 156 and 155. The proposed Letters of Intent specify the amount of reserved transmission capacity requirements for the Cities of Chanute, Mulvane, Neodesha, Wellington, and Winfield, Kansas effective July 1, 1986.

The Letters of Intent are necessary because the Cities of Chanute, Mulvane, Neodesha, Wellington, and Winfield, Kansas have requested a change in the amount of transmission capacity to be reserved for the Cities' use and the Letters of Intent are required by the terms of the service schedule.

Copies of this filing were served upon the Cities of Chanute, Mulvane, Neodesha, Wellington, and Winfield, Kansas and the Kansas Corporation Commission.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Montaup Electric Company

[Docket No. ER85-106-003]

Take notice that on July 3, 1986, Montaup Electric Company tendered for filing its compliance report in response to an earlier letter order of the Commission in Docket No. ER85-106-002. Montaup Electric Company states that it has mailed copies of the compliance report to the parties on the service list in the proceeding.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Niagara Mohawk Power Corporation

[Docket No. ER86-583-000]

Take notice that on July 3, 1986, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate schedule an agreement between Niagara and Central Hudson Gas and Electric Company (Central Hudson) dated June 5, 1986.

Niagara presently has on file an agreement with Central Hudson dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 88. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Central Hudson as provided for in the terms of the original agreement. Niagara requests the Commission to allow said agreement to become effective as of September 1, 1986.

Niagara states that copies of the filing have been served upon Central Hudson and the Public Service Commission of the State of New York.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Pacific Gas and Electric Company

[Docket No. ER86-484-000]

Take notice that on July 3, 1986, Pacific Gas and Electric Company (PGandE) submitted as an amendment to its May 13, 1986 filing in this docket: (1) 1983 and 1984 capital structure used in the cost of thermal capacity calculation; (2) rate base development used in the cost studies; and tax calculations used in the cost studies.

Pursuant to § 35.11 of the Commission's regulations, PGandE requests waiver of the notice requirements of §35.13 of the Commission's regulations so as to permit the requested effective dates. No other customers will be affected if such waiver is granted.

Copies of this filing were served upon the Western Area Power Administration and the California Public Utilities Commission.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

9. Niagara Mohawk Power Corporation

[Docket No. ER86-582-000]

Take notice that on July 3, 1986, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate schedule an agreement between Niagara and Long Island Lighting Company (LILCO) dated June 5, 1986.

Niagara presently has on file an agreement with LILCO dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 91. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Long Island as provided for in the terms of the original agreement. Niagara requests the Commission to

allow said agreement to become effective as of September 1, 1986.

Niagara states that copies of the filing have been served upon LILCO and the Public Service Commission of the State of New York.

Comment date: July 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16015 Filed 7-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-578-000 et al.]

Natural Gas Certificate Filings; Northwest Pipeline Corp. et al

July 11, 1986.

Take notice that the following filings have been made with the Commission:

1. Northwest Pipeline Corporation

[Docket No. CP86-578-000]

Take notice that on June 20, 1986, Northwest Pipeline Corporation (Applicant), 295 Chipeta Way, Salt Lake City, Utah 84108, filed at Docket No. CP86-578-000 an application pursuant to sections 7(c) and 7(b) of the Natural Gas Act for: (1) A blanket certificate of public convenience and necessity authorizing transportation of natural gas on behalf of others pursuant to § 284.221 of the Regulations and subject to the other terms and conditions set forth in the application; (2) authorization to implement changes in Applicant's tariff necessary for Applicant to integrate its operations under the requested blanket certificate with its other system operations and requirements; (3) pre-granted partial abandonment of Applicant's firm sales delivery obligations under Rate Schedules ODL-1, PL-1 and DS-1, as the Commission may deem necessary, to effectuate customer elections to designate nominated gas supply volumes which are less than their firm contract demands; and (4) partial abandonment of Applicant's firm sales delivery obligations during off-peak periods, if the Commission deems that abandonment authorization is necessary to effectuate such off-peak limitations; all as more fully set forth in the application which is on file and open to public inspection.

Applicant requests that the Commission issue an Order No. 436 blanket certificate authorizing it to transport natural gas on behalf of others pursuant to its proposed new T-2 (interruptible) and T-3 (firm) transportation rate schedules. Applicant indicates that since it relies upon its storage capabilities to support existing firm sales, it is not proposing to offer storage services as part of its open access program.

Applicant states that its willingness to accept a blanket certificate is predicated, in part, upon approval and implementation, without modification or condition in any form unacceptable to Applicant, of certain proposed additional terms and conditions of service which are reflected in the *pro forma* tariff sheets attached as part of its filing. Applicant states that the purpose of the subject tariff changes is to implement transportation rates and conditions applicable to Order No. 436 services and, also, to add certain charges and terms of service to its sales rate schedules deemed necessary to permit Applicant to be substantially indifferent to the use of its system for either sales or transportation service.

Applicant states that it intends to maintain the effectiveness of the settlement, with certain necessary modifications, approved by the Commission on May 31, 1985, in Applicant's last major general rate increase proceeding at Docket Nos. RP85-13-000, *et al.* (31 FERC § 61,263 1985)). Both the transportation rates reflected in proposed Rate Schedules T-2 and T-3, as well as the "standby charges" proposed under Applicant's sales rate schedules, are predicated upon the RP85-13 settlement cost of service and volumes. Consequently, Applicant states that with the exception of only those modifications which are deemed to be absolutely required to enable the implementation of open access transportation by Northwest, all essential elements of the RP85-13 settlement are being preserved; and it is a condition precedent to Applicant's acceptance of a blanket certificate that, in its order, the Commission expressly confirm that in all respects other than those specifically affected by the effectiveness of the instant filing or specifically addressed by such order the RP85-13 settlement will continue in effect until superseded by its own terms.

It is stated that one of the most significant problems which will continue to confront Applicant following its initiation of open access transportation is the resulting take-or-pay exposure arising under its existing supply contracts. Accordingly, Applicant states that one of its proposed tariff changes will permit it to collect from its present sales customers, on a monthly basis, certain payments made by Applicant to suppliers either as prepayments (take-or-pay and/or minimum take payments) or to "buy-out" supplier contract rights, thereby relieving or terminating take-or-pay obligations. Through this mechanism, Applicant states that it will collect from its sales customers only those prepayment costs incurred on or after January 1, 1987, and cost of buy-outs, which are related to the level of supply necessary to support deliverability of the aggregate sales volumes nominated by all customers. Applicant asserts that prepayment costs incurred prior to January 1, 1987, or related to current deliverability presently maintained to meet contract demand levels in excess of the volume levels ultimately nominated, will be included by Applicant in general section 4 rate filings. Moreover, through this provision, Applicant states that it will recover only 50 percent of amounts expended to buy-out supplier contract rights, the remaining 50 percent to be recovered through general section 4 rate filings.

Applicant indicates that its proposal herein is predicated upon its existing RP85-13 settlement cost of service and rates; and, thus, in the event of sales reductions where no substitute service is utilized on Applicant's system, Applicant will underrecover the commodity fixed cost attributable to these reductions. To address the underrecovery which will result from decreased purchases, Applicant is proposing to access "standby charges" under its Rate Schedules ODL-1 and DS-1. Applicant asserts that the standby charges under these rate schedules will be levied on volumes which Applicant distributor customers, or customers behind such distributors, have transported through Applicant's system to the distributor's system pursuant to the new interruptible and firm transportation rate schedules to be contained in Original Volume No. 1-A of

Applicant's tariff. As indicated, these volumes represent potential sales which could be made by Applicant but which are being served by other suppliers as a result of the availability of open access transportation on the Northwest system.

Applicant states that its *pro forma* tariff sheets also reflect certain new provisions to be included in Applicant's General Terms and Conditions (First Revised Volume No. 1) and General Transportation Terms and Conditions (Original No. 1–A) which, among other things, establish the priorities to be accorded the various firm and interruptible services rendered by Applicant as well as the procedures to be implemented in the event of capacity-related curtailment. Applicant states that these provisions, and proposed provisions included in the tariff sheets which set forth the circumstances under which various penalties will be imposed and confiscation of gas effected for transportation volume imbalances, are operationally necessary to permit the efficient management and dispatching of receipts and deliveries of gas on Applicant's system after its implementation of open access transportation.

Applicant states that the proposed Rate Schedules T–2 and T–3 (Original Volume No. 1–A), when approved and made effective, will supersede in their entirety Applicant's existing Rate Schedules T–2, T–3, T–4, T–5 and T–6 and will be applicable to all interruptible and firm transportation performed by Applicant pursuant to Part 284 of the Commission's Regulations. Additionally, Applicant, indicates that to the extent feasible and permitted by contract, the rates established under these rate schedules will be applied to certificated transportation agreements contained in Original Volume No. 2 of Applicant's F.E.R.C. Gas Tariff. Applicant states that because it is not its intention to effect through this filing a rate increase as to any of its existing transportation customers above the level of rates approved in its RP85–13 rate settlement, it is its intent to exercise its right to discount rates, to the extent necessary, to customers under "grandfathered" Part 284 transportation agreements and under transportation agreements approved or on file for section 7(c) certificates as of July 1, 1986, to the levels presently being charged under the rate schedules being superseded.

Applicant states that through its proposals to discount rates to current transportation customers to existing levels, and to implement standby charges to somewhat offset cost underrecoveries, it is attempting to mitigate the impacts of the instant filing on the RP85–13 settlement. However, Applicant submits that one other aspect of that settlement must be modified in order to permit the implementation of open access transportation in the absence of a major general rate filing. Because of the changes on Applicant's system which will result from open access transportation not contemplated by the parties at the time of the RP85–13 settlement, and, in recognition of the fact that projected sales underlying the RP85–13 settlement, rates are now subject to conversion to transportation volumes. Applicant asserts that it is essential that the provision for the crediting of 25 percent of any transportation revenues derived from transportation of volumes in excess of 65 million dekatherms, which is contained in section 3.3(b) of the RP85–13 settlement agreement, be terminated.

Applicant is proposing to provide its firm sales customers with full contract demand reduction and conversion rights pursuant to § 284.10 of the Commission's Regulations. Applicant indicates, however, that in order to enable some modicum of system supply planning, it must have, at a minimum, at least one year's notice of the level of system gas supply and deliverability it will be required to maintain to support deliveries to its firm sales customers. Accordingly, Rate Schedules ODL–1, PL–1 and DS–1 will provide for a one year notice prior to the effectiveness of all contract demand reduction and conversion options to be exercised after the first year such options are available. For the first year, notice and effectiveness of both reduction and conversion options shall be in accord with § 284.10(c)(2)(i) and, as a result, in subsequent years notice and effectiveness of both shall by synchronized to occur on the same date. In this regard, Applicant requests waiver of §§ 284.10(c)(2) and 284.10(d)(2) of the Commission's Regulations to permit the implementation of these modifications of the notice provisions contained in the Regulations.

Applicant avers that in order to reduce its existing and projected take-or-pay exposure, which will be exacerbated by opening its system to transportation, it must reduce its gas purchase commitments to levels appropriate to meet its actual (not contracted) sales requirements. Accordingly, Applicant states that its proposed tariff revisions provide for (1) establishment of a nominated volume procedure which will maintain a sales customer's right to pipeline capacity for its full contract demand but will obligate Applicant to maintain gas supply sufficient to provide firm service only for the nominated volume agreed to by the customer in a new service agreement; and (2) establishment of seasonal daily delivery requirements that will limit Applicant's obligation to provide firm sales service at 100 percent of the maximum daily quantity level (lesser of contract demand or nominated volume) to a period of 120 days during the winter heating season and that will obligate Applicant to provide firm sales service only at a specified percentage of the maximum daily quantity level for the remainder of the year.

If Commission authorization is deemed necessary to implement these measures to reduce sales delivery obligations to levels more consistent with actual market requirements, Applicant requests that the Commission issue pre-granted authority for Applicant to abandon that portion of its firm sales delivery obligations under Rate Schedules ODL-1, PL-1 and DS-1 which is in excess of the nominated volume which a customer hereafter may designate in a new service agreement. Upon execution, Applicant asserts that it would file such new service agreements with the Commission, providing notification of the amount of firm delivery obligations abandoned thereunder. Applicant also requests abandonment authorization, to the extent required, to reduce its daily delivery obligations under its firm sales rate schedules during off-peak periods as described above.

Applicant asserts that the only variances proposed in its application from the express provisions of the Commission's Regulations implementing Order Nos. 436 and 436-A are those necessitated to permit Applicant to effectively operate under an Order No. 436 blanket certificate in the context of the gas supply and operational characteristics of its system. Applicant submits that these variances are not so substantial so as to deny Applicant's customers and consumers in general the benefits which would be afforded by the granting of the authority requested in this application.

Comment date: August 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP86–590–000]

Take notice that on June 26, 1986, Arkla Energy Resources, a division of Arkla, Inc. (AER), P.O. Box 21734,

Shreveport, Louisiana 71151, filed in Docket No. CP86-590-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas for a direct sale to Great Lakes Chemical Corporation (Great Lakes) at three locations in Union County, Arkansas, all as more fully set forth in the application on file with the Commission and open to public inspection.

AER states that it is currently authorized to transport natural gas for direct sale to three Great Lakes' plants in Marysville, El Dorado (Central) and El Dorado (South), Union County, Arkansas. AER states that by letter dated March 10, 1986, Great Lakes gave notice of its cancellation of the three service agreements and the associated sales service and, at the same time, elected to have 100.0 percent of its requirements satisfied through gas transported by AER. Futher, AER states that it is an open access transporter under Subpart B of Part 284 of the Commission's Regulations and will continue to provide open access transportation on and after July 1, 1986. AER states that it is currently transporting third party gas supplies acquired by Great Lakes for delivery to the three plants and intends to tranport those volumes in the future. Therefore, AER does not propose to abandon any facilities in its application, it is stated.

Comment date: August 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. The Inland Gas Company, Inc.

[Docket No. CP86-575-000]

Take notice that on June 19, 1986, The Inland Gas Company, Inc. (Inland), 336-338 14th Street, Ashland, Kentucky 41101, filed in Docket No. CP86-575-000 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon the sale for resale of natural gas to Columbia Gas of Kentucky, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., and Columbia Gas of Virginia, Inc. (Columbia Distribution Companies or CDC), all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

Inland states that on September 6, 1983, it commenced a first sale of nautral gas to Columbia Gas of Kentucky, Inc., of up to 3,000 Mcf of natural gas per day from Inland's company-owned production in southeastern Kentucky. Inland further states that the Gas Purchase Agreement between the two companies provided for a sales price of $3.20 per Mcf or the maximum lawful price established by the Natural Gas Policy Act (NGPA) for the category of gas delivered, whichever is less. On September 4, 1984, Inland states that it commenced additional first sales of natural gas from company-owned production of up to 7,512 Mcf per day to Columbia Gas of Kentucky, Inc., and the five remaining Columbia Distribution Companies. Inland states that the Gas Purchase Agreements provided for a sales price of $3.0313 per Mcf or the maximum lawful price established by the NGPA, whichever is less.

Inland states that at the time it undertook the sales of natural gas, it was the intent of the managements of both Inland and CDC that the only gas sold would be gas which is no longer subject to the Commission's Natural Gas Act (NGA) jurisdiction pursuant to the operation of section 601(a)(1)(B) of the NGPA and was thus a first sale which required no prior certificate authorization. Inland further states that due to an incorrect assumption by Inland employees as to the jurisdictional status of section 108 gas, Inland sold certain quantities of gas which fell within the NGA-regulated section 108 category. In January 1985, it Inland's attorneys discovered that NGA regulated section 108 gas was being sold without the proper certificate authorization, it is explained. It is further explained that the attorneys advised Inland to cease the sale of this gas, and this was done on January 31, 1985.

Inland further states that subsequent to the termination of sales on January 31, 1985, it was discovered that Inland had also sold and delivered through inadvertence certain quantities of section 104 and section 109 gas during the period September, 1984 through January, 1985. Inland's employees had no knowledge that the section 104 and section 109 gas had been sold until production records were reviewed and reconciled with actual deliveries after January 31, 1985, it is explained. Inland states that 734,100 Mcf of NGA-regulated section 108, section 109 and section 104 gas was sold without certificate authorization.

Inland requests authorization to abandon the sale of gas sold to CDC which is subject to the Commission's NGA jurisdiction.

Comment date: August 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket No. CP86-579-000]

Take notice that on June 23, 1986, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP86-579-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation service for Illinois Power Company (IPC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 60 billion Btu equivalent of natural gas per day on an interruptible basis for IPC for a period of three years from the date of the first delivery and month-to-month thereafter, pursuant to a gas transportation agreement dated April 24, 1986, as amended. Applicant states that the volumes of gas would be used for IPC's system supply.

Applicant proposes to receive natural gas for the account of IPC at the existing points on interconnection between the measurement facilities of Applicant and the pipeline facilities of: (1) MidVen Pipeline Company located in Section 2, Township 5 North, Range 10 West, Caddo County, Oklahoma; (2) ANR Pipeline Company (ANR) located in section 32, Block 4T, T & NORR Survey, Hansford County, Texas; (3) United Gas Pipe Line Company located in section 21, Township 13 South, Range 4 East, Erath, Vermilion Parish, Louisiana; (4) ONG Western, Inc. (ONG) located in section 21, Township 13 North, Range 16 West, Custer County, Oklahoma; (5) ONG located in section 6, Township 20 North, Range 18 West, Woodward County, Oklahoma; (6) Valero Transmission Company at the outlet of Mobil Oil Corporation's LaGloria Plant in Ignacio De La Pena Los Olmos Y Loma Blanca A-345 Survey, Jim Wells County, Texas; at the existing points of interconnection between the pipeline facilities of Applicant and the measurement facilities of: (7) Northwest Central Pipeline Corporation located in section 19, Township 28 South, Range 23 West, Ford County, Kansas; (8) ANR located in section 9, Township 12 South, Range 4 West, Cameron Parish, Louisiana; (9) Delhi Gas Pipeline Corporation located in section 31, Township 14 North, Range 16 West, Custer County, Oklahoma; (10) Northern Natural Gas Company located in section 26, Township 72 North, Range 43 West, Mills County, Iowa; and (11) ANR

located in section 36, Township 5 North, Range 20ECM, Beaver County, Oklahoma. Applicant proposes to transport and redeliver volumes of gas for the account of IPC at the existing point of interconnection between the measurement facilities of Applicant and pipeline facilities of IPC located in (1) Section 13, Township 1 North, Range 2 West, Clinton County, Illinois; (2) Section 11, Township 16 North, Range 10 East, Bureau County, Illinois; (3) Section 25, Township 34 North, Range 1 East, LaSalle County, Illinois; and (4) Section 29, Township 34 North, Range 1 East, LaSalle County, Illinois.

Applicant proposes to reduce the volumes it redelivers to IPC by certain percentages for fuel consumed and lost and unaccounted for gas. Applicant states that, as an alternative to the in-kind percentage reductions, Applicant may from time to time institute a monetary charge for fuel and lost and unaccounted for gas.

Applicant proposes to charge IPC a transportation rate equal to 26.67 cents per million Btu. Further, Applicant would charge IPC the currently effective Gas Research Institute surcharge per million Btu of gas received by Applicant.

Applicant states that it is presently performing a limited term transportation for IPC pursuant to Part 284, Subpart B of the Commission's Regulations at Docket No. ST85-1634-000. It is indicated that such transportation service would terminate on August 1, 1986.

Applicant further requests authorization to add and delete receipt points in the future to support the transportation service. Applicant states that it would tender by March 31 of each year tariff revisions reflecting the addition or deletion of receipt points made during the previous calendar year.

Comment date: August 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

5. Natural Gas Pipeline Company of America

[Docket No. CP86-576-000]

Take notice that on June 20, 1986, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP86-576-000 an application pursuant to section 7(c) of the Natural Gas Act for authorization to transport a maximum of 7.5 billion Btu equivalent of natual gas per day on an interruptible basis for American Maize-Products Company (American Maize) and for permission and approval to abandon such transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to provide an interruptible transportation service for American Maize for a period of one year from the date of first delivery. Applicant would provide such service pursuant to the terms and conditions contained in a gas transportation agreement between Applicant and American Maize dated May 29, 1986.

Gas for American Maize's account would be delivered to Applicant at the following points of receipt: (1) The existing point of the interconnection between the facilities of Applicant and ONG Transmission Company (ONG) located in Section 21, Township 13 North, Range 16 West, Custer County, Oklahoma; (2) the existing point of interconnection between the facilities of Applicant and ONG located in section 6, Township 20 North, Range 18 West, Woodward County, Oklahoma; (3) the existing point of interconnection between the facilities of Applicant and Kaiser-Francis Oil Company (K-F) located in section 28, Township 20 North, Range 18 West, Woodward County, Oklahoma; (4) the existing point of interconnection between the facilities of Applicant and Mustang Fuel Corporation (Mustang), located in section 27, Township 10 North, Range 15 West, Washita County, Oklahoma; and (5) the existing point of interconnection between the facilities of Applicant and ANR Pipeline Company (ANR) located in section 36, Township 5 North, Range 20 East, Beaver County, Oklahoma. (Applicant has been informed by American Maize that this receipt point would not be used at this time.)

Applicant proposes to charge American Maize a transportation rate consistent with its T-1 Rate Schedule (currently 30.32 cents per MMBtu) from the receipt points in Custer, Woodward, Washita and Beaver Counties, Oklahoma to the delivery point in Cook County, Illinois.

Applicant proposes to reduce the volumes it redelivers to American Maize by certain percentages for fuel consumed and lost and unaccounted for gas or would charge American Maize for fuel consumed and lost and unaccounted for gas as provided for in the agreement.

Applicant also proposes to charge American Maize the currently effective GRI surcharge as set forth on Tariff Sheet No. 5A of Applicant's FERC Gas Tariff Volume No. 1.

Comment date: August 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

6. Panhandle Eastern Pipe Line Company

[Docket No. CP86-585-000]

Take notice that on June 25, 1986, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP86-585-000 an application pursuant to section 7(c) of the Natural Gas Act and § 285.221 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing Panhandle to transport natural gas on behalf of others, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle requests authority for transportation authorization, authorizing a transportation program under new Rate Schedules FTS and ITS which would provide self-implementing firm and interruptible transportation services, together with contract demand reduction and conversion provisions applicable to certain firm sales customers. In addition, Panhandle proposes upon grant to the application to amend its tariff to provide for adjustments for gas purchase contract settlements and prepayments, and for revised curtailment provisions. Panhandle requests that the blanket certificate authorization it seeks be limited in term to two years, to commence November 1, 1986, and to expire pursuant to pre-granted abandonment requested by Panhandle, October 31, 1988.

Panhandle states that it is proposing the new transportation program and contract demand revision program in response to the Commission's Order Nos. 436 and 436-A and that its proposed programs meet the substantive objectives of the Commission Order Nos. 436 and 436-A, subject to certain modifications and conditions. Panhandle requests all necessary waivers of the Commission's regulations to permit the implementation of its programs as proposed.

Panhandle states that its proposed FTS Rate Schedule would apply to firm transportation service performed thereunder. The rates would be set at a maximum level unless it is agreed in writing between Panhandle and a customer that a lower price, down to a minimum specified in the rate schedule, would be charged. In addition, unbundled charges would be applied, as appropriate, for gathering service and other items.

Panhandle states that its contract demand reduction/conversion program would permit sales customers under its

G, LS, SS, and CS Rate Schedules to reduce up to ten percent of existing contract demand levels, five percent for each year of the proposed certificate term. A customer choosing to reduce or convert contract demand would be required to give notice of intent to do so by August 15, 1986, and the change would become effective on November 1, 1986, and if so designated, November 1, 1997.

In conjunction with its transportation and contract demand/reduction programs, Panhandle further states that it proposes to adopt tariff provisions for adjustments for gas purchase contract settlements and prepayments. Under this program, customers would reimburse Panhandle or its amounts paid prior to October 31, 1990, to suppliers in settlement or purchase contracts, according to when the obligations are incurred and payments are made. The allocation among customers of amounts paid by Panhandle through October 31, 1986, would be proportionate to their aggregate yearly deficiencies in takes, as against actual purchases in 1981, for the period from January 1, 1983, through October 31, 1986. Further reimbursable payments would be allocated in proportion to the customer's deficiency in takes for the applicable future November 1—October 31 period, as compared with the customer's effective contract demand level over the same time period. These components would be reimbursed in a lump sum or in six monthly installments with carrying charges, at the individual customer's option.

Panhandle proposes to permit firm sales customers under the LS, SS, and CS Rate Schedules to credit certain transportation quantities in their minimum commodity sales bill in amounts and on conditions specified therein.

Panhandle also requests pregranted abandonment authorization as to individual transportation service obligations as the underlying individual arrangements expire, pursuant to section 284. Panhandle also requests pregranted abandonment authorization of its certificated sales obligations in the amount and effective on the date of any contract demand reduction or conversion obtained by a sales customer under Panhandle's proposed program.

Comment date: August 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

7. Texas Gas Transmission Corporation

[Docket No. CP86-581-000]

Take notice that on June 23, 1986, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP86-581-000, an application pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon by sale to Evangeline Gas Company, Inc. (Evangeline) certain direct sale natural gas service and associated facilities, and for authorization under section 7(c) of the NGA to increase Evangeline's contract demand to enable it to make the additional sales under existing and new service agreements, all as more fully set forth in the applicaton on file with the Commission and open to public inspection.

More specifically, Texas Gas states that it seeks to abandon by sale to Evangeline natural gas service to seventy-four (74) jurisdictional direct sale customers and the facilities associated therewith. Texas Gas also requests certificate authority to make additional sales to Evangeline under an existing purchase agreement for Rate Zone SL and a new purchase agreement for Rate Zone No. 1. Texas Gas advises that such additional sales are prompted by the proposed abandonment. It is stated that the contract demand for the Rate Zone SL service would be raised from the present level of 2.544 billion Btu equivalent per day to a new level of 3.669 billion Btu equivalent per day, resulting in an increase of 1.125 billion Btu equivalent. It is further stated that the contract demand for the proposed Rate Zone No. 1 service would be .05 billion Btu equivalent per day. Finally, Texas Gas states that the proposed abandonment by sale to Evangeline and the authorization to make additional sales to Evangeline would not adversely affect the operations of its existing customers or itself and that continuous and uninterrupted service would be provided to its customers by Evangeline upon receipt of the authority requested in its application.

Comment date: August 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

8. Trunkline Gas Company

[Docket No. CP86-586-000]

Take notice that on June 25, 1986, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP86-586-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation program under new Rate Schedules FTS and ITS which would provide self-implementing firm and interruptible transportation service, together with contract demand reduction and conversion provisions applicable to firm sales customers along with pregranted abandonment, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Trunkline proposes upon grant of the application to amend its tariff to provide for Adjustments for Gas Purchase Contract Settlements and Prepayments, and for revised Curtailment provisions. Trunkline requests that the blanket certificate authorization it seeks be limited in term to three years, to commence November 1, 1986, and to expire pursuant to pre-granted abandonment requested by Trunkline, October 31, 1989.

Trunkline states that it is proposing the new transportation program and contract demand revision program in response to the Commission's Order Nos. 436 and 436-A and that its proposed programs meet the substantive objectives of the Commission Order Nos. 436 and 436-A, subject to certain modifications and conditions. Trunkline requests all necessary waivers of the Commission's regulations to permit the implementation of its programs as proposed.

Trunkline states that its proposed FTS Rate Schedule would apply to firm transportation service performed thereunder. The rates would be set at a maximum level unless it is agreed in writing between Trunkline and a customer that a lower price, down to a minimum specified in the rate schedule, would be charged. In addition, unbundled charges would be applied, as appropriate, for gathering service and other items.

Trunkline states that its contract demand reduction/conversion program would permit sales customers under its P and G Rate Schedules to reduce up to fifteen percent of its contract demand level, five percent for each year of the proposed certificate term. Similarly, a customer could convert up to fifteen percent—five percent for each year of the certificate—to an equivalent amount of firm transportation service. A customer choosing to reduce or convert contract demand would be required to give notice of intent to do so by August 15, 1986.

In conjunction with its transportation and contract demand/ reduction programs, Trunkline further states that it proposes to adopt tariff provisions for Adjustments for Gas Purchase Contract Settlements and Prepayments. Under

this program, customers would reimburse Trunkline for its amounts paid to suppliers in settlement of purchase contracts, according to when the obligations are incurred and payments are made. The allocation among customers of amounts paid by Trunkline through October 31, 1986, will be proportionate to their aggregate yearly deficiencies in takes, as against actual purchases in 1981, for the period from January 1, 1983, through October 31, 1986. Future reimbursable payments will be allocated in proportion to the customer's deficiency intakes for the applicable future November 1–October 31 period, as compared with the customer's effective contract demand level over the same time period. These components would be reimbursed in a lump sum or in six monthly installments with carrying charges, at the individual customer's option.

Trunkline also requests pregranted abandonment authorization as to individual transportation service obligations as the underlying individual arrangements expire, pursuant to section 284. Trunkline also requests pregranted abandonment authorization of its certificated sales obligations in the amount and effective on the date of any contract demand reduction or conversion obtained by a sales customer under Trunkline's proposed program.

Comment date: August 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene of 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 Regualtory 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. 86–16014 Filed 7–15–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP86–577–000 et al.]

Sabine Pipe Line Co. et al., Natural Gas Certificate Filings

July 10, 1986.

Take notice that the following filings have been made with the Commission:

1. Sabine Pipe Line Co.

[Docket No. CP86–577–000]

Take notice that on June 20, 1986, Sabine Pipe Line Company (Sabine), P.O. Box 52332, Houston, Texas, filed in Docket No. CP86–577–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation service performed for Texaco, Inc. (Texaco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Sabine states that it is authorized to transport gas for Texaco in accordance with a gas transportation agreement dated October 21, 1963, as certificated by the Commission in Docket No. CP64–97. Sabine explains that it has recently filed a rate proceeding in Docket No. RP86–86–000 in which it has requested a general rate increase and has submitted for approval an initial rate schedule in compliance with §284.7(b)(2) of the Regulations for open access transportation pursuant to Order No. 436. In conjunction with the rate filing Sabine indicates that it has filed an Order No. 436 blanket certificate application in Docket No. CP86–522–000. Sabine asserts that in order to implement the rate schedules proposed in Docket No. RP86–86–000, the existing service to Texaco (and the T–1 rate schedule which covers such service) must be abandoned. It is stated that Sabine and Texaco have executed a termination agreement dated June 16, 1986, which cancels the October 21, 1963, transportation agreement. Sabine notes that to the extent that Texaco continues to require transportation services, Sabine will provide such service under the new proposed rate schedules. It is requested that the abandonment be made effective concurrent with the later of the issuance to Sabine of an Order No. 436 blanket certificate or the effective date of Sabine's new rate schedules.

Comment date: July 31, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Southern Natural Gas Co.

[Docket Nos. CP86–558–000, CP86–559–000, CP86–560–000, CP86–561–000, CP86–562–000, CP86–563–000, CP86–564–000, CP86–565–000, CP86–566–000, CP86–567–000, CP86–568–000, and CP86–569–000]

Take notice that on June 17, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket Nos. CP86–558–000, CP86–559–000, CP86–560–000, CP86–561–000, CP86–562–000, CP86–563–000, CP86–564–000, CP86–565–000, CP86–566–000, CP86–567–000, CP86–568–000 and CP86–569–000 applications pursuant to Section 7(c) of the Natural Gas Act for limited-term certificates of public convenience and necessity authorizing for one year the transportation of natural gas for twelve agents and/or customers, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

The details of the proposed transportations are found in the following chart:

TRANSPORTATION DETAILS

Docket No.	Agent	Customer	Contract date	MMBtu/day	Redelivery point
CP86–558–000	Atlanta Gas Light Company	Calsilite Corporation	June 13, 1986	2,500	Brunswick Meter Station, Glynn County, GA.
CP86–559–000	do	Thomaston Mills, Inc	do	3,500	Thomaston Meter Station, Upson County, GA

TRANSPORTATION DETAILS—Continued

Docket No.	Agent	Customer	Contract date	MMBtu/day	Redelivery point
CP86-560-000	do	Kemira, Inc	do	11,000	Savannah Area, GA.
CP86-561-000	None	Kaichem, Int. Corp	June 12, 1986	2,200	Kaiser Alum. & Chem. Chatham County, GA.
CP86-562-000	Atlanta Gas Light Company	Armstrong World Industries, Inc	Apr. 23, 1986	11,250	Macon Area, GA.
CP86-563-000	do	Cherokee Brick and Tile, Inc	June 13, 1986	3,000	Do.
CP86-564-000	Atlanta Gas Light Company	Archer-Daniels Mid-Land Co	do	4,500	Augusta and Macon Area, GA.
CP86-565-000	do	Katalistiks	do	4,500	Savannah Area, GA.
CP86-566-000	do	Nord Kaolin Co	do	2,600	Jeffersonville Meter Sta. Twiggs County, GA.
CP86-567-000	None	Savannah Sugar Ref	May 9, 1966	8,000	Savannah Meter Sta. Chatham County, GA.
CP86-568-000	Atlanta Gas	Owens-Ill., Inc	June 13, 1986	7,000	Atlanta Area Delivery Point.
CP86-569-000	Alabama Gas Corporation	American Cast Iron Pipe Company	June 12, 1986	6,000	Birmingham Area Delivery Point.

Southern requests a limited-term certificates of public convenience and necessity authorizing it to transport gas on behalf of twelve agents and/or customers in accordance with the terms and conditions of transportation agreements between the agents and/or customers and Southern dated various dates (agreements). It is said that subject to the receipt of all necessary governmental authorizations, Southern has agreed to transport on an interruptible basis various thermal equivalent quantities of gas per day purchased by the customers from SNG Trading Inc. (SNG Trading). Southern requests that the Commission issue limited-term certificates for a term expiring one year from the date of the Commission's order issuing the requested authorizations.

The agreements, it is said, provides that the agents and/or customers would cause gas to be delivered to Southern for transportation at the various existing points of delivery on Southern's continuous pipeline system specified in the applications. Southern states that it would redeliver to the agents and/or customers at various stations, an equivalent quantity of gas less 3.25 percent of such amount which would be deemed to have been used as compressor fuel and company-use gas (including system unaccounted-for losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less the customers' pro-rata share of any gas delivered for the twelve customers' accounts which is lost or vented for any reason.

Southern states that the agents and/or customers have agreed to pay Southern each month, for performing the transportation service, the following transportation rates:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to the agents and/or customers under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's OCD rate schedule on such day to the agents and/or customers do not exceed the daily contract demand of the agents and/or customers, the transportation rate shall be 48.2 cents per million Btu; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to the agents and/or customers under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's OCD rate schedule on such day to the agents and/or customers exceed the daily contract demand of the agents and/or customers, the transportation rate for the excess volumes shall be 77.6 cents per million Btu.

Southern states further that it would collect from the agents and/or customers the GRI surcharge of 1.35 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed.

Southern also requests flexible authority to provide transportation from additional delivery points in the event the agents and/or customers obtain alternative sources of supply of natural gas. The additional transportation service, it is said, would be to the same redelivery points, the same recipients, and within the maximum daily transportation volumes of gas as stated in the applications. Southern indicates that it would file reports providing certain information with regard to the addition of any delivery points.

Southern states that the transportation arrangements would enable the customers to diversify their natural gas supply sources and to obtain gas at competitive prices. It is said that the customers have the installed capability to utilize fuel oil and have advised Southern that unless it is able to obtain the transportation services requested by Southern, they would switch to fuel oil to the maximum extent possible causing a corresponding loss of throughput on Southern's system. Thus it is alleged that to the extent the transportation service proposed would enable the customers to obtain access to competitively priced natural gas, the entire Southern system would benefit by retaining the customers on the system.

Comment date: July 31, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Natural Gas Pipeline Co. of America

[Docket No. CP86-574-000]

Take notice that on June 19, 1986, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP86-574-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for Midcon Marketing Corporation (Marketing) as agent for International Paper Company (IPC) and construction and operation of facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to a maximum of 50 billion Btu of natural gas per day for Marketing under the terms of a May 21, 1986 gas transportation agreement. Applicant states that it would receive gas at one or more of three existing receipt points. The gas would then be transported and redelivered at two proposed delivery points for ultimate delivery to IPC, it is stated.

Applicant states that the proposed transportation would be for a primary term of one year from the date of first deliveries of gas and from month-to-month thereafter unless cancelled by either party upon thirty (30) days advance written notice.

Applicant proposes to charge Marketing transportation rates

consistent with its Rate Schedule T-1. Applicant also proposes to charge the currently effective GRI surcharge as set forth on Tariff Sheet No. 5A of Applicant's FERC Tariff. Additionally, Applicant proposes, at its option, to reduce the volumes it will redeliver for the account of Marketing by certain percentages for fuel consumed and lost and unaccounted for gas. Applicant states that for illustrative purposes only, the current transportation rates and percentage reductions are as follows:

Point of receipt	Point of delivery	Transportation rate per MMBtu (cents)	Percentage reduction	
			Fuel	Lost and Unacc.
Custer Co., OK	Saline Co., AR	13.9	1.4	0.5
	Clark Co., AR	12.6	1.2	0.5
Woodward Co., OK (K-F)	Saline Co., AR	14.7	1.2	0.5
	Clark Co., AR	13.9	1.0	0.5
Woodward Co., OK (ONG)	Saline Co., AR	14.7	1.2	0.5
	Clark Co., AR	13.9	1.0	0.5

Applicant proposes to construct two 8-inch and two 6-inch taps and accompanying measurement facilities in Saline and Clark Counties, Arkansas, respectively. The estimated cost of such facilities is $236,000, which would be reimbursed to Applicant by Marketing, it is stated.

Applicant further requests authorization to add or delete additional receipt points in the future if necessary to support the proposed transportation service.

Comment date: July 31, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Natural Gas Pipeline Co. of America

[Docket No. CP86-108-004]

Take notice that on June 17, 1986, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP86-108-004, a petition to amend the order issued May 1, 1986, in Docket No. CP86-108-000 pursuant to section 7 of the Natural Gas Act so as to authorize the transportation of natural gas on an interruptible basis for United States Steel Corporation (U.S. Steel) and for pre-granted abandonment of such service at an additional point of delivery in Cook County, Illinois and an increase in the maximum delivery volume to a combined total of up to 60 billion Btu.

Pursuant to Amendment No. 4 dated May 1, 1986 (Amendment) to their gas transportation agreement dated May 6, 1985, Natural and U.S. Steel propose to add an additional delivery point in Cook County, Illinois. Natural proposes to deliver natural gas to The Peoples Gas Light and Coke Company (Peoples) for U.S. Steel's account at an existing point of interconnection between the facilities of Natural and Peoples located on Natural's Crawford line located in Cook County, Illinois (Peoples Delivery Point) for use at U.S. Steel's South Chicago Works.

Also pursuant to the Amendment, Natural and U.S. Steel propose to increase the maximum daily delivery to a combined total of up to 60 billion Btu per day for use at U.S. Steel's Gary Works and South Chicago Works. Petitioner was previously authorized by Commission order dated May 1, 1986 to transport and redeliver up to a maximum of 35 billion Btu per day for use at U.S. Steel's Gary Works.

Natural proposes to charge U.S. Steel a transportation rate for each MMBtu of gas received for transportation based on Natural's onshore cost per 100 miles as set forth in Tariff Sheet No. 5A of Natural's Volume No. 1 Tariff. The current rates were effective January 1, 1986, and are subject to refund pending the outcome in Natural's rate proceeding in Docket No. RP85-150-000.

Natural proposes to reduce the volumes it redelivers to the Peoples Delivery Point for the account of U.S. Steel for fuel consumed and lost and unaccounted for gas as provided under the Agreement, as amended. Natural also proposes to charge U.S. Steel the currently effective GRI surcharge as set forth on Tariff Sheet No. 5A of Natural's Volume No. 1 Tariff.

Comment date: July 31, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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. 86-16002 Filed 7-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-838-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, Etc.; New Lyman Falls Power Corp. et al.

July 10, 1986.

Comment date

Thirty days from publication in the **Federal Register**, in accordance with Standard E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. New Lyman Falls Power Corp.

[Docket No. QF86-838-000]

On June 19, 1986, New Lyman Falls Power Corp. (Applicant), of North Stratford, New Hampshire, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No

determination has been made that the submittal constitutes a complete filing.

The 4.9 megawatt hydroelectric facility will be located on the Connecticut River near North Stratford, New Hampshire.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction , operation, licensing and pollution abatement.

2. Riverside Steam and Power Corp.

[Docket No. QF86-837-000]

On June 19, 1986, Riverside Steam and Power Corp. (Applicant), of Penacook, New Hampshire, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Penacoock, New Hampshire. The facility will consist of a combustion turbine-generating set and a waste heat recovery steam generator. The extracted steam from the facility will be sold to a third party for use in a leather tanning process. The electric power production capacity will be 4.9 megawatts. The primary energy source will be natural gas.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16001 Filed 7-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-546-000 et al.]

Kerr-McGee Corp.; Application

July 9, 1986.

Take notice that on June 30, 1986, Kerr-McGee Corporation (Kerr-McGee), of P.O. Box 25861, Oklahoma City, Oklahoma 73125, filed an application as successor in interest to DeltaUS Corporation (DeltaUS) for Certificate of Public Convenience and Necessity under section 7 of the Natural Gas Act, as amended, authorizing Kerr-McGee to sell and deliver natural gas to various pipelines pursuant to various contracts acquired from DeltaUS Corporation, all as more fully show on the attached Exhibit "A", which is on file with the Commission and open to public inspection.

Effective July 1, 1985, Kerr-McGee Corporation acquired by Assignment, Bill of Sale and Assumption Agreement the interest of DeltaUS Corporation, Assignor, in certain properties described in the contracts identified in the attached Exhibit "A".

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 23, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

EXHIBIT A.—KERR-MCGEE CORPORATION SUCCESSOR IN INTEREST FILING; JUNE 30, 1986

Docket nos.	Purchaser	Location field, County, State
CI86-546-000	Northern Natural Gas Company	Ozona Field, Crockett County, Texas.
CI86-547-000	Northern Natural Gas Company	Davidson Ranch, Crockett County, Texas.
CI86-548-000	Consolidated Gas Supply Corporation	Various Counties, Pa.
CI86-549-000	Consolidated Gas Supply Corporation	Grampian & Curwenville Fields, Clearfield County, Texas.
CI86-550-000	Tennessee Gas Pipeline Company	Carthage Field, Harrision County, Texas.
CI86-551-000	El Paso Natural Gas Company	Ozona, N.W. Canyon, Crockett County, Texas.
CI86-552-000	Tennessee Gas Pipeline Company	Carthage field, Panola County Texas.
CI86-553-000	Northern Natural Gas Company	Davidson Ranch, Crockett County, Texas.
CI86-554-000	Northern Natural Gas Company	Crockett County, Texas.
CI86-555-000	Columbia Gas Transmission Corporation	Cherry Field, Indiana County, Pa.
CI86-556-000	The Parade Company	Rusk County, Texas.
CI86-557-000	Warren Petroleum Company	East Texas Field, Gregg County, Texas.
CI86-558-000	United Gas Pipe Line Company	Smith County, Texas.

[FR Doc. 86-15736 Filed 7-15-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3049-9]

Intent To Form an Advisory Committee To Negotiate Regulations Governing Major and Minor Modifications of Resource

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA is considering establishing a new Advisory Committee under the Federal Advisory Committee Act (FACA). The Committee's purpose would be to negotiate issues leading to a Notice of Proposed Rulemaking which would amend current regulations governing major and minor modifications to Resource Conservation and Recovery Act (RCRA) permits. The Committee would consist of representatives of parties with a definable interest in the outcome of the proposed rule. EPA requests comment on this Notice.

DATE: EPA must receive comments and suggestions by August 15, 1986.

ADDRESS: Three copies of comments should be submitted to: Docket Clerk, Office of Solid Waste (WH-562), U.S. EPA, 401 M Street, SW., Washington, DC 20460.

Docket No. F-86-MRPN-FFFFF, containing materials relevant to this

rulemaking, is located in Room S-212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected between 9 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Chris Kirtz, Director, Regulatory Negotiation Project, USEPA (PM-223), 401 M Street, SW., Washington, DC 20460, (202) 382-7565.

Contact Chris Kirtz also for information on the Regulatory Negotiation Project generally.

SUPPLEMENTARY INFORMATION:

Outline of Notice

I. Project Background

A. The Concept of Regulatory Negotiation

On February 22, 1983, EPA announced in the **Federal Register**, 48 FR 7494-7495, that it was beginning a project to explore the extent to which negotiations among interested parties could serve as an alternative to its current rulemaking process—an alternative that could better conserve time and resources and minimize costly litigation.

The project brings together a balanced mix of parties and interests to negotiate at the pre-proposal stage. The goal of each negotiation is to reach a consensus on which to base a Notice of Proposed Rulemaking (NPRM). EPA intends to use any consensus that is justified and within its statutory authority as the basis of the proposal. Negotiations are conducted through Advisory Committees chartered under the Federal Advisory Committee Act (FACA). All procedural requirements of the Administrative Procedure Act and other applicable statutes continue to apply.

A senior official selected by the EPA office responsible for developing the rule acts as chief negotiator for EPA. Individuals representing definable interests in the regulated community, enforcement officials, and other affected stakeholders negotiate on behalf of their constituencies. A neutral facilitator chairs the negotiations, keeps the process moving smoothly, and assists in resolving disputes.

EPA's experience shows that this process can produce better regulations, use all parties' times and resources more wisely, and reduce litigation and uncertainty.

B. Negotiations to Date

EPA has already successfully conducted three regulatory negotiations and has a fourth well underway. The first involved Nonconformance Penalties under section 206(g) of the Clean Air Act, as amended. The group achieved timely consensus on the core issues for the proposed rulemaking. Public comments were few, all suporting the consensus, and many supporting the concept of regulatory negotiation. The final rule, issued on August 30, 1985, has not been challenged legally.

The second involved Emergency Pesticide Exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The group again reached timely and full consensus on exact wording for the proposal and preamble. Public comments were few, some supporting the proposal and others raising relatively minor concerns. The final rule, issued on January 15, 1986, has not been challanged legally.

The third negotiation involved Farmworker Protection Standards for Agricultural Pesticides, 40 CFR Part 170, under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA). During negotiations, one of the major interest groups exercised its right to leave before a final package was developed. EPA encouraged the group to return, and kept all Committee members fully informed to all developments. The remainder of the committee continued to meet, with some in the absent interest group participating informally. The draft rule produced, while not a consensus package, attempts to balance the concerns of all parties. It will be proposed for public comment by January 1987.

Another negotiation effort now underway involves New Source Performance Standards for woodburning stoves, under section III of the Clean Air Act, as amended. The meetings began on March 20, 1986, and are scheduled to end on August 21, 1986.

II. Item Under Consideration

A. Major and Minor RCRA Permit Modifications as a Negotiation Item

1. Need for Standards

Current EPA regulations (40 CFR Part 270 Subpart D) specify when and how modifications may be made to RCRA permits for hazardous waste management facilities. The regulations establish two categories of modifications: major and ninor. Major modifications, as specified in § 270.41, must be made in accordance with the permitting procedures of 40 CFR Part 124, which include development of a draft permit, public notice and commend, and opportunity for a public hearing. Minor modifications are allowed under § 270.42 in specific, limited circumstances. These modifications may be made informally, without adherence to the procedures of 40 CFR Part 124, as long as the permitholder consents to the action.

Section 270.42 of the regulations lists the circumstances in which minor modifications are allowed. These include such changes as correction of typographical errors; requirements for more frequent monitoring; change in ownership of a facility; and certain minor changes in permit operating requirements. Any modifications to a permit not specifically listed as minor in § 270.42 are considered major and can be made only in accordance with the permitting procedures of 40 CFR Part 124.

EPA has found that the administrative procedures for permit modifications, other than those listed as minor, may be time-consuming and require significant expenditure of resources. In the past several years, EPA, permittees, and members of the public have recognized a need to revise these procedures to allow greater flexibility in modifying permits, particularly for routine technical or administrative changes, or for changes that would increase public protection. Industry spokespersons, for example, have stated that the difficulty of obtaining permit modifications in some cases discourages permitholders from upgrading their facilities in ways that would provide greater protection to public health and the environment. Members of the public also acknowledge the value of increased flexibility in permit modification requirements, although they have stressed the need for retaining effective public participation in the permitting process.

On March 15, 1984, EPA proposed modifications to the permitting

regulations that would have expanded the scope of the minor modification procedures by allowing EPA and authorized States greater discretion in determining which modifications were minor. After reviewing public comment, however, EPA decided not to issue its proposal as a final rule. Instead, the Agency has identified amended regulations for major and minor RCRA permit modifications as an appropriate project for regulatory negotiation.

2. Selection as a Negotiation Item

EPA believes that development of amended RCRA major and minor permit modification regulations may be appropriate for the regulatory negotiation process. EPA has made a preliminary inquiry among potential parties and representatives of identified interests to determine if EPA's candidate selection criteria are satisfied. To qualify under EPA's selection criteria, an item must:

- Be planned for proposal;
- Have a relatively small number of identifiable parties, in an appropriate balance and mix, who have a good faith interest in negotiating a consensus;
- Present a limited number of related issues for which sufficient information is available for resolution; and
- Have a time factor that lends some urgency to issuing the regulation.

On the basis of this preliminary inquiry, EPA believes that this item meets its selection criteria and that negotiation can be successful. EPA intends to repropose the rule; affected interests are limited in number, and groups representing these interests are identifiable and in an appropriate balance and mix. EPA has contacted representative groups and believes they are interested in negotiating this item in good faith, and are aligned on which key issues to address, the schedule, and groundrules. EPA's lead program office has identified a number of basic issues for which sufficient information is in hand (or will be developed during the negotiations) for resolution; and EPA is publicly committed to amending regulations for major and minor RCRA permit modifications expeditiously.

B. Key Issues for Negotiation

We anticipate the Key issues to be addressed will include the following:

- Should the list of permit changes allowed under § 270.42 as minor modifications be expanded? What specific permit modifications should be added to the list of minor modifications?
- How much flexibility should EPA or State directors be allowed in determining whether a specific modification is major or minor?
- Is it possible to develop criteria for distinguishing minor from major modifications?
- Is it possible or advisable to incorporate limited public notice and comment procedures into EPA or State review of certain categories of minor modifications?

III. Formation of a Negotiating Committee

The following guidelines will apply to the formation of a negotiating committee, if established, unless they are modified as a result of comments received on this Notice.

EPA requests public comment on whether the Agency:

- Should establish a Federal Advisory Committee;
- Has adequately identified interests that are affected by the key issues listed above;
- Has identified appropriate participants who will adequately represent the interests affected by the negotiations; and
- Should use regulatory negotiation for this rulemaking, and whether the issues and procedures are adequate and appropriate.

A. Procedures for Establishing an Advisory Committee

Generally, a Federal agency must comply with the requirements of FACA when it establishes or uses a group which includes non-federal members as a source of advice. Under FACA, an Advisory Committee is established only after both consultation with and receipt of a charter from GSA. EPA has prepared a charter and has initiated the requisite consultation process. Only upon the successful completion of this process and the receipt of the approved charter will EPA form the Committee and commence negotiations.

B. Participants

The negotiating group should not exceed 25 participants. A number larger than this could make it difficult to conduct effective negotiations. One purpose of this Notice is to help determine whether the standards that EPA is developing would substantially affect interests not adequately represented by the proposed participants (listed later in this Notice). We do not believe that each potentially affected organization or individual must necessarily have its own representative. However, we firmly believe that each interest must be adequately represented. Moreover, we must be satisfied that the group as a whole reflects a proper balance and mix of interests.

C. Requests for Representation

If, in response to this Notice, an additional individual or representative of an interest requests membership or representation in the negotiating group, the Agency, in consultation with the facilitator, will determine whether that individual or representative should be added to the group. EPA will make that decision based on whether the individual or interest:

- Would be substantially affected by the rule; and
- Is already adequately represented in the negotiating group.

D. Final Notice

After evaluating the results of the organizational meeting, and reviewing any comments on this Notice and requests for representation, EPA will issue a final notice. That notice will announce the establishment of a Federal Advisory Committee unless EPA decides, based on comments and other relevant considerations, that such action is inappropriate, or in the event EPA's charter request is disapproved. The negotiation process begins once the Committee is appropriately chartered and notice is published in the **Federal Register.**

E. Tentative Schedule

EPA will hold an organizational meeting on August 4, 1986, from 9:00 a.m. until completion, at the National Institute for Dispute Resolution, 1901 L St. NW., Suite 600, Washington, DC. This meeting is open, and potential participants are encouraged to attend.

The purpose of this meeting is to: (1) Discuss whether negotiations should proceed, and if so, how the negotiations and Committee should function; (2) consider what should and should not be covered; (3) answer questions; and (4) address any other procedural issues which may arise.

If the final determination is that the Committee should be formed and negotiations should proceed, EPA plans to hold the first meeting of the Advisory Committee on September 10, 1986, at the National Institute for Dispute Resolution. At this first meeting, participants would complete action on any procedural matters outstanding from the organizational meeting, determine how best to address the principal issues, and begin to address them.

To ensure timely issuance of the proposal, we intend to terminate the activities of the Committee if it does not

reach consensus within six months of the first meeting.

F. Potential Interests and Participants

EPA has tentatively identified the following list of possible interests and parties:

Industry

Ensco Services, Inc.
Chemical Waste Management, Inc.
National Solid Wastes Management Association
DuPont Corporation
Hazardous Waste Treatment Council
BASF Corporation
IBM Corporation

Public Interest Groups

Pennsylvania Environmental Council
League of Women Voters
Legal Environmental Assistance Foundation
Chesapeake Bay Foundation

State Officials

California Department of Health Services
New Jersey Bureau of Hazardous Waste Engineering
North Carolina Division of Health Services
Illinois Environmental Protection Agency
Texas Water Commission

Federal Government

Environmental Protection Agency

Comments and suggestions on this tentative list of representatives are invited. Anyone wishing to be included should explain the interest they represent and why that interest is not already represented. The listing of a potential group does not necessarily mean that the group has agreed to participate.

IV. Procedures for Conducting Negotiations

A. Facilitator

EPA will use a facilitator. The facilitator will not be involved with the substantive development or enforcement of the regulation. The facilitator's role is to:

- Chair negotating sessions;
- Help the negotiation process run smoothly; and
- Help participants define and reach consensus.

B. Good Faith Negotiation

Since participants must be willing to negotiate in good faith and be authorized to do so, each organization must designate a senior official to represent its interests. This applies to EPA as well, and the Agency will designate a senior official of the Office of Solid Waste as its representative.

C. Administrative Support and Meetings

EPA's Regulation Management Branch will supply logistical, administrative, and management support. Meetings will be held in the Washington area. To support the negotiations, EPA has pledged funds to a resource pool which the National Institute for Dispute Resolution will administer. EPA expects that funds from private foundations will also be available. These funds may be used by the parties for such activities as training, technical support, computer simulations, and other assistance which the parties deem useful. To give committee members maximum freedom, subject to any applicable legal constraints, they will determine the procedures under which requests for funds will be made and approved.

D. Defining Consensus

The goal of the negotiating process is consensus. In the negotiations completed to date, consensus has meant that each interest concurs in the result. We expect the participants to fashion their own working definition of this term.

E. Record of Meetings

In accordance with FACA's requirements, EPA will keep a record of all Advisory Committee meetings. This record will be placed in the public docket for this rulemaking. EPA will announce Committee meetings in the **Federal Register.** Such meetings will generally be open to the public.

F. Committee Procedures

Under the general guidance and direciton of the facilitator, and subject to any applicable legal requirements, the members will establish the detailed procedures for Committee meetings which they consider most appropriate.

G. Failure of Advisory Committee to Reach Consensus

In the event the Committee is unable to reach consensus, EPA will proceed to develop its own proposal.

Dated: July 3, 1986.

Lee M. Thomas,

Administrator.

[FR Doc. 86-15977 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51628; FRL-3035-2]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 86-14083 beginning on page 23461 in the issue of Friday, June 27, 1986, make the following corrections:

1. On page 23462, first column, in "P 86-1137", fourth line, "triphenylmethaned" should have read "triphenylmethane".

2. In the second column, in "P 86-1143", sixth line, insert "5" before "g/kg;".

3. In the third column, in "P 86-1146", ninth line, "34" should read "35". Also in the third column, in "P 86-1148", third column, "Resin" was misspelled.

BILLING CODE 1505-01-M

[PP 4G2971/T525; FRL-3048-1]

Fenpropathrin; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the insecticide-miticide fenpropathrin in or on certain raw agricultural commodities. These temporary tolerances were requested by Chevron Chemical Co.

DATE: These temporary tolerances expire June 6, 1987.

FOR FURTHER INFORMATION CONTACT:

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

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

SUPPLEMENTARY INFORMATION: Chevron Chemical Co., Ortho Agricultural Chemicals Div., 940 Hensley St., Richmond, CA 94804-0036, has requested in pesticide petition PP 4G2971 the establishment of temporary tolerances for residues of the insecticide-miticide fenpropathrin, alpha-cyano-3-phenoxybenxyl-2, 2,3,3-tetramethylcyclopropanecarboxylate in or on the raw agricultural commodities apples and pears at 5.0 parts per million (ppm).

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 239-EUP-104, which is being amended 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 establishment of

the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established 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. Chevron Chemical Co. 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 tolerances expire June 6, 1987. Residues not in excess of these amounts remaining in or on the 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 tolerances. These 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 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: July 3, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-15679 Filed 7-10-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66130; FRL-3048-5]

New Voluntary Cancellation Procedures; Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has streamlined the way it processes requests for voluntary cancellation of registered pesticide products. Instead of issuing a Notice of Intent to Cancel, publishing that Notice in the **Federal Register** and then issuing a Notice of Final Cancellation, EPA now issues only a Notice of Voluntary Cancellation to the registrant. These changes have signficantly decreased the processing time from receipt of a voluntary cancellation request to final cancellation.

FOR FURTHER INFORMATION CONTACT:

By mail: Arthur Donner, Registration Division (TS-767C), Office of Pesticide Programs, 401 M Street SW.

In person or by telephone: Room 716, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2126).

SUPPLEMENTARY INFORMATION: This discussion of the voluntary cancellation process is published for informational purposes only since these procedures are not subject to rulemaking.

A voluntary cancellation is initiated by the registrant of a pesticide product. Previously, this request resulted in EPA issuing a Notice of Intent to Cancel to the registrant. This Notice was then published in the **Federal Register**. Both of these documents stated that the EPA had agreed to the cancellation of the product effective 30 days after the registrant's receipt of the Notice or after publication in the **Federal Register**, whichever occurred later, unless within the 30-day period the registrant or an interested person with the concurrence of the registrant requested that the registration be continued in effect. If no request for continuation of registration had been submitted at the end of the 30-day period, a Final Notice of Cancellation was sent to the registrant informing him/her of the effective date of cancellation.

Last year, EPA undertook a management review of the voluntary cancellation process. This analysis showed that no comments had ever been submitted to the Agency by non-registrants as a result of the publication of voluntary cancellations in the **Federal Register**. Only those affected registrants who later decided that they no longer wanted their product(s) cancelled have commented. Based on this analysis, it was decided that sending out a separate Final Notice of Cancellation 30 days after confirmation of the registrant's receipt of the Notice of Intent to Cancel and publishing the Notice of Intent to Cancel in the **Federal Register** were of marginal value to the public and the pesticide industry. Therefore, the EPA has decided to consolidate these three separate efforts into one notice to the registrant. The adoption of these changes has substantially reduced the time from receipt of a voluntary cancellation request to final cancellation and eliminated much of the administrative processing costs involved in handling these requests.

The current voluntary cancellation process is initiated upon receipt of a written request from a registrant of a product. The Agency prepares a Notice of Voluntary Cancellation and sends it to the registrant of the affected product(s). This notice automatically becomes a final order of cancellation unless the registrant or another person, with the registrant's concurrence, requests, within 30 days after receipt of the notice that the registrant be continued. Unless there are extenuating circumstances, a notice ordinarily contains a provision permitting the registrant to sell or distribute existing stocks of the product(s) until his supply is exhausted or for 1 year from the effective date of cancellation, whichever comes first.

To provide current information on those products voluntarily cancelled, EPA intends to prepare computer reports of product cancellations on a regular basis. These reports will indicate each product's EPA registration number, product name, registrant's name, and the date on which cancellation became effective. The Agency will routinely distribute updated reports to EPA Regional Offices and the Office of Pesticide Programs Freedom of Information Office from which these reports can be requested.

Dated: July 3, 1986.

James W. Akerman,

Acting Director, Registration Division.

[FR Doc. 86-15872 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240070; FRL-3049-2]

State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, from 26 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the

registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register.**

DATE: The last entry for each item is the date the State registration of that product became effective.

FOR FURTHER INFORMATION CONTACT:

Owen F. Beeder, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC

Office location and telephone number: Room 716A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7893).

SUPPLEMENTARY INFORMATION: This notice only lists the section 24(c) applications submitted to the Agency. The Agency has 90 days to approve or disapprove each application listed in this notice. Applications that are not approved are returned to the appropriate State for action. Most of the registrations listed below were received by the EPA in April and May 1986. Receipts of State registrations will be published periodically. Of the following registrations, none involve a changed-use pattern (CUP). The term "changed-use pattern" is defined in 40 CFR 162.3(k) as a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from a nonfood to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and nondomestic to domestic use.

Arkansas

EPA SLN No. AR 86 0003. Chevron Chemical Co. Registration is for Orthene 75-S Soluble Powder to be used as cotton seed hopper box treatment to control thrips, cotton aphids, and black (greasy) cutworms. February 21, 1986.

EPA SLN No. AR 86 0004. Mobay Corp. Registration is for Mesurol 75% WP to be used on blueberries to control blueberry maggots and as a bird repellent. April 28, 1986.

EPA SLN No. AR 86 0005. E.I. DuPont de Nemours. Registration is for DuPont Classic to be used on soybeans for selective week control. May 8, 1986.

California

EPA SLN No. CA 86 0010. Yolo Country Dept. of Agriculture. Registration is for Commensal Rodent Bait Bromadiolone Treated Grain .005% for use against Norway rats, roof rats, and house mice in and around the periphery of homes, industrial, commercial and public buildings, and alleys located in urban areas. Feburary 11, 1986.

EPA SLN No. CA 86 0011. Riverside County Agriculture Dept. Registration is for Commensal Rodent Bait Bromadiolone Treated Grain .005% for use against Norway rats, roof rats, and house mice in and around the periphery of homes, industrial, commercial, and public buildings, and alleys located in urban areas. May 12, 1986.

EPA SLN No. CA 86 0013. Stanislaus County Dept. of Agriculture. Registration is for Horned Lark Bait to be used on corplands to control horned larks. February 11, 1986.

EPA SLN No. CA 86 0014. Forest Pest Management. Registration is for Captan 50-W to be used on conifer seeds to control fungi of various types. February 14, 1986.

EPA SLN No. CA 86 0015. San Diego County Dept. of Agriculture. Registration is for Pyrenone Crop Spray to be used on persimmons to control greenhouse thrips. February 14, 1986.

EPA SLN No. CA 86 0016. DeMartini & Gerlomes. Registration is for Kocide 101 to be used on chestnuts to control shot hole and scab. February 28, 1986.

EPA SLN No. CA 86 0017. University of California, Davis, CA. Registration is for Temik 10G to be used on ornamental research plants to control whiteflies and leafminers. March 3, 1986.

EPA SLN No. CA 86 0018. University of California, Bakersfield, CA. Registration is for Ridomil 2E to be used on head lettuce to control downy mildew. March 14, 1986.

EPA SLN No. CA 86 0019. Pfizer, Inc., Chem. Division. Registration is for Mycoshield Brand of Agricultural Terramycin to be used on pears to enable aerial application to control fire blight. March 20, 1986.

EPA SLN No. CA 86 0020. Shasta County Dept. of Agriculture. Registration is for Rodeo to be used to control infestations of purple loose strife in Tule Lake. May 8, 1986.

EPA SLN No. CA 86 0022. Sutter County. Registration is for Cythion Insecticide, The Premium Grade Malathion 57% E.C., to be used on wild rice to control rice leaf miners, grasshoppers, and lepidopterous larvae. April 8, 1986.

EPA SLN No. CA 86 0023. John P. Baranek. Registration is for Pro-Gib 4% to be used on grapes to control bunch rot. April 15, 1986.

EPA SLN No. CA 86 0025. Yuba County Dept. of Agriculture. Registration is for Round-up to be used on kiwis to control infestations of field bindweed and johnsongrass. April 22, 1986.

EPA SLN No. CA 86 0026. Contra Costa County Public Works Dept. Registration is for Basgram to be used to control nutsedge in drainage ditches and roadside rights-of-ways. April 28, 1986.

EPA SLN No. CA 86 0027. Tulare County Commissioner. Registration is for Kocide 101 to be used on quince to control fire blight. April 24, 1986.

EPA SLN No. CA 86 0028. Madera County Dept. of Agriculture. Registration is for Round-up to be used on olive orchard floors to control perennial weeds and hard-to-control annuals. April 25, 1986.

EPA SLN No. CA 86 0031. California Association of Nurserymen. Registration is for Rampart 10G to be used on nurserygrown ornamental, fruit, and nut trees to control infestations of lygus bugs, mites, and thrips. May 8, 1986.

Florida

EPA SLN No. FL 86 0002. Ciba-Geigy Corp. Registration is for Ridomil 2E to be used on head lettuce to control downy mildew. March 7, 1986.

EPA SLN No. FL 86 0003. Motomco Ltd. Registration is for Contrax-D to be used on fields adjacent to Florida sugarcane and sweet corn to control Norway and roof rats. March 12, 1986.

EPA SLN No. FL 86 0004. Shell Oil Co. Registration is for Pydrin 2.4 E.C. to be used on collards to control various insects. March 21, 1986.

EPA SLN No. FL 86 0005. Shell Chemical Co. Registration is for Vendex 4L Miticide to be used on citrus to control mites. March 21, 1986.

EPA SLN No. FL 86 0006. ICI Americas, Inc. Registration is for Ambush to be used on watercress to control diamondback moths. March 21, 1986.

EPA SLN No. FL 86 0007. Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder to be used on slash pine seed orchards to control slash pine flower thrips. March 26, 1986.

EPA SLN No. FL 86 0008. Decco Tiltbelt Div., Pennwalt Corp. Registration is for Deccosalt No. 19 to be used on citrus, apples, pears, and bananas to control penicillin molds. April 16, 1986.

EPA SLN No. FL 86 0009. E.I. duPont de Nemours. Registration is for DuPont Velpar L Herbicide to control undesirable exotic woody species in noncrop and fallow areas. May 5, 1986.

Georgia

EPA SLN No. GA 86 0002. American Cyanamid Co. Registration is for Cythion

RTU Insecticide to be used on cotton to control boll weevils. May 2, 1986.

Hawaii

EPA SLN No. HI 86 0001. Dendrobium Orchid Growers Association of Hawaii. Registration is for Princep Caliber 90 to be used on dendrobium orchids to control algae, moss, and specified weeds. May 2, 1986.

Idaho

EPA SLN No. ID 86 0001. FMC Corp. Registration is for Aqua 8 Parathion to be used on lentils to control armyworms, loopers, lygus, and aphids. March 13, 1986.

EPA SLN No. ID 86 0002. U.S. Fish and Wildlife Service. Registration is for Compound DRC 1339 98% Concentrate to be used on waterfowl to protect against ravens and magpies. March 13, 1986.

EPA SLN No. ID 86 0003. Lipha Chemicals, Inc. Registration is for Rozol Tracking Power for use against nuisance bats. March 28, 1986.

EPA SLN No. ID 86 0004. Gowan Co. Registration is for Prokil Dimethoate E-267 to be used on lentils to control aphids and lygus bugs. April 1, 1986.

EPA SLN No. ID 86 0005. Merck & Co. Registration is for Mertect LSP Fungicide to be used on chickpeas to control seedborn ascochyta blight. April 1, 1986.

EPA SLN No. ID 86 0008. Wilbur-Ellis Co. Registration is for Dimethoate 267 to be used on ornamental, shade, and nursery trees to control aphids and elm leaf beetles. April 10, 1986.

EPS SLN No. ID 86 0009. Gustafson, Inc. Registration is for Gustafson Apron FL to be used on garbanzo beans as seed treatment for control of pythium and phytophthora. April 15, 1986.

EPS SLN No. ID 86 0010. Wilbur-Ellis Co. Registration is for Parathion 8 Flowable to be used on lentils to control armyworms. April 16, 1986.

EPA SLN No. ID 86 0011. Wilbur-Ellis Co. Registration is for Dimethoate 267 to be used on lentils to control aphids and lygus bugs. April 23, 1986.

EPS SLN No. ID 86 0012. Wilbur-Ellis Co. Registration is for Dimethoate 267 to be used on lentils to control aphids and lygus bugs. April 23, 1986.

Louisiana

EPS SLN No. LA 86 0001. E.I. duPont de Nemours. Registration is for DuPont Canopy to be used on soybeans as selective weed control in soybeans with crop rotation to rice after 10 months. April 25, 1986.

EPS SLN No. LA 86 0002. E.I. duPont de Nemours. Registration is for DuPont Classic to be used on soybeans for selective weed control (aerial application). April 28, 1986.

EPA SLN No. LA 86 0003. Chevron Chemical Co. Registration is for Orthene 75-S SP to be used as cotton seed hopper box treatment to control thrips, cotton aphids, and black (greasy) cutworms. April 30, 1986.

Michigan

EPA SLN No. MI 86 0001. Pennwalt Corp. Registration is for Topsin M 70W and Topsin M 4.5F to be used on beans for in-furrow seedling treatment to control *Fusarium* sp. and *Rhizoctonia* sp. April 8, 1986.

Mississippi

EPA SLN No. MS 86 0002. Union Carbide Agricultural Products Co. Registration is for Larvin 3.2 Thiodibarb Insecticide to be used on sweet corn to control corn earworms, European corn borers, and armyworms. March 10, 1986.

EPA SLN No. MS 86 0003. Mobay Corp. Registration is for Mesurol 75% WP to be used on blueberries to control birds. May 2, 1986.

EPA SLN No. MS 86 0004. E.I. duPont de Nemours. Registration is for DuPont Classic Herbicide to be used on soybeans for selective weed control. May 12, 1986.

Missouri

EPA SLN No. MO 86 0002. Mobay Corp. Registration is for Mesurol 75% WP to be used on blueberries to control birds and flies. May 2, 1986.

EPA SLN No. MO 86 0003. FMC Corp. Registration is for Furadan 15G to be used on cucurbits to control nematodes, striped cucumber beetles, and spotted cucumber beetles. May 9, 1986.

Montana

EPA SLN No. MT 86 0001. Degesch America, Inc. Registration is for Degesch Magtoxin Pellets Prepac to be used on food and feed processing equipment to control flour beetles and other stored products insects listed on Federal label. April 2, 1986.

EPA SLN No. MT 86 0002. Orco, Inc. Registration is for Patrol to be used for bait stations to control Richardson and Columbian ground squirrels. April 22, 1986.

EPA SLN No. MT 86 0003. Hopkins Agricultural Chemical Co. Registration is for Ramik Green to be used for bait stations to control ground squirrels. May 14, 1986.

Nebraska

EPA SLN No. NE 86 0003. Shell Oil Co. Registration is for Atrazine 4L Herbicide to be used for fallow ground weed control to control annual broadleaf and grass weeds following harvest of corn, sorghum, and wheat. March 20, 1986.

EPA SLN No. NE 86 0004. Shell Chemical Co. Registration is for Atrazine 80W Herbicide to be used for fallow ground weed control to control annual broadleaf and grass weeds following harvest of corn, sorghum, and wheat. March 20, 1986.

EPA SLN No. NE 86 0005. Shell Chemical Co. Registration is for Atrazine 4L Herbicide to be used on grain sorghum to control weeds. March 20, 1986.

EPA SLN No. NE 86 0006. Shell Chemical Co. Registration is for Bladex 4L Herbicide to be used on grain sorghum to control weeds. April 23, 1986.

EPA SLN No. NE 86 0007. Shell Chemical Co. Registration is for Bladex 80-VP to be used on grain sorghum to control weeds. April 23, 1986.

EPA SLN No. NE 86 0008. Shell Chemical Co. Registration is for Bladex 90DF to be used on grain sorghum to control weeds. April 23, 1986.

Nevada

EPA SLN No. NV 86 0003. U.S. Fish and Wildlife Service. Registration is for 1339 Treated Egg Baits 98% Concentrate to be used to protect shorebirds, waterfowl, and newborn lambs from raven predation. January 22, 1986.

EPA SLN No. NV 86 0004. Nevada Dept. of Agriculture. Registration is for Gramoxone Paraquat Plus to be used on onions to control broadleaf weeds and grasses. April 14, 1986.

EPA SLN No. NV 86 0005. FMC Corp.—ACG. Registration is for Thiodan 3E.C. to be used on seed alfalfa to control spotted alfalfa aphids. April 22, 1986.

New Jersey

EPA SLN No. NJ 86 0004. Union Carbide Agricultural Products. Registration is for Temik 15G to be used on potatoes to control aphids, Colorado potato beetles, and leafhoppers. March 3, 1986.

EPA SLN No. NJ 86 0005. Mobay Corp. Registration is for Guthion 2S to be used on parsley to control carrot weevils. May 14, 1986.

EPA SLN No. NJ 86 0006. Mobay Corp. Registration is for Guthion 50% WP to be used on parsley to control carrot weevils. May 14, 1986.

New Mexico

EPA SLN No. NM 86 0001. American Cyanamid Co. Registration is for Counter to be used on field corn to control Banks grass mites. July 17, 1985.

North Carolina

EPA SLN No. NC 86 0001. Y-Tex Corp. Registration is for Max-Con Insecticide Ear Tag to be used on cattle to control horn flies and gulf coast ticks. March 5, 1986.

Ohio

EPA SLN No. OH 86 0001. Mobay Corp. Registration is for Mesurol 75% Wettable Powder to be used on blueberries and cherries to control fruit flies and as a bird repellent. May 12, 1986.

Oklahoma

EPA SLN No. OK 86 0001. Mobay Corp. Registration is for Mesurol 75% WP to be used on blueberries to control flies and birds. May 15, 1986.

Oregon

EPA SLN No. OR 86 0003. American Cyanamid Co. Registration is for Counter to be used on sugar beets to control sugar beet cyst nematodes. March 5, 1986.

EPA SLN No. OR 86 0004. Union Oil Co. Registration is for N-TAC to be used on peppermint to defoliate to control rust. April 15, 1986.

Pennsylvania

EPA SLN No. PA 86 0002. Mobay Corp. Registration is for Furadan 15G to be used on cucurbits to control nematodes and striped cucumber beetles. April 7, 1986.

EPA SLN No. PA 86 0003. Mobay Corp. Registration is for Furadan 15G to be used on pure-seeded alfalfa to control various insects. April 7, 1986.

Utah

EPA SLN No. UT 86 0002. U.S. Fish and Wildlife Service. Registration is for Pigeon Bait Poison-Treated Grain to be used for control of feral or domestic pigeons in municipalities and around farm buildings during winter months. February 26, 1986.

EPA SLN No. UT 86 0003. FMC Corp. Registration is for Funginex 1.6 E.C. to be used on sour cherries to control powdery mildew. April 4. 1986.

EPA SLN No. UT 86 0005. FMC Corp. Registration is for Dimethoate 267 to be used on cherries to control cherry fruit flies. April 4, 1986.

Virginia

EPA SLN No. VA 86 0001. Y-Tex Corp. Registration is for Max-Con Insecticide Ear Tag to be used on cattle to control horn flies and ticks. March 20, 1986.

Washington

EPA SLN No. WA 86 0005. Merck & Co. Registration is for Agri-Strep Type D to be used on pears and apples to control blossom blight. February 5, 1986.

EPA SLN No. WA 86 0006. Chacon Chemical Co. Registration is for Diazinon 5% Granular Insecticide to be used on turf to control European Crane Fly Larvae. February 7, 1986.

EPA SLN No. WA 86 0007. FMC Corp. Registration is for Elgetol to be used on apples for blossom thinning on various varieties. February 11, 1986.

EPA SLN No. WA 86 0008. Aceto Agricultural Chemicals. Registration is for Dimethoate/Dimethogon 267 Systemic Insecticide to be used on cherries to control cherry fruit flies. March 4, 1986.

EPA SLN No. WA 86 0009. Wilbur-Ellis Co. Registration is for Dimethoate 267 to be used on cherries to control cherry fruit flies. March 4, 1986.

EPA SLN No. WA 86 0010. UAP Special Products. Registration is for Diazinon 5% Granules to be used on home lawns, turf, and ornamental turf areas to control European crane flies (larvae). March 18, 1986.

EPA SLN No. WA 86 0011. USDA/APHIS (Animal Damage Control). Registration is for Compound DRC-1339 98% Concentrate to be used on livestock to protect from raven predation. March 25, 1986.

EPA SLN No. WA 86 0012. FMC Corp. Registration is for Furadan 15G Insecticide/Nematicide to be used on spinach to control springtails on spinach grown for seed. April 7, 1986.

EPA SLN No. WA 86 0013. Shell Chemical Co. Registration is for Bladex 90DF Herbicide to be used on field corn to control weeds. April 7, 1986.

EPA SLN No. WA 86 0014. Gustafson, Inc. Registration is for Gustafson Apron FL to be used on chickpeas to control pythium and phytophthora as a seed treatment. April 10, 1986.

EPA SLN No. WA 86 0015. Mobay Chemical Corp. Registration is for Sencor DF 75% Dry Flowable Herbicide to be used on Russet potatoes to control weeds. April 10, 1986.

EPA SLN No. WA 86 0016. Mobay Chemical Corp. Registration is for Sencor 4 Flowable to be used on Russet potatoes to control weeds. April 10, 1986.

EPA SLN No. WA 86 0017. Merck & Co. Registration is for Mertect LSP Fungicide to be used on chickpeas to control seedborne ascochyta blight (seed treatment). April 15, 1986.

EPA SLN No. WA 86 0018. American Cyanamid Co. Registration is for Thimet 20G soil and systemic insecticide to be used on potatoes to control wireworms. April 22, 1986.

EPA SLN No. WA 86 0019. Abbott Laboratories. Registration is for Pro-Gibb 3.91%, Pro-Gibb 4%, and Promalin to be used on spinach (grown for seed) for uniform bolting and increased seed production. April 23, 1986.

EPA SLN No. WA 86 0020. Dow Chemical Co. Registration is for N-Serve 24E Nitrogen Stabilizer to be used on daffodils, irises, and tulips to delay nitrification process of certain fertilizers in the soil. May 14, 1986.

West Virginia

EPA SLN No. WV 86 0001. ICI Americas, Inc. Registration is for Ambush to be used on watercress to control diamondback moths. April 9, 1986.

Wisconsin

EPA SLN No. WA 86 0001. Chevron Chemical Co. Registration is for Ortho Diquat Herbicide H/A to be used on ponds, lakes, reservoirs, etc. to control duckweeds, waterfoil, and elodea. March 21, 1986.

Wyoming

EPA SLN No. WA 86 0001. Chevron Chemical Co. Registration is for Ortho Paraquat + Plus to be used on fallow land for wheat to control broadleaf weeds and grasses. March 24, 1986.

(Sec. 24 as amended, 92 Stat. 835 (7 U.S.C. 136))

Dated: July 7, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-15992 Filed 7-15-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Proposed Acquisition of Federal Savings Bank; Rainier Bancorporation

Rainier Bancorporation, Seattle, Washington, has applied under §225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire Rainier Bank Oregon, a Federal Savings Bank ("Rainier Savings"), Portland, Oregon. Rainier Savings is the successor to Lincoln Savings and Loan Association, a state chartered thrift institution the deposits of which are insured by the Federal Savings and Loan Insurance Corporation.

Although the Board has not added the operation of a federal savings bank to the list of nonbanking activities permissible for bank holding companies set forth in §225.25(b) of the Board's

Regulation Y (12 CFR 225.25(b)), the Board has determined by individual order that the operation of a federal savings bank is closely related to banking.

Interested persons may express their views in writing on the question whether consummation of the proposed acquisition 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 interest, or unsound banking practices." Any comments must be submitted in writing and conform with the requirements of the Board's Rules of Procedure (12 CFR 262.3(e)).

In view of the request by the Federal Home Loan Bank Board that the Board act immediately on this application, the Board has determined to dispense with the opportunity for a public hearing and that a shortened comment period is appropriate in this instance. Accordingly, comments regarding this application must be received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than 5:00 P.M. on July 22, 1986. The Board reserves the right to terminate the comment period, and to act on the application at any time, if circumstances develop that cause the Board to believe that such action is necessary.

This application is available for inspection at the offices of the Board of Governors and the Federal Reserve Bank of San Francisco.

Board of Governors of the Federal Reserve System, July 14, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-16150 Filed 7-15-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix II), the Health Resources and Services Administration announces the renewal by the Secretary, HHS, with concurrence by the General Services Administration, of the following advisory committee:

Committee	Termination date
Maternal and Child Health Research Grants Review Committee.	June 30, 1988.

Dated: July 10, 1986.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 86-15998 Filed 7-15-86; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

Establishment and Reestablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 [Pub. L. 92-463, 86 Stat. 770-776] and the Health Research Extension Act of 1985, November 20, 1985 [Pub. L. 99-158, section 402(b)(6)], the Director, National Institutes of Health, announces the establishment of the Metabolic Pathology Study Section and the reestablishment, effective August 1, 1986, of the following committees:

- Allergy and Imunology Study Section
- Bacteriology and Mycology Study Section
- Biochemistry Study Section
- Cellular Biology and Physiology Study Section
- Endocrinology Study Section
- General Medicine A Study Section
- Hearing Research Study Section
- Oral Biology and Medicine Study Section

The duration of these committees is continuing unless formally determined by the Director, NIH, that termination would be in the best public interest.

Dated: July 9, 1986.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 86-15979 Filed 7-15-86; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Board of Scientific Counselors Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting on August 19, 1986, of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

The meeting will begin at 8:30 a.m. and be open to the public. The primary agenda topic is to peer review draft technical reports of long-term toxicology and carcinogenesis studies from the National Toxicology Program. Reviews will be conducted by the Technical Reports Review Subcommittee of the Board in conjunction with an *ad hoc* Panel of Experts.

Draft technical reports of studies on the following chemicals (list in alphabetical order with Chemical Abstracts Service registry numbers, routs of administration and species, and NTP chemical managers) are *tentatively* scheduled to be peer reviewed on August 19. The actual order of presentation will be detailed at a later date.

Chemical/(CAS registry No.)	Route/species	Chemical manager/(phone No.)
Bromodichloromethane (75-27-4).	Gavage/Mice, Rats.	Dr. J.K. Dunnick (919-541-4811).
Dimethyl Methylphosphonate.	Gavage/Mice, Rats.	Dr. J.K. Dunnick (919-541-4811).
1,2-Epoxybutane (106-88-7).	Inhalation/Mice, Rats.	Dr. J.K. Dunnick (919-541-4811).
Ethylene Oxide (75-21-8).	Inhalation/Mice	Dr. T.R. Lewis (513-533-8392).
Methyl Carbamate (598-55-0).	Gavage/Mice, Rats.	Dr. P. Chan (919-541-7561).
Rotenone (83-79-4).	Feed/Mice, Rats	Dr. K. M. Abdo (919-541-7819).
Trichloroethylene (79-01-6).	Gavage/Rats (4 Strains).	Dr. J. H. Mennear (919-541-4178).

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919-541-3971), FTS (629-3971), will furnish final agenda, rosters of subcommittee and panel members, and other program information prior to the meeting, and summary minutes subsequent to the meeting.

Dated: July 8, 1986.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 86-15981 Filed 7-15-86; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Benzene

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of benzene, an aromatic chemical used in the synthesis of styrene (polystryrene plasitcs and synthetic rubber), phenol (phenolic resins), cyclohexane (nylon), aniline, maleic anhydride (polyester resins), alkylbenzenes (detergents),

chlorobenzenes, and other products used in the production of drugs, dyes, insecticides and plastics. Benzene is a component of motor gasoline and is also used as a solvent.

Toxicology and carcinogenesis studies of benzene were conducted by administering to male rats doses of 0, 50, 100 or 200 mg/kg body weight by gavage in corn oil 5 days per week for 103 weeks. Doses of 0, 25, 50, or 100 mg/kg benzene in corn oil were administered by gavage to female rats and to male and female mice for 103 weeks.

Under the conditions of these 2-year gavage studies, there was clear evidence of carcinogenicity[1] of benzene for male F344/N rats, for female F344/N rats, for male $B6C3F_1$ mice, and for female $B6C3F_1$ mice. For male rats, benzene caused Zymbal gland carcinomas and squamous cell papillomas and carcinomas of the oral cavity and of the skin. For female rats, benzene caused Zymbal gland carcinomas and squamous cell papillomas and carcinomas of the oral cavity. For male mice, benzene caused Zymbal gland carcinomas, lymphomas, alveolar/bronchiolar carcinomas, harderian gland adenomas, and squamous cell carcinomas of the preputial gland. For female mice benzene caused increased incidences of lymphomas, ovarian tumors, carcinomas and carcinosarcomas of the mammary gland, alveolar/bronchiolar adenomas and carcinomas and Zymbal gland carcinomas. Dose-related lymphocytopenia was observed for male and female F344/N rats and female $B6C3F_1$ mice.

Copies of *Toxicology and Carcinogenesis Studies of Benzene in F344/N Rats and $B6CEF_1$* Mice (Gavage Studies) (T.R. 289) are available witthout charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991; FTS: 629-3991.

Dated: July 3, 1986.

David P. Rall,

Director.

[FR Doc. 86-15982 Filed 7-15-86; 8:45 am]

BILLING CODE 4140-01-M

[1] The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of n-Butyl Chloride

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of n-butyl chloride, a colorless, volatile liquid used as a solvent as well as an alkylating agent in organic synthesis (e.g., in the manufacture of butyl cellulose) and in the production of tin stabilizers for vinyl chloride resins. It has also been used as an anthelmintic in veterinary medicine and as a veterinary anesthetic.

Toxicology and carcinogenesis studies of n-butyl chloride were conducted by exposing groups of F344/N rats and $B6C3F_1$ mice to n-butyl chloride in corn oil by gavage for 14 days, 13 weeks and 2 years.

Under the conditions of these 1-year gavage studies, there was no evidence of carcinogenicity [1] of n-butyl chloride for male and female F344/N rats at daily doses of 60 or 120 mg/kg, for male $B6C3F_1$ mice at doses of 250, 500, or 1,000 mg/kg, or for female $B6C3F_1$ mice at doses of 250 or 500 mg/kg. Chemical-induced toxicity in high dose rats (primarily females) reduced the sensitivity of the study for determining carcinogenicity.

Copies of *Toxicology and Carcinogenesis Studies of n-Butyl Chloride in F344/N Rats and $B6C3F_1$ Mice (Gavage Studies)* (T. R. 312) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991; FTS: 629-3991.

Dated: July 9, 1986.

David P. Rall,

Director.

[FR Doc. 86-15980 Filed 7-15-86; 8:45 am]

BILLING CODE 4140-01-M

[1] The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence") and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Ortho-Phenylphenol

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of o-phenylphenol which is used commercially as a germicide, fungicide, and disinfectant for postharvest treatment of citrus fruits. It is also used as an intermediate in wear resistant surface coatings, a dip for crates and hampers, a fungicide in water-based paints, a preservative in adhesives and glues, and a defoamer in paper manufacturing and for impregnation of fruit wraps.

Toxicology and carcinogenesis studies were conducted to determine whether o-phenylphenol was a complete carcinogen for skin or a promoter in a two-stage initiation/promotion skin paint model. Groups of 50 Swiss CD-1 mice of each sex were used for up to 102 weeks. The following doses were applied dermally to a clipped area on the dorsal interscapular region 3 days per week: o-phenylphenol—55.5 mg/0.1 ml acetone; or TPA —0.005 mg/0.1 ml acetone. DMBA was administered as a single dose at a concentration of 0.05 mg/0.1 ml acetone to the dorsal interscapular region.

Under the conditions of these 2-year dermal application studies, there was no evidence of carcinogenicity [1] in male or female Swiss CD-1 mice administered o-phenylphenol alone or as a promoter following initiation with DMBA. o-Phenylphenol, however, caused non-neoplastic lesions, which inlcude ulceration, inflammation, hyperkeratosis, at the site of application.

Copies of *Toxicology and Carcinogenesis Studies of Ortho-Phenylphenol Alone and With 7,12-Dimethylbenz(a)Anthracene in Swiss CD-1 Mice (Dermal Studies)* (T.R. 301) are available without charge from the NTP Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3391; FTS: 629-3991.

Dated: July 8, 1986.

David P. Rall,

Director.

[FR Doc. 86-15983 Filed 7-15-86; 8:45 am]

BILLING CODE 4140-01-M

[1] The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence") and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted for Review

The proposal for the collection of information listed has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirements and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the OMB Interior Desk Officer at (202) 395-7340—

Title: Higher Education Grant Application

Abstract: This information is needed to determine the eligibility of Native American students seeking financial aid program assistance to attend accredited institutions of higher education

Frequency: Annually

Description of Respondents: Indian/Alaskan Native students applying for admission to postsecondary schools

Annual Responses: 26,000

Annual Burden Hours: 6,500 hours

Bureau Clearance Officer: Cathie Martin (202) 343-1676.

William A. Mehojah, Jr.,

Acting Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs).

[FR Doc. 86-15955 Filed 7-15-86; 8:45 am]

BILLING CODE 4310-02-M

Information Collection Submitted for Review

The proposal for the collection of information listed has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirements and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the OMB Interior Desk Officer at (202) 395-7340—

Title: 25 CFR, Subchapter G, Management of Osage Judgement Funds for Education and Socioeconomic Programs

Abstract: This information is needed to determine the eligibility and distribution of the Osage Judgement funds to Osage Indians for scholarships for postsecondary education purposes. The respondents are Osage Indian descendants of Oklahoma

Frequency: Annually

Description of Respondents: Osage descendants applying for scholarships.

Annual Response: 300

Annual Burden Hours: 150 hours

Bureau Clearance Officer: Cathie Martin (202) 343-1676.

William A. Mehojah, Jr.,

Acting Deputy to the Assistant Secretary/Director-Indian Affairs (Indian Education Programs).

[FR Doc. 86-15956 Filed 7-15-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Bureau Forms Submitted for OMB Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement, related forms, and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau's Clearance Officer and to the Office of Management and Budget Interim Department Desk Officer, Washington, DC 20503, Telephone (202) 395-7340—

Title: Timber Sale Export Restrictions, 43 CFR 5400.0-3

Abstract: These forms are used by purchasers of Bureau of Land Management timber to determine compliance with export restrictions

Bureau Form Number: 5460-15

Frequency: Occasionally.

Description of Respondents: Individuals, companies and corporations that have purchased Bureau of Land Management timber sales.

Annual Responses: 900

Annual Burden Hours: 450

Bureau Clearance Officer (alternate): Rebecca Daugherty, (202) 653-8853.

Dated: June 23, 1986.

Guy E. Baier,

Acting Assistant Director, Lands and Renewable Resources.

[FR Doc. 86-15950 Filed 7-15-86; 8:45 am]

BILLING CODE 4310-84-M

Coeur d'Alene District; Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior, ID-060-06-4410-11.

ACTION: District Advisory Council Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 940579 and 43 CFR Part 1780, that a meeting of the Coeur d'Alene District Advisory Council will be held on Tuesday, August 26, 1986 at 10:00 a.m., at the Bureau of Land Management Office, 1808 North Third, Coeur d'Alene, Idaho 83814.

Agenda for the meeting will include:

1. Update on BLM/USFS Interchange;
2. Discussion of potential land actions;
3. Update on Lower Salmon River Withdrawal;
4. Briefing on French Creek fire rehabilitation;
5. Briefing on hazardous waste activities;
6. Discussion of nominations for expiring Council terms;
7. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 A.M. and 12:00 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by August 22, 1986. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 8, 1986.

Mert Lombard,

Acting District Manager.

[FR Doc. 86-15973 Filed 7-15-86; 8:45 am]

BILLING CODE 4310-GG-M

Filing of Plats of Survey; Oregon

AGENCY: Bureau of Land Management, Interior, (OR-943-06-4520-12; GP6-280).

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon on the date hereinafter stated:

Willamette Meridian

T. 38 S., R. 4 W., Accepted May 23, 1986.
T. 38 S., R. 5 W., Accepted May 30, 1986.

T. 29 S., R. 10 W., Accepted June 6, 1986.
T. 29 S., R. 11 W., Accepted June 6, 1986.

The above-listed plats were officially filed June 13, 1986.

The above-listed plats represent dependent resurveys, subdivisions, and remonumentation.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 N.E. Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: July 3, 1986.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86-15957 Filed 7-15-86; 8:45 am]

BILLING CODE 4310-33-M

Realty Action Exchange of Public Lands in Lake County, OR

The following described public lands have been determined to be suitable for disposal by exchange under Sec. 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 37 S., R. 28 E., W.M., Oregon

Section 24: SW¼SW¼,
Section 25: NW¼NE¼, S½NE¼, NW¼, N½S½.

The area described aggregates approximately 480 acres in Lake County, Oregon.

In exchange for these lands, the Federal Government will acquire the following described private land from The Travelers Insurance Company:

T. 40 S., R. 24 E., W.M., Oregon

Section 25: SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

The area described above aggregates 156.4 acres in Lake County, Oregon.

The purpose of the exchange is to facilitate resource management opportunities in the Warner Valley Habitat Management Area as identified in the Lakeview District's Management Framework Plan.

The private lands being offered have very important value for recreation and wildlife habitat. The public interest will be highly served by completing this exchange.

The values of the lands to be exchanged are approximately equal, and the acreage will be adjusted to equalize the values upon completion of the final appraisal of the lands.

The exchange will be subject to:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. A reservation to the United States for all oil and gas resources, with the exception of, T. 37 S., R. 28 E., section 25, the S½NE¼ and the N½SE¼.

3. All other valid existing rights, including but not limited to any right-of-way, easement or lease of record.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Lakeview District Office, 1000 South 9th Street, Lakeview, Oregon 97630.

For a period of 45 days from the date of publication of this notice in the **Federal Register** interested parties may submit comments to the Lakeview District Manager at the above address.

Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: July 1, 1986.

Jerry Asher,

District Manager.

[FR Doc. 86-16024 Filed 7-15-86; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Annual Waterfowl Status Meeting and Meetings of FWS Migratory Bird Regulations Committee

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: The U.S. Fish and Wildlife Service, Office of Migratory Bird Management will conduct an open meeting to review the status of waterfowl populations and the 1986 fall flight forecast for ducks. The Service Regulations Committee will meet July 31 to develop 1986-87 waterfowl hunting regulations recommendations for presentation at the August 1 public hearing to be held in Washington, DC (as announced in the March 21, 1986, **Federal Register** at 51 FR 9854), and will meet immediately after the public hearing to review the public comments presented at the hearing and develop proposed 1986-87 waterfowl hunting regulations frameworks.

DATES: Waterfowl Status Meeting, July 25, 1986; Service Regulations Committee Meetings, July 31, 1986 and August 1, 1986.

ADDRESSES: The Waterfowl Status Meeting will be held at the Sheraton-Denver Airport Hotel in Denver, Colorado. The Service Regulations Committee Meetings will be held in Room 7000 A/B, Main Interior Building, 18th and C Streets NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Matomic Building—Room 536, Department of the Interior, Washington, DC 20240, telephone (202) 254-3207.

SUPPLEMENTARY INFORMATION: On July 25 at 8:30 a.m. at the Sheraton-Denver Airport Hotel in Denver, Colorado, the U.S. Fish and Wildlife Service, Office of Migratory Bird Management will review for State and federal officials and any other interested parties or individuals results of the various field investigations and data analyses that are used annually to determine the status of waterfowl populations and the fall flight forecast for ducks. The information presented will have a bearing on regulations and the regulatory proposals; however, the meeting is not a regulations meeting. Public comment will be limited to that which supplements the status information presented.

The U.S. Fish and Wildlife Service Migratory Bird Regulations Committee, including Flyway Council Consultants to the Committee, will meet in Washington, DC on July 31 at 8:30 a.m. and August 1 at 1:00 p.m. in Room 7000 A/B, Main Interior Building. The meeting on July 31 is to review discussions that occurred at the flyway council meetings and to discuss and develop recommendations for 1986-87 waterfowl hunting regulations to be presented at the public hearing to be held in Washington, DC on August 1 at 9:00 a.m. The August 1 meeting of the Service Regulations Committee is to review the public comments presented at the hearing and to determine on the basis of those comments whether any modifications need to be recommended to the Director in regard to the regulations recommendations presented at the hearing.

In accordance with Departmental policy regarding meetings of the Service Regulations Committee that are attended by persons outside the

Department, the meetings of July 31 and August 1 will be open to public observation. Members of the public may submit to the Director written comments on the matters discussed.

Dated: July 11, 1986.

Frank Dunkle,

Director.

[FR Doc. 86-16008 Filed 7-15-86; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 303-TA-17 and 18, 701-TA-275 Through 278, and 731-TA-327 Through 334 (Preliminary)]

Certain Fresh Cut Flowers From Canada, Chile, Colombia, Costa Rica, Ecuador, Israel, Kenya, Mexico, the Netherlands, and Peru; Results of Import Investigation

Determinations

On the basis of the record [1] developed in its countervailing duty investigations, the Commission determines, pursuant to sections 303 of the Tariff Act of 1930 (19 U.S.C. 1303) and 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) as amended (the "Act"), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada, Chile, Israel, Kenya, the Netherlands, and Peru of certain fresh cut flowers, provided for in items 192.17 and 192.21 of the Tariff Schedules of the United States, which are alleged to be subsidized by the governments of the cited countries.

Canada [2] [Investigation No. 701-TA-275 (Preliminary)],

Chile [3] [Investigation No. 701-TA-276 (Preliminary)],

Israel [4] [Investigation No. 701-TA-277 (Preliminary)],

Kenya [5] [Investigation No. 303-TA-17 (Preliminary)],

The Netherlands [6] [Investigation No. 701-TA-278 (Preliminary)], and

Peru [7] [Investigation No. 303-TA-18 (Preliminary)].

On the basis of the record developed in its antidumping investigations, the Commission determines, pursuant to section 733(a) of the Act (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 the following countries of certain fresh cut flowers, provided for in items 192.17 and 192.21 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV):

Canada [2] [Investigation No. 731-TA-327 (Preliminary)],

Chile [3] [Investigation No. 731-TA-328 (Preliminary)],

Colombia [8] [Investigation No. 731-TA-329 (Preliminary)],

Costa Rica [9] [Investigation No. 731-TA-330 (Preliminary)],

Ecuador [10] [Investigation No. 731-TA-331 (Preliminary)],

Kenya [5] [Investigation No. 731-TA-332 (Preliminary)],

Mexico [11] [Investigation No. 731-TA-333 (Preliminary)], and

Peru [7] [Investigation No. 731-TA-334 (Preliminary)].

Background

On May 21, 1986, petitions were filed with the Commission and the Department of Commerce by counsel on behalf of the Floral Trade Council, Davis, CA. The petitions allege that imports of certain fresh cut flowers from Canada, Chile, Colombia, Costa Rica, Ecuador, Israel, Kenya, the Netherlands, and Peru are being subsidized by the governments of those countries, that imports of certain fresh cut flowers from Canada, Chile, Colombia, Costa Rica, Ecuador, Kenya, Mexico, and Peru are being sold in the United States at less than fair value, and that an industry in the United States is materially injured and threatened with material injury by reason of such imports. Accordingly, effective May 21, 1986, the Commission instituted preliminary countervailing duty investigations Nos. 303-TA-17 and 18 (Preliminary) and 701-TA-275 through 278 (Preliminary) [12] and preliminary antidumping investigations Nos. 731-TA-327 through 334 (Preliminary).

Notice of the institution of the Commission's investigations 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. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 6, 1986 (51 FR 20716). The conference was held in Washington, DC, on June 13, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in the investigations to the Secretary of Commerce on July 7, 1986. The views of the Commission are contained in USITC Publication 1877 (July 1986), entitled "Certain Fresh Cut Flowers from Canada, Chile, Colombia, Costa Rica, Ecuador, Israel, Kenya, Mexico, the Netherlands, and Peru."

Issued: July 8, 1986.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 86-16025 Filed 7-15-86; 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] Fresh cut flowers from Canada subject to investigation include miniature (spray) carnations and standard carnations, provided for in items 192.17 and 192.21, respectively, of the Tariff Schedules of the United States (TSUS).

[3] Fresh cut flowers from Chile subject to investigation include standard carnations, provided for in item 192.21 of the TSUS.

[4] Fresh cut flowers from Israel subject to investigation include miniature (spray) carnations and gerbera, provided for in items 192.17 and 192.21, respectively, of the TSUS.

[5] Fresh cut flowers from Kenya subject to investigation include miniature (spray) carnations and standard carnations, provided for in items 192.17 and 192.21, respectively, of the TSUS.

[6] Fresh cut flowers from the Netherlands subject to investigation include miniature (spray) carnations (TSUS item 192.17), and standard chrysanthemums, alstroemeria, and gerbera, provided for in item 192.21 of the TSUS.

[7] Fresh cut flowers from Peru subject to investigation include miniature (spray) carnations (TSUS item 192.17), and pompom chrysanthemums and gypsophila, provided for in item 192.21 of the TSUS.

[8] Fresh cut flowers from Colombia subject to investigation include miniature (spray) carnations (TSUS item 192.17), and standard carnations, standard chrysanthemums, pompom chrysanthemums, alstroemeria, gerbera, and gypsophila, provided for in item 192.21 of the TSUS.

[9] Fresh cut flowers from Costa Rica subject to investigation include miniature (spray) carnations (TSUS item 192.17), and standard carnations and pompom chrysanthemums, provided for in item 192.21 of the TSUS.

[10] Fresh cut flowers from Ecuador subject to investigation include miniature (spray) carnations (TSUS item 192.17) and standard carnations, standard chrysanthemums, and pompom chrysanthemums provided for in item 192.21 of the TSUS.

[11] Fresh cut flowers from Mexico subject to investigation include standard carnations, standard chrysanthemums, and pompom chrysanthemums, provided for in item 192.21 of the TSUS.

[12] The Commission did not institute countervailing duty investigations of the imported products from Colombia, Costa Rica, and Ecuador because these countries are not "under the Agreement" pursuant to section 701(b) of the Act and are not otherwise accorded an injury investigation under section 303 of the Act.

[Investigation No. 337-TA-239]

Certain Non-Contact Laser Precision Dimensional Measuring Devices and Their Components; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: 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 respondents on the basis of a settlement agreement: Mitutoyo Mfg., Ltd, Mitutoyo Corporation, MTI Corporation and MTI Engineering Corporation (MTI).

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 July 7, 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 respondents. 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.

Issued: July 7, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-16028 Filed 7-15-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-274 (Preliminary)]

Softwood Lumber From Canada; Results of Import Investigation

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada of softwood lumber, rough, dressed, or worked (including softwood flooring classified as lumber), provided for in items 202.03 through 202.30, inclusive, of the Tariff Schedules of the United States (TSUS); softwood siding, not drilled or treated, provided for in TSUS items 202.47 through 202.50, inclusive; other softwood lumber and siding, provided for in TSUS items 202.52 and 202.54; and softwood flooring, provided for in TSUS item 202.60, which are alleged to be subsidized by the Government of Canada.

Background

On May 19, 1986, a petition was filed with the Commission and the Department of Commerce by the Coalition for Fair Lumber Imports, a group of U.S. softwood lumber manufacturers and associations representing U.S. softwood lumber manufacturers and foresters, alleging that an industry in the United States is materially injured by reason of subsidized imports of softwood lumber from Canada. Accordingly, the Commission instituted preliminary countervailing duty investigation No. 701-TA-274 (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. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 29, 1986 (51 FR 19422). The conference was held in Washington, DC, on June 10, 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 July 3, 1986. The views of the Commission are contained in USITC Publication 1874 (July 1986), entitled "Softwood Lumber from Canada: Determination of the Commission in Investigation No. 701-TA-274 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: July 7, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-16029 Filed 7-15-86; 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 did not participate.

[Investigation No. 731-TA-335 (Preliminary)]

Tubeless Steel Disc Wheels From Brazil; Results of Import Investigation

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 [3] [4] by reason of imports from Brazil of certain tubeless steel disc wheels,[5] provided for in item 692.32 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 23, 1986, a petition was filed with the Commission and the Department of Commerce by the Budd Co., Wheel & Brake Division, Farmington Hills, Michigan, alleging that an industry in the United States is

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairman Liebeler dissenting.

[3] Vice Chairman Brunsdale determines that there is a reasonable indication that an indutry in the United States is threatened with material injury by reason of imports of the subject merchandise.

[4] Commissioner Stern determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of certain tubeless steel disc wheels from Brazil.

[5] Such wheels are designed to be mounted with pneumatic tires and are suitable for use on class 6, 7, and 8 trucks, including tractors, and for use on semi-trailers.

materially injured or threatened with material injury by reason of LTFV imports from Brazil of certain tubeless steel disc wheels. Accordingly, effective May 23, 1986, the Commission instituted preliminary antidumping investigation No. 731-TA-335 (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. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 5, 1986 (51 FR 20558). The conference was held in Washington, DC, on June 16, 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 July 7, 1986. The views of the Commission are contained in USITC Publication 1872 (July 1986), entitled "Tubeless Steel Disc Wheels from Brazil: Determination of the Commission in Investigation No. 731-TA-335 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: July 8, 1986.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 86-16030 Filed 7-15-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-234]

Certain Upper Body Protector Apparatus, for Use in Motosports; Commission Determination Not To Review Initial Determination Terminating Investigation as to Respondent Sinsisalo USA Corporation on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to one respondent on the basis of a settlement agreement.

SUMMARY: The Commission has determined not to review the initial determination (ID) (Order No. 13) of the presiding administrative law judge (ALJ) terminating the above-captioned investigation as to respondent Sinisalo on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: On June 2, 1986, complainants J.T. Racing Inc., and John R. Gregory and respondent Sinisalo USA Corporation (Sinisalo) filed a joint motion to terminate the investigation as to Sinisalo on the basis of a settlement agreement. On June 5, 1986, the presiding ALJ issued an ID granting the motion (Order No. 13).

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 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.

Issued: July 9, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-16031 Filed 7-15-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-234]

Certain Upper Body Protector Apparatus for Use in Motosports; Commission Determination to Review Initial Determination and Remand it to the Administrative Law Judge

AGENCY: International Trade Commission.

ACTION: Review of initial determination and remand to the administrative law judge.

SUMMARY: The Commission has determined to review the initial determination (ID) (Order No. 14) of the presiding administrative law judge (ALJ) terminating the above-captioned investigation as to respondents Torsten Hallman Racing, Inc. (Hallman), and Stilmotor on the basis of a settlement agreement. The Commission has further determined to remand the ID to the ALJ.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: On May 21, 1986, complainants J.T. Racing, Inc. and John R. Gregory and respondents Torsten Hallman Racing, Inc. (Hallman) and Stilmotor filed a joint motion to terminate the investigation as to Hallman and Stilmotor on the basis of a settlement agreement. The presiding ALJ issued an ID granting the motion on June 6, 1986 (Order No. 14). On June 24, 1986, the ALJ issued Order No. 20 requesting remand of the investigation as to respondents Hallman and Stilmotor based on new evidence that respondent Stilmotor did not agree to the settlement agreement which formed the basis for the ID.

Pursuant to the ALJ's request, the Commission has determined to review the ID and remand it to the ALJ for reconsideration based on the new evidence.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington DC 20436, telephone 202-523-0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Issued: July 9, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-16032 Filed 7-15-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-237]

Certain Miniature Hacksaws; Notice of Commission Decision Not To Review Initial Determinations Terminating Three Respondents on the Basis of Consent Orders

AGENCY: International Trade Commission.

ACTION: Termination of respondents Kyuwn Industrial Co., Ltd. (Kyuwn), En I Machinery Co., Ltd., (ENI) and Yuo Noun Enterprise Co., Ltd. (You Noun) on the basis of consent orders.

SUMMARY: The Commission has determined not to review three initial determinations (IDs) (Orders Nos. 15, 16, and 17) terminating Kyuwn, ENI and Yuo Noun as respondents in the above-captioned investigation on the basis of consent orders.

FOR FURTHER INFORMATION CONTACT: E. Clark Lutz, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1641.

SUPPLEMENTARY INFORMATION: On May 30, 1986, complainant The Stanley Works (Stanley) entered into three separate consent order agreements—one each with respect to Kyuwn, ENI, and Yuo Noun. On the basis of the consent order agreements, three joint motions to terminate the investigation (Motions Nos. 237-19, 237-20, and 237-12) were filed on May 30, 1986, by Stanley, the respondent named in the particular motion, and the Commission investigative attorney. On June 9, 1986, the presiding administrative law judge issued IDs terminating the investigation with respect to respondents Kyuwn, ENI, and Yuo Noun on the basis of the proposed consent orders. The Commissions has received no petitions for review of the IDs or comments from Government agencies or the public.

Termination of the investigation as to respondents Kyuwn, ENI, and Yuo Noun on the basis of the consent orders furthers the public interest by conserving Commission resources and those of the parties involved.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.53(h).

Copies of the IDs and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 am 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 persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal or 202-724-0002.

Issued: July 11, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-16026 Filed 7-15-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-237]

Certain Miniature Hacksaws; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Oxwall Tool Co., 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 July 9, 1986.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: July 9, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-16027 Filed 7-15-86; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. General Electric Co.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a complaint, proposed final judgment, stipulation, and competitive impact statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *General Electric Company.*

The complaint of the United States in this case alleges that the merger of General Electric Company ("GE") and RCA Corporation ("RCA") may substantially lessen competition in the United States in the production and sale of silicon target vidicon tubes and antimony trisulfide target vidicon tubes for United States military applications in violation of section 7 of the Clayton Act (15 U.S.C. 18).

Vidicon tubes are image tubes that convert an optical image into an electrical signal. The United States military uses silicon target vidicon tubes in cameras in weapons systems that require low-light tracking and surveillance. It uses antimony trisulfide target vidicon tubes in cameras in weapons systems for tracking and surveillance in daylight.

GE and RCA are the world's largest suppliers of silicon target and antimony trisulfide target vidicon tubes for United States military applications. GE produces these tubes at its Microwave Products Department in Owensboro, Kentucky. RCA produces these tubes at its New Products Division's, Lancaster, Pennsylvania facility. In 1985, the two firms together accounted for approximately 90 percent of sales of these tubes for United States military applications.

The proposed Final Judgment would require GE to divest its vidicon tube business by November 30, 1986.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the court. Comments should be directed to P. Terry Lubeck, Chief, Litigation II Section, Antitrust Division, Room 700, Safeway Building, U.S. Department of Justice, Washington, DC 20530 (202/724-7966).

Dated: July 9, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States District Court for the District of Columbia

UNITED STATES OF AMERICA, Plaintiff, v. GENERAL ELECTRIC COMPANY, Defendant.

[Civil No. 86-1578]

Filed: June 6, 1986.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court;

(2) The parties shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the Final Judgment;

(3) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: June 6, 1986.

For the Plaintiff United States of America.

Douglas H. Ginsburg,

Assistant Attorney General,

Mark Leddy,

P. Terry Lubeck,

Mark C. Schechter,

Attorneys, U.S. Department of Justice.

Sanford M. Adler,

Willie L. Hudgins, Jr.,

Stephen M. Koslow,

Rosemary T. Rakas,

Attorneys, U.S. Department of Justice, Antitrust Division, Washington, DC 20530, (202) 724-7969.

For Defendant General Electric Company.

Joseph Handros,

Vice President and Deputy General Counsel, General Electric Company.

Stephen C. Muther,

Associate Litigation and Antitrust Counsel, General Electric Company.

Stipulation Approved for Filing.

Done this 6th day of June, 1986.

Joyce Hens Green,

United States District Judge.

United States District Court for the District of Columbia

UNITED STATES OF AMERICA, Plantiff, v. GENERAL ELECTRIC COMPANY, Defendant.

[Civil No. 86-1578]

Filed: June 6, 1986.

Final Judgment

Whereas, plaintiff, United States of America, having filed its Complaint herein on June 6, 1986, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law certain and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

And Whereas, the defendant has agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And Whereas, prompt and certain divestiture is the essence of this agreement and the defendant has represented to the plaintiff that the divestiture required below can and will be made and that defendant will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below:

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, Adjudged and Decreed as follows:

I

This Court has jurisdiction over the subject matter of this action and over each of the parties hereto. The Complaint states a claim upon which relief may be granted against defendant under section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II

As used in this Final Judgment:

A. "GE" means the defendant General Electric Company; each division, subsidiary or affiliate thereof; and each officer, director, employee, attorney, agent, or other person acting for or on behalf of any of them.

B. "RCA" means RCA Corporation; each division, subsidiary, or affiliate thereof; and each officer, director, employee, attorney, agent, or other person acting for or on behalf of any of them. After the merger of GE and RCA, for purposes of this Final Judgment, RCA shall be defined to include all assets currently used in connection with the vacuum tube businesses of the New Products Division of the former RCA Corporation as well as each person acting for or on behalf of any of those businesses.

C. "Persons" means any natural person, corporation, association, firm, partnership, or other business or legal entity.

D. "Vidicon tubes" means silicon and antimony trisulfide target imaging tubes sold for United Stayes military applications.

E. "Vidicon tube business" means all tangible and intangible assets (including, but not limited to, exclusive rights to all proprietary technology and other proprietary business information) solely dedicated to GE's existing business operation of researching, developing, engineering, testing, qualifying, manufacturing, and selling vidicon tubes, which is based at GE's Microwave Products Department.

F. "Microwave Products Department" means GE's Microwave Products Department located in Owensboro, Kentucky, which is part of GE's Aerospace Business Group.

III

A. The provisions of the final Judgment shall apply to GE, its successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherewise.

B. Except for section IV.D. of this Final Judgement, nothing herein contained shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party and nothing herein shall be construced to provide any rights to any third party.

C. GE shall require, as a condition of the sale or other disposition of all or substantially all of its assets or stock, that the acquiring party agree to be bound by the provisions of this Final Judgment.

IV

A. GE having committed itself to merge with RCA pursuant to an Agreement of Merger dated December 11, 1985, GE is hereby ordered and directed, no later than November 30, 1986, to divest to a purchaser all of its direct and indirect ownership and control of its vidicon tube business. The obligation to divest shall be satisfied if, by November 30, 1986, GE enters into a binding contract for sale of its vidicon

tube business to a purchaser and according to terms approved by plaintiff that is contingent only upon compliance with the terms of this Final Judgment and that specifies a prompt and reasonable closing date no later than January 1, 1987, and if sale is completed pursuant to the contract.

B. Divestiture of GE's vidicon tube business shall be accomplished in such a way as to satisfy plaintiff that GE's vidicon tube business can and will be operated by the purchaser as a viable, ongoing business, engaged in the production and sale of vidicon tubes. Divestiture shall be made to a purchaser for whom it is demonstrated to plaintiff's satisfaction that (1) the purchase is for the purpose of competing effectively in the production and sale of vidicon tubes and (2) the purchaser has the managerial, operational, and financial capability to compete effectively in the manufacture and sale of vidicon tubes.

C. Divestiture shall not be made without plaintiff's permission to a producer or a firm that has been qualified to become a producer of silicon or antimony trisulfide target vidicons for military applications.

D. In accomplishing the divestiture of its vidicon tube business ordered by this Final Judgment, GE shall make known in the United States, by usual and customary means, the availability of its vidicon tube business for sale. GE shall notify any person making an inquiry regarding the possible purchase of its vidicon tube business that the sale is being made pursuant to this Final Judgment and provide such person with a copy of this Final Judgment. GE also shall furnish, to all bona fide prospective purchasers who so request, and subject to customary confidentiality assurances, all pertinent information regarding its vidicon tube business, including separate lists of (1) all assets solely dedicated to, and (2) all assets used by GE but not solely dedicated to, GE's existing business of researching developing, engineering, testing, qualifying, manufacturing, or selling vidicon tubes. GE shall provide such information to the plaintiff at the time it furnishes such information to any other person, but no later than September 30, 1986. GE also shall permit all bona fide prospective purchasers to have access to personnel at GE's Microwave Products Department who have responsibilities for GE's vidicon tube business and to make such inspection of physical facilities and any and all financial, operational, or other documents and information as may be relevant to the sale of its vidicon tube business.

E. In carrying out its obligations to divest its vidicon tube business as required by this Final Judgment, GE may divest its vidicon tube business, alone, or as part of a divestiture that includes other vacuum tube product lines, or as part of a divestiture of all the vacuum tube product lines produced by GE's Microwave Products Department.

V

A. If GE has not accomplished by November 30, 1986 the divestiture required by section IV of this Final Judgment, the Court shall, upon application of plaintiff, appoint a trustee to effect the divestiture. Such appointment shall become effective on November 30, 1986 or as soon thereafter as the Court appoints the trustee. After the trustee's appointment becomes effective, only the trustee, and not GE, shall have the right to sell GE's vidicon tube business. The trustee shall be a nationally recognized member of the investment banking community with experience and expertise in acquisitions and divestitures. The trustee shall have the power and authority to accomplish the divestiture at such price and on such terms as are then obtainable upon a reasonable effort by the trustee, subject to the provisions of Paragraph VI of this Final Judgment, and shall have such other powers as the Court deems appropriate. GE shall use all reasonable efforts to assist the trustee in accomplishing the required divestiture. GE shall not object to a sale by the trustee on any grounds other than malfeasance. Any such objection by GE must be conveyed in writing to the plaintiff and the trustee within fifteen (15) days after the trustee has notified GE of the proposed sale.

B. If the trustee has not accomplished the required divestiture within ninety (90) days from the date of the trustee's appointment, the trustee shall have the power and authority to accomplish the divestiture by divesting the vidicon tube business alone, or as part of a divestiture that includes any or all other product lines or assets located at the Owensboro operations of GE's Microwave Products Department.

C. If GE has not divested its ownership interest in its vidicon tube business by September 30, 1986, GE shall notify plaintiff of that fact. If GE still has not divested all of its ownership interest in its vidicon tube business within ten (10) days thereafter, the plaintiff shall provide GE with written notice of the names and qualifications of not more than two (2) nominees for the position of trustee for the required divestiture. GE will notify plaintiff within ten (10) days thereafter whether either or both of such nominees are acceptable. If either or both of such nominees are acceptable to GE, plaintiff shall notify the Court of the person or persons upon whom the parties have agreed and the Court shall appoint one of the nominees as the trustee. If neither of such nominees is acceptable to GE, it shall furnish to the plaintiff, within ten (10) days after the plaintiff provides the names of its nominees, written notice of the names and qualifications of not more than two (2) nominees for the position of trustee for the required divestiture. Plaintiff shall furnish the Court the names and qualifications of its proposed nominees and the names and qualifications of the nominees proposed by GE. The Court may hear the parties as to the qualifications of the nominees and shall appoint one of the nominees as the trustee.

D. The trustee shall serve at the cost and expense of GE, on such terms and conditions as the Court may prescribe, and shall account for all monies derived from a sale of GE's vidicon tube business and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services, all remaining monies shall be paid to GE and the trust shall be terminated. The compensation of such trustee shall be based on a free arrangement providing the trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished.

E. The trustee shall have full and complete access to the personnel, books, records and facilities of GE's Microwave Products Department, and GE shall develop such financial or other information relevant to the business or assets to be divested as the trustee may request. GE shall take no action to interfere with or impede the trustee's accomplishment of the divestiture.

F. After its appointment, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish divestiture as contemplated under this Final Judgment. If the trustee has not accomplished such divestiture within six (6) months after the trustee's appointment, the trustee shall thereupon promptly file with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, why the required divestiture has not been accomplished, and (3) the trustee's recommendations. The trustee shall at the same time furnish such report to the parties, who shall each have the right to

be heard and to make additional recommendations consistent with the purpose of the trust. The Court shall thereafter enter such orders as it shall deem appropriate in order to carry out the purpose of the trust, which shall, if necessary, include extending the term of the trust and the term of the trustee's appointment.

VI

At least thirty (30) days prior to the scheduled closing date of the proposed divestiture pursuant to section IV or V of this Final Judgment, GE or the trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the plaintiff of the proposed divestiture. If a trustee is responsible, it shall similarly notify GE. The notice shall set forth the details of the proposed transaction and for each person not previously identified who offered or expressed an interest or desire to acquire any ownership interest in GE's vidicon tube business, the name, address, and telephone number of that person together with full details of that person's interest or desire to acquire such ownership interest. Within fifteen (15) days after receipt of notice of the proposed divestiture, the plaintiff may request from GE and the proposed purchaser additional information concerning the proposed divestiture. GE shall furnish the additional information requested from it within twenty (20) days of the receipt of the request, unless plaintiff shall agree to extend the time. Until plaintiff certifies in writing that it is satisfied that the proposed purchaser has provided the additional information requested from it, the divestiture shall not be consummated. Within thirty (30) days after receipt of the notice or within fifteen (15) days after receipt of the additional information from GE and the proposed purchaser, whichever is later, unless GE shall agree to extend the time, plaintiff shall notify in writing GE and the trustee, if there is one, if it objects to the proposed divestiture. If plaintiff fails to object within the period specified, or if plaintiff notifies in writing GE and the trustee, if there is one, that it does not object, the divestiture may be consummated, subject only to GE's right to object ot the sale under the provision in section V.A. Upon objection by the plaintiff, a divestiture proposed under section IV shall not be consummated. Upon objection by the plaintiff, a divestiture proposed under section V shall not be consummated unless approved by the Court. Upon objection by GE under section V.A., the proposed divestiture shall not be consummated unless approved by the Court.

VII

GE shall not finance without plaintiff's permission:

A. All or any part of the purchase of its vidicon tube business pursuant to the divestiture required by section IV or V of this Final Judgment.

B. All or any part of the purchase of any product line, or assets related thereto, permitted to be part of the divestiture by section IV.E of this Final Judgment, when such purchase is made in connection with the divestiture required by section IV or V of the Final Judgment.

VIII

GE shall abide by the following hold-separate provisions:

A. GE shall take all steps necessary to assure that none of its proprietary technology and other proprietary business information specific to its vidicon tubes business is transferred, or otherwise becomes known or available, to RCA, or used by GE or RCA to compete with the business to be divested. Notwithstanding the foregoing, GE may designate up to five (5) senior GE executives to provide management assistance and professional guidance to GE's vidicon tube business until the divestiture ordered in this Final Judgment occurs, and only these persons can receive such technology and other information as is reasonably necessary to carry out those functions, but they may not disclose any of it to any person other than those persons directly involved in GE's vidicon tube business, except as provided in section IV.D. and V.A. of this Final Judgment. Nothing in this paragraph shall prohibit GE from acquiring technology or other business information from the successor to GE's vidicon tube business as a result of arm's-length bargaining conducted after the divestiture required by this Final Judgment has been accomplished.

B. GE shall:

(1) Take all steps necessary to asure that GE's vidicon tube business will be maintained as a separate entity with its assets and operations separate, distinct, and apart from those of GE or RCA;

(2) Take no steps with respect to the operations of GE's vidicon tube business, except in the ordinary course of business, that negatively would impact its ability to maximize its profits, regardless of any actual or possible negative impact on GE's or RCA's profits;

(3) Refrain from terminating or reducing one or more current employment, salary or benefit agreements for one or more management, engineering, or other technical personnel of GE's vidicon tube business, except in the ordinary course of business, without prior approval of plaintiff;

(4) Maintain normal repair and maintenance schedules at GE's vidicon tube business and at least preserve such schedules as they currently exist;

(5) Preserve GE's vidicon tube business as an active competitor against RCA in the market for vidicon tubes;

(6) Refrain from altering or selling any assets of GE's vidicon tube business, except in the ordinary course of business, or from taking any action that would have the effect of reducing the scope of GE's vidicon tubes manufacturing or sales operatons or reducing the scope or restricting the rate of development of its product line from that existing at the time of the filing of the Complaint in this civil action, without the prior approval of the plaintiff.

(7) Refrain from taking any action that would jeopardize the sale of GE's vidicon tube business as a viable competitor in any market in which it participated at the time of the filing of the Complaint in this civil action;

(8) Refrain from reducing any funding of GE's vidicon tube business existing at the time of the filing of the Complaint in this civil action, without prior approval of the plaintiff; and

(9) Grant any reasonable request from GE's vidicon tube business for additional funding and provide written notice to plaintiff within five (5) days of the denial of any such request for additional funding, including a statement of the request and GE's reasons for its denial.

IX

Forty-five (45) days from the date of filing of the Complaint in this civil action and every forty-five (45 days thereafter until the divestiture required by section IV or V has been completed, GE shall submit in writing to the plaintiff a verified written report setting forth in detail the fact and manner of compliance with section IV or V, as the case may be and section VIII of this Final Judgment. Each such report of compliance with section IV shall include, for each person who, during the preceding forty-five (45) days, made an offer to acquire, expressed an interest or desire to acquire, entered into negotiations to acquire, or made an inquiry about acquiring any ownership interest in GE's vidicon tube business, the name, address, and telephone number of that person and a detailed description of each contact with that person during that period. GE shall

maintain full records of all efforts made to divest the vidicon tube business. With respect to section VIII, such report of compliance shall also describe the status of GE's efforts during the preceding forty-five (45) days to qualify vidicon tube for use by the military, to bid upon, submit unsolicited proposals or quotations for, or otherwise obtain contracts to supply vidicon tubes. GE shall maintain full records for all such efforts.

X

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to GE made to its principal office, be permitted:

(1) Access during office hours of GE to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of GE, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of GE and without restraint or interference from it, to interview officers, employees and agents of GE, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to GE's principal office, GE shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by GE to plaintiff, GE represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and GE marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to GE prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction, implementation, or modification of any of the provisions of this Final Judgment, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XII

This Final Judgment will expire on the third anniversary of the completion of the divestiture required herein.

XIII

Entry of this Final Judgment is in the public interest.

United States District Judge.

Dated:

United States District Court For the District of Columbia

United States of America, Plaintiff, v. General Electric Company, Defendant.

[Civil Action No. 86-1578]

Filed: June 6, 1986.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)), the United States of America files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry with the consent of General Electric Company in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

This civil action began on June 6, 1986, when the United States filed a complaint alleging that the proposed merger of General Electric Company (hereinafter "GE") and RCA Corporation (hereinafter "RCA") violated section 7 of the Clayton Act (15 U.S.C. 18). The complaint alleges that the effect of the merger of GE and RCA may be substantially to lessen competition in the United States in the production and sale for military applications of two types of vidicon tubes, those with component targets made of silicon and those with component targets made of antimony trisulfide. These tubes are used in television cameras to convert an optical image into an electrical signal. The complaint requests that GE be required to divest its vidicon tube business and to continue until divestiture occurs to operate that business as an active competitor in the production and sale of vidicon tubes for military applications.

The United States and GE have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the proposed Judgment will terminate the action, except that the Court will retain jurisdiction to construe, modify, and enforce the Judgment, and to punish violations of the Judgment.

II. Events Giving Rise to the Alleged Violation

GE and RCA entered into a merger agreement dated December 11, 1985, providing for GE to acquire for approximately $6.28 billion all of the common shares of RCA. GE also was to acquire for approximately $145 million two classes of RCA preferred stock. Pursuant to the agreement, holders of RCA stock would receive cash.

The merger would be carried out by merging Gesub, Inc. (Gesub), a wholly-owned subsidiary of GE, into RCA with RCA as the surviving company. Each outstanding share of Gesub would be converted into one share of RCA common stock. As the surviving entity, RCA would then become a wholly owned subsidiary of GE. All RCA authorized and issued common and preferred stock would cease to exist upon effectuation of the merger.

GE and RCA both are large, diversified companies. GE reported total 1984 sales of about $30 billion and RCA reported total 1984 sales of about $10 billion. Both firms currently manufacture and sell silicon and antimony trisulfide target vidicon tubes. GE produces vidicon tubes, along with other electron tubes, through its Microwave Products Department of its Defense Systems Division, at its plant in Owensboro, Kentucky. GE's military vidicon tube sales in 1984 totalled approximately $5 million. RCA produces vidicon tubes through its New Products Division at a plant in Lancaster, Pennsylvania. RCA's military vidicon tube sales in 1984 totalled approximately $2 million.

The complaint alleges that GE and RCA together account for about 99 percent of sales of silicon target vidicon tubes for United States military applications and about 90 percent of sales of antimony trisulfide target vidicon tubes for United States military applications.

Although some other firms purchase silicon targets and assemble the vidicon

tubes using these targets, GE and RCA are the only two domestic producers of silicon targets, and two of five domestic producers of antimony trisulfide target vidicon tubes. The total amount of commerce impacted is currently about $7 million, $2 million for the silicon target vidicon tubes and $5 million for the antimony trisulfide target vidicon tubes. By 1990, the amount is projected to quadruple to about $29 million, split nearly evenly between the two types of vidicon tubes.

The complaint alleges that the production and sale of silicon target vidicon tubes for United States military applications is a relevant product market for antitrust purposes, as is the production and sale of antimony trisulfide target vidicon tubes for such applications, and that the combination of the vidicon tube businesses of GE and RCA pursuant to the proposed merger may be substantially lessen competition in the United States in these markets in violation of section 7 of the Clayton Act.

Vidicon tubes are used in television cameras to convert an optical image into an electrical signal, which the camera's circuits then amplify and process into a video signal. Commercial television broadcasting, closed-circuit monitor services, medical applications, industrial processes, and military applications all use vidicon tubes. Their simplicity and compact design have made vidicons the most widely used type of image tube.

Vidicon tubes for military applications are purchased primarily by the military and firms that supply optical sensing equipment to the military. The manufacturer of the camera system in which the vidicons will be used tests them to determine whether they meet the military's specifications. Although they may differ depending upon the system, military specifications generally include standards for blemishes, resolution, picture distortion, sensitivity, and ruggedizing.

Vidicon tubes with silicon targets are highly sensitive and have a broad spectral range, which extends into the near infrared. Because of their near infrared sensitivity, silicon target vidicon tubes are particularly desirable for use in low-light-level cameras at dust or dawn. Military systems use silicon target vidicon tubes for gunfire control, navigation, and target identification.

Only a few large electronic companies produce silicon targets. The production process requires not just equipment and expertise employed in the electron tube industry but also equipment and expertise employed in the semiconductor industry. Silicon target production is a highly sophisticated, difficult, and demanding process.

Vidicon tubes with antimony trisulfide targets have resolution comparable to silicon target vidicon tubes, but have lower sensitivity. Their military uses are in daylight sensors for gunfire control, missile guidance, navigation, and target identification.

Antimony trisulfide targets are produced by depositing 2–5 micron thick layers of antimony trisulfide uniformly over a transparent conductive film. Processes for applying the layers differ slightly among producers, and they are considered proprietary. A chemical evaporator is the principal equipment used to apply the antimony trisulfide.

In military applications, a small but nontransitory price increase would not cause substitution for silicon or antimony trisulfide target vidicon tubes. These markets are relatively insensitive to such price increases.

The complaint alleges that the production and sale of both types of vidicon tubes is highly concentrated. In 1985, GE accounted for approximately 87 percent of the market for silicon target vidicon tubes for military applications, and RCA accounted for approximately 12 percent. For antimony trisulfide target vidion tubes in 1985, GE accounted for approximately 50 percent of the market for these tubes for military applications while RCA accounted for approximately 40 percent. The Herfindahl-Hirschman Index ("HHI"), a measure of market concentration, in the market for silicon target vidion tubes for the United States military is about 7740. The merger of GE and RCA would increase the HHI by about 2116 to 9856. The HHI in the market for antimony trisulfide target vidicon tubes for the United States military is about 4166 and would increase after the merger by about 3977 to 8143.

Since the markets for silicon target and antimony trisulfide target vidicon tubes are small and a substantial investment of money and time would be necessary to enter, a substantial and nontransitory price increase would be required to induce entry. Entry into the military market is further complicated by the need to develop ruggedizing technology and to conduct testing for certification.

The complaint does not allege commercial markets where performance requirements are much lower than for military applications. Substitutes exist for silicon target and antimony trisulfide target vidicon tubes in commercial applications. In addition, some firms can supply vidicon tubes for commerical applications but not for military ones.

III. Explanation of the Proposed Final Judgment and its Anticipated Effects on Competition

The United States brought this action because the effect of the merger between GE and RCA may be substantially to lessen competition in violation of section 7 of the Clayton Act in the production and sale of silicon target and antimony trisulfide target vidicon tubes for United States military applications. The only anticompetitive effects associated with the merger would be eliminated if GE's vidicon tube business could be sold to purchaser that would operate the business as an active and independent competitor.

To this end, section IV of the proposed Final Judgment would require GE to sell its vidicon tube business to a purchaser that has the intent and capability to compete effectively in the production and sale of such tubes.

If GE is unable to divest its vidicon tube business by November 30, 1986, under section V of the proposed Final Judgment, the Court would, at the request of the United States, appoint a trustee to sell it. Section V would provide a mechanism that should permit a trustee to be selected and appointed by November 30, 1986. Once a trustee has been appointed, only the trustee, and not GE, would have the right to sell the business. If the trustee has not accomplished the required divestiture within ninety (90) days of the trustee's appointment, the trustee shall have the power to accomplish the divestiture by divesting GE's vidicon tube business alone, or as part of a divestiture that includes other product lines or assets located at the Owensboro, Kentucky operations of GE's Microwave Products Department. Further, if a trustee is appointed, GE would be required to pay all of the trustee's expenses in selling the business, and the trustee's commission would be structured to provide an incentive for the trustee to complete the sale promptly.

Section VI of the proposed Final Judgment would provide the United States an opportunity to review any proposed divestiture before it occurs. Under section VI, if the United States were to request information to assess a proposed divestiture, GE could not consummate the divestiture until 15 days after it supplied the information. If the United States requested information from the proposed purchaser, the divestiture could not be consummated until the United States certified in writing that it is satisfied that the proposed purchaser has provided the additional information. If the United

States were to object to a divestiture of GE's vidicon tube business proposed under section IV of the proposed Final Judgment, the divestiture could not be completed. If the United States were to object to a divestiture of GE's vidicon tube business proposed under section V, the divestiture could not be completed unless approved by the Court.

Section VII of the proposed Final Judgement would prevent GE from financing without the permission of the United States any part or all of the divestiture required by the Final Judgment. In the event that the purchaser acquires other vacuum tube product lines, or related assets, in connection with the divestiture, GE also could not finance the acquisition without permission of the United States.

Under section VIII, GE would be required to continue to operate its vidicon tube business as an active competitor, until the divestiture required by the proposed Final Judgment is completed. Moreover, GE would be required to take all steps necessary to assure that proprietary technology and other proprietary business information relating to its vidicon tube business is not transferred to RCA or used by GE or RCA to compete with GE's vidicon tube business.

Section IX of the proposed Final Judgment would require GE to provide the United States with periodic reports concerning the fact and manner of its compliance with the proposed Final Judgment, and section X would allow the United States to obtain additional information and documents relating to GE's compliance with the proposed Final Judgment.

Finally, section XII would provide that the Final Judgment would expire on the third anniversary of GE's completion of the required divestiture.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage actions. Under provisions of section 5(a) of the Clayton Act (15 U.S.C. 16(a)), entry of the proposed Final Judgment would have no prima facie effect in any subsequent private lawsuit that may be brought against the defendant.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and defendant GE have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalities Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The Act provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wants to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register.** The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and the response of the United States will be filed with the Court and published in the **Federal Register.**

Written comments should be submitted to: P. Terry Lubeck, Chief, Litigation II Section, Antitrust Division (700 Safeway), U.S. Department of Justice, Washington, DC 20530.

Under section XI of the proposed Final Judgment, the Court would retain jurisdiction over this matter for the purpose of enabling the United States or GE to apply to the court for such further orders or directions as may be necessary or appropriate for the construction, implementation, modification, or enforcement of compliance with the Judgment, or for the punishment of any violations of the Judgment.

VI. Alternatives to the Proposed Final Judgment

The proposed Final Judgment would provide all of the relief requested by the United States in its complaint in this civil action. The proposed Final Judgment would require GE to divest its vidicon tube business by November 30, 1986. It also would assure that GE's vidicon tube business would remain a viable business separate from RCA and an active competitor to RCA in the United States market for silicon target and antimony trisulfide target vidicon tubes for military applications.

Compliance by GE with the proposed Final Judgment and the completion of the divestiture required by the Judgment would resolve fully all of the competitive concerns raised by the proposed merger of GE and RCA. The United States could have obtained no better relief after a full trial on the merits. The only alternative considered to settling this action pursuant to the proposed Final Judgment was for the United States to file suit and seek a preliminary injunction to enjoin GE's merger with RCA until GE had completely divested itself of its vidicon tube business. The United States rejected this alternative because substantial risk existed that a court might be reluctant to halt consummation of the entire merger because of a competitive problem posed by a very small part of the entire business operations of the two companies. The court's reluctance to grant a preliminary injunction likely would have been substantially increased because of GE's willingness to divest its vidicon tube business and any other parts of its Owensboro, Kentucky operations of its Microwave Products Department if necessary.

Under the circumstances, while the government believes that sound responses to these arguments exist, it determined that the public interest in preserving competition in the market for these types of vidicon tubes would be served best by obtaining GE's consent to an enforceable decree requiring it to divest its vidicon tube business and by filing the decree with the Court prior to the consummation of any part of the proposed merger. Although the proposed Final Judgment may not be entered until the criteria established by the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)–(h)) have been satisfied, the public will benefit immediately from the safeguards in the proposed Final Judgment because GE has stipulated to comply with the terms of the Judgment pending its entry by the Court. The United States believes that the overriding public interest in having these enforceable safeguards in effect prior to consummation of any part of the proposed merger required that it not attempt to seek a preliminary injunction, and thereby avoid the risk that the merger might be permitted to go forward without any enforceable safeguards in effect.

VII. Determinative Documents

There were no documents determinative in the formulation of the proposed Final Judgment. Consequently, the United States has not attached any such documents to the proposed Final Judgment.

Dated: June 6, 1986.

Respectfully submitted,

Sanford M. Adler,

Attorney, U.S. Department of Justice, Antitrust Division (700 Safeway), Washington, D.C. 20530, (202) 724-79741.

United States District Court For the District of Columbia

United States of America, Plaintiff, v. General Electric Company, Defendant.

Certificate of Service

I, Sanford M. Adler, hereby certify that a copy of the attached plaintiff's Competitive Impact Statement has been served this 6th day of June, 1986, by depositing said document in the United States mail with postage prepaid to: Joseph Handros, Vice President and Deputy General Counsel, General Electric Company, Fairfield, Connecticut 06431.

Sanford M. Adler,

Attorney, U.S. Department of Justice, Antitrust Division, Room 700, Safeway Building, Washington, D.C. 20530, 202/724-7969.

[FR Doc. 86-15834 Filed 7-15-86; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Prisons

National Institute of Corrections Advisory Board; Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board will meet on July 28, 1986, starting at 8:30 a.m., at the Residence Inn Boulder, 3030 Center Green Drive, Boulder, Colorado, 80301. At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive its subcommittees' reports and recommendations as to future thrusts of the Institute.

Raymond C. Brown,

Director.

[FR Doc. 86-15951 Filed 7-15-86; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 28210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, telephone (202) 395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Employment Standards Administration

Bona Fide Profit-Sharing Plan or Trust (20 CFR Part 549; Disclosure Requirement (29 CFR 549.1(d) (2)), 1215-0122, recordkeeping.

Businesses or other for-profit; Small businesses or organizations 546,000 recordkeepers; 3 hours.

Wage and Hour Division requires enterprises having workers engaged in interstate commerce, production goods for sale in interstate commerce, or handling, selling, or otherwise working on goods that have been moved in or produced for such commerce by any person, to maintain documentation establishing "bona fide" nature of plan.

Mine Safety and Health Administration

Annual Status Report and Certification and Weekly Inspections of Refuse Piles and Impoundments, 1219-0015, Annually; weekly.

Businesses and other for profit; small businesses or organizations, 600 respondents; 79,200 hours.

Requires coal mine operators to submit to MSHA an annual status report and certification on refuse piles and impoundments; and to keep records of the results of weekly examinations and instrumentation monitorings of impoundments.

Mine Safety and Health Administration

Application for Waiver of Surface Facilities Requirement, 1219-0024, On occasion.

Businesses or other for profit; small businesses or organizations, 1,800 respondents; 900 hours.

Coal mine operators are required to provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use of the miners. Regulations provide procedures by which an operator may apply for and be granted a waiver.

Signed at Washington, DC, this 10th day of July 1986.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 86-15941 Filed 7-15-86; 8:45 am]

BILLING CODE 4510-43-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Dresser Industries et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period June 30, 1986—July 4, 1986.

In order for an affirmative determination to be made and a

certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated the increased imports did not contribute importantly to worker separations at the firm.

TA-W-17,119; Dresser Industries, Harbison-Walker Refractories, Mt. Union, PA

TA-W-17,094; Davenport Machine Tool Div., Dover Corp., Rochester, NY

TA-W-16,627; Ware Knitters, Inc., Ware, MA

TA-W-16,783; Atlas Embroidery Works, Inc., West New York, NJ

TA-W-16,802; Cliffside Thread & Scallop, Fairview, NJ

TA-W-16,835; Gehrig Embroideries, Union City, NJ

TA-W-16,846; Halle Cutting Co., West New York, NJ

TA-W-16,890; M & J Embroidery Co., Inc., West New York, NJ

TA-W-16,914; Prince Fairview Embroideries, Fairview, NJ

TA-W-16,952; Valor Company, Guttenberg, NJ

TA-W-17,115; BS & G Mfg Co., Inc. Worcester, MA

TA-W-17,097; Koppers Co., Inc., Piston Ring & Seal Div., Baltimore, MD

TA-W-17,116; Celotex Corp., Insul-Coustic Div., Sayreville, NJ

TA-W-17,059; FMC Corp., Wellhead Equipment Div., Brownwood, TX

TA-W-17,146; Pope and Talbot, Inc., Oakridge, OR

TA-W-17,136; U.S. Steel Corp., Supply Div., Memphis, TN

TA-W-17,188; Badger Coal Co., Mine #1, & Preparation Plant, Buckannon, WV

TA-W-17,141; Becky Dresses, Woodhaven, NY

TA-W-16,763; A. Joseph Schneider, Guttenberg, NJ

TA-W-16,768; All Over Embroidery Works, Inc., North Bergen, NJ

TA-W-16,807; D. Haemmerle & Sons, Inc., West New York, NJ

TA-W-16,828; Ferguson Embroidery, Union City, NJ

TA-W-16,832; Frank-Lin Embroidery Co., Inc., Fairview, NJ

TA-W-16,834; Garret Embroidery, Fairview, NJ

TA-W-16,836; Gallender Embroidery Co., Union City, NJ

TA-W-16,875; Joseph Solar & Sons, Inc., West New York, NJ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-16,696; Clay Adams, Division of Becton, Dickinson & Co., Parsippany, NJ

Separations from the subject firm were due to the transfer of functions to another domestic facility.

TA-W-16,833; Frei and Company, Inc., Union City, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-17,171; Haddad and Brooks, Inc., Washington, PA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,157; Koehring Cranes & Excavators, Milwaukee, WI

Separations from the subject firm were due to the transfer of functions to another domestic facility.

TA-W-17,160; Trane Manufacturing Co., Kearns, UT

Separations from the subject firm were due to the transfer of functions to another domestic facility.

TA-W-17,072; Heckett Company, Division of Hasco, Pittsburgh, PA

Aggregate U.S. imports of Iron and Steel scraps are negligible.

TA-W-17,341; Heckett Company, Division of Hasco, Aliquippa, PA

Aggregate U.S. imports of iron and steel scraps are negligible.

TA-W-17,155; Greenlee Tool Company, Rockford, IL

The investigation revealed that criterion (2) has not been met. Sales or producton did not decline during the relevant period as required for certification.

TA-W-17,149; Willamette Industries, Inc., Griggs Div., Lebanon, OR

Aggregate U.S. imports of softwood plywood are negligible.

TA-W-17,056; Eastern Associated Coal Corp., Keystone Mine #1, Keystone, WV

Lost export sales can not be used as a basis for certification under the Trade Act of 1974.

TA-W-17,057; Eaton Corp., Kenosha, WI

Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA-W-16,762; A.B.S. Embroidery, Cliffside Park, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,775; AM-Len Corp., Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,796; Brunner Brothers Embroidery Company, Mooachie, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,798; Castle Scallop Cutting Company, Inc., Fairview, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,879; Koppel Embroidery, West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,888; Lucky Novelty Corp., West New York, NJ;

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,901; Milaine Embroidery Co., Fairview, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the

relevant period as required for certification.

TA-W-16,930; Sheffield Embroidery Corporation, West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,803; Colby Embroidery Co., West New York, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,817; Eastern Thread & Scallop Co., North Bergen, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,841; Great Lace and Embroidery Co., Fairview, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,843; Guttenberg Embroidery, Guttenburg, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,850; Harry Gutschmidt and Company, West New York, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,933; Skill Craft Cutting Company, North Bergen, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,941; T & R Embroidery Co., Guttenberg, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,821; Ess-Ell Embroidery, West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,848; Hamilton Embroidery, Union City, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,880; L & R Embroidery, West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,859; Immaculate Embroidery, Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,881; Lace and other Things, Union City, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,922; Rob E Embroidery Corp., Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,927; S. Zinick, Inc., West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,944; Tom & Chris Embroidery, Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,962; Zembow Embroidery, West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,766; Alps Lace and Embroidery Co., West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,772; American Fabrics Co., Cliffside Park, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,774; American Swiss Embroidery Co., West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,809; Dako Lace Corp., Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,853; Horizon Embroidery, Fairview, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,872; Joseph E. Bamert Embroidery Co., Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,899; Maurice Ludmer & Co., Fairview, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,902; Modern Thread and Scallop and Lace Cutting Co., West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,916; Rayo Embroidery Corp., West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,920; Royal Thread & Scallop Cutting Co., West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,931; Silver Star Co., Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the

relevant period as required for certification.

TA-W-16,934; Stein-Tobler Embroidery Co., Union City, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,955; Voltex Schiffle Corp., West New York, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,961; Zandonella Brothers, Inc., Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations

TA-W-17,085; Joy Manufacturing Co., Franklin , PA

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-17,105; Anker-Holth, Port Huron, MI

A certification was issued covering all workers of the firm separated on or after January 3, 1985 and before December 31, 1985.

TA-W-17,194; Onan Power Electronics, Johnson City, TN

A certification was issued covering all workers of the firm separated on or after January 27, 1985.

TA-W-17,106; Cooper Tire & Rubber Co., Clarksdale, MS

A certification was issued covering all workers of the firm separated on or after January 7, 1985.

TA-W-17,100; Reynolds Metal Company, Malvern, AR

A certification was issued covering all workers of the firm separated on or after December 19, 1984.

TA-W-17,101; Reynolds Metal Company, Arkadelphia, AR

A certification was issued covering all workers of the firm separated on or after December 19, 1984.

TA-W-17,109; Kenco Refining, Inc., Wolf Point, MT

A certification was issued covering all workers of the firm separated on or after September 1, 1985 and before March 31, 1986.

TA-W-17,087; Nova Manufacturing Co., Red Boiling Springs, TN

A certification was issued covering all workers of the firm separated on or after December 11, 1984 and before November 30, 1985.

TA-W-17,066; A1 Tech Specialty Steel Corp., Watervliet, NY

A certification was issued covering all workers of the firm separated on or after January 12, 1985.

TA-W-17,066A; A1 Tech Specialty Steel Corp., Dunkirk, NY

A certification was issued covering all workers of the firm separated on or after January 12, 1985.

TA-W-16,668; Jamie Togs, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after October 1, 1984 and before October 1, 1985.

TA-W-16,722; 3M Co., Audio/Video/ Products Div., Freehold, NJ

A certification was issued covering all workers of the firm separated on or after November 8, 1984.

TA-W-16,538; Blue Circle Atlantic, Inc., Ravena, NY

A certification was issued covering all workers of the firm separated on or after February 1, 1985.

TA-W-16,674; Indiana General, Keasby, NJ

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,671; Schwartz Sportswear Co., Boston, MA

A certification was issued covering all workers of the firm separated on or after November 5, 1984 and before January 31, 1986.

TA-W-16,753; Huffy Corp., Milwaukee, WI

A certification was issued covering all workers of the firm separated on or after November 19, 1984 and before March 31, 1985.

TA-W-16,747; Beth Energy Mines, Inc. Cambria Slope Mine #33, Ebensburg, PA

A certification was issued covering all workers of the firm separated on or after November 27, 1984

TA-W-17,054; Burgmaster Houdaille, Inc., Los Angles, CA

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,728; Publishers Paper Co., Molalla, OR

A certification was issued covering all workers of the firm separated on or after November 11, 1984.

TA-W-16,644; Bamberg Textile Mills/ Den-Mid, Bamberg, SC

A certification was issued covering all workers in the mill operation producing filling yarn separated on or after March 1, 1985 and before July 21, 1985.

TA-W-17,132; LTV Steel Co., Massillon Bar Plant, Canton, OH

A certification was issued covering all workers of the firm separated on or after December 17, 1984.

TA-W-17,113; Ron Scott Togs, New York, NY

A certification was issued covering all workers of the firm separated on or after December 20, 1984 and before January 31, 1985.

TA-W-17,150; Alcan Rolled Products Co., Fairmont, WV

A certification was issued covering all workers of the firm separated on or after January 3, 1985.

TA-W-17,112; Reichert Scientific Instruments, Buffalo, NY

A certification was issued covering all workers of the firm separated on or after January 14, 1985.

TA-W-17,228; International Hat Co., Piedmont, MO

A certification was issued covering all workers of the firm separated on or after February 14, 1985.

TA-W-16,754; International Hat Co., Lutesville, MO

A certification was issued covering all workers of the firm separated on or after November 20, 1984.

TA-W-17,184; U.S. Steel Corp., Saxonburg Sintering, Saxonburg, PA

A certification was issued covering all workers of the firm separated on or after January 21, 1985 and before November 13, 1987.

TA-W-17,182; Ormet Corp., Burnside, LA

A certification was issued covering all workers of the firm separated on or after Januay 21, 1985 and before May 31, 1986.

TA-W-17,058; Evans Hampden Shoe, Inc., Hampden, ME

A certification was issued covering all workers of the firm separated on or after December 11, 1984.

TA-W-17,110; Mackintosh Hemphill Mfg Co., Midland, PA

A certification was issued covering all workers of the firm separated on or after December 31, 1984.

TA-W-17,086; Monsanto Co., St. Louis, MO

A certification was issued covering all workers producing TSCL plasticizers separated on or after August 15, 1985 and before March 1, 1986.

TA-W-17,125; Southwire Company, Kentucky Division, Hawesville, KY

A certification was issued covering all workers of the firm separated on or after December 27, 1984.

TA-W-17,055; Douglas County Lumber Co., Winchester, OR

A certification was issued covering all workers producing softwood lumber separated on or after December 5, 1984 and before December 31, 1985.

I hereby certify that the aforementioned determinations were issued during the period June 30, 1986—July 4, 1986. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213, during normal business hours or will be mailed to persons who write to the above address.

Dated: July 8, 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-15942 Filed 7-15-86; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Wyoming State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the **Federal Register** (39 FR 15394) of the approval of the Wyoming Plan and adoption of Subpart BB to Part 1952 containing the decision.

The Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee coordination.
2. Publication in newspapers of general/major circulation with a 45-day waiting period for public comment and hearings.
3. Adoption by the Wyoming Health and Safety Commission.
4. Review and approval by the Governor.
5. Filing with Secretary of State and designation of an effective date.

OSHA regulations (29 CFR 1953.22 and .23) requires that States respond to the adoption of new or revised permanent Federal standards by State promulgation of comparable standards within six months of OSHA publication in the **Federal Register**, and within 30 days for emergency temporary standards. Although adopted State standards or revisions to standards must be submitted for OSHA review and approval under procedures set forth in Part 1953, they are enforceable by the state prior to federal review and approval. By letter dated March 21, 1986, from Donald D. Owsley, Administrator, Wyoming Occupational Health and Safety Division, to Byron R. Chadwick, OSHA Regional Administrator, the State submitted rules and regulations in response to Federal OSHA's General Industry Standards (29 CFR 1910.1047: Ethylene Oxide; Labeling Requirements, 50 FR 41491, October 11, 1985.)

The above adoptions of Federal standards have been incorporated in the State Plan, and are contained in the Wyoming Occupational Health and Safety Rules and Regulations for General Industry, as required by Wyoming Statute 1977, section 27-11-105(a)(viii).

State standards for 29 CFR 1910.1047: Ethylene Oxide; Labeling Requirements were adopted by the Health and Safety Commission of Wyoming on February 21, 1986 (Effective April 14, 1986), pursuant to Wyoming statute 1977, section 27-11-105. The State standard on Ethylene Oxide; Labeling Requirements is identical to the federal standard action, with the only exception being paragraph numbering.

2. Decision

The above State Standard has been reviewed and compared with the relevant Federal Standard and OSHA has determined that the State Standards are at least as effective as the comparable Federal Standards, as required by section 18(c)(2) of the Act. OSHA has also determined that the differences between the State and Federal Standards are minimal and that the Standards are thus identical. OSHA therefore approves these standards; however, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1576, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; the Occupational Health and Safety Department, 604 East 25th Street, Cheyenne, Wyoming 82002; and the Office of State Programs, Room N-3700, 200 Constitution Avenue, NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the Wyoming State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason(s):

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective July 18, 1986.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 1st Day of May, 1986.

Byron R. Chadwick,

Regional Administrator.

[FR Doc. 86-16013 Filed 7-15-86; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (86-48)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council.

DATE AND TIME: August 4, 1986, 9 a.m. to 5 p.m., and August 5, 1986, 8:30 a.m. to 3 p.m.

ADDRESS: National Aeronautics and Space Administration, Federal Building 6, 400 Maryland Avenue, SW., Washington, DC 20546, Room 7002.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-8335).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Mr. Daniel J. Fink and is composed of 24 members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, life sciences, space applications, space and earth science, space systems and technology, and history, as they relate to NASA's activities.

Visitors will be admitted to the meeting room up to the capacity, which is approximately 60 persons including Council members and other participants. Visitors will be requested to sign a visitor's register.

Type of meeting: Open.

Agenda: August 4, 1986:

9 a.m.—Introductory Remarks.

9:15 a.m.—Report of Space and Earth Science Advisory Committee on "Transition" Study.

10:00 a.m.—NASA Program Proposal for Fiscal Year 1988 and committee recommendations.

1:30 p.m.—NASA Program Proposal for Fiscal Year 1988 and committee recommendations (continued).

4:30 p.m.—Council Discussion.

5 p.m.—Adjourn.

August 5, 1986:

8:30 a.m.—Aeronautics Advisory Committee Recommendations.

9 a.m.—Council Working Session.

10:30 a.m.—National Commission on Space.

1p.m.—New business.

3 p.m.—Adjourn.

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

July 10, 1986.

[FR Doc. 86-15965 Filed 7-15-86; 8:45 am]

BILLING CODE 7510-01-M

[Notice (86-49)]

NASA Advisory Council (NAC), Space and Earth Science Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of an informal planning subgroup of the NAC Space and Earth Science Advisory Committee (SESAC).

DATE AND TIME: August 7, 1986, 9 a.m. to 5 p.m.; August 8, 1986, 9 a.m. to 5 p.m.; August 9, 1986, 9 a.m. to 1 p.m.

ADDRESS: Space Sciences Building, Room 415, East Avenue, Cornell University, Ithaca, New York.

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey D. Rosendhal, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1410).

SUPPLEMENTARY INFORMATION: The NAC Space and Earth Science Advisory Committee consults with and advises the Council and NASA on plans for, work in progress on, and accomplishments of NASA's Space and Earth Science programs. The committee, chaired by Dr. Louis Lanzerotti, operates both through a number of informal subgroups and as a whole. This informal planning subgroup will meet to continue to assess the progress of the Space and Earth Science Advisory Committee (SESAC) study on "The Structure of the Space and Earth Science Program in a Time of Transition" and to prepare a final draft of the report. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons, including committee members and other participants).

Type of meeting: Open.

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

July 9, 1986.

[FR Doc. 86-15966 Filed 7-15-86; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island Unit 2 (TMI-2) will be meeting on August 13, 1986, from 7:00 p.m. to 10:00 p.m. at the Lancaster Council Chambers, Public Safety Building, 201 N. Duke Street, Lancaster, Pa 17603. The meeting will be open to the public.

At this meeting, the Panel will receive a status report on the progress of defueling from the license, General Public Utilities Nuclear Corporation. The Panel will also be briefed by the licensee on the licensee's plans for the disposal of the processed water generated during the TMI-2 acccident. Members of the public will be given the opportunity to address the Panel.

Further information on the meeting may be obtained from Dr. Michael T. Masnick, Three Mile Island Cleanup Project Directorate, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/492-7743.

Dated July 10, 1986.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 86-16009 Filed 7-15-86; 8:45 am]

BILLING CODE 7590-01-M

Bi-Weekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

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 July 2, 1986 (51 FR 24248), through July 7, 1986.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this

proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

By August 15, 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. 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 determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief)*: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local public document room for the particular facility involved.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: May 23, 1986.

Description of amendment request: The proposed amendment would delete from the Technical Specifications the requirements to perform monthly visual inspections of the high energy piping outside of the primary containment while the station is operating.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards in 10 CFR 50.92(c) for determining whether proposed license amendments involve significant hazards

considerations. These standards have been addressed by the licensee as follows:

10 CFR 50.92(c)(1) states that the proposed amendment should not". . . Involve a significant increase in the probability or consequences of an accident previously evaluated. . ."

The present requirement was imposed by the NRC through Amendment No. 7 to Facility Operating License No. DPR-35. An NRC safety evaluation titled "Analysis of the Consequences of High Energy Piping Failures Outside Containment", dated December 20, 1974, was written in support of Amendment No. 7. This safety evaluation contains the results of Boston Edison Company (CECo) and NRC reviews of the consequences of high energy piping failures outside primary containment. The safety evaluation also established the criteria to be applied should BECo request permanent relief from the requirement to perform these monthly visual inspections. These criteria specified that certain modifications must be completed at Pilgrim Station before the operating restriction would be removed. All but one of the modifications discussed in the safety evaluation have been completed and are incorporated into design documents. The one exception is a modification to install backup RBCCW valves for the equipment area cooling units located within the RCIC pump compartment. A documented reevaluation concluded that this modification is not necessary because an adequate floor separates the cooling lines from any potentially generated missiles. Therefore, there should not be a significant increase in the probability or consequences of any of the previously evaluated accidents.

10 CFR 50.92(c)(2) states that the proposed amendment should not". . . Create the possibility of a new or different kind of accident from any accident previously evaluated. . ."

The imposed operating restriction was considered to be a temporary measure until the modifications reviewed in the NRC safety evaluation are completed. BECo has completed the necessary modifications; therefore, the possibility of a new or different kind of accident will not be created by delection of the compensatory inspection requirement.

10 CFR 50.92(2)(3) states that the proposed amendment should not ". . . Involve a significant reduction in a margin of safety."

The completed modifications described in FSAR Supplement No. 34 increases the margins of safety in the event of a high energy line break outside primary containment. Since compensatory measures in the form of periodic visual inspections were only necessary until those permanent modifications could be made, and they have been completed, the proposed amendment does not involve a significant reduction in a margin of safety.

Based on the above analysis, the licensee concluded that its amendment request involves no significant hazards consideration. The staff has reviewed the licensee's no significant hazards determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the requested amendment involves no significant hazards considerations.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W.S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Project Director: John A. Zwolinski.

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut; Northeast Nuclear Energy Company, Docket Nos. 50-245, 50-336 and 50-423, Millstone Nuclear Units Nos. 1, 2, and 3, New London County, Connecticut.

Date of amendment requests: May 30, 1986.

Description of amendment requests: Generic Letter 82-21 specifically states that an individual/group not associated with the utility should perform the fire protection audit at least once every 3 years. The proposed license amendments would revise each plant's technical specifications to include the use of a qualified outside fire protection consultant independent of Northeast Utilities at least every 3 years.

Basis for proposed no significant hazards consideration determination: The proposed license amendments provide an improved level of fire protection in that the triennial fire protection and loss prevention audits will be performed by a qualified fire protection consultant, which will augment the audit process currently performed by utility personnel. The Commission has provided examples (48 FR 14870, April 6, 1983) of actions not likely to involve significant hazards considerations. 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 stafff has reviewed the proposed license amendments and concluded that they fall within the envelope of example (ii) since the use of a qualified independent auditor to augment the current licnesees' audit process constitutes a more stingent surveillance requirement than performing audits only using licensee personnel.

Accordingly, the staff proposes to determine that the proposed license amendments do not involve a significant hazards consideration.

Local Public Document Room locations: Russell Library, 123 Broad Street, Middletown, Connecticut 06457, and Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Directors: Christopher I. Grimes, Ashok C. Thadani, and Vincent S. Noonan.

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: May 9, 1986.

Discription of amendment request: The proposed amendment would revise the Technical Specifications to correct typographical errors contained in Consolidated Edison's amendment application dated April 10, 1986 and the subsequently issued Amendment No. 110 issued March 3, 1986, the Facility Operating License No. DPR-26. Specifically the proposed corrections are in section 3.10.2.1(b) and include insertion of a less than or equal sign preceeding 25% steam generator tube plugging and the deletion of the denominator P, following the factor 4.64 in the hot channel factor equation for P less than or equal to 0.5.

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). One of the examples (i) of actions not likely to involve significant hazards considerations relates to a purely administrative change to technical specifications: for example a change to achieve consistency throughout the technical specifications, correction of an error or a change in nomenclature. The

proposed revision to the Technical Specifications is consistent with example (i) in that the proposed change corrects an error. Therefore, the staff proposes to determine that the amendment does not involve a significant hazards determination.

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.

GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: June 17, 1986 (TSCR 149).

Description of amendment request: The proposed amendment would make changes to section 2.3, Limiting Safety System Settings, and to section 3.10, Core Limits, of the Appendix A Technical Specifications (TS) to account for the Operating Cycle 11 reload. The changes to section 2.3 would increase (1) the neutron flux scram setting for the average power range monitors (APRM) and (2) the neutron flux, control rod block setting. The changes to section 3.10 would increase the minimum critical power ratio (MCPR) limits and revise the maximum allowable average planar linear heat generation rate (MAPLHGR) for five loop and four loop operation in Figures 3.10-4 and 5, respectively. The changes to the figures are to replace the MAPLHGR for the existing fuel type P8DRB265L by that for the new fuel type P8DRB299. The MAPLHGR for the existing fuel types P8DRB239 and P9DRB265H in Figures 3.10-4 and 3.10-5 are not being changed by this proposed amendment. Included with these proposed changes are proposed changes to the Bases for TS sections 2.3 and 3.10.

Basis for proposed no significant hazards consideration determination: The licensee has proposed Technical Specification Change Request (TSCR) No. 149 to (1) take into account the use of new General Electric (GE) Type P8DRB299 fuel assemblies in the core in operating Cycle 11, (2) allow greater flexibility during startup and during power escalations to plant rated power operating conditions, and (3) take into account in operating Cycle 11 the arrangement of the new fuel type and the existing fuel type from operating Cycle 10. The changes to account for the new fuel type are the changes to add the MAPLHGR as a function of the average planar exposure to Figures 3.10-4 and 3.10-5 for the GE type P8DRB299 fuel. The changes to allow for greater flexibility during startup and power escalations are to increase (1) the APRM flux scram setting and (2) the rod block setting. And the change to account for the arrangement of the new and old fuel types in the core is to increase the MCPR limit.

The Cycle 10 core for Oyster Creek consisted of Exxon Type VB assemblies, GE Type P8DRB239 assemblies and GE Type P8DRB265H assemblies. The Cycle 11 core will consist of Exxon Type VB assemblies, GE Type P8DRB239 assemblies, GE Type P8DRB265H assemblies, GE Type P8DRB299ZA assemblies and GE Type P8DRB299Z assemblies. The GE Type P8DRB299ZA assemblies and GE Type P8DRB299Z assemblies are both included in the requirement being proposed for the GE Type P8DRB299 fuel.

The MAPLHGR is the maximum in-core value of the average of the linear heat generation rate for all the fuel bundles at any given horizontal plane across the core. The linear heat generation rate is the rate of generating heat from a fuel bundle per unit length of the bundle in kilowatts per foot. TS 3.10.A2. requres during power operation that the average linear heat generation rate of all the rods in any fuel bundle at any axial location shall not exceed the MAPLHGR limits in Figure 3.10-4 (for 5 loop operation) and Figure 3.10-5 (for 4 loop operation). This requirement limits the maximum heat generation rate int he core during power operation to prevent the fuel rod peak cladding temperature from exceeding a maximum acceptable value in any accident. This acts to prevent fuel damage in the accident.

The APRM uses local neutron flux to calculate the average neutron flux or power of the reactor core. The APRM system receives the reactor circulation flow rate to establish the flow bias trip signal which is being changed by this proposed amendment. The APRM flow bias trip setting is to scram the reactor core on too high a core power for the reactor flow rate. The rod block monitor determines the local core power in the vicinity of a control rod selected for movement and blocks the rod movement if the local power is excessive for the reactor flow rate. The flow bias setting for blocking rod movement is also being changed by this proposed amendment.

The MCPR is the smallest critical power ratio (CPR) allowed in the core during power operation. The CPR is the ratio of the critical power for the fuel bundle, where the nucleate boiling process breaks down within the bundle and transition boiling commences, to the bundle operating power. Keeping the bundle power below the critical power will keep (1) the fuel rod heat transfer in the nucleate boiling regime which is a higher heat transfer process than the transition boiling regime and (2) the cladding temperture at a lower value for the heat transfer rate. The MCPR is greater than 1.0 to account for errors in calculations and instrumention. The MCPR would be increased by the proposed amendment which is changing the MCPR in the conservative direction.

Amendment No. 75, Cycle 10 Refueling, dated August 24, 1984, authorized changes to the TS to allow operation of Oyster Creek with the Cycle 10 reload. The NRC's safety evaluation for Amendment No. 75 was based on the NRC staff's comparison of NEDO-24195, "General Electric Reload Fuel Application for Oyster Creek," with NEDO-24011, "General Electric Boiling Water Reactor Generic Reload Fuel Application." NEDO-24011 has been reviewed and approved by the staff for reference in the safety analysis of boiling water reactors. The staff concluded that the procedures employed in the Cycle 10 reload design and analysis for Oyster Creek were essentially the same as those described in the previously approved NEDO-24011 report and were acceptable. In addition, the staff concluded that the procedures used by the licensee to establish operating limits were acceptable. The safety analyses performed by the licensee in support of the Cycle 11 reload core design use the methods described by NEDO-24195. The Appendix D to NEDO-24195, which is a summary of results of the Cycle 11 reload core design and safety analysis, is attached to the licensee's June 17, 1986, application to support the licensee's proposed changes to the TS.

The licensee stated that, with respect to the MCPR limit calculated by (GE), the Rod Withdrawal Error transient (RWE) was the most limiting for Cycle 11 with a maximum Delta-CPR of 0.36. This represents an increase from the Cycle 10 value which was 0.33. The licensee explained that the main reason for the increase is that the RWE was performed with the proposed Rod Block maximum setpoint of 108% for Cycle 11 while the original analysis for Cycle 10 used the current Rod Block maximum setpoint of 106%. The licensee stated that the proposed MCPR value of 1.45 was conservatively chosen but that this should not create operating difficulties because the licensee expects the plant to operate with an MCPR margin of at least 20% in operating Cycle 11. The licensee explained that the APRM scram

and rod block settings were modified to allow greater flexibility during startup and power escalation to related conditions.

With respect to the MAPLHGR limits, the licensee stated that the emergency core cooling system responses and heat transfer coefficients remained unchanged from the previous reload evaluations. The only differences between this proposal and the previous Cycle 10 analysis are in the Cycle 11 fuel bundle nuclear characteristics because of the new GE fuel type. The licensee stated that operating the Cycle 11 fuel bundles within the proposed MAPHGR limits will ensure that the peak clading temperatures will not exceed 2200° during a loss-coolant accident.

Based on the above the staff has concluded that operation of the Oyster Creek 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 proposed amendment would keep the core fuel operating conditions in operating Cycle 11 within safe operating limitations based on analyses previously approved by the staff.

(2) Does not create the possibility of a new or different kind of accident from any accident previously analyzed because:

The proposed amendment is based on analyses which have been previously reviewed and approved by the staff.

(3) Does not involve a significant reduction in a margin of safety because:

The proposed amendment would keep the Cycle 11 fuel operating conditions within acceptable limits.

Therefore, because the licensee's request meets the above three criteria in 10 CFR 50.92(c), the staff proposes to determine that the licensee's proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: Ernest L. Blake, Jr.; Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, DC 20036.

NRC Project Director: John A. Zwolinski.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County Michigan

Date of amendment request: May 30, 1986 supplemented on June 23, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specifications by adding requirements on the fire-unaffected Unit to support the alternate safe shutdown or emergency remote shutdown of the opposite fire-affected Unit. The changes are necessary to meet the requirements of 10 CFR 50, Appendix R.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards determination by providing certain examples (51 FR 7744). One of these examples (ii) is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. The change to add requirements for the alternate or remote shutdown capability from the fire-unaffected Unit to the fire-affected Unit is directly related to this example. Therefore, the Commission proposes to find that the changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, DC 20036.

NRC Project Director: B.J. Youngblood.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: May 27, 1986.

Brief Description of amendment: The proposed amendment would modify Technical Specification section 6.12, High Radiation Area, Table 3.6.2a, Instrumentation That Initiates Scram, Table 3.6.2b, Instrumentation that Initiates Primary Coolant System or Containment Isolation, Table 3.6.2h, Vacuum Pump Isolation, and the notes to these tables to allow Niagara Mohawk to demonstrate the feasibility of a Hydrogen Water Chemistry System as a mitigator of intergranular stress corrosion cracking of stainless steel piping at Nine Mile Point Unit 1.

Date of publication of individual notice in Federal Register: June 9, 1986 (51 FR 20902); corrected June 16, 1986 (51 FR 21813).

Expiration date of individual notice: July 8, 1986.

Local Public Document Room location: State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County Minnesota

Date of amendments request: June 6, 1986.

Description of amendments request: The proposed amendments would incorporate operability and testing requirements related to the inadequate core cooling instrumentation systems (ICCI) associated with the subcooling margin monitors, core exit thermocouples and the reactor vessel level instrumentation systems (RVLIS) at the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2. The licensee was requested by our Generic Letters 82–28 and 83–37 to install ICCI systems and propose technical specifications to assure adequate operability and testing of these instrumentation systems.

This proposed technical specification is in response to Generic Letters 82–28 and 83–37 and in accordance with the licensee's application for amendments dated June 6, 1986.

Before issuance of the proposed license amendments, the Commission will have made findings required by Atomic Energy Act of 1954 as amended (the Act) and the Commission's regulations.

Basis for proposed no significant hazards consideration determination: The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve 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 previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of standards for making a no significant hazards consideration determination by providing examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards

consideration involves additional limitations, restrictions, or controls not presently included in the technical specifications. Specifically, the proposed technical specification change will impose additional restrictions requiring operability of the ICCI systems and specifying testing of the ICCI systems. These additional restrictions have been requested by GLs 82-28 and 83-37 and by our letter dated May 8, 1986. On this basis, the staff believes that this amendment application is enveloped by example (ii) and proposes that this change does not involve a significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, DC 20036.

NRC Project Director: George E. Lear.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: April 30, 1986.

Description of amendment request: The purpose of this proposed change is to include an anticipatory reactor trip upon turbine trip in the Indian Point 3 Technical Specifications. NUREG-0611, "Generic Evaluation of Feedwater Transients and Small Break Loss-of-Coolant Accidents in Westinghouse-Designed Operating Plants," describes analyses performed by Westinghouse which demonstrates that the anticipatory reactor trip on turbine trip will reduce the ensuing Reactor Coolant System pressure transients.

The anticipatory reactor trip on turbine trip may be blocked during turbine overspeed surveillance testing in order to ensure safe operation of the turbine overspeed trip.

The licensee has previously confirmed that Indian Point 3 has an anticipatory reactor trip on turbine trip (IP-80-117), dated December 30, 1980). This change merely adds additional surveillance to an existing condition.

Basis for proposed no significant hazards consideration determination: In accordance with the requirements of 10 CFR 50.92, the licensee has determined this application to involve no significant hazards as stated below:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response The proposed Technical Specification changes reflect existing plant instrumentation configuration. This configuration is described in the Final Safety Analysis Report (FSAR). Plant system operation or functions will not be affected and new systems or equipment are not being introduced.

Therefore, the Technical Specification changes will not involve any significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response A new or different kind of accident cannot be created by the proposed changes. As discussed in NUREG/0611, analyses performed by Westinghouse have demonstrated that the anticipatory reactor trip on turbine trip will reduce the ensuring Reactor Coolant System pressure transients. This proves to be beneficial to the safe shutdown of the plant during certain overpressure transients. The changes incorporate an existing instrument trip condition into the Technical Specifications. The function of systems and equipment have not been impacted by the changes.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response The proposed changes add an anticipatory reactor trip upon turbine trip. The incorporation of an existing instrumentation trip condition into the Technical Specifications provides additional assurance that Generic Letter 82-16, Item II.K.3.12, will be satisfied. Therefore, these changes does not involve any significant reduction in a margin of safety.

The staff agrees with the licensee's assessment and proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbia Circle, New York, New York, 10019.

NRC Project Director: Steven A. Varga.

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: May 15, 1986.

Description of amendment request: The proposed changes to the Technical Specifications provides for new instrument setpoints which include allowance for instrument errors. These changes were previously submitted on June 21, 1985 and noticed in the Federal Register on August 14, 1985 (50 FR 32801).

Basis for proposed no significant hazards consideration determination: The basis provided in the previous notice remains valid.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Project Director: Herbert N. Berkow.

Southern California Edison Company, et al, Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of Amendment Request: April 27, 1984 and August 29, 1985 (Reference PCN-111).

Description of Amendment Request: PCN-111 would revise Table 4.11-2, "Radioactive Gaseous Waste Sampling and Analysis Program" of Technical Specification 3/4.11.2, "Gaseous Effluents," and Technical Specification 3.11.2.3, "Dose-Radioiodines, Radioactive Materials in Particular Form and Tritium." in order to allow disposal of radioactively contaminated reactor coolant pump (RCP) motor oil, turbine building sump and other waste oil by incineration.

T.S. ¾.11.2 provides the maximum dose rates at which radioactive gaseous effluents may be released into the environment. Table 4.11-2 lists the different types of radioactive gaseous releases and specifies sampling and analysis requirements to verify that dose rates are within the limit.

Currently, Table 4.11-2 does not recognize incineration of waste oil as a release type. The proposed change would revise Table 4.11-2 to reflect incineration of oil as a release type and specify sampling and analysis requirements which must be met prior to incineration in order to verify that the dose limit will not be exceeded.

T.,S. 3.11.2.3 specifies limits on dose which an individual may receive due to radioiodines, radioactive materials in particulate form and tritium released from the plant in any calendar quarter and calendar year. The proposed change would revise T.S. 3.11.2.3 to limit the dose contribution resulting from the incineration of oil to less than 0.1% of

the specified dose limits for radioiodines, particulates, and tritium.

Basis for Proposed No Significant Hazards Consideration Determination: 10 CFR 50.92 states that a proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

In accordance with 10 CFR 50.91(a)(1) the licensee submitted the following analysis of the proposed amendment using the criteria of 10 CFR 50.92.

The proposed change discussed above shall be deemed to constitute a significant hazards consideration if there is a positive finding in any of the following areas.

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The release of the radioactive material contained in the oil does not constitute an accident evaluated in the Final Safety Analysis Report. Compliance with 10 CFR Part 20 Appendix B, Table II Column I, and dose objectives of 10 CFR Part 50, Appendix I, insures that the health and safety of the public will not be endangered and that there will be no significant impact by the Station on the environment. Concentrations of any radioactivity leaving the Station will be calculated and documented per methods in the Offsite Dose Calculation Manual. The potential dose that could occur as a result of the incineration of contaminated oil has been calculated. The highest radioactivity concentration would probably be less than 4.6 uCi per drum based on the results of the highest concentration in Reactor Coolant Pump oil from an 860 MwE net unit owned by another utility (0.2 uCi Co–58, 0.3 uCi Co–60, 1.0 uCi Cs–134, and 3.1 uCi Cs–137 per drum). Assuming this worst case concentration were the average for all 1000 gallons incinerated per year at San Onofre, the dose to any organ of the maximum exposed individual (a child at the nearest residence located 1.3 miles NNW of the plant) was calculated to be 0.001 mrem/yr based on a X/Q of 1.2 E–6 sec/m^2 and a D/Q of 4.5 E–9 m^{-2}. This dose is 0.01% of the technical specification limit in Section 3/4.11.2.3.2 and is considered to be an insignificant contribution to dose via this pathway. The proposed technical specification would require calculations of doses associated with the incineration of each barrel, and would limit the accumulated dose during a calendar quarter or calendar year to less than 1% of 10 CFR 50, Appendix I limiting does objectives. This is an appropriate small fraction of such limits for this source and is considered to be As Low As Is Reasonably Achievable. In addition to the above considerations, the equipment used to incincerate waste oil will not be interconnected with or in the immediate vicinity of safety-related systems, and thus will not have an impact on previously evaluated accidents.

2. Will operation of the facility in accordance with this proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Release of the radioactivity contained in the oil meets the requirements of 10 CFR Part 20 and 10 CFR Part 50 Appendix I, and thus does not constitute an accident.

3. Will operation of the facility in accordance with this proposed amendment involve a significant reduction in margin of safety?

Response: No.

Release of the radioactive material contained in the oil will not result in a significant reduction in a margin of safety because as, discussed above, the requirements of 10 CFR Part 20 and 10 CFR Part 50 Appendix I will be met.

The staff has reviewed the licensee's analysis and concludes that the proposed amendment satisfies the criteria of 10 CFR 50.92. Based on that conclusion the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room Location: General Library, University of California at Irvine, Irvine, California 92713.

Attorney for Licensee: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David Pigott, Esq., 600 Montgomery Street, San Francisco, California 84111.

NRC Director: George W. Knighton.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 10, 1986.

Description of amendment request: The proposed amendments would delete Table 3–4–1, "Reactor Coolant System Pressure Isolation Valves" from the Technical Specifications. The valves listed in Table 3.4–1 prevent leakage from the reactor coolant system, which is a high-pressure system, into a lower pressure system. In order to ensure proper control of any eliminations or additions to the table, it would be placed in the appropriate plant instructions; therefore, changes would have to be evaluated against the criteria given in the Code of Federal Regulations, Title 10, Part 50.59(a)(2), [10 FR 50.59(a)(2)].

Basis for proposed no significant hazards consideration determination: The NRC published guidance in the **Federal Register** (51 FR 7744) concerning examples of amendments that are not likely to involve a significant hazards consideration.

Example (i) provided in 51 FR 7744 identifies a proposed amendment to an operating license likely to involve no significant hazard if it is "a purely administrative change to technical specifications." The TVA requested change would be purely administrative since it would alter the method of listing the pressure isolation valves. There would be no change to the plant design, configuration, or testing requirements, and any changes made to the table would still require a 10 CFR 50.59(a)(2) review.

Accordingly, the Commission proposes to determine that these proposed amendments to the TS involve no significant hazards considerations.

Local Public Document Room location: Chattanooga-Hamilton County Bicentenial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Mr. Herbert S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tennessee 37902.

NRC Project Director: B.J. Youngblood.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment requests: June 16, 1986.

Description of amendment requests: The proposed change would revise the audit frequency of Surry Power Station's Security Plan to occur at least once per 12 months instead of 24 months. This change would make the requirement of the Technical Specifications consistent with the requirements of 10 CFR Part 73.40(d).

Basis for proposed no significant hazards consideration determination:

Pursuant to 10 CFR 50.92, the proposed change does not involve a significant hazards consideration because operation of Surry Units 1 and 2 in accordance with the change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The change revises the audit frequency of the Station Security Plan from 24 to 12 months. The change does not alter plant operations or design and therefore cannot increase the probability or consequences of an accident.

(2) Create the possibility of a new or different kind of accident from any accident previously analyzed because the modification of the audit frequency for the Station Security Plan does not alter plant design or operations.

(3) Involve a significant reduction in a margin of safey because the audit frequency change does not affect the basis for any Technical Specification or the safety analysis in the Updated Final Safety Analysis Report.

The Commission has provided examples of changes that constitute no significant hazards consideration in Federal Register Volume 48, page 14870. Example (i) consists of a purely administrative change to Technical Specifications and example (vii) consists of a change to make a license confrom to changes in the regulations. The proposed change is similar to example (i) in that it corrects and administrative inconsistency between 10 CFR 73.40(d) and the Technical Specifications. The proposed change is also similar to example (vii) in that the change will make the license conform to 10 CFR 73.40(d).

Accordingly, the Commission proposes to determine that the change does not involve a significant hazard consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael W. Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

MRC Project Director: Lester S. Rubenstein.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this bi-weekly notice. They are repeated here because the bi-weekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Arkansas Power and Light Company, Docket No. 50-368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of Amendment Request: April 1, 1986.

Brief Description of Amendment: Technical Specification changes to allow replacement of a bank of the station batteries during the fifth refueling outage.

Date of Publication of Individual Notice in Federal Register: June 10, 1986 (51 FR 21032).

Expiration Date of Individual Notice: July 9, 1986.

Local Public Document Room Location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Arkansas Power and Light Company, Docket No. 50-368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of Amendment Request: June 9, 1986.

Brief Description of Amendment: Changes to Technical Specification 3/4.10, "Specific Test Exception—Shutdown Margin" to allow surveillance of Control Element Assemblies not fully inserted in the core to be performed within seven days prior to the tests instead of within 24 hours prior to the tests.

Date of Publication of Individual Notice in Federal Register: June 20, 1986 (51 FR 22584).

Expiration Date of Individual Notice: July 21, 1986.

Local Public Document Room Location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date amendment request: May 15, 1986, as supplemented May 23, 1986.

Brief description of amendment: The amendment would revise the Technical Specifications to reflect the third of several refueling stages involved in the continuing transition to the use of optimized fuel assembles in Unit 1.

Date of publication of individual notice in Federal Register: June 27, 1986 (51 FR 23484).

Expiration date of individual notice: July 28, 1986.

Local Public Document Room location: Atkins Library, Univeristy of North Carolina, Charlottee (UNCC Station), North Carolina 28223.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and

(3) the Commission's related letters, Safety 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 obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit, Pope County, Arkansas

Date of Application for Amendment: November 27, 1985.

Brief Description of Amendment: The amendment revised the Technical Specifications to add requirements related to radiation monitoring of the HVAC exhaust for the new Low-Level Radwaste Storage Building.

Date of Issuance: July 3, 1986.

Effective Date: July 3, 1986.

Amendment No.: 74

Facility Operating License No. NPF–6: Amendment revised the Technical Specifications.

Date of Initial Notice in Federal Register: March 12, 1986 (51 FR 8586) The Commission's related evaluation of the amendment is contained in a Safety Evaluated dated July 3, 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: Partial response completing action on applications dated December 22, 1983 and October 25, 1985 as supplemented by letter dated April 21, 1986.

Brief description of amendments: The amendments changed the Unit 1 and Unit 2 Technical Specifications (TS) as follows: (a) A provision is added to TS 3.6.5.1, "Combustible Gas Control-Hydrogen Analyzers," to allow the changing of operational Modes with inoperable hydrogen analyzers (3.0.4 not applicable), (2) the reporting requirements of TS 4.4.5.5, "Reports-Steam Generators" are clarified, and (3) a new TS 3/4.4.13, "Reactor Coolant System Vents" is incorporated in the TS.

Date of issuance: June 30, 1986.

Effective date: June 30, 1986.

Amendment Nos.: 119 and 101.

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 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of application for amendment: February 25, 1986.

Brief description of amendment: The amendment changes the Technical Specifications by updating the references to American Society of Testing and Materials standards for diesel fuel oil.

Date of issuance: July 1, 1986.

Effective date: 30 days after the date of issuance.

Amendment No.: 96.

Facility Operating License No. DPR–35. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16923).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 1, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: December 10, 1986.

Brief description of amendment: The amendments change the Technical Specifications (TS) by clarifying the operability requirements for the core spray system.

Date of issuance: June 20, 1986.

Effective date: June 20, 1986.

Amendment No.: 98 and 126.

Facility Operating License Nos. DPR–71 and DPR–62. Amendments added a license condition.

Date of initial notice in **Federal Register:** January 29, 1986 (51 FR 3710)

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: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Duke Power Company, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendment: May 5, 1986.

Brief description of amendment: The amendments extend on a one-time basis, by a maximum of three months, certain surveillance requirements and by a maximum of four months, the inspection of each diesel generator.

Date of issuance: July 3, 1986.

Effective date: July 3, 1986.

Amendment No.: 8 and 1.

Facility Operating License Nos. NPF–35 and NPF–52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 21, 1986 (51 FR 18705)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 3, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: January 24, 1986.

Brief description of amendment: The amendment changes the Technical Specifications for Beaver Valley Unit No. 1 to clarify the Modes 5 and 6 charging pump surveillance requirements. Only the charging pump is capable of inadvertently overpressurizing the reactor vessel; the surveillance specification is thus clarified to refer only to the charging pump, not other pumps.

Date of issuance: June 24, 1986.

Effective date: June 24, 1986.

Amendment No.: 103.

Facility Operating License No. DPR–66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8590)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 24, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: February 5, 1986.

Brief description of amendment: The amendment changes the Technical Specifications for Beaver Valley Unit No. 1 to revise the reporting requirements on reactor coolant specific activity from "Special Report" to "Annual Report," and to delete an action statement regarding limits on operation when radioiodine level is greater than 1 uCi/gm in the primary coolant. both These changes are in accordance with NRC Generic Letter 85-19.

Date of issuance: June 24, 1986.

Effective date: June 24, 1986.

Amendment No. 102.

Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1986 (51 FR 8590).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 24, 1986.

No significant hazards consideration comments receive: No.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

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 7, 1985.

Brief of description of amendment: The amendment revises reactor vessel operating temperature and pressure limits and to intake associated editorial changes.

Date of issuance: June 20, 1986.

Effective date: June 20, 1986.

Amendment No.: 126.

Facility Operating License No. DPR-57. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 26, 1986 (51 FR 10460).

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.

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: July 26, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to add a specification and table addressing component cyclic and transient limits.

Date of issuance: June 26, 1986.

Effective date: June 26, 1986, and shall be implemented within 60 days.

Amendment No.: 128.

Facility Operating License No. DPR-57. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 28, 1985 (50 FR 34941).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 26, 1986.

No Significant hazards consideration comments received: No.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

Indian 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 for amendments: March 14, 1986.

Brief description of amendments: The amendments revise the Technical Specifications to change the HVAC Charcoal Filter Fire Suppression Systems to a manual mode of operation as a means to prevent undetected leakage of water on the filters and filter failure.

Date of issuance: June 30, 1986.

Effective date: June 30, 1986.

Amendment Nos.: 97 and 84.

Facility Operating License Nos. DRP-58 and DPR-74. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16929)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 30, 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.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: September 24, 1982.

Brief description of amendment: The amendment revises the Technical Specifications to reflect the installation of the Alternate Rod Injection (ARI) system and revises Table 3.7.1 to show the normal position of the recirculation loop sample valves. Amendment No. 42 dated March 27, 1986 revised Sections 2.6.G and 4.6.G (Jet Pumps) but inadvertently old subsection 3.6.G.3 was not deleted. This amendment also includes revised page 129 with subsection 3.6.G.3 deleted. This amendment resolves Items 1 and 10 of this application. Item Nos. 2, 3, 4, 5, 6, 8 and 11 were resolved in Amendment Nos. 32 (5/28/85), 12 (11/30/82), 22 (2/2/84), 17 (4/18/83), 42 (3/27/86), 36 (12/23/85) and 41 (3/24/86) respectively. Item No. 7 was withdrawn and Item No. 9 is under staff review.

Date of issuance: July 1, 1986.

Effective date: July 1, 1986.

Amendment No.: 45.

Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983 (48 FR 40589), and June 20, 1984 (49 FR 25365). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 1, 1986.

No Significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: September 14, 1984, and clarified on January 10 and May 7, 1986.

Brief description of amendment: The amendment reflects the changes in the revised section of 10 CFR 50.72, and a new section, 10 CFR 50.73, both of which became effective on January 1, 1984. The revised subsection 50.72 modifies the immediate notification requirements for operating nuclear power reactors and subsection 50.73 provides for a revised Licensee Event Report System. The amendment also includes changes to Table 6.1.1, "Minimum Shift Crew Composition" to comply with the

requirements of 10 CFR 50.54(m)(2). In addition, organizational changes include two position title changes and a new position of Assistant Plant Manager.

Date of issuance: July 1, 1986.

Effective date: July 1, 1986.

Amendment No.: 46.

Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38917).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 1, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: April 9, 1986.

Brief description of amendment: The amendment incorporated operability and surveillance requirements for new fire suppression equipment in the compressor room.

Date of issuance: July 1, 1986.

Effective date: July 1, 1986

Amendment No.: 98.

Facility Operating License No. DPR-40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16932).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 1, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room Located: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: December 8, 1982 supplemented October 10, 1983, August 8, 1984, and August 19, 1985.

Brief description of amendment: The amendment changes the Technical Specifications to extend the reactor vessel pressure-temperature limits from 10.6 to 21.0 effective full power years (EFPY) and permits withdrawal of the next reactor vessel surveillance capsule at 17 EFPY as a result of the analysis of the reactor vessel surveillance capsule T.

Date of issuance: June 12, 1986.

Effective date: June 12, 1986.

Amendment No. 15.

Facility Operating License No. DPR-18. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: October 26, 1983 (48 FR 49595).

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: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Southern California Edison Company, et al. Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Dates of applications for amendments: April 2 and 27, 1984.

Brief description of amendments: The amendments revise Technical Specification Table 3.8-1, "Containment Penetration Conductor Overcurrent Protective Devices," to correct equipment designations and Technical Specification 4.3.3.2.a to state that a channel check is not needed in the case of a temporary loss of the plant computer.

Date of issuance: June 20, 1986.

Effective date: June 20, 1986.

Amendment Nos: 49 and 38.

Facility Operating License Nos. NPF-10 and NPF-15. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 23, 1985 (50 FR 16015).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 20, 1986.

No significant hazards consideration comments were received: No.

Local Public Document Room Location: General Library, University of California at Irvine, Irvine, California 92713.

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Dates of Applicant of Amendments: February 7, 1986.

Brief Description of Amendments: The amendments revise Technical Specification 3/4.4.7, "RCS Specific Activity" in accordance wtih NRC Generic Letter 85-19.

Date of Issuance: June 25, 1986.

Effective Date: June 25, 1986, to be implemented within 30 days of issuance.

Amendment Nos.: 50 and 39.

Facility Operating License Nos. NPF-10 and NPF-15: Amendments revised the Technical Specifications.

Date of Initial Notice in **Federal Register:** May 21, 1986 (51 FR 18695). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 25, 1986.

No significant hazards considered comments were received: No.

Local Public Document Room Location: General Library, University of California at Irvine, Irvine, California 92713.

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: May 10, 1985, as supplemented November 21, 1985.

Brief description of amendment: The amendment revised the Technical Specifications to accommodate shifts in transition temperature of the reactor pressure vessel materials that were induced by radiation damage. These shifts were accounted for by revision of the plant pressure-temperature limits for heating up and cooling down the reactor vessel. Periodic review and adjustment, if necessary of the curves to account for the effects of irradiation are required by 10 CFR Part 50, Appendices G and H.

Date of issuance: June 24, 1986.

Effective date: June 24, 1986.

Amendment No.: 93.

Facility Operating License No. DPR-28:

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38923). The November 21, 1985 submittal provided clarifying information and therefore did not change the findings of the initial **Federal Register** notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 24, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

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: May 8, 1986.

Brief description of amendments: The amendments revise limiting condition for operation (LCO) for the component cooling water (CCW) system to permit a component cooling water heat exchanger to be out of service for up to

five days between the period of July 1 to September 30, 1986. This change allows replacement of existing heat exchangers and the installation of an additional heat exchanger.

Date of issuance: June 25, 1986.

Effective date: Upon issuance.

Amendment Nos.: 101 and 104.

Facility Operating License Nos. DPR-24 and DPR-27. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: May 21, 1986 (51 FR 18698).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 25, 1986.

No significant hazards consideration comments received:

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Bethesda, Maryland this 10th day of July 1986.

For the Nuclear Regulatory Commission.

R. Wayne Houston,

Acting Director Division of BWR Licensing Office of Nuclear Reactor Regulation.

[FR Doc. 86-15917 Filed 7-15-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Prior Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17 issued to Duke Power Company for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The amendments would revise Technical Specification (TS) 3/4.4.5, "Steam Generators" and its bases. The revision would eliminate the requirement for plugging of a steam generator tube if the tube defects are located at least 2 inches below the top of the tubesheet. The associated bases 3/4.4.5 would be supplemented to distinguish between requirements for plugging of tubes with defects located at least two inches below the top of the tubesheet and those located elsewhere in the tubes.

These revisions to the technical specifications would be made in response to the licensee's application for amendments dated June 24, 1986, as supplemented by letter dated July 1, 1986. Additional submittals may be requested by the Commission during the course of its continuing review.

Existing plant Technical Specifications for tube plugging criteria apply throughout the tube length and do not take into account the reinforcing effect of the tubesheet on the external surface of the tube. In reality, the presence of the tubesheet will constrain the tube and will complement its integrity in the region by precluding tube deformation beyond its expanded outside diameter. The resistance to both tube rupture and tube collapse is significantly strengthened by the tubesheet. In addition, the proximity of the tubesheet significantly affects the leak of throughwall tube cracks in this region, i.e., no significant leakage relative to that allowed by plant technical specifications is to be expected. Based on these factors, consideration of a revised criterion as proposed by the licensee, or an alternative criterion which may be requested by the licensee for tube plugging may be justified for tube defects below a predetermined depth within the tubesheet region.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended, (the Act) and the Commission's regulations.

By Aug. 15, 1986, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. 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. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States 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 or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missiouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to B.J. Youngblood: 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 Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing in support of the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated June 24, 1986 and its supplement dated July 1, 1986, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Dated at Bethesda, Maryland, this 11th day of July 1986.

For the Nuclear Regulatory Commission.

Dave Wigginton,

Acting Director, PWR Project Directorate #4, Division of PWR Licensing–A.

[FR Doc 86–16006 Filed 7–15–86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346-ML; ASLBP No. 86-525-01-ML]

Toledo Edison Co., et al. (Davis-Besse Nuclear Power Station, Unit No. 1); Hearing

July 15, 1986.

Before Helen F. Hoyt, Administrative Judge.

The new hearing schedule for the informal proceedings in this case is as follows:

August 5: 9:30 a.m.—5:00 p.m.

August 6: 9:30 a.m.—5:00 p.m.; 7:00 p.m.—10:00 p.m. (limited appearance statements of 5 minutes)

August 7: 9:30 a.m.—5:00 p.m.

The location for the hearing is Sandusky High School, 2130 Hayes Avenue, Sandusky, Ohio 44870.

Helen F. Hoyt,

Administrative Judge.

[FR Doc. 86–16003 Filed 7–15–86; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Mainstem Passage Advisory Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Mainstem Passage Advisory Committee of the Mainstem Passage Advisory Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Update on bypass system development and schedules at mainstem Corps dams.
- Report on FISHPASS model sensitivity analysis.
- Other.
- Public comment.

DATE: July 25, 1986, 9:00 a.m.

ADDRESS: The meeting will be held in the Council's Meeting Room, 850 SW. Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503–222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 86–15970 Filed 7–15–86; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-15198; File No. 812-6357]

Application and Opportunity for Hearing; Western Reserve Life Assurance Co. of Ohio, et al.

July 9, 1986.

Notice is hereby given that Western Reserve Life Assurance Company of Ohio, (the "Company"), WRL Series Life Account (the "Series Account") and Pioneer Western Distributors, Inc. ("PW Distributors"), (collectively, "Applicants,") 201 Highland Avenue, Largo, Florida 33540, filed an application on April 24, 1986, and an amendment thereto on July 2, 1986, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants and certain proposed transactions from sections 2(a)(32), 22(c), 26(a)(2), 27(c)(1), 27(c)(2) and 27(d) of the Act, and from Rules 6e–3(T)(b)(12), 6e–3(T)(b)(13), 6e–3(T)(c)(2) and 22c–1 thereunder, to the extent necessary, to treat the "disability waiver" rider and the "disability waiver and income" rider as incidental insurance benefits within the meaning of Rule 6e–3(T) and to permit the deduction of an administrative charge and the premium tax in the form of a contingent deferred charge, in connection with the issuance of flexible premium variable life insurance contracts. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations, which are summarized below, and are referred to the Act and the rules thereunder for a statement of the relevant statutory provisions.

Applicants state that the Company is a stock life insurance company organized under the laws of the State of Ohio and is admitted to do business in 48 states, the District of Columbia and on military installations in Europe under the Department of Defense authority. Applicants state that the Company is the sponsor–depositor for the Series Account. Applicants state that the Series Account, a segregated investment account of the Company, has registered under the Act as a unit investment trust. Applicants state that the Series Account meets all conditions set forth in section (a) of Rule 6e–3(T) under the Act and was established for the purpose of funding individual flexible premium variable life insurance contracts (the "Contracts"), as defined in paragraph (c)(1) of Rule 6e–3(T).

The application states that PW Distributors, Inc., a registered broker-dealer, is the principal underwriter of the Contracts. The application states that each sub-account of the Series Account invests exclusively in shares of a particular portfolio of the WRL Series Fund, Inc. (the "Series Fund"). Applicants state that the Series Fund has registered under the Act as an open-end, diversified management investment company. Applicants state that the Series Fund is presently segmented into three portfolios. Applicants state that the Company is the investment adviser to the Series Fund, although it has entered into a sub-advisory agreement with Janus Capital Corporation.

According to the registration statement (File No. 33–5142) that is incorporated by reference into the application, the Contracts are designed to give the Contractowner flexibility by permitting the Contractowner to vary the frequency and amount of purchase payments. Applicants state that a Contract's death benefit may, and its cash value will, increase or decrease based on the investment performance of

the sub-accounts of the Series Account. The Applicants state that the Contracts also allow the Contractowner to increase or decrease the Specified Amount under the Contracts, which allows the Contract-owner to provide for changing insurance needs. The Applicants state that optional incidental insurance benefits are available by riders to a Contract.

Applicants request an exemption from paragraph (c)(2) of Rule 6e-3(T) to the extent that the Disability Waiver Rider and the Disability Waiver and Income Rider (the "Riders") under the Contract and under other flexible premium variable life insurance contracts funded by the Series Account may not be deemed to meet the definition of "incidental insurance benefits" in that paragraph. Applicants state that the Disability Waiver Rider provides that, in the event of disability of the insured, as defined therein, the Company will waive the monthly cost of insurance charge and any rider charges during the period of disability and that the Disability Waiver and Income Rider provides the identical benefits as the Disability Waiver Rider and, in addition, a monthly income benefit up to a maximum 120 monthly payments, the amount of which payments will be fixed at the time the Disability Waiver and Income Rider is purchased and which will not vary based on the investment experience of the Series Account. Applicants state that the monthly cost of insurance charge can vary with the investment experience of the Series Account in certain respects. However, Applicants argue that the benefits, *e.g.*, the waiver of the monthly cost of insurance and rider charges, is predominantly a fixed benefit. Applicants represent that these charges are waived regardless of how much the cash value and the net amount at risk vary. Thus, Applicants submit that the Riders should be treated as "fixed" for purposes of Rule 6e-3(T). Applicants, therefore, request relief from Rule 6e-3(T)(c)(2), to the extent necessary, to permit the payment for the Riders to be deemed payment for an incidental insurance benefit.

Applicants further request exemption from sections 2(a)(32), 22(c), 26(a)(2), 27(c)(1), 27(c)(2) and 27(d) and Rules 6e-3(T)(b)(12), 6e-3(T)(b)(13), and 22c-1 to the extent necessary to permit a premium tax and an administrative charge for expenses incurred in connection with the issuance of a Contract to be deducted on a contingent deferred basis upon surrender or lapse of the Contract.

Applicants state the Contract provides for the calculation of the amount of a contingent deferred surrender charge ("Surrender Charge") upon the issuance of the Contract. Applicants represent that the Surrender Charge set upon the issuance of the Contract has three elements: (1) A charge equal to 9% of the initial premium payment for sales load, (2) a charge equal to 2.5% of the initial premium payment for premium taxes (the average rate expected to be paid on all Contracts), and (3) a charge equal to 3.5% of the initial premium payment to reimburse the Company for the administrative costs the Company incurs in issuing the Contract. Applicants represent that the Surrender Charge will not be imposed upon issuance of the Contract; nor will it ever be deducted from any death benefit payable under the Contract. Rather, it will be deducted only if all cash value of the Contract is withdrawn, or if it lapses after a grace period. Even then no Surrender Charge will be deducted at all for Contracts that stay in force ten years after the issuance of the Contracts. The charge is reduced after the fifth anniversary of the issuance. For each additional full year that the Contract stays in force, the charge is reduced so that it is eliminted on the tenth anniversary of the issuance.

Applicants submit that imposition of this administrative charge and the premium tax in the form of a contingent deferred charge, as described above, is much more favorable to the Contractowner than would be a charge that is deducted entirely from premiums in the first Policy Year—the conventional way of imposing these charges. First, Applicants state that the amount of the Contractowner's investment in the Series Account is not reduced as it would be if these charges were taken in full in the first Contract Year. Second, Applicants state that the total amount charged to any Contractowner is no greater than if these charges were taken in full in the first Contract Year, and it is less for Contractowners who do not lapse or surrender during the first five Policy Years. Third, Applicants state that in the event the Death Benefit is paid under the Contract, no charge is deducted from the amount payable, thereby increasing the amount otherwise payable. Fourth, under Death Benefit Option A, Applicants state that even Contractowners who lapse or withdraw during the first five Contract Years are benefited because the cost of insurance charges deducted monthly from the amounts credited to them in the Series Account will be lower than they would have been had the administrative charge for issuance expenses or premium taxes been deducted in full during the first year. Finally, under the Contract's Death Benefit Option B, the fact that the Surrender Charge has not been deducted will favorably affect the amount of the Death Benefit since cash value will be greater.

Applicants represent that the level of these two components of the Surrender Charge are the same as they would have been if these charges had been deducted from premium payments prior to allocations to the Series Account, and that in setting the levels of these two components, Applicants did not take into account the time value of money or increase these charges to reflect the fact that not all Contractowners will incur a Surrender Charge or that some contractowners will incur less of a Surrender Charge than others.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 4, 1986, 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: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants 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.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16036 Filed 7-15-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for Review, SBA.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 21 days of this publication in the **Federal Register.** If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Copies of the form, request for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer:

Richard Vizachero, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538.

OMB Reviewer:

Patricia Aronsson, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7231.

Title: Disaster Survey Worksheet. Form No. SBA 987.

Frequency: On occasion.

Description of Respondents: The information is gathered by questioning affected individuals about the extent of their damage and potential insurance recovery.

Annual Responses: 4,000.

Annual Burden Hours: 333.

Type of Request: Extension.

Dated: July 11, 1986.

Richard Vizachero,

Chief, Administrative Procedures and Documentation Section, Small Business Administration.

[FR Doc. 86-16018 Filed 7-15-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/982]

Study Group C of The U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Monday, August 4, 1986 at 1:00 p.m. in Room 918, AT&T Building, 1120 20th Street NW., Washington, DC.

The purpose of the meeting is to discuss matters relating to CCITT Study Group II (credit cards) and CCITT Study Group XI (numbering of Systems 7 signalling control points) as well as any issues introduced by members within the responsibility of U.S. CCITT Study Group C.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Henry Marchese, AT&T, (202) 234-3790.

Dated: July 7, 1986.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86-15995 Filed 7-15-86; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended July 3, 1986

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 44131

Date Filed: July 2, 1986.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 30, 1986.

Description: United Air Lines, Inc., c/o P.O. Box 66100, Chicago, Illinois 60666.

Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations requests renewal of its certificate of public convenience and necessity for Route 229 (Chicago-Yucatan) and Route 238 (New York-Yucatan).

Docket No. 44134

Date Filed: July 3, 1986.

Due Date for Answers, Conforming Application, or Motions to Modify Scope: July 31, 1986.

Description: P.T. Garuda Indonesia, c/o Judith Richards Hope, Paul, Hastings Janofsky & Walker, 1050 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

Application of P.T. Garuda Indonesia pursuant to Section 402 of the Act and Subpart Q of the Regulations, requests an amendment of its foreign air carrier permit to perform scheduled combination air transportation of passengers, cargo and mail between Denpasar (Bali), Indonesia and Biak, Indonesia, and Honolulu and Los Angeles.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-15944 Filed 7-15-86; 8:45 am]

BILLING CODE 4910-62-M

[Docket No. 43687]

Denver-London Route Proceeding

An informal conference with the applicants and Public Counsel in this proceeding was scheduled for July 7, 1986 to consider further procedural steps that may be required in light of the public statement issued by applicant, People Express Airlines, Inc., on June 23, 1986, that it was exploring the possible sale of part or, under certain circumstances, even all of the company. On July 7 counsel for People Express orally requested a postponement of the conference, indicating that Public Counsel and counsel for Continental Air Lines, Inc., the other applicant in the proceeding, concurred in the delay.

In its letter of July 7, confirming the request, counsel for People Express stated that no definitive agreement affecting People Express had yet been reached, and that, although no prediction could be made as to the timing or terms of a final agreement, it was anticipated that the situation would be more clear within the next two weeks. To allow sufficient time for the emergence of more concrete developments in the ongoing corporate negotiations, People Express, with the concurrence of Public Counsel and counsel for Continental, proposed to waive the deadline of Rule 302.1753(a) for the issuance of a recommended decision.

Pursuant to 14 CFR 302.1753(a)(2), a Notice was issued on April 30, 1986, extending the due date for service of a recommended decision in this proceeding to July 14, 1986. Notice is hereby given that, in accordance with § 302.1753(a)(2) of the Department's Regulations, and in view of the uncertainty as to the time the parties may require to clarify their positions, the

service date for the decision is extended until further notice.

Entered this 9th day of July, 1986.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 86-15943 Filed 7-15-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

[Summary Notice No. PE-86-13]

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: August 5, 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 CONTACT: 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 July 10, 1986.

Donald P. Byrne,

For Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
20378	PHH Beckett, Inc.	14 CFR 61.58(c)	Extension of Exemption 3067 to allow petitioner's pilots in comand to complete their entire 24-month pilot-in-command checks for the BAC 1-11 in an FAA-approved visual flight simulator.
25004	Helitrans, Inc.	14 CFR 135.117(c)	To allow a ground crewmember of petitioner to conduct passenger briefings for helicopter flights between San Pedro, California, and Avalon, Catalina Island, in lieu of a flight crewmember.
24952	Metropolitan Dade County Fire Dept.	14 CFR Part 45	To allow the petitioner to operate its Bell 412 helicopter without complying with the 12-inch N-number requirement.
25014	Shields Aviation	14 CFR 141.65	To allow petitioner's Chief Flight Instructor to conduct final course check rides in lieu of the FAA district office's designated pilot examiners.
25013	Teterboro Aircraft	14 CFR SFAR 41	To extend the termination date (September 13, 1983) of SFAR 41 under which Fairchild Model SA227AT, SN446, was certificated for the purpose of obtaining a supplemental type certificate for the addition of two more passenger seats on this airplane only.
24194	United Airlines	14 CFR 43.3 and 43.7	Extension of Exemption No. 4127 to allow the petitioner to acquire aircraft parts from Canadian Pacific Airlines, Ltd., which have not been maintained or approved for return to service by persons prescribed by §§ 43.3 and 43.7 for installation on petitioner's aircraft when located other than in Canada.
12227	National Business Aircraft Association, Inc.	14 CFR 91.169 and 91.181(a)	EXtension of Exemption No. 1637, as amended, to allow members of petitioner to operate small civil airplanes and helicopters of U.S. registry under the operation rules of §§ 91.183 and 71.215 and the inspection procedures of § 91.169(f), subject to certain conditions.
25024	University of Illinois Institute of Aviation	14 CFR Part 141, Appendixes A, C, D, F, and H.	To allow petitioner to train certain of its students to a performance standard without meeting the prescribed minimum flight time requirements.
25009	City of Jacksonville Mosquito Control Branch	14 CFR 137.53(c)(2)	To allow petitioner to install a supplemental type certificated approved spray system on its Cessna aircraft 337A, SN 337-0486, Registration No. N53865, for the control and eradication of mosquitoes in Duval and surrounding countries. Petitioner states that the aircraft does not require being equipped with device capable of jettisoning at least one-half of the aircraft's maximum authorized load of agricultural materials within 45 seconds, when operated over congested areas, as required by the subject section.
25030	Ransome Airlines, Inc.	14 CFR 93.123, 93.125, and 93,129	To permit petitioner to conduct additional operations to the number of hourly operations permitted under 93.123 using a Separate Access Landing System ("SALS") at John F. Kennedy International Airport on stub runways 13R and 4L, without interfering with major turbojet runway use, utilizing the Short Takeoff and Landing ("STOL") characteristics of the DeHavilland Dash 7 aircraft equipped with three-dimensional Area Navigation ("RNAV") equipment.
24662	Albuquerque Inter. 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, Albuquergue, New Mexico, October 4-12, 1986, without complying with the pilot certification and airwothiness requirements. Granted Jul. 1, 1986.
22635	Sierra Academy of Aeronuatics	14 CFR Portions of Part 63, Paragraph (3)(iv)(a) of Appendix C.	To allow petitioner to reduce the required 5 hours of flight instruction time in an airplane with provisions stipulated. Partial Grant Jul. 3, 1986.
23626	Tulsair Beechcraft, Inc.	14 CFR 135.159(a)	To permit petitioner to operate a Learjet-55 aircraft carrying passengers under VFR at night under VFR over-the-top without a gyroscopic rate-of-turn indicator combined with a slip-skid indicator. Denied Jul. 2, 1986.
24924	Civil Air Patrol	14 CFR 91.79(c)	To permit petitioner to conduct operations at distances less than 500 feet from people, vehicles, structures, and vessels. Withdrawn Apr. 25, 1986.
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. Granted Jul. 1, 1986.
24814	Centre Airlines, Inc.	14 CFR 135.267(d)	To allow petitioner's pilots to accpet duty during flight time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of time of the assignment. Denied Jun. 26, 1986.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
24085	Air Transport Assc. of America	14 CFR Part 121 Appendix H	To extend the 3½-year limit on conducting Phase II simulator training under a Phase IIA approval. Denied Jun. 26, 1986.
24950	General Electric	14 CFR 21.325(b)(1) & (3)	To allow petitioner to export Class I, II, and III products which have been manufactured, assembled, and tested by Rolls-Royce, Ltd., in England. Granted Jun. 24, 1986.
24530	Kansas City Warbirds, Inc	14 CFR 45.29	To allow petitioner to fly its B25J aircraft, N6123C, Serial Number 44 89863A with 3 inch indentification numbers instead of the required 12-inch numbers. Denied Jul. 3, 1986.
23077	Trinidad & Tabago	14 CFR Portions of Parts 21 and 91	To extend the termination date of Exemption 3578, to allow petitioner to operate a leased, U.S. registered L1011-385-3, using a FAA-approved Minimum Equipment List and an FAA-approved continuous inspection and maintenance program. Granted Jul. 7, 1986.
21518	Type Rating Training J.R. Haley, Owner	14 CFR 61.157(d)(1) and 61.63(d)(2) and (3)	To amended and extend Exemption 3217A which permits trainees of Type Rating Training (TRT) to complete a practical test for the issuance of a type rating to be added to any grade of certificate that includes the items and procedures for testing in an airplane simulator as set forth in an airplane sumulator as set forth in Appendix A of Part 61, although TRT does not have an operating certificates issued under Part 121. Petitioner requests that the exemption be amended to include McDonnell Douglas DC-8 airplane simulators. Granted Jul. 8, 1986.

[FR Doc. 86-15948 Filed 7-15-86; 8:45 am]
BILLING CODE 4910-13-M

Research and Special Programs Administration

Pipeline Safety User Fees

This notice states the policies and practices that the Research and Special Programs Administration (RSPA) has established to carry out the pipeline safety user fee provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 ("the Act") (Pub. L. No. 99-272; April 7, 1986) for fiscal year 1986. The Act requires that gas and hazardous liquid pipeline operators pay annual user fees to fund the cost of the Department's pipeline safety program. The fees are to be assesed and collected during each fiscal year before the end of the fiscal year.

The Act provides that the persons liable for the fees are those that operate (1) gas transmission lines subject to the National Gas Pipeline Safety Act of 1968 (NGPSA) (49 U.S.C. 1671 *et seq.*), (2) liquefied natural gas (LNG) facilities subject to the NGPSA, or (3) pipeline facilities subject to the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (49 U.S.C. 2001 *et seq.*). Gas transmission lines subject to the NGPSA are covered by the RSPA gas pipeline safety standards in 49 CFR Part 192. They include interstate and intrastate pipelines carrying natural gas, flammable gas or gas which is toxic or corrosive. Safety standards for LNG facilities subject to the NGPSA are contained in 49 CFR Part 193. The hazardous liquid pipeline facilities that are subject to the HLPSA include interstate and intrastate pipelines carrying petroleum, petroleum products or anhydrous ammonia. These pipelines are regulated under 49 CFR Part 195. Pipelines transporting other liquid substances could at some future time become subject to the user fee provisions of the Act if RSPA determines that the pipeline transportation involved poses an unreasonable risk to life or property and issues safety standards for that transportation under the HLPSA.

Fee Schedules

The Act requires that the Secretary of Transportation establish a schedule of fees for pipeline usage, bearing a reasonable relationship to miles of pipeline, volume-miles, revenues, or an appropriate combination thereof. Also, the Secretary must take into account the allocation of Departmental resources in establishing the schedule.

To help decide upon an appropriate basis for determination of fees, in April RSPA consulted the pipeline industry's major trade associations: The American Petroleum Institute, the American Gas Association, the Interstate Natural Gas Association of America, and the Association of Oil Pipe Lines. The consensus was that pipeline mileage provides the most reasonable basis for determining fees to be paid by operators of gas transmission lines and hazardous liquid pipeline facilities. After further consideration, RSPA adopted pipeline mileage as the fee basis.

For gas transmission lines, mileage data are available from the transmission and gathering system annual reports, which 49 CFR 191.17 requires operators to file by March 15 each year. Each report provides the miles of transmission lines each operator has at the end of the calendar year for which the report is filed. For the fiscal year 1986 user fee assessments, RSPA will use the mileage submitted in the 1984 calendar year report, because the data in the 1985 reports are not yet in useable form. RSPA expects that a similar practice (use of year before last calendar year data) will be applied to assessments in subsequent fiscal years, because most likely, the receipt and computerized tabulation of annual report data will lag behind the need for user fee mileage data.

For hazardous liquid pipelines, RSPA does not have mileage data, because liquid pipeline operators have not been required to report this information. Therefore, through direct correspondence, RSPA has asked operators of pipelines subject to the HLPSA to submit mileage data. The data collected will serve as the fee basis for fiscal year 1986. For use in later fiscal years, RSPA plans to adopt an annual reporting requirement for hazardous liquid pipelines, which would provide data such as pipeline mileage.

A fee basis other than mileage is needed for LNG facilities. For these facilities, RSPA decided that storage capacity is the most readily measurable indicator of usage as well as allocation of RSPA resources. The storage capacity of each LNG facility that is subject to the user fee provisions of the Act is published in a report by the Liquefied Natural Gas Committee of the American Gas Association titled "LNG 1983-84 Report" (January 1986). RSPA has used data from this report for fiscal year 1986 assessments.

With storage capacity as the basis, a five step fee schedule was developed for LNG facilities. It provides an appropriate means of relating the fees to usage and resource allocation, taking into account the wide spread

(approximately 900:1) in facility storage capacities. The schedule is set forth below under "Assesments."

Assessments

The Act provides that the fees received for any fiscal year may be as much as 105 percent of the appropriation for that fiscal year for activities authorized by the NGPSA and the HLPSA. The amount Congress appropriates annually for the pipeline safety program therefore would normally be the bench mark for the total amount of fee assessments.

Because at this point in this fiscal year RSPA can more accurately determine the costs of the program, RSPA will assess total fees for fiscal year 1986 that will not exceed the projected fiscal year 1986 expenditures plus a 5 percent allowance.

Each operator of jurisdictional gas transmission lines or hazardous liquid pipelines will be assessed a share of RSPA's total pipeline safety program costs in proportion to the miles of transmission or hazardous liquid pipelines that person had in service at the beginning of fiscal year 1986. Total (liquid and gas) program costs include administrative expenses (salaries, travel, printing, communication, supplies, etc.), regulatory, enforcement, training and research costs, and State grants-in-aid. This total, not including grants, has been allocated 80 percent for gas and 20 percent for liquid, based on the fiscal year 1986 budget submission to Congress. Grants will be allocated 95 percent for gas and 5 percent for liquid. In making the gas transmission assessments, the total gas program costs will be reduced by approximately 5 percent to account for LNG program expenditures as explained below.

Each operator of an LNG facility in service at the beginning of fiscal year 1986 will to be assessed a disignated share of the LNG program costs based on the storage capacity of the facility. For FY-86 these costs are estimated to be approximately 5 percent of the total gas program costs. This percentage represents the approximate ratio between the allocation of resources to LNG facilities and the total allocation of resources to all gas facilities.

Therefore, gas transmission line operators will be assessed according to the following formulas:

Total gas program cost = (80%)(total program cost—total grants) + (95%)(total grants)

Total transmission user fees = (105%)(Total gas program cost)—Total LNG User Fees

$$\text{Assessment per mile} = \frac{\text{Total transmission user fees}}{\text{Total miles}}$$

Operator Assessment = Assessment per mile x Operator miles

For FY-86 the Gas Transmission Pipeline Assessment per mile is $23.99.

Hazardous liquid pipeline operators will be assessed similarly:

Total liquid program cost = (20%)(Total program cost—total grants) + (5%)(total grants)

Total liquid user fees = (105%)(Total liquid program cost)

$$\text{Assessment per mile} = \frac{\text{Total liquid user fees}}{\text{Total miles}}$$

Operator assessment = Assessment per mile x Operator miles

For FY-86 the Hazardous Liquid Pipeline Assessment per mile is $6.41.

The total user fees for LNG facilities will be calculated as follows:

Total LNG user fees equal approximately (105%)(5%) (Total gas program cost)

For FY-86 LNG operator assessments will be as follows:

LNG Facility storage capacity	Operator assessment
Less than 10,000 bbl.	$1,250.00
10,000 bbl. but less than 100,000 bbl.	2,500.00
100,000 bbl. but less than 250,000 bbl.	3,750.00
250,000 bbl. but less than 500,000 bbl.	5,000.00
500,000 bbl. or more	7,500.00

Exemption of Small Mileage Operators

A review of the operator mileage data and assessment fees showed that there were 23 percent of the gas operators with less than 10 miles of pipelines subject to the user fee. These operators averaged 4.25 miles which would result in an average assessment of approximately $100. Similarly, 17 percent of the liquid operators had less than 30 miles of pipelines. These operators averaged 12.29 miles which would result in an average assessment of approximately $80.

It has been estimated that the administrative costs associated with each user fee assessment would approach if not exceed these average assessment amounts, resulting in a zero dollar benefit. Therefore, RSPA has reached an administrative decision to exclude from assessment operators of less than 10 miles of gas transmission pipeline and operators of less than 30 miles of liquid pipeline.

Charges by State Agencies

A few State agencies (most notably the California State Fire Marshal) that participate in the Federal/State cooperative program to enforce the Federal pipeline safety standards are charging pipeline operators to fund the cost of State programs. Some operators may feel that the new Federal user fees for pipeline facilities in those States will unfairly duplicate the program charges the States are making. There should be no duplication, however, if a State's charges are not more than necessary to meet the State's share of the State pipeline program costs, since the State's share is not part of the costs to be funded by Federal user fees. The cost of a State's pipeline safety program is reduced by any amount it receives in Federal-grant-in-aid funds. If a State's charges are not to exceed its program costs, those charges should be reduced by an amount equal to the grant funds received, less State administrative costs assignable to managing those funds.

Collection Procedures

Assessment notices to all known operators of assessable facilities will be mailed in the latter part of July 1986, stating the operator's pipeline mileage or LNG storage capacity, as appropriate, and the fee that is due. Payments in full must be received no later thatn 30 days after the date notice is mailed. Each operator will be asked to pay by certified check or money order payable to the U.S. Department of Transportation, and identified as payment of the pipeline user fee. Payment should be sent to the address stated in the assessment notice. All monies received will be transmitted to a special account at the U.S. Treasury.

The RSPA Register of User Fees will review each user fee payment and notify an operator if any irregularity is discovered.

Payments not received by the due date will be subject to allowable interest charges (31 U.S.C. 3717). Follow-up demands for payment and other actions intended to assure timely collection, including referral to local collection agencies or court action, will be conducted in accordance with the Federal Claims Collection Standards (4 CFR Chapter II) and Departmental procedures.

Adjustments

As stated above, fiscal year 1986 fees for gas transmission line operators will be based on calendar year 1984 mileage data. For LNG facilities, fees will be based on storage capacities published in "LNG 1983–84 Report." Fees for hazardous liquid pipeline operators will be based on information currently being collected from operators or otherwise available. An operator who believes it is being overcharged because the mileage of LNG storage capacity stated in the assessment notice exceeds the miles of pipeline or LNG storage capacity that operator had in service at the beginning of fiscal year 1986 (October 1, 1985) may request a fee adjustment at the time of payment. Requesting a fee adjustment does not relieve the operator of the obligation to pay the full amount of the assessment. The Register of User Fees will resolve each request for adjustment. Adjustments will not be made for pipeline or LNG facilities removed from service during fiscal year 1986. Also, because each assessment is for usage "reasonably related" to mileage (capacity), adjustments will not be made for minimal difference in mileage (capacity). Adjustments will be made by subtracting the recognized overcharge from the fiscal year 1987 assessment.

Public Participation

RSPA invites interested persons to participate in the development of policies and practices to be followed in making user fee assessments for fiscal year 1987 by commenting on any of the topics in this notice. Although the policies and practices described in this notice are final for purposes of fiscal year 1986 assessments, all comments received will be considered in determining whether the fiscal year 1986 policies and practices should be continued, modified, or replaced for use in fiscal year 1987. A notice announcing the policies and practices for fiscal year 1987 assessments will be published in the **Federal Register** in the fall of 1986.

Interested persons should submit comments in writing, identifying the title of this notice, by September 2, 1986 to the Director, Office of Pipeline Safety, U.S. Department of Transportation, 400 7th Street SW., Washington, DC 20590. Comments received after that date will be considered so far as practicable.

Issued in Washington, DC on July 11, 1986.

Robert L. Paullin,

Director, Office of Pipeline Safety.

[FR Doc. 86–16012 Filed 7–15–86; 8:45 am]

BILLING CODE 4910–60–M

UNITED STATES INSTITUTE OF PEACE

Interim Procedures for Grant Applications

This announcement opens the grantmaking programs of the United States Institute of Peace. It is effective upon publication in the **Federal Register.** The Institute invites public comment, and it emphasizes that the announcement provides interim procedures which are subject to modification from time to time as experience and further consideration warrant. Significant changes will be published in the **Federal Register.**

The announcement identifies eligible recipients for grants; the subject matter scope for which grants may be issued, including areas of special interest to the Institute; and the interim procedures the Institute will follow to receive, evaluate, and act upon grant applications. It also explains how a grant application form may be obtained.

Introduction

The United States Institute of Peace is an independent, nonprofit corporation established by Act of Congress (Pub. L. 98–525) in October 1984. It was created to * * *

> Serve the people and the Government through the widest possible range of education and training, basic and applied research opportunities, and peace information services on the means to promote international peace and the resolution of conflicts among the nations and peoples of the world without recourse to violence.
>
> [United States Institute of Peace Act, Section 1702(b)].

The Institute is governed by a fifteen-member Board of Directors, including four *ex officio* members who represent agencies of the United States Government, and eleven individuals appointed from outside of federal service by the President of the United States and confirmed by the United States Senate. The Board held its first meeting on February 25 and 26, 1986, and since has been meeting approximately two days a month.

The Institute is funded entirely by federal appropriations. Its current appropriation is $4 million. The Institute is prohibited from receiving gifts, contributions, and grants from foreign governments or agencies and from private individuals or organizations.

The Grant Program: Eligibility and Subject-Matter

Eligible Grant Recipients

The Institute may issue grants to nonprofit institutions, official public institutions, and individuals (whether or not they are associated with an institution). The Institute is required to disburse at least one-fourth of its annual appropriations to nonprofit and official public institutions, which include:

- Institutions of postsecondary, community, secondary, and elementary education (including combinations of such institutions) . . .
- Public and private educational, training, or research institutions (including the American Federation of Labor-the Congress of Industrial Organizations) and libraries, and . . .
- Public departments and agencies (including State and territorial departments of education and commerce).

[United States Institute of Peace Act, Section 1705(c)].

The Institute may devote more than twenty-five percent of its annual appropriations to such disbursements. The twenty-five percent requirement also extends to appropriated funds from any prior fiscal year held in the Endowment of the United States Institute of Peace.

Indirect Costs

The Institute does not favor using the public monies entrusted to it to pay for costs that are not directly related to the specific project being funded. Applicants are advised to explain both the necessity for any such costs in their proposal and to describe efforts made to reduce or eliminate them.

Subject-Matter Scope of Grants

The Institute will not fund grant proposals of a partisan political nature, proposals to intervene in ongoing disputes, or proposals that would bring the Institute into the policymaking processes of any Government or Government agency. In addition, the Institute will not use political tests or political qualifications in selecting or monitoring any grantee in accord with the United States Institute of Peace Act, section 1709(b).

In implementing its research, education and training, and public information mandates, the broad purposes for which the Institute invites and will consider grants are:

(1) to carry out basic and applied research, particularly of an interdisciplinary or multidisciplinary nature, on the causes of war and other international conflicts and the elements of peace among the nations and peoples of the world;

(2) to educate students, including graduate and post-graduate students,

and the general public on questions of international peace and conflict resolution, including peace and conflict resolution theories, methods, techniques, programs, and systems and the experience of the United States and other nations in resolving conflicts with justice and dignity and without violence;

(3) to conduct training, symposia, and continuing education programs for practitioners, policymakers, policy implementers, and citizens and noncitizens that will develop their skills in international peace and conflict resolution;

(4) to make international peace and conflict resolution research, education, and training more available and useful to persons in government, private enterprise, and voluntary associations, including the creation of handbooks and other practical materials;

(5) to examine the resolution of conflict between free trade unions and Communist-dominated organizations in the context of the global struggle for the protection of human rights; and

(6) to assist the Institute in its publication, clearinghouse, and other information services programs.

Priority Subject Areas for Grants

Mindful of its obligation to expend taxpayer funds with great care, the Institute is conducting a review of past and ongoing research in international peace and conflict resolution and related fields in order to identify gaps and subjects that warrant additional consideration.

The Institute seeks to obtain the maximum benefits from its grantmaking program for research, education and training, and public information activities. The Board of Directors has determined that encouraging a concerted focus on specific identified subjects—which will be changed from time to time to reflect new priorities—will increase the Institute's effectiveness. It has identified several areas for priority consideration in the immediate future. The Board emphasizes, however, that applicants should feel free to submit proposals dealing with other aspects of the Institute's mandate. They, too, will receive careful attention.

The subjects of special interest to the Institute at the present time are:

Research on the relationship between adherence to international human rights standards and international peace.

Research on perceptions of peace across political systems and ideologies, including the comparative status of peace movements and their impact under different political systems, and a comparative assessment and survey of the teaching of peace.

Research on negotiations, including lessons from negotiations between the United States and the Soviet Union, lessons from negotiations between democratic and nondemocratic systems, and general lessons in the art of negotiation.

Research on relationships between domestic political systems and the aggressive use of force.

Research on strengthening the non-use-of-force provisions of the United Nations Charter, including the effectiveness of the United Nations and other international institutions in dealing with low intensity and covert forms of aggression.

Research on the mediation of political change.

Developing curricula and materials for the study of international peace and conflict resolution from high school through post-graduate programs.

Developing curricula and materials for negotiation, mediation, and conciliation, theory, teaching, and training.

Assisting media programming, including research and the development of materials particularly for television and radio, that will bring information about issues of international peace and conflict resolution to the broader public.

Grant Program Procedures

Grant Proposal

Every proposal for a grant from the Institute must be made on an Application Form (USIP Form 10) and may include attachments as needed. Every proposal must be submitted in four legible copies. The Application Form may be obtained from the Institute at the address given below. In addition to the information required on the Application Form, a proposal may be as detailed as the applicant desires.

Review Process

The Institute's staff will examine every proposal for eligibility and completeness. Questions on either will be referred back to the applicant. Staff responses on eligibility and completeness will not be considered part of the formal review process, but the Institute's President will inform the Board of Directors of any applicant determined by the Institute's staff not to qualify on grounds of ineligibility and of any proposal that is incomplete and has not within a reasonable period of time been made complete. After staff examination, the President will send all eligible and complete proposals to the Board of Directors for review.

Board consideration of grant applications will have two steps: (1) Review by a committee of the Board and (2) final action by the Board as a whole. A committee will examine each proposal. Central concerns will include: (1) The significance of the project to the Institute's mandate and the subject areas of special interest identified by the Board of Directors and listed above; (2) evidence that the project will not simply duplicate existing knowledge or programs; (3) the likelihood that the project will make a significant contribution to the field in scholarship and knowledge; and (4) the usefulness of the proposed product in fulfilling the Institute's mandate. The Institute is particularly interested in proposals which envision a specific product of enduring value. The reviewing committee will refer all complete proposals with or without a recommendation to the full Board of Directors for final review and approval or rejection. At any point in the review process, the Institute may seek the advice of one or more outside reviewers to aid it in making evaluations.

It is envisioned that a normal review process of complete and eligible proposals will take between two and four months for evaluation and final action. The Institute will make every effort to reach a final decision on each proposal submitted in completed form by a qualified applicant within six months of its receipt by the Institute. Each applicant will be notified in writing of the Board of Director's final decision on the applicant's proposal. If, in the judgment of the Board of Directors, a rejected proposal might be competitive if modified in some manner, the Board may direct the President to inform the applicant and encourage the submission of a modified proposal. Decisions of the Board of Directors on all grant applications are final.

Institute employees, officers, and Directors will remove themselves from the consideration process with respect to any application for a grant which might reasonably present the appearance of a conflict of interest because of present or prior association with the applicant or for any other reason. Directors, officers, or employees of the Institute who have reason to believe they may have a potential conflict of interest regarding any proposal upon which they are called to act shall bring the situation to the attention of the Chairman of the Board of Directors or the Institute's President for guidance. Nothing in this paragraph shall be read as affecting in any way the statutory conflict of interest provisions

contained in the United States Institute of Peace Act, including section 1706(g).

Application Forms are available from: United States Institute of Peace, 730 Jackson Place, NW., Washington, DC 20503, (202) 789-5700.

Dated: July 10, 1986.

Robert F. Turner,

President.

[FR Doc. 86-15999 Filed 7-15-86; 8:45 am]

BILLING CODE 6820-PA-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 136
Wednesday, July 16, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, July 16, 1986.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Compliance Status Report

The staff will bried the Commission on various compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENCY INFORMATION, CALL: 301—492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD. 20207, 301—492-6800.

July 11, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86-16038 Filed 7-14-86; 8:53 a.m.]

BILLING CODE 6355-01-M

2

INTER-AMERICAN FOUNDATION BOARD

TIME AND DATE:

July 21, 1986—6:00-9:00 p.m.
July 22, 1986—9:00 a.m.-12:00 noon

PLACE: 1515 Wilson Boulevard, Fifth Floor, Rosslyn, Virginia 22209.

The Inter-American Foundation's Board meeting scheduled for July 21-22, 1986 has been cancelled. No new date has been set.

CONTACT PERSONS FOR MORE INFORMATION: Charles M. Beck, Secretary to the Board of Directors, (703) 841-3812.

Dated: July 11, 1986.

Charles M. Beck,

Sunshine Act Officer.

[FR Doc. 86-16092 Filed 7-14-86; 11:42 am]

BILLING CODE 7025-01-M

3

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Friday, July 18, 1986, at 10:00 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
5. Investigtion No. 701-TA-235 (F) (Iron ore pellets from Brazil).
6. Any items left over from previous agenda.

CONTACT PERSONS FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

July 8, 1986.

[FR Doc. 86-16039 Filed 7-14-86; 8:53 am]

BILLING CODE 7020-02-M

4

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Thursday, July 24, 1986, at 11:00 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   a. Certain heavy duty mobile scrap shears (DN 1326).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

July 8, 1986.

[FR Doc. 86-16040 Filed 7-14-86; 8:53 am]

BILLING CODE 7020-02-M

5

PAROLE COMMISSION

Pursuant to the Government in the Sunshine Act (Pub. L. 94-409) [5 U.S.C. 552b]

DATE AND TIME: Monday, July 21, 1986—9:00 a.m. to 1:00 p.m.

PLACE: 5550 Friendship Boulevard, One North Park Building, Room 420-F, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 19 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: July 11, 1986.

Patrick J. Glynn,

General Counsel, United States Parole Commission.

FR Doc. 86-16077 Filed 7-14-86; 10:51 a.m.]

BILLING CODE 4410-01-M

6

PAROLE COMMISSION

Pursuant To The Government In The Sunshine Act (Pub. L. 94-409) [5 U.S.C. 552b]

PLACE: 5550 Friendship Boulevard, One North Park Building, Room 420-F, Chevy Chase, Maryland 20815.

DATE AND TIME:

Tuesday, July 22, 1986—9:00 a.m. to 5:30 p.m.
Wednesday, July 23, 1986—9:00 a.m. to 5:30 p.m.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Appoval of minutes of open business meeting of April 28 through April 30, 1986.
2. Reports from the Chairman, Vice Chairman, Commissioners, Legal, Research, Case Operations, and the Administrative Section.
3. Discussion and request for approval of the Commission's F.Y. 1988 budget proposal.
4. Discussion of reasons for decisions above the guidelines.
5. Suggested guidance as to inmates who are poor risks when released.

6. Reward to inmates cooperting with law enforcement authorities where courts may also have granted rewards.

7. Discussion of offense severity rating for back robberies.

8. Proposed finale rules concerning assaults, drug offenses, and possession of firearms.

9. Proposed Regional Commissioners conferences.

10. Discussion of "crack" and proposed guidelines for use and distribution.

11. Proposed modification of curfew parole programs.

12. Disclosure procedures at institutional revocation hearings.

13. Reduction of volume of exhibits at administrative appeals.

14. Notification of sentencing judges and U.S. Attorneys of decisions.

15. Restriction of contact between Commission personnel and inmates, etc.—contact with Ethnics Officer.

16. Community control of offenders in lieu of incarceration.

17. Proposed consent form from parolees regarding prescribed medication.

Consent Agenda

The following items are placed on the Commission's Consent Agenda. A request to discuss a particular item must be received by July 17, 1986. Items for which no such request is received shall be deemed adopted by consent and will not be discussed at the meeting.

18. Change in CFR references for disclosure costs.

19. Approval of Research Report No. 42, Reliability in Guideline Scoring.

CONTACT PERSON FOR MORE INFORMATION: James L. Beck, Director of Research, United States Parole Commission, (301) 492-5980.

Patrick J. Glynn,

General Counsel, United States Parole Commission.

Dated: July 11, 1986.

[FR Doc. 86-16078 Filed 7-14-86; 10:51 am]

BILLING CODE 4410-01-M

7

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1370]

TIME AND DATE: 10:15 a.m. (EDT), July 18, 1986.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on June 27, 1986.

Action Items

Old Business Items

1. Supplement to Contract No. TV-50942A between Electric Power Research Institute and TVA covering arrangements for a test program for development and implementation of the Atmospheric Fluidized Bed Combustion Pilot Plant Project.

New Business Items

A—Budget and Financing

A1. Fiscal year 1987 capital budget for nuclear capital facilities financed from power proceeds and borrowings, comprising expenditures for ongoing and new projects during the fiscal year and the estimated total project cost for those projects.

Note.—Discussion of Item A1 will begin at 1:00 p.m. after the completion of all other items on the agenda.

B—Purchase Awards

B1. Sales Inquiry VA-443197—Proposed sale to Gulf States Utilities Company of surplus fuel channels procured for Hartsville Nuclear Plant.

B2. Req. 53—Spot coal for Shawnee Steam Plant.

B3. Proposal LF-462617—Indefinite quantity term agreement for Crouse-Hinds electrical system components for any TVA nuclear plant.

D—Personnel Items

D1. Consulting contract with Thomas M. Leps, Incorporated, Menlo Park, California, for Thomas M. Leps to serve as a consultant on engineering problems associated with major hydro projects and thermal power plant construction, requested by Office of Power.

D2. Supplement to consulting contract with John M. Kellberg for consultation on engineering problems associated with major hydro projects and thermal power plant construction, requested by Office of Power.

D3. Supplement to personal services contract No. TV-66815A with Manpower Temporary Services for part-time or temporary clerical services to TVA's offices in the Tennessee Valley, region, requested by Division of Property and Services.

D4. Personal services contract with Technical Services Division, Daniel International Corporation, Greenville, South Carolina, for construction engineering services in the mechanical, electrical, instrumentation, civil, and hangar disciplines, requested by Office of Nuclear Power.

D5. Supplement to personal services contract No. TV-65378A with Impell Corporation, Atlanta, Georgia, providing for the performance of general engineering, design, and architectural services, requested by Office of Nuclear Power.

D6. Supplement to personal services contract No. TV-65374A with United Engineers and Constructors, Inc., Philadelphia, Pennsylvania, providing for the performance of general engineering, design, and architectural services, requested by Office of Nuclear Power.

D7. Supplement to personal services contract No. TV-64488A with Gilbert Commonwealth, Inc., Reading, Pennsylvania, for services of qualified personnel to perform rigorous analysis, alternate piping analysis, and pipe support design for TVA nuclear plants, requested by Office of Nuclear Power.

D8. Supplement to personal services contract No. TV-64489A with Impell Corporation, Norcross, Georgia, for services of qualified personnel to perform rigorous analysis, alternate piping analysis, and pipe support design for TVA nuclear plants, requested by Office of Nuclear Power.

D9. Supplement to personal services contract No. TV-67873A with Consultants & Designers, Inc., New York, New York, for provision of engineering and related services, requested by Office of Nuclear Power.

D10. Supplement to personal services contract No. TV-67903A with American Technical Associates, Inc., Knoxville, Tennessee, to provide engineering and technical support services as needed to satisfy critical needs for construction and operating programs, requested by Office of Nuclear Power.

D11. Supplement to personal services contract No. TV-67874A with AiDE Management Resources Corporation, Richmond, Virginia, for provision of engineering and related services, requested by Office of Nuclear Power.

E—Real Property Transactions

E1. Sale of permanent easement to American Telephone and Telegraph Company for underground communications cable right-of-way, affecting 9.75 acres of Columbia Dam Project land in Maury County, Tennessee—Tract No. XCOLR-1UC.

E2. Grant of permanent easement for a convention center to City of Sheffield, Alabama, affecting 9.07 acres of Muscle Shoals reservation land in Colbert County, Alabama—Tract XT2NPT-15E.

E3. Abandonment of certain rights to Southern Railway System affecting 0.15 acre of Watts Bar Reservoir land in Loudon County, Tennessee, to allow the construction of a railroad depot and parking area—Tract No. WBR-163F.

E4. Designation of approximately 205 acres of Melton Hill Reservoir land located in Anderson County, Tennessee, as surplus land for sale at public auction for industrial development (Eagle Bend Industrial Park); and proposed agreement with Town of Clinton, Tennessee—Tract No. XMHR-51.

E5. Filing of Condemnation case.

F—Unclassified

*F1. Contract No. TV-69243A between TVA and Appalachian Regional Commission covering arrangements for establishment of a demonstration regional Continuing Education Center at Walker College in Jasper, Alabama.

*F2. Contract No. TV-69484A between TVA and Walker College covering arrangements for cooperation in a demonstration Continuing Education Center at Walker College in Jasper, Alabama.

F3. Revised TVA code on procurement of personal property and of services.

*Items approved by individual Board members.

CONTRACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff respond to requests for

information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: July 11, 1986.

W.F. Willis,

General Manager.

[FR Doc. 86-16046 Filed 7-14-86; 9:22 am]

BILLING CODE 8120-01-M

8

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

TIME AND DATE: 8:00 a.m., July 21, 1986.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20814-4799.

STATUS: Open—under "Government in the Sunshine Act" [5 U.S.C. 552b(e)(3)].

MATTERS TO BE CONSIDERED:

8:00 Meeting—Board of Regents

(1) Approval of Minutes—April 28, 1986; (2) Faculty Appointments; (3) Report—Admissions; (4) Report—Associate Dean for Operations; (5) Report—President, USUHS: (a) University Awards, (b) F. Edward Hebert School of Medicine—(1) Faculty Compensation, (c) Graduate Education—(1) Certification of Graduate Students, (d) Continuing Medical Education; (6) Comments—Members, Board of Regents; (7) Comments—Chairman, Board of Regents.

New Business

SCHEDULED MEETINGS: October 20, 1986.

CONTACT PERSON FOR MORE INFORMATION: Donald L. Hagengruber, Executive Secretary of the Board of Regents, 202/295-3049.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense

July 11, 1986.

[FR Doc. 86-16022 Filed 7-14-86; 8:53 am]

BILLING CODE 3810-01-M

federal register

Wednesday
July 16, 1986

Part II

Federal Communications Commission

47 CFR Parts 0, 1, 21, 22, 23, 62, 73, and 74

Practice and Procedure; Establishment of a Fee Collection Program To Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985; Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 21, 22, 23, 62, 73, and 74

[Gen. Docket No. 86-285; FCC 86-301]

Practice and Procedure; Establishment of a Fee Collection Program To Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes new rules and procedures for implementing the Schedule of Charges established by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. Number 99-272). This action is intended to establish a fee collection and processing system that will not have an adverse impact on the Commission's application processing and equipment authorization programs; will impose little or no additional paperwork burden on the public; and will ensure an effective and efficient cash management system.

DATES: Comments must be filed on or before September 2, 1986, and reply comments on or before August 15, 1986.

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

FOR FURTHER INFORMATION CONTACT: Brent Weingardt, Office of the Managing Director (202) 632-3906, or Marilyn McDermett (632-5316).

SUPPLEMENTARY INFORMATION:

Proposed Rule Making

In the matter of establishment of a fee collection program to implement the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985; GEN Docket No. 86-285.

Adopted: June 25, 1986.

Released: July 9, 1986.

By the Commission:

TABLE OF CONTENTS

I. Introduction

1. By this Notice of Proposed Rule Making, the Commission proposes to amend its rules to implement certain provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (hereinafter referred to as the Budget Act).[1] This legislation amends the Communications Act of 1934, as amended, by adding a new section 8 prescribing charges for certain regulatory actions taken by the Commission.

2. Specifically, Title V, sections 5002 (e) and (f) of the Budget Act establishes a Schedule of Charges for various communications services under the Commission's regulatory jurisdiction; creates procedures for their modification; delineates charges and other penalties for late payments; exempts specific radio services and governmental entities from fees; and provides for Commission-approved waivers or deferrals in specific instances where such action would promote the public interest.

3. New section 8(f) of the Communications Act directs the Commission to prescribe appropriate rules and regulations to carry out the provisions of this legislation. Through this notice and comment rule making we seek to encourage maximum public participation in fashioning fee collection procedures. We believe public comments will be of invaluable assistance in creating a fee program with minimal administrative impact on the public. Therefore, subject to the following constraints, we seek comment on our proposed rule changes, as set forth at the end of this document.[2] In addition, we encourage all parties to submit comments with respect to any provision of new section 8 of the Communications Act that they believe should be considered herein.

4. Potential commenters should be aware of two overriding considerations we have in implementing this new fee program. First, new section 8(a) of the Communications Act directs the Commission to implement the schedule of charges not later than 360 days after the date of its enactment.[3] Any delay necessarily decreases the revenue made available to the United States under this program.[4] It is our firm intention to begin collecting fees with the procedures established through this proceeding not later than 360 days from April 7, 1986; the date this legislation was signed into law by the President. The time frames required to plan and implement a collection system as extensive as is intended here makes it imperative that the basic operating policies are finalized as rapidly as is possible. Therefore, we are establishing an expedited comment period of 30 days, with an additional 15 days for reply comments. Requests for extension of time will not be granted absent the most compelling of circumstances.

5. Second, commenters should be aware that this proceeding will not consider changes in the specific dollar amounts established by new section 8(a) of the Communications Act, entitled "Schedule of Charges". Nor will we consider additions or deletions to the radio services listed in the Schedule of Charges. New section 8(a) of the Communications Act establishes a statutory fee schedule.[5] Changes to this Schedule of Charges may come only in accordance with the new provisions of the Communications Act or through the passage of new legislation.[6]

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[1] Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, 5002 (e) and (f), 99 Stat.____ (1986). In addition, potential commenters shoud be aware of the legislative history of this legislation: Conference Report to accompany H.R. 3128, H.R. Rep. No. 453, 99th Cong., 1st Sess. 39-42, 423-434 (1985) [hereinafter referred to as the Conference Report]; *see also*, S. Rep. No. 63, 99th Cong., 1st Sess. (1985).

[2] Because of limited funding, we are printing in the **Federal Register** only a description of the subjects and issues involved. *See* 5 U.S.C. 553(b)(3). The full text of the proposed rule changes are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The proposed rule changes may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW. Suite 140, Washington, DC 20037.

[3] *See also* the Conference Report at 423.

[4] New section 8(e) of the Communications Act directs that all moneys collected pursuant to the schedule of charges be deposited in the general fund of the Treasury to reimburse the United States for amounts appropriated for use by the Commission in carrying out its functions.

[5] *See also* the Conference Report at 423.

[6] Section 8(b) provides for a method of increasing or decreasing charges; section 8(c) provides for additional penalty charges; section 8(d) permits specific exemptions, waivers or deferrals. These issues are discussed *infra*.

6. We are aware that some communications providers may have continuing concerns with the amounts of the charges established in the legislation. We have worked extensively with them and the Congress prior to the passage of this legislation to ensure that the charges, to the extent possible, reflect the cost of processing authorizations to the Commission. The fees set out in the Schedule of Charges constitute a congressional determination that these charges represent the best approximation of our processing costs. Therefore, we will not consider comments directed at changing the dollar amount of the fees. At the same time, we will continue to evaluate the cost of regulating radio services under our jurisdiction. If appropriate, we will make recommendations to Congress for modifications in these fees at a future date.

II. Background

7. On April 7, 1986 the Budget Act was signed into law. The legislation amends the Communications Act of 1934 by adding a new section 8. Section 8 directs the Federal Communications Commission to assess and collect charges for many of the regulatory services it provides to the public. These charges are based primarily on the Commission's cost of providing such services.[7]

8. The concept of charging fees to the public for services requested of this Commission is not a new or novel one. The Congress has considered user charges or fees for the FCC, and its predecessor the Federal Radio Commission, since 1929.[8] We briefly recount here the most recent history of the FCC fee program to better place in context our current effort to implement congressionally mandated charges.

9. In 1963 the FCC enacted its first schedule of fees. The fees were intended to recoup about 25% of the Commissions' budgetary costs.[9]

10. Consistent with its policy of continual review of its fee schedule and congressional directives to adjust fees to make the Commission more self-sustaining, fees were modified in 1970 to more accurately reflect the "value to the recipient" factor of Title V. The Supreme Court ultimately remanded these fees to the Commission for further review because it could not be sure that the FCC had used the correct standard in setting the annual fee for cable television systems.[10] The Court's decision essentially required that a fee be charged only for specific services to specific individuals or companies and that the charges be based on direct cost to the agency.[11]

11. Following the Supreme Court's decision, the Commission refunded approximately $4 million in annual fees paid by cable television systems, but rejected all other refund requests. In 1975 the FCC modified its fees, establishing the cost of processing applications and other authorizations as the upper limit of fee recovery; this schedule was expected to recover 40% of the Commission's direct costs.

12. The District of Columbia Court of Appeals for the D.C. Circuit set aside the revised 1975 fee schedules in decisions issued at the end of 1976.[12] Essentially, the court believed that the FCC had failed to establish a cost basis for the fees that insured that only the FCC's direct and indirect expenses were recovered. The court then ordered a recalculation of proper costs and refund of all excess charges under the 1975 fee schedule. In two separate decisions the court also held that charges levied under the 1970 fee program were to be recalculated and refunds made in all services.[13]

13. In an order released December 23, 1976, the Commission suspended the collection of fees. The Commission indicated in this Order that it had serious doubts as to whether a new schedule of fees could be adopted consistent with the standards enunciated by the Court of Appeals and Supreme Court opinions because of the ambiguity of the courts' language and the threat of renewed litigation and judicial review of any new fee schedule promulgated by the agency. It also called for legislative guidance in creating a fee schedule and instituted planning for refunds.[14]

14. Since January 1, 1977 the Commission has not collected fees. On September 27, 1978 the Commission adopted a *Notice of Inquiry* intended "to begin the groundwork that would underlay a new fee schedule" under the existing law, examine alternative spectrum charges, and plan a refund program.[15]

15. The Commission approved a refund program on January 31, 1979, which began on June 13, 1979.[16] The refund program involved two phases: Phase I for fees of more than $20 and Phase II for fees between $4 and $20. The Commission processed approximately 162,000 refunds amounting to almost $59 million. We

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[7] *See* new section 8(a) of the Communications Act; Conference Report at 423.

[8] For a detailed history of FCC fees between 1929–1970, *see* 38 FCC 2d 617–619 (1972); for a detailed history of the FCC fee program between 1970 and 1978, *see* 69 FCC 2d 741–747 (1978).

[9] The fees were instituted under authority of Title V of the *Independent Offices Appropriation Act of 1952*, 31 U.S.C. 483(a). The legislation provided that:

It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency to or for any person (including groups, associations, organizations, partnerships, corporations or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine in case none exists, or redetermine in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts. . .

In 1982 the Congress modified this language through section 1 of Pub. L. No. 97–258, 31 U.S.C. 9701, to read in part as follows:

It is the sense of Congress that each service or thing of value provided by an agency (except a mixed-ownership Government corporation) to a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.

The head of each agency (except a mixed-ownership Government corporation) may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations prescribed by the heads of executive agencies are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be fair; and based on the costs to the Government; the value of the service or thing to the recipient; public policy or interest served; and other relevant facts.

We note here that this legislation is still in effect and provides the authority for many current government fee program. *See for example*, 49 CFR 1002.2 [Interstate Commerce Commission]; 10 CFR Part 170 [Nuclear Regulatory Commission]; 50 FR 20220 [Department of Agriculture].

[10] *National Cable Television Association v. U.S.*, 415 U.S. 316 (1974) and *Federal Power Commission v. New England Power*, 415 U.S. 345 (1974).

[11] *See FPC* v. *New England Power* at 345, citing *New England Power* v. *Federal Power Commission*, 467 F.2d 425 (D.C. Cir. 1972); *See also Bureau of the Budget Circular No. A–25*, September 23, 1959: "Where an [agency] . . . provides special benefits to an identifiable recipient above and beyond that which accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering that service." [This circular is still in effect].

[12] *National Cable Television Association v. FCC*, 554 F.2d 1094 (D.C. Cir. 1976) and *Electronic Industries Association v. FCC* 554 F.2d 1109 (D.C. Cir. 1976).

[13] *National Association of Broadcasters v. FCC*, 554 F.2d 1118 (D.C. Cir. 1976) and *Capital Cities Communications v. FCC*, 554 F2d 1135 (D.C. Cir. 1976).

[14] *Suspension of Fees*, 41 FR 56646 (December 29, 1976); *Clarification of Suspension*, 42 FR 3168 (January 17, 1977).

[15] *Notice of Inquiry In the Matter of Refunds and Future FCC Fees*, 69 F.C.C. 2d 741 (1978).

[16] *First Report and Order, Fee Refund and Future FCC Fees*, 71 F.C.C. 2d 171 (1979).

terminated the Fee Refund Program on October 31, 1985 after it was determined that the small number of remaining requests for refunds did not justify continuation of the program.[17]

16. In the aftermath of repeated court decisions rejecting past fee programs, the Commission continued to support the general concept of fees and worked toward their implementation consistent with the mandate of the court decisions. The *Notice of Inquiry* on refunds established the Commission's viewpoint on fees, a position we continue to support.

We believe it is important to look towards a fee schedule which would allow full recovery of all reimbursable Commission costs. To the extent that fees do not recover the true costs of reimbursable services, differences must be made up through the appropriation of general tax receipts. Because many taxpayers do not directly or indirectly benefit from each and every service rendered by the Commission, we fail to see why they should be required to pay for those regulatory activities that principally benefit private interests. Failure to recover all reimbursable costs is tantamount to forcing taxpayers to subsidize those firms and their customers who are engaged in the production, sale and consumption of telecommunication services. Such subsidies may not be legal, necessary, equitable, economically efficient or in the public interest.[18]

In addition to its on-going rule making efforts, the Commission has worked with the Congress to enact a statutory version of fees by providing numerous analyses of direct and indirect costs for many of the services provided to the public.[19]

17. Since the suspension of fees in 1977, the Commission has been aware of recommendations to reinstitute fees under the authority of Title V of the Independent Offices Appropriation Act. The General Accounting Office issued a report in 1977 concluding that the December 1976 Court of Appeals' decisions would allow the Commission to create a new fee schedule based solely on cost—without reference to value conferred upon the recipient.[20]

More recently, the President's Private Sector Survey on Cost Control [known as the Grace Commission] recommended that the FCC institute new fees even in the absence of new legislation.[21]

18. We are aware that Title V of the Independent Offices Appropriation Act is still in force. At the same time, we are very much aware of the past history of the fee program, including court decisions that would add substantially to the administrative cost of implementing a fee program based exclusively on cost to the Commission or value to the recipient.[22] We do not believe that the public interest has been served by the uncertainty created by past fee programs. Nor was it served by a massive fee refund program inflicting the taxpayers with substantial administrative costs. We believe that the public is better served by the certainty created through a statutory fee schedule.[23] The Commission has worked with succeeding Congresses toward this goal and will continue to rely upon the legislative process for future modifications to the fee program.[24]

19. The Schedule of Charges approved by Congress in the Budget Act was created in cooperation with Commission staff. These fees are based primarily on the Commission's cost of providing specific regulatory services.[25] Unlike past fee programs that sought to recover all of the FCC's budgetary costs through fees, these charges were designed to apportion direct and indirect costs to certain Commission authorization of service functions. Those programs serving a general public interest function—such as our rule making and enforcement activities—as well as certain radio services used only in public health, safety, and welfare activities, were not assessed a fee. Nor were these unapportioned costs factored into the Schedule of Charges in order to subsidize nonchargeable actions. Each fee is intended to recover only those costs attributable to providing the service to the public.

20. We stress here—as we did to the Congress—that the cost analyses that formed the basis of the current Schedule of Charges were a best attempt at apportioning costs among our various application processing and authorization programs. The analyses were comprehensive and based upon exhausting reviews of our costs, completed only after consultation with all relevant Commission bureaus and offices. We will continue to review our programs and recommend to the Congress, as it becomes necessary, changes in existing charges and the implementation of new charges that would meet the public interest in recovering the cost to the government of providing services that benefit private interests.

III. Discussion

21. New section 8(f) of the Communications Act directs the Commission to prescribe appropriate rules and regulations to carry out the provisions of the legislation. This mandate will require changes in the Commission's rules. In some areas, we believe that amendment or deletion of the present rules will be sufficient.[26] In other areas, however, we believe that new rules should be promulgated. Finally, some sections of the Budget Act's legislative history may not be consistent with our current authorization of service definitions and must be reconciled. The sections of the Budget Act that we believe affect our processing procedures are discussed here. Accordingly, we seek comment on our proposed rule changes as well as the proposed policy statements discussed herein. In addition, we encourage all parties to submit comments, subject to the limitations discussed in paragraphs 4–6 above, with respect to any other sections of the Budget Act that they believe should be considered.

Proposed Assessment and Collection Policies

22. The Communications Act leaves to the Commission's discretion the method through which the Schedule of Charges will be collected. Our initial review of possible procedures and policies has been guided by three overarching principles: (1) The fee collection process

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[17] As per a Public Notice of December 15, 1982 [FCC 82-566], the public was provided with 90 days notice of termination through two notices: Public Notice of July 24, 1985 [FCC 85-383] and Public Notice of October 8, 1985, 50 FR 40895.

[18] 69 F.C.C. 2d 758 (1978).

[19] For example, Commission cost estimates formed the basis for fee schedules in proposed legislation such as S. 1629 and S. 821 [97th Congress] S. 55 [98th Congress], S. 999 and H.R. 3128 [99th Congress].

[20] *Report of the Comptroller General of the United States, Establishing a Proper Fee Schedule Under the Independent Offices Appropriation Act* of 1952, Federal Communications Commission, CED-77-70, May 6, 1977.

[21] *Report of the President's Private Sector Survey on Cost Control* [Grace Commission Report], Bus FCC 3: User Charges, page 23.

[22] *Electronic Industries Association v FCC*, 554 F.2d 1109, 1117 (D.C. Cir. 1976).

[23] By an order today in this proceeding we terminate Gen. Docket No. 78-316, *Fee Refunds and Future FCC Fees*. That docket was intended as the vehicle for reexamining the premises behind our fee program in light of the December 1976 Court of Appeals' decisions.

[24] The Commission is on record since 1976 in supporting legislative efforts to implement fees and continues to support this method. *See Schedule of Fees*, 50 FCC 2d 937-938 (1975). Separate statement of Chairman Wiley joined in by all Commissioners.

[25] Conference Report at 423.

[26] Current Fee rules are contained at Part 1—Subpart G of the Commission's rules, 47 CFR 1.1101-1.1120 (1984). These rules were suspended by Commission Orders in 1976. *See* 41 FR 56616 (December 29, 1976); clarification, 42 FR 3168 (January 17, 1977).

should not have an adverse impact on the Commission's application processing and equipment authorization programs; [27] (2) fees should be collected and deposited in the most cost effective manner possible; [28] and (3) fees should impose little or no additional paperwork burden on the public.[29] We are particularly interested in public comments as to how our tentative procedures meet these principles and we welcome alternatives that are consistent with these principles.

A. Amount of Charges

23. We propose to adopt the "Schedule of Charges" exactly as approved by the Congress in section 8(a) of the Communications Act. (The Schedule of Charges is incorporated in our proposed rules). Any future changes to these fees will be made through the mechanisms created by the new Communications Act language. As necessary, we will propose new charges to the Congress for incorporation in the statutory Schedule of Charges.

24. The Schedule of Charges results from a determination by the Congress that the fees represent a rough approximation of the Commission's actual cost of providing regulatory services.[30] Members of the affected telecommunications industries have had an opportunity to modify the Schedule of Charges through the legislative process. We have worked with them and Congress to ensure that the charges reflect actual costs. We will continue to monitor these costs and propose changes in the fees to Congress as necessary.

25. Those regulatory services that are not listed in the Schedule of Charges are *not* subject to a fee at this time. Members of the public should carefully review this schedule to acquaint themselves with the required fees.

B. Retention and Refund of Charges

26. New section 8(a) of the Communications Act directs the Commission to assess and collect charges as listed in its Schedule of Charges. The pertinent legislative history explains that these charges are based on cost of regulation principles and are designed to recover a portion of the FCC's regulatory expenses.[31]

27. Based upon this congressional formulation of the basis for fees, we propose to collect and retain fees irrespective of our ultimate disposition of the application or filing. Fees would be returned in certain limited circumstances. These include applications or filings with an insufficient fee; fees submitted with applications or other filings not requiring a fee; unnecessary filings requiring no staff action; applications from an applicant who cannot meet a prescribed age requirement; applicants precluded from obtaining a license by the provisions of Section 310(a) of the Communications Act; instances when a waiver request is granted and instances where the Commission adopts new rules that nullify applications already accepted.[32]

28. The Commission incurs costs in processing applications regardless of the final result for the applicant. Personnel, equipment, and space costs—which represent the vast majority of the Commission's budget—are fixed costs that can be apportioned among the various processing programs. Each such application in a particular radio service should bear an equal amount of the apportioned, fixed cost, regardless of the actual work required on that particular application.

29. We have considered a cost allocation program that would charge fees to the public based on the actual work performed on each application by our staff. This type of "tailored" fee program would require an extensive tracking and control system for each of the over 400,000 applications or filings made to the Commission.

30. While a cost tracking system is theoretically possible, we believe that the additional cost of such a system, and the resulting paperwork burden on the public and our employees, would not be in the public interest. Nor do we find any provision in new section 8 of the Communications Act or its legislative history that would require a fee calculated for each individual application or filing. Accordingly, it is our view that fees will not be refunded if staff or Commission action is unfavorable to the applicant. Nor will fees be determined according to the actual work done on any particular application. We invite comments on this proposal as well as suggestions on alternatives that would not impose significant costs and paper work burden on the Commission's processes.

C. Role of FCC Forms

31. We are not proposing a new form to accompany fee submissions. This decision is consistent with Commission efforts to reduce the paperwork burden on the public whenever possible.[33] Commission staff will be directed to determine required charges based on the type of FCC form or filing received. It is our belief that this procedure is the most efficient means of identifying fees. We request comments from those who feel a new form or other method is desirable.

32. Use of current FCC forms to determine fees due does not mean we are proposing to charge fees on a one fee per form basis. Charges are based on the action reqested of the Commission. In those instances where a single form allows for multiple chargeable actions, for example, FCC Form 731 for Equipment Authorizations, we propose to charge for each such action. We believe this proposal is consistent with the congressional intent to institute a charge for each regulatory service, regardless of the filing procedure used.[34] Our proposal to use current FCC forms is intended to provide a convenient device for the public and our staff in determining fees; it is not meant to change in any way the determination of a chargeable service as set out in the

[27] Clearly, it is in the public interest to ensure that the Commission continues to act on requests from the public as rapidly as is possible. Processing delays may postpone the provision of valuable communications services to the public.

[28] Department of the Treasury cash management regulations, implementing the Deficit Reduction Act of 1984 (Pub. L. 98-369), require agencies to ensure effective and efficient management of the Government's cash when developing and implementing systems for billings, collections, deposits and disbursements. *See, for example,* 50 FR 35547 (September 3, 1985).

[29] Senate Report at 5, note 1 *supra.*

[30] In its consideration of fees, the Congress had available to it FCC Staff cost analyses prepared for the Fee Refund program and later updated to factor in new services, changes in application processing technology, personnel cost, etc. *See* 69 F.C.C. 2d 747-755 (1978) for a discussion of cost calculation.

[31] Conference Report at 423. The basis for these charges can be differentiated from a license or spectrum fee, which is premised on the success of the applicant, or an auction for a specific frequency channel. For a discussion of spectrum fees and auctions, *see* 69 F.C.C. 2d 768-779 (1978) and Office of Plans and Policy Working Paper 16: *Using Auctions to Select FCC Licenses, May 1985.*

[32] In those instances when only a partial refund of the original amount submitted is necessary, *i.e.,* for overpayments, we propose to issue a refund check for overpayments of $8 or more. We believe this minimum refund amount is justified because of the cost to the government of processing any refund check. The resulting refund will be held a minimum of 15 calendar days to allow for final payment of the remittance check to the Treasury Department. Treasury checks will then be sent in the same name of the remitter of the instrument, but mailed to the original submitter of the application containing the overpayment.

[33] This proposal is also consistent with Congressional desires to limit the paperwork burden on the public. Senate Report at 5, note 1 *supra; see also* the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et. seq.*

[34] Conference Report at 423. This intent is also clear in past congressional consideration of fees. *See* S. Rep. No. 73, 97th Cong., 1st Sess. 2,4 (1981).

Budget Act, the Communications Act, or our rules.[35]

33. In this regard, the public should be aware that we are not proposing any changes to our current rules defining a particular radio service or the different authorizations within that service, *i.e.*, modification, renewal, transfer, etc., in this proceeding. The public should continue to rely upon our current procedural rules as contained in the *Code of Federal Regulations*, as well as on recently released Commission decisions, to determine eligibility requirements and processing guidelines for each radio service.[36]

D. Filing Locations

34. Applications and accompanying fees will only be accepted for filing at the receipt locations designated by our rules.[37] Therefore, unless the public receives notice of changed procedures, Private Radio applications and related filings will continue to be received in Gettysburg while Mass Media and Common Carrier filings will be made in Washington. In order to consolidate our fee collection processes, we are proposing to amend our rules to require equipment authorization requests to be filed in Washington, not Laurel, Maryland, site of the FCC laboratory.[38]

35. The Commission would not be responsible for applications received in other than the designated location. Nor would it be responsible for matching fee payments and applications not submitted in a single package. Applications and other filings received at an incorrect location would be returned to the sender without processing. For purposes of determining receipt dates and conformance with filing deadlines, the filing would not be considered received by the Commission until received at the designated location. The institution of a fee collection program requires that these policies be strictly enforced to ensure efficient cash management and security.

36. In the private land mobile radio services, we require that most applications be submitted to and reviewed by recognized non-government frequency coordinating committees before being filed. These coordinating committees identify the specific frequency or frequencies that are appropriate for use by applicants, thereby assisting us in managing the land mobile spectrum. Under the process set forth in the *Report and Order* in PR Docket 83–737, *Frequency Coordination in the Private Land Mobile Radio Services* [39], applicants will complete the relevant portions of the application form and forward the application to the responsible coordinating committee, along with the coordination fee, if any, for the coordinator's services. In turn, the coordinator will recommend an appropriate frequency, perform other required functions, and file the application with the Private Radio Bureau.

37. The imposition of fees for Commission processing of applications may require us to revise portions of the frequency coordination decision. For instance, if we continue requiring applications to be filed with the Private Radio Bureau directly by frequency coordinators, we must also develop rules governing the handling of the FCC fees by coordinators. One alternative would be to have applicants forward the Commission fees with their applications and the coordinators' fees, if any, to the frequency coordinators. The coordinators would be responsible for reviewing the sufficiency of the FCC fee and rejecting those that were incorrect. From the standpoint of processing efficiency, this approach may be most desirable. However, the coordinators would have to implement certain safeguards to ensure that the Commission fees are handled properly for the entire time the applications are under their control.[40] We may also have to develop guidelines to govern matters such as whether applicants would submit two separate checks to the coordinators, one representing the coordination fee and the other the Commission processing fee.

38. An alternative to having coordinators collect and forward processing fees would be to have them return applications to applicants after their frequency analysis and review. Applicants would thereafter forward both the processing fees and their application, attachments, and the frequency recommendation to the Private Radio Bureau. This approach would relieve the coordinators of the responsibility for handling processing fees. It could, however, significantly delay the filing of applications. Further, as pointed out in the *Report and Order*, if we allow applicants to file applications after the coordinators' review, applicants would be able to alter their applications. Reducing the time involved in the application process and minimizing the number of defective applications were two of our primary objectives in the frequency coordination proceeding. We seek comments from all interested parties on an approach to fee collection that would, on the one hand, minimize the burden on frequency coordinators while, on the other hand, not unduly delay application processing.

E. Timing of Payments

39. New section 8(c)(2) of the Communications Act grants the Commission authority to dismiss any application or filing for failure to pay in a timely manner. Consistent with that authority, we propose to require that full fee payment accompany chargeable applications or filings at the time of their submission to the Commission. Partial payments or installment payments would not be permitted. Thus, no submission would be deemed sufficient for processing by the appropriate bureau or office unless the correct fee is attached. Chargeable applications without a remittance of insufficient remittance would be returned unprocessed to the applicant. These submissions would not be considered as received by the Commission for the purpose of establishing conformance with FCC deadlines unless resubmitted

[35] A complete discussion of each such authorization of service function subject to fees is set out at paragraphs 73–223 *infra*. We also intend to issue a Public Notice at a later date detailing the fee or fees due for each application, form or other filing that can be made to the Commission.

[36] The Conference Report, pp. 424–433, provides a brief service-by-service explanation of the fee program. We believe these explanations are consistent with our current rules in most regards. This section-by-section analysis is designed to assist the public in understanding exactly what is subject to fees—not to modify the Commission's rules. To the extent that there are discrepancies, Commission rules will continue to apply. In addition, the public may gain a clearer understanding of what radio services and actions require fees by reviewing paragraphs 73–223 *infra*., entitled "Chargeable Radio Services and Authorizations".

[37] The Commission is now holding discussions with Department of Treasury staff on alternative fee collection mechanisms that might require the public to submit fees at sites other than Washington or Gettysburg. One such alternative involves the use of Treasury Lockboxes. In a typical lockbox system, a paying entity mails its remittance and application to a specified post office box. A lockbox bank opens the mail, processes the funds and remittance data and forwards the application to the FCC. In an alternative lockbox option, the paying entity concurrently mails its remittance, with a supplemental form, to a post office box and submits the application to the FCC. Treasury's Lockbox system uses five banks located in Atlanta, Chicago, Pittsburgh, Dallas, and Los Angeles. The public will receive ample notice of a change in filing location should it be necessary.

[38] The Office of Engineering and Technology is planning an independent proceeding to modify Form 731 to reflect this change.

[39] *Report and Order* (FCC 86–143), released April 15, 1986, 51 FR 14993 (April 22, 1986). The effective date of this decision is October 22, 1986.

[40] See Treasury regulations on cash management at 50 FR 35547 (September 3, 1985), implementing the Deficit Reduction Act of 1984, 26 USC 1 *et seq.*

with the proper fee within the applicable deadlines. It is our view that this procedure is consistent with congressional intent to impose fees for the cost of reviewing authorization requests by the public, regardless of the ultimate disposition of the request by the Commission or its staff.

40. If we require a fee as a prerequisite to staff review of applications, this ensures that the Commission will recover the cost of processing from unsuccessful applicants without the need for further collection efforts. In addition, we believe that a billing system permitting payments after the public submits documents to us would add significantly to the cost of a cash management system, delay Treasury's receipt of funds, and ultimately decrease the amount of regulatory costs recovered by the government.

F. Method of Payment

41. We propose to require that fee payments be made by a check or bank draft, made payable to the Federal Communications Commission, and drawn upon funds deposited in a bank in the United States. A money order payable in U.S. currency would also be acceptable. These payment terms are consistent with sound cash management principles in practice at other agencies.[41] They minimize the potential for loss, theft, or delays that could otherwise decrease revenues available to the Treasury.

42. We also propose that one check, bank draft or money order accompany each application or filing.[42] We believe this procedure will simplify the processing of applications by allowing Commission staff to assess the fee submission without performing multiple calculations. Our preliminary analysis of the fee intake process indicates that Commission staff would be inordinately delayed if required to apportion a single remittance among multiple and varying applications. This delay could add significantly to the ultimate disposition of these applications and the introduction of communications services to the public. In addition, such an apportioning process increases the risk of mistake by staff processing over 400,000 annual submissions.

43. At the same time, we are very concerned with the potential administrative burden this proposal may place on the public. One of our guiding principles, echoed by the Congress, is that the fee process should impose minimal additional paperwork burden on the public. We are aware that many communications providers operate communications systems that may include hundreds or thousands of individual transmitters. This "system" licensing has received our support in the past and we continue to believe that this form of licensing avoids needless paperwork and administrative costs.[43]

44. Therefore, as an alternative to our proposed "one check per application" policy, we are also requesting comment on a proposal to allow one check, draft or money order for multiple applications, provided that the applications are received simultaneously as one package, are from the same legal applicant, and request the same Commission authorization, *e.g.*, new construction permits or renewals, in the same radio service. After preliminary review, this fee collection method seems to strike a balance between our desire to limit the paperwork burden of system licensees while ensuring that our processing staff can quickly and easily evaluate fee submissions. We seek comment on these two proposals as well as proposals that are consistent with our fee program principles.[44]

G. Penalties for Late or Failed Payment

45. New section 8(c)(1) of the Communications Act directs the Commission to assess an additional charge of 25% of the fee amount not paid in a timely manner. New section 8(c)(2) permits the Commission to dismiss any application or filing because of late payment of any charge or the penalty prescribed by 8(c)(1). In incorporating these seemingly inconsistent provisions into a fee collection program we first reviewed the legislative history for additional guidance:

New section 8(c) requires the Commission to develop penalty charges that will be assessed for late payment of fees. These penalties will equal 25% of the late payment. The Commission is authorized to dismiss applications or other filings to penalize late payment of charges.[45]

46. We have already proposed elsewhere in this proceeding that full fee payments must accompany chargeable applications or filings at the time of their submission to the Commission. We believe this an appropriate exercise of the 8(c)(2) discretionary authority in the Communications Act. Because we believe that allowing applications to enter the FCC's processing system prior to payment of all fees would result in additional administrative costs to the government as well as decreased revenues, we intend to dismiss any application or filing for late payment of any charge. A payment would be "late" for purposes of dismissal if it does not accompany the application or filing at time of submission and the Commission denies any concurrent request for deferral or waiver.

47. We are also proposing to institute a 25% penalty for the amount of the fee not paid in a timely manner.[46] This penalty would be imposed in those limited instances when the Commission grants a deferral request and bills an applicant for the fee due. In addition, applicants would be billed if an insufficient fee payment is discovered after bureau or office processing of the application or filing has begun or the staff modifies the classification of the action requested. Finally, the penalty charge would apply in any instance where the staff determines that the underlying request was misclassified and requires FCC action with a larger fee.[47]

48. During the prior fee programs the Commission experienced a significant incidence of checks and other payment instruments failing for insufficient funds. This resulted in lost revenue to the government as well as the additional costs required to collect these payments. In order to deter this activity and

[41] *See for example*, proposed payment terms of the Office of Surface Mining fee program, 50 FR 7532 (February 22, 1985).

[42] This proposal is also intended to prohibit more than one check, draft, or money order per application or filing. In the past, the Commission often received a check from both the buyer and seller to cover the charge for a transfer of control. Under our proposal, either the buyer or seller—based on their private agreement—should submit the remittance.

[43] One submission to Congress indicates that an applicant is planning a private Ku band satellite network of up to 2,000 fixed satellite earth stations to be located at retail outlets, warehouses and other corporate facilities. *See Reauthorization and Oversight of the FCC*, Hearings Before the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation, United States Senate, 99th Cong. 1st Sess., 53 (March 20, 1985).

[44] In the event that we adopt some variation of a "one check for multiple applications" policy, the processing staff will be instructed to return the entire package of submissions if the single covering fee proves inadequate. The Commission will not accept on a *pro rata* basis those parts of a submission that are covered by the fee. We do not believe it would be appropriate for Commission staff to determine which applications or filings should take precedence over others in a single package. This is a private decision for the applicant or his legal representative.

[45] Conference Report at 423.

[46] This penalty would be imposed in lieu of interest charges required by the Debt Collection Act of 1982, 31 U.S.C. 3717.

[47] In either of these three instances, applicants would receive a bill within five days of Commission determination that a fee is due. If the bill is not paid when due, the application or filing would be dismissed, or in those instances where the Commission has acted on the underlying request, the action would be rescinded. See note 48, *infra*.

minimize our collection costs, we are proposing to condition any grant of an instrument of authorization by the Commission or its staff upon final payment of the applicable fee.[48] As applied to checks or other payment instruments, final payment would not occur until receipt by the Treasury of funds cleared by the financial institution on which the check is drawn. If the Commission receives notice from the Treasury that final payment has not been made, the Commission would automatically rescind the instrument of authorization and notify the grantee to cease operations initiated pursuant to the authorization. If the application is still pending before the Commission, it would be immediately dismissed.

49. Should an applicant's payment method fail for insufficient funds, he would not have an opportunity to submit a new instrument of payment unless he decides to refile.[49] We believe this is an appropriate response to an action that deprives the government of revenues and imposes additional costs upon it.[50]

H. Modifications to the Schedule of Charges

50. New section 8(b)(1) of the Communications Act directs the Commission to review the Schedule of Charges every two years after the date of enactment and adjust these charges to reflect changes in the Consumer Price Index.[51]

Increases or decreases in the charges are to apply in all services based on the percentage change in the CPI-U from the date of enactment of the legislation. The CPI-U percentage change would be applied to the original base fee as approved by Congress in the Budget Act or as modified by future law. Adjustments to fees under $100 would not occur until the change equals at least five dollars, or in the case of fees of $100 or more, until the CPI-U has changed by 5%. All fees requiring adjustment would be rounded up to the next $5.00 increment and the Commission would notify the Congress not later than 90 days before an adjustment goes into effect.

51. We believe this language provides a straight forward, cost efficient method of modifying the Schedule of Charges. We propose to incorporate this language into our rules essentially as set out by the Congress.[52] Prospective commentors should realize that we intend to automatically implement these modifications to the base fee established by Congress on a biennial basis.[53] If there are underlying factors that call into question the amount of the original fee, these concerns should be brought to the attention of Congress. As mentioned earlier, we will continue to monitor our processes and propose changes to the original Schedule of Charges if our regulatory actions, and accompanying costs, change significantly.

52. In order to acquaint the public with the method by which we propose to modify fees, we provide in Appendix A some hypothetical examples of fee changes we would make in the future based upon the statutory formula.

I. Radio Services and Entities Exempt From Charges

53. New section 8(d)(1) of the Communications Act specifically exempts certain radio services which would otherwise be chargeable in the Land Mobile Radio Service.[54] These radio services are Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, Public Safety, and Special Emergency Radio.[55] We propose to exempt these radio services.

54. The Schedule of Charges and its legislative history also exempts non-commercial educational radio and television licensees from fees.[56] Once these entities have established their qualifications as non-commercial educational broadcasters under our rules, we propose to exempt them from all fees listed in the Schedule of Charges. In addition, certain other organizations involved with the creation and dissemination of non-commercial educational programming to these stations would be exempt from all fees. An entity not qualifying as a non-commercial educational broadcaster, such as the Public Broadcasting Service (PBS) or National Public Radio (NPR), would be exempt from all fees if it receives funding directly or indirectly from the Corporation for Public Broadcasting (CPB).[57]

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[48] The adoption of this rule conditioning authorizations would obviate the need for a revocation hearing for non-payment of the statutorily mandated fee under section 312 of the Communications Act. We believe this rule is consistent with the intent of the Budget Act. If licensees or permittees could continue to operate or build despite a clear failure to pay required fees, this would increase government collection costs significantly and decrease net revenues to the Treasury.

[49] Applicants would lose their place in the processing line, their file number and any right to consideration by the Commission, unless they refile by the original deadline.

[50] We are also prepared to take further action against members of the public that demonstrate a pattern of this practice.

[51] We are proposing to use the Consumer Price Index for All Urban Consumers (CPI–U), published monthly by the Bureau of Labor Statistics. The CPI measure is the most widely used indicator of price changes in the nation. The CPI-U is representative of the buying habits of about 80 percent of the noninstitutional population of the United States, compared with 40 percent represented in the older index, the CPI-W (wage earners and clerical workers). *See Bureau of Labor Statistics Handbook of Methods, Volume II: The Consumer Price Index*, Bulletin 2134-2, April 1984.

[52] We also plan to round down fees to the next $5.00 increment in instances of negative growth in the CPI-U. We believe this modification is consistent with a congressional intent to keep fees as simple as possible by charging only in $5.00 increments.

[53] "Adjustments to fees pursuant to this procedure shall not be subject to judicial review because these changes are *ministerial, nondiscretionary* acts." (Emphasis added) Conference Report at 423.

[54] *See Also* the Conference Report at 423.

[55] The delineation of these radio services in the legislation is not entirely consistent with our rules. Local Government, Police Radio, Fire Radio, Highway Maintenance and Forestry-Conservation are included within the general category of Public Safety Radio. Special Energency Radio is a general category including such specific radio services as Medical, Rescue, Disaster Relief and Beach Patrols. We propose to exempt all of these subservices as consistent with the intent of the legislation. *See*. 47 CFR 90.15–90.45.

[56] The Schedule of Charges establishes fees for "commercial" TV and radio stations. The Conference Report indicates that "non-commercial radio and TV stations will not be subject to any of the fees listed in this schedule." Conference Report at 423. The Conference Report later states that fees should apply to stations "other than those classified by the FCC as non-commercial educational stations." Conference Report at 425–426. The intent of the Congress is not completely clear in this area. Nonetheless, we believe that the best method for establishing and administering this exemption would be to allow the fee exemption for those stations defined by our rules as "non-commercial educational" for TV and FM stations, or, in the case of AM stations, those certifying that they will operate or do operate in accordance with the FM rule defining non-commercial educational operation. *See* 47 CFR 73.503 and 73.631. This interpretation of the new Communications Act directive is also consistent with current language in the Act defining "public broadcast stations" and "non-commercial educational broadcast stations". 47 U.S.C. 397(6).

[57] CPB distributes funds to operating public radio and television stations through its Community Service Grant program, using funds from the Public Broadcasting Fund. 47 U.S.C. 396 *et seq*. Each station receives a basic grant that may be used at the discretion of the recipient for purposes related primarily to the production and acquisition of programming. 47 U.S.C. 396(k)(7). The grant may also be used to fund organizations consisting of a number of radio or television stations that provide interconnection and programming for the members. PBS and NPR are examples of these organizations. They both either receive money directly from CPB, or indirectly through membership fees from member broadcasters. While these organizations cannot hold an underlying broadcast TV or radio license, they often require other communications licenses—such as microwave, boosters, repeaters, and satellites—to assist non-commercial educational TV and radio stations in creating and disseminating non-commercial, educational programming. We do not believe it would be consistent with the intent underlying the Budget Act to require these and other

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55. In addition, new section 8(d)(1) indicates that fees should not be assessed against "governmental entities" licensed in other services.[58] Neither the Budget Act nor Conference Report provide further definition of what constitutes a "governmental entity." Therefore, it will be necessary for us to establish a definition of governmental entities for purposes of permitting an exemption from our regulatory fees.

56. Under the former fee program the Commission exempted applications filed by "governmental entities" in any of the Safety and Special Radio Services.[59] Essentially, the Commission was disposed to exempt any users in the radio services that operated on a nonprofit basis for the benefit of the public safety, health, and welfare. At the urging of numerous commentors and the recommendations of Bureau of the Budget Circular A-25, the Commission concluded that it would be "inappropriate to charge a fee to governmental organizations which use radio directly for public safety, health, or welfare purposes."[60] This decision resulted in exemptions for specific radio services open only to government entities similar to those discussed *supra.*, at paragraph 53 as well as the blanket exemption for applications filed by government entities in any of the Safety and Special Radio Services.

57. We tentatively conclude that the new Communications Act language establishes a fee exemption for governmental entities regardless of the radio service in which they apply. The only qualification to this exemption would be that the governmental entity must qualify for use of the radio service within existing Commission eligibility requirements. Clearly, Congress is cognizant of the public interest served in exempting government agencies from additional costs in serving their respective constituencies. Many of the specific radio services exempted by the legislation and discussed earlier are open exclusively to governmental entities. Other services, such as Special Emergency Radio, are available only to organizations that provide public health, safety and welfare functions.

58. At the same time, the traditional health and safety roles of government are subject to change. Governments are today involved in many communications services.[61] Our general exemption for governmental entities provides for this changing role by exempting government entities from fees in any communications service. We invite comments on this interpretation of the Communications Act.

59. As noted earlier, neither the legislation nor its legislative history provides a definition of "governmental entities" for purposes of fee exemptions. Nor did our former fee program provide such a definition. Therefore, we request comment on what constitutes "governmental entities" for fee purposes.

60. The Communications Act provides guidance in defining governmental entities. For purposes of determining what constitutes a noncommercial telecommunications entity, the Act requires that it be "owned and operated by a state, a political or special purpose subdivision of a state, a public agency or a nonprofit private foundation, corporation, or association. . .".[62] The Communications Act goes on to define "state" to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands."[63]

61. Our rules provide further guidance in this matter. Numerous sections of our rules define "government entities" for purposes of establishing eligibility standards in our radio services.[64]

62. Other statutes and regulations also provide assistance. The Internal Revenue Code has defined "governmental unit" for the purposes of determining what industrial development bond interest is excludable from income. This definition includes "a state, territory, a possession of the United States, the District of Columbia, or any political subdivision thereof." A "political subdivision" denotes any division of any state or local government unit which is a municipal corporation or which has been delegated the right to exercise part of the sovereign power of the unit.[65]

63. In 1974 Congress amended the Fair Labor Standards Act (FLSA), extending the Act's minimum wage and maximum hour provisions to include most state and local government employees.[66] These amendments define a "public agency" to include the Government of the United States; the government of a state or political subdivision thereof; any agency of the United States, a state, or a political subdivision of a state, or any interstate governmental agency.[67]

64. For purposes of determining appropriate jurisdiction under section 1983 discrimination suits, courts have reviewed numerous claims by plaintiffs of "state action" by otherwise private organizations.[68] Without a showing of an independent nexus of state involvement, it has been determined that the mere chartering of a corporation does not constitute state action;[69] nor does government funding;[70] government licensing;[71] regulation;[72] tax

organizations that directly or indirectly receive CPB funding for interconnection and programming functions to turn back that money to the federal government in the form of regulatory fees.

[58] Conference Report at 423.

[59] *See* 47 CFR 1.1115(c) (now suspended).

[60] *See* discussion at 34 F.C.C. 811 (1963), at 817-818. See also Bureau of the Budget Circular A-25 which states that "[p]ayment of the full fee by a state, local government, or nonprofit group would not be in the interest of the program."

[61] *See for example*, the Cable Communications Policy Act of 1984, Pub. L. No. 98-549 613(e), 98 Stat. 2799 (1984), which permit a state or franchising authority to hold an ownership interest in a cable system.

[62] *See* Section 397(16) of the Communications Act of 1934, as amended, 47 U.S.C. 397(16).

[63] *See* Section 397(7) of the Communications Act of 1934, as amended, 47 U.S.C. 397(7).

[64] *See, for example*, 47 CFR 90.17(a) which establishes eligibility in the Local Government Radio Service by including: "any territory, possession, state, city, county, town or similar governmental entity including a district and an authority, but not including a school district or authority or a park district or authority . . .". *See also*, 47 CFR 90.17(c)(25); 90.19(9) [Police Radio]; 90.21(9) [Fire Radio]; 90.23(9) [Highway Maintenance Radio]; 90.25 [Forestry-Conservation Radio]; and 73.621(2)(6) (Noncommercial Educational TV stations).

[65] *See* 26 U.S.C. 103 and 26 CFR 1.103-1(a)(b).

[66] The Fair Labor Standards Act of 1938, section 1, 29 U.S.C. 201 *et seq.* (1940), (amended by Pub. L. No. 93-259, section (9), 88 Stat. 1245 (1977)).

[67] 29 U.S.C. 203(x) (Supp. IV 1970).

[68] 42 U.S.C. 1983, as amended by Pub. L. No. 96-170, section 2. Section 1983 reads in part; "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

[69] *Cohen v. Illinois Institute of Technology*, 524 F. 2d 818 (7th Cir. 1975) *cert. denied* 425 U.S. 943 (1976); *Sament v. Hahnemann Medical College and Hospital of Philadelphia*, 413 F. Supp. 434 (E.D. Pa. 1976); Affirmed mem. 547 F. 2d 1164 (3rd Cir. 1977).

[70] *Aasum v. Good Samaritan Hospital*, 542 F. 2d 792 (9th Cir. 1976), *Manning v. Greensville Memorial Hospital*, 470 F. Supp. 662, (C.D. Va. 1979); *Trageser v. Libbie Rehabilitation Center*, 590 F. 2d 87 (4th Cir. 1978) *cert. denied*, 442 U.S. 947 (1979); *Cohen* supra.

[71] *Moose Lodge No. 107 v. Inis*, 407 U.S. 163 (1972); *Ouzts v. Maryland National Insurance*, 505 F. 2d 547 (9th Cir. 1974), *cert. denied*, 421 U.S. 949 (1975); *Ployer v. State of Alabama Department of Pensions*, 400 F. Supp. 249 (M.D. Ala. 1975) affirmed mem. 536 F. 2d 1385 (5th Cir. 1976); *Holmes v. Elks Club*, 389 F. Supp. 854 (M.D. Fla. 1975); *contra. Bennett v. Dyer's Chop House* 350 F. Supp. 153 (D.C. Ohio 1972).

[72] *Jackson v. Metropolitan Edison*, 419 U.S. 345 (1974); *Cox v. Athena Cablevision*, 558 F. Supp. 258 (D.C. Tenn. 1982); *Ocehino v. Northwestern Bell*, 675 F. 2d 220 (8th Cir. 1982); *Sumptor v. Harper* 683 F. 2d 106 (4th Cir. 1982); *Fulton v. Hecht* 545 F. 2d 540 (5th Cir. 1977), *cert. denied*, 430 U.S. 1984 (1976) *contra. Roberts v. Louisiana Downs* 742 F. 2d 221 (5th Cir. 1984), distinguished from *Fulton supra*. The Supreme Court in *Metropolitan Edison* did recognize,

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exemptions;[73] or use of public facilities.[74]

65. Based upon a review of these definitions, relevant jurisprudence, Office of Management and Budget recommendations and a careful analysis of the policy basis for the exemptions permitted under our previous fee programs, we tentatively conclude that "governmental entities" for purposes of fee exemptions will include any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs.

66. We recognize that this definition excludes many private corporations, foundations, associations and individuals who provide valuable health, safety, and welfare services to the public in conjunction with or in lieu of governmental entities. In fact, many of those organizations may receive substantial funding from various government entities.[75]

67. We have proposed limiting the fee exemptions to those political institutions under the direct control of elected or appointed officials for several reasons. First, the fee legislation is designed to recover the Commission's cost of regulating communications entities under its jurisdiction. By exempting governmental entities from these fees, Congress implicitly recognized that certain federal costs of regulation should not be shifted to the states and localities. The Commission has been given a strong mandate to provide for and manage the nation-wide communications system in the public interest.[76] To require fees of state and local agencies for the communications services needed to serve their citizens would shift part of the cost of fulfilling this mandate to other levels of government. We recognize, as did Congress, that fees would place additional pressure on the limited fiscal resources of state and local governments, who are large users of private radio services.

68. While we continue to support and encourage the use of radio services by private health, safety and welfare organizations, we believe their interests are adequately protected by the legislation without the need for an overinclusive definition of "governmental entities." As we noted earlier, new section 8(d)(1) of the Communications Act specifically exempts the Public Safety and Special Emergency Radio services from those land mobile radio services that are otherwise subject to fees. Consistent with the legislative history of the Budget Act, we have also proposed to exempt non-commercial education permittees and licensees, as well as other organizations receiving federal funds to assist these broadcasters in the creation or dissemination of this programming, from fees. Organizations providing health, safety and welfare services to the general public have traditionally used these radio services. Under this fee program, such radio services would continue to be exempt from charges. In addition, many of the other communications services traditionally used by public service organizations, for example, Instructional Television Fixed Services, do not have fees established by the Schedule of Charges. Any such radio service would also be exempt from fees.[77]

69. These statutory exemptions may seem far narrower than those permitted under our former fee program.[78] Our former exemptions were granted under the broad authority of Title V of the Independent Offices Appropriation Act, which allowed the Commission to consider public policy in establishing fees.[79] In contrast, the current statute establishes discrete fees for certain radio services and specifically exempts others from fees. Nonetheless, we believe that, after careful examination by the public of the Communications Act's land mobile and non-commercial educational broadcasting exemptions, in conjunction with the exemption for governmental entities, they will conclude that the traditional users of radio for public safety, health and welfare purposes are exempt from fees. Therefore, we tentatively conclude that the specific exemptions from fees discussed herein will constitute the full scope of exemptions granted by the Commission.[80] We believe these statutory exemptions represent a careful balancing of the need to recoup the costs of regulating, while protecting those entities from further costs who benefit the general public interest. We invite comments from other organizations that believe the statutory exemptions apply to them. These commenters should be prepared to provide convincing evidence—based upon the legislation or its history—to justify our creating additional categorical exemptions.[81]

Waivers and Deferrals

70. New section 8(d)(2) of the Communications Act states that "the Commission may waive or defer payment of a charge in any specific instance for good cause shown, where such action would promote the public interest."

71. It is the Commission's policy to strictly enforce the fee requirements established by the Budget Act. We interpret this grant of authority to

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however, that there could be state action present in the exercise by a private entity of powers traditionally exclusively reserved to the state. *See* e.g., *Nixon v. Condon*, 286 U.S. 73, (1932) (election); *Terry v. Adams*, 345 U.S. 461 (1953) (election); *Marsh v. Alabama*, 326 U.S. 501 (1946) (company town); *Evans v. Newton*, 382 U.S. 296 (1966) (municipal park). Id. 419 U.S. at 352.

[73] *Weise v. Syracuse University*, 553 F. Supp. 675 (N.D. N.Y. 1982); *Narango v. Alverno College*, 487 F. Supp. 635 (DC Wis 1980); *Stewart v. New York University*, 430 F. Supp. 1305 (S.D. N.Y. 1976).

[74] *Magill v. Avonworth Conference*, 516 F. 2d 1328 (3rd Cir. 1975).

[75] *See for example*, the various tax exempt organizations established by 501(c)(3) of the Tax Code. 26 U.S.C. 501(3) (1958). These organizations may provide, either directly or under contract, services which are the traditional domain of governments such as: construction and maintenance of streets, highways, sewers, parks, playgrounds, swimming pools, hospitals, jails; operation of schools, garbage disposal, utility provision; and in some instances, police/fire or rescue services.

[76] Communications Act of 1934, as amended. 47 U.S.C. 151 *et seq.*

[77] If these private organizations should chose to apply in radio services that require fees, we find no basis in the legislation for extending the fee exemption based simply on their non-profit or public service status. Nor do we believe there is a general public interest for granting a universal fee exemption to these organizations based solely on their status. The statutory fees represent only a very small percentage of the costs incurred in the creation or maintenance of a communications operation.

[78] *See* 34 FCC 811 (1963) at 818 and 38 FCC 2d 587 (1972) at 604–605.

[79] Title V states that in creating new fees or redetermining existing fees, an agency should make them "fair and equitable taking into consideration direct and indirect costs to the Government, value to the recipient, public policy or interest served, and other pertinent facts." 31 U.S.C. 483a. In addition, Bureau of the Budget Circular No. A–25, released September 23, 1959, suggested exceptions to fees or charges for "recipients engaged in a nonprofit activity designed for the public safety, health, or welfare."

[80] Applicants who apply in the Operational Fixed Microwave Services and who qualify under the rules for Special Emergency and Public Safety frequencies will also be exempt. We believe this is consistent with the Budget Act's legislative history.

[81] We note here that section 8(d)(1) of the Communications Act, and the Conference Report language, by no means includes all of the services exempt from fees. This explicit statutory language was necessary to exempt specific users in the private radio services that would otherwise be subject to charges. By its failure to establish a specific fee, the statutory Schedule of Charges exempts whole categories of radio services, such as Instructional Television Fixed Services and Amateur Radio. We reiterate that only those services with fees established by Congress in this legislation fall within the new fee program. Fees for services not discussed in the Schedule of Charges will come only through future explicit approval by the Congress.

provide a limited and narrow instance where the Commission may—on a case by case basis—grant waivers or deferrals to specific applicants upon a showing of extraordinary and compelling circumstances.[82] Requests for waiver or deferral of fees are disfavored. We believe that a liberal waiver and deferral policy would violate the very premise underlying this legislation: to reimburse the government—and the American people—for the specific regulatory services provided to an applicant. The public interest is not served by a fee program that would require certain communications providers to "cross subsidize" the legitimate regulatory costs of others who gain waivers and deferrals. As noted earlier, these fees are only a very small percentage of the cost to an applicant in implementing or maintaining a communications facility. We believe that, in most instances, the general public interest in reimbursing the government for services provided far outweighs the private interest in waiving or deferring the small, incremental cost represented by these fees.

72. Requests for waivers or deferrals would be submitted to the Commission concurrently with an application or filing. These would be acted upon by the Managing Director with the concurrence of the General Counsel. Deferrals would be granted for a period not to exceed six months and would require an additional payment of 25 percent of the fee not paid upon submission of the application to the Commission.

J. Chargeable Radio Services and Authorizations

73. We provide here a brief discussion of each radio service and the authorizations within them to assist the public in understanding exactly what will require a fee payment when this program is implemented. We invite comments on our interpretation of the Communications Act's Schedule of Charges as it relates to these radio service and authorization functions.

Private Radio Services

74. The Private Radio services serve the communications needs of businesses, individuals, non-profit organizations and non-federal government agencies. The Communications Act's new Schedule of Charges directs the Commission to assess fees for certain authorization of service functions provided to certain applicants or licensees using these radio services. Therefore, unless specifically exempted under new section 8(d)(1) of the Communications Act,[83] the following radio services and authorization requests within them are subject to the statutory Schedule of Charges.

Marine Coast Stations

75. Marine Coast stations are used to provide radio communications and navigation and location information for maritime operations. The marine services to which fees will be applied include the following specific types of stations: public coast stations; limited (private) coast stations, marine-utility stations, maritime radiolocation stations, maritime radionavigation stations, marinereceiver test stations, shore radiolocation test stations, shore radar test stations, shore radiolocation training stations, operational fixed stations, Alaska-public fixed stations and Alaska-private fixed stations. These stations are governed by Part 81 of our rules.[84]

New Authorizations

76. Each request for a new station license will require a fee of $60. These requests are made on FCC Form 503.[85] We emphasize that the proposed fee would be required for each station, regardless of the number of forms used.[86] We do not propose to charge a fee for special temporary authority or duplicate licenses.

Modifications

77. Each request for a modification to an existing license will require a fee of $60 per station. This fee will only be required if the modification is submitted on FCC Form 503. No fee will be required when the Commission is informed of a change in license name or address, vessel name, or that the station is no longer in service, when done by FCC Form 405–A or letter.[87]

78. In addition, we propose to treat as a modification, subject to a fee of $60 per call sign, requests to assign a station or transfer control of a corporation holding a station. These requests are submitted to the Commission on FCC Forms 503, 402, 1046, or 703.[88] We believe this fee is consistent with the Schedule of Charges as each such assignment or transfer necessarily requires a significant modification to the underlying station license.

Renewals

79. Each request for a renewal of an existing station license will require a fee of $60 per station. These requests are made on FCC Forms 503 and 405–A.[89] Each 503 application requesting both a license modification and renewal will be subject to a single fee of $60 per station.

Operational Fixed Microwave Stations

80. The Operational Fixed Microwave Services are comprised of fixed stations licensed under Part 94 of the Commission's rules to entities eligible under Parts 81, 87, or 90 of the Commission's rules for the operation of their own radiotelecommunication facilities or to provide communications service to other private service eligibles on a commercial basis. With the exception of governmental entities and entities eligible for fee exemptions in the public safety and special emergency radio services,[90] charges will be required for each of the Commission authorizations discussed below.

New Authorizations

81. Each request for a new station license will require a fee of $135 per station. These requests are made on FCC Form 402.[91] We do not propose to charge a fee for special temporary authority or duplicate licenses.

Modifications

82. Each request for a modification to an existing license will require a fee of $135 per station. This fee will only be required if the modification is submitted

[82] *See* the Conference Report at 423.

[83] *See* the discussion of these exemptions at paragraphs 53–72.

[84] 47 CFR 81.1 *et seq.* The radio services subject to fees are discussed at Subparts H, I, J, K, P, and Q and defined in §§ 81.3, 81.4, 81.5, and 81.9. In the Report and Order in PR Docket No. 85–145, released April 25, 1986, we revised and consolidated Part 81 (Stations on Land in the Maritime Services and Alaska Fixed Service) and Part 83 (Stations on Shipboard in the Maritime Services) into a new Part 80. This Report and Order is expected to be published in the Federal Register on October 1, 1986, with an effective date 30 days thereafter. This revision of the maritime rules is primarily editorial in nature and does not substantively impact the chargeable services or actions described herein. The Report and Order in PR Docket No. 85–145 contains tables cross referencing the new Part 80 and the current Parts 81 and 83 of the rules.

[85] 47 CFR 81.35.

[86] Our rules permit the filing of a single Form 503 for two or more stations. *See* 47 CFR 81.40 and 81.68.

[87] 47 CFR 81.36.

[88] The filing requirements for these actions are detailed at § 81.42 of the rules.

[89] 47 CFR 81.37. Concurrent applications filed for a modification and renewal under this rule section will require only one $60 fee per station. All other concurrent applications filed under § 81.39 would require a separate fee for each authorization requested of the Commission.

[90] *See in general* 47 CFR 90.15 and 90.33. These exemptions are discussed fully at paragraphs 53–72.

[91] 47 CFR 94.27 discusses the FCC Forms required to request Operational-Fixed Microwave authroizations.

on FCC Form 402.[92] No fee will be required when the Commission is informed of a change in license name or address, or that the station is no longer in service, when done by FCC Form 405–A or letter.[93]

83. In addition, we propose to treat as a modification, subject to a fee of $135 per call sign, requests to assign a station or transfer control of a corporation holding a station. These requests are submitted to the Commission by letter and are accompanied by FCC Forms 402 or 703.[94] We believe this fee is consistent with the Schedule of Charges as each such assignment or transfer necessarily requires a significant modification to the underlying station license.

Renewals

84. Each request for a renewal of an existing station license will require a fee of $135 per station. These requests are made on FCC Forms 402 and 402R. Each 402 application requesting both a license modification and renewal will be subject to a single fee of $135 per station.

Aviation Ground Stations

85. Aviation ground stations are used to provide radio communications and navigation facilities to aircraft operators and various aeronautical enterprises eligible to be licensed under Part 87 of our rules. Consistent with our understanding of the intent of Congress,[95] fees will be collected from the following stations for the authorization functions discussed below: aeronautical advisory stations, aeronautical multicom stations, aeronautical enroute stations, flight test stations, aviation instruction stations, airdrome control stations, aeronautical utility mobile stations, aeronautical search and rescue stations, operational stations, radionavigation land stations, radionavigation land test stations and automatic weather observation stations.[96] Except for applications for aeronautical enroute stations and aeronautical fixed stations, fees will be charged on a per application basis. In these two categories of station, the fee will be a multiple of the number of stations included on the application. For example, an application requesting three aeronautical enroute stations would require three times the base fee of $60, or $180.

86. The only aviation ground station authorization functions under Part 87 for which we do not propose fees will be those of Civil Air Patrol stations.[97] These stations are excluded because they qualify for a fee exemption as "governmental entities" under the definition we are proposing elsewhere in this proceeding. Under our proposed rules, governmental entities would not be subject to fees in any radio service in which they operate.[98] Civil Air Patrol stations are only licensed to and operated by the Civil Air Patrol, which is an auxiliary of the U.S. Air Force.

New Authorizations

87. Each request for a new aviation ground station license will require a fee of $60. These requests are made on FCC Form 406.[99] We do not propose to charge a fee for special temporary authority or duplicate licenses.

Modifications

88. Each request for a modification to an existing license will require a fee of $60. This fee will only be required if the modification is submitted on FCC Form 406.[100] No fee will be required when the Commission is informed of a change in licensee name or address, or that the station is no longer in service, when done by FCC Form 405–A or letter.[101]

89. In addition, we propose to treat as a modification, subject to a fee of $60 per call sign, requests to assign a station or transfer control of a corporation holding a station. Assignment requests are submitted to the Commission by FCC Form 1046 or letter and are accompanied by FCC Form 406; transfer of control requests are submitted on FCC form 703.[102] We believe this fee is consistent with the Schedule of Charges as each such assignment or transfer necessarily requires a significant modification to the underlying station license.

Renewals

90. Each request for a renewal of an existing station license will require a fee of $60. These requests are made on FCC Form 405–A, or 406 for both a concurrent modification and renewal.[103] Each 406 application requesting both a license modification and renewal on Form 406 will be subject to a single fee of $60.

Land Mobile Radio Licenses

91. The land mobile radio service is used to satisfy the needs of commercial and industrial activities, state and local governments, transportation systems, and religious, philanthropic, and educational endeavors for mobile communication systems. Licensees are regulated under Part 90 of our rules to operate private communications systems in the following radio services: the industrial radio services, which consist of the power, petroleum, forest products, motion picture, relay press, special industrial, business, manufacturers, and telephone maintenance radio services;[104] the land transportation radio services, which consist of the interurban passenger and property, urban passenger and property, railroad, taxicab, and automobile emergency radio services;[105] the radiolocation radio service;[106] the public safety radio services, which consist of the local government, police, fire, highway maintenance and forestry-conservation radio services;[107] the special emergency radio service, which includes such subservices as medical, disaster relief, school bus, and beach patrol;[108] the 900 MHz paging service;[109] and the 800 MHz radio services.[110] Additionally, licensees operating private systems in the general mobile radio service (GMRS) are regulated under Part 95 of our rules. GMRS systems provide for short-distance personal and business land mobile communications.

92. With the exception of applications submitted by governmental entities and entities eligible in the public safety and special emergency radio services,[111] the services listed above are subject to fees for certain requests for authorization by the Commission. These authorizations are discussed below.

New Authorizations

93. Each request for a new private land mobile license consisting of not

[92] This form is required for modifications set out in our rules at 47 CFR 94.45(a).

[93] 47 CFR 94.45(b).

[94] The filing requirements for these actions are detailed at §§ 94.27(b) and 94.47.

[95] We read the Conference Report language as providing only a partial list of the stations that are subject to fees as Aviation Ground stations. *See* Conference Report at 424.

[96] These stations are governed by Part 87 of our rules, subparts C, D, E, G, H, I, J, K, L, M, N, P, and R respectively. These stations are defined at 47 CFR 87.5.

[97] 47 CFR 87.511–87.515.

[98] *See* discussion at paragraphs 53–72.

[99] 47 CFR 87.31(a).

[100] *See* 47 CFR 7.31(a) and 87.35(a)–(d).

[101] 47 CFR 87.35(e).

[102] 47 CFR 87.31(a) & (c).

[103] 47 CFR 87.33.

[104] 47 CFR 90.59–90.81.

[105] 47 CFR 90.85–90.95.

[106] 47 CFR 90.103.

[107] 47 CFR 90.15–90.25.

[108] 47 CFR 90.33–90.55.

[109] 47 CFR 90.490–90.494.

[110] 47 CFR 90.350–90.390 and 90.601–90.657.

[111] These entities and radio services are exempt from fees based on our understanding of the legislative intent as expressed in the Conference Report. *See* paragraphs 53–72.

more than six specific fixed station locations will require a fee of $30.[112]

These requests are made on FCC Form 574.[113] We do not propose to charge a fee for special temporary authority or duplicate licenses.

Modifications

94. Each request for a modification to an existing license will require a fee of $30. If an application contains more than six specific fixed station locations, a fee will be assessed for each multiple of six locations, or part thereof. This fee will only be required if the modification is submitted on FCC Form 574.[114] No fee will be required when the Commission is informed of a change in license name or address, a change in the number or location of station control points, a change in the number or location of control stations meeting the requirements of § 90.119(a)(2)(ii), a change in the number of mobile units operated by radiolocation service licensees, or a notice that the station is no longer in service. These notifications are made on FCC Form 405–A or by letter.[115]

95. In addition, we propose to treat as a modification, subject to a fee of $30 per call sign, requests to assign a station or transfer control of a corporation holding a station. Assignment requests are submitted to the Commission by letter and are accompanied by FCC Form 574; transfer of control requests are submitted on FCC Form 703.[116] We believe this fee is consistent with the Schedule of Charges as each such assignment or transfer necessarily requires a significant modification to the underlying station license.

Renewals

96. Each request for a renewal of an existing station license will require a fee of $30. These requests are made on FCC Form 405–A, or 574r. Each 574r application requesting both a license modification and renewal will be subject to a single fee of $30.[117]

Equipment Approval Services

97. The Commission has developed technical standards for radio frequency equipment and parts and components thereof. In addition to the technical standards that are mandated for this equipment by the rules applicable to each radio service, the rules governing a radio service may require that such equipment be verified by the manufacturer or importer, or that the equipment receive an equipment authorization from the Commission. The procedures by which the Commission issues equipment approval are denoted by the terms certification, type acceptance, type approval, and notification.[118] The party who markets or manufactures the equipment must file an application with the Commission for an authorization of equipment subject to these procedures.

98. The statutory Schedule of Charges directs the Commission to charge a fee for each of these equipment approvals. Therefore, we are proposing to charge a fee each time an applicant requests this approval by filing an FCC Form 731.[119] Should an applicant request more than one such approval on the Form 731, he would pay multiple charges based upon the equipment approval service charges discussed below.

Certification

99. Certification is an equipment authorization issued by the Commission for equipment designed to be operated without individual license under Parts 15 and 18 of our rules, based on representations and test data submitted by the applicant.[120]

100. Each request for a Certification of a radio receiver will require a payment of $250 (TV and FM broadcast receivers do not require certification, only verification, and are therefore not subject to fees). Each request for all other devices requiring certification, primarily non-licensed radio frequency equipment, such as low power communication devices, personal computers, and microwave ovens, is subject to a $650 fee for each certification requested. We are also proposing to charge the fees set out above for certification under our abbreviated procedures for private label equipment and certain changes.[121] We do not propose to require a fee for permissive changes to certified equipment, but propose to require the requisite fee for all new applications that are required as a result of non-permissive changes.[122]

Type Acceptance

101. Type acceptance is an equipment authorization issued by the Commission for many categories of transmitting equipment used pursuant to a station authorization. Type acceptance is based on representations and test data submitted by the applicant.[123] Each request for type acceptance of transmitting equipment such as TV translators, FM broadcast translators/boosters, marine and land mobile radio-telephone transmitters and aviation transmitters, will be charged $325. We do not propose to charge for permissive changes to type accepted equipment.[124] Changes to type accepted equipment other than permissive changes will require a new application, for which an additional fee of $325 will be charged.[125] Requests for advance approval of subscription TV systems [126] will require a fee of $2,000. Modifications to approved subscription TV systems which necessitate a new application for advance approval will require an additional fee of $2000.

Type Approval

102. Type approval is an equipment authorization issued by the Commission based on examination and measurement of one or more sample units by the Commission at its laboratory.[127] Each request for type approval of a ship radio telegraph automatic alarm system [128] will be charged $6,500. Each request for type approval of a ship and lifeboat radio telegraph transmitter [129] will

[112] Under the system licensing approach available for the private land mobile radio services, applicants may apply to operate at different permanent locations on a single Form 574, provided that the different locations are an integral part of a single system. Each group of six permanent locations constitutes a station to which a separate call sign is assigned. Where applicants apply for system licensing, a fee of $30 will be required for each such application containing six or fewer permanent locations. If there are more than six permanent locations, and therefore more than one application form, a fee of $30 will be required for each increment of six different locations, *i.e.*, if seven locations are listed, two application fees ($60) will be due.

[113] 47 CFR 90.119 sets out the FCC Forms required to request land mobile authorizations.

[114] This form is required for modifications set out in our rules at 47 CFR 90.135(a)(1)–(8). Section 90.135(a) has been modified in Docket 83–737, 51 FR 14993 (April 22, 1986). The new rules are effective October 22, 1986.

[115] 47 CFR 90.135 (b) and (c). Section 90.135 (b) and (c) have been modified in Docket 83–737, 51 FR 14993 (April 22, 1986). The new rules are effective October 22, 1986.

[116] The filing requirements for these actions are detailed in our rules at § 90.119(a)(2) for assignments and 90.119(f) for transfers of control.

[117] Our rules permit for concurrent modification and renewal, 47 CFR 90.119(a)(3), or renewal without modifications, 47 CFR 90.119(e)(1).

[118] See in general Part 2, Subpart J of our rules, 47 CFR 2.901–2.1065.

[119] We are proposing only one minor change in the procedures for the equipment approval services. Applicants will be required to submit Form 731 to our Washington offices instead of Laurel. All other correspondence would continue to go to Laurel.

[120] 47 CFR 2.907, 2.1031–2.1045.

[121] Procedures for certification of private label equipment are set out at 47 CFR 2.1035.

[122] Permissive and non-permissive changes to certified equipment are defined at 47 CFR 2.1043.

[123] 47 CFR 2.905, 2.981–2.1005.

[124] Permissive changes are made in accordance with sections 2.1001(b)(1)–(3) of our rules. Non-permissive changes are defined at section 2.1001(c).

[125] *See* 47 CFR 2.1001(c).

[126] 47 CFR 2.1400, §§ 73.641–73.644.

[127] 47 CFR 2.903, §§2.961–2.969.

[128] 47 CFR 83.554–83.557.

[129] 47 CFR 83.552–83.553, § 83.567–83.569.

require a fee of $3,250. All other type approval requests for new equipment and major modifications that require Commission testing will be charged $1,300.[130] Type approval requests for previously tested and approved equipment resubmitted for approval under new identification or for minor modification without Commission testing will require a fee of $150.[131]

Notification

103. Notification is an equipment authorization issued by the Commission whereby the applicant makes a measurement to determine that the equipment complies with the appropriate technical standards and submits an application to the Commission attesting that such measurements have been made and demonstrate the necessary compliance.[132] The Commission does not normally require the submission of test data or a sample unit. Each request for notification will require a fee of $100.

Mass Media Services

104. In accord with sections 308(a) and 310(d) of the Communications Act of 1934, as amended, parties seeking Commission authority to construct a new broadcast station, to make changes in authorized facilities, to initially obtain, renew or assign a broadcast station license, or to transfer control of a broadcast station licensee must submit a written application to the Commission. Generally, the form for such applications is prescribed by the Commission so as to elicit the information necessary for it to determine whether the applicant possesses the qualifications to be or remain a broadcast licensee and whether a grant of the application would serve the public interest, convenience and necessity. Fees will be charged for the Commission or its staff to make these authorization decisions in the following instances.

Commercial Television Stations

105. The Schedule of Charges directs the Commission to charge a fee for certain regulatory services provided to commercial television stations.[133] Consistent with the legislative history,[134] fees will be charged for services provided to any UHF or VHF station other than those classified by the FCC as non-commercial educational stations.[135]

New and Major Change Construction Permit Applications

106. Each request for a new TV station construction permit or a major change to an authorized facility will require a fee of $2,250. These requests are submitted on FCC Form 301. A major change in facilities for TV broadcast stations is any change in frequency or community of license which is in accord with a present allotment contained in the Table of Assignments.[136]

Minor Change Construction Permit Application

107. Each request for a minor change to an existing facility will require a fee of $500. Our rules define minor changes as any change to authorized facilities other than a major change.[137]

TV Hearing Charge (Also applies to AM, FM, and DBS)

108. The Commission may designate a TV application for hearing before an Administrative Law Judge if it is unable to make the requisite finding under 309(a) of the Communications Act that the public interest, convenience, and necessity would be served by granting the application.[138] The Commission also must designate the application for hearing if a substantial and material question of fact is presented. Similarly, applications for construction permits for new TV stations or for major or minor changes in authorized facilities may be designated for hearing before an administrative law judge.[139]

109. The Schedule of Charges directs us to assess a "Hearing Charge" of $6,000. The relevant legislative history indicates that this charge should be levied when an application is designated for hearing.[140] The legislative history is silent as to whether the Congress intended to require a fee in all types of TV hearings—including revocations and renewals—or intended to limit the charge to applications designated in major/minor change and new construction permit proceedings. The former are initiated by the Commission after staff investigation, review of Petitions to Deny, or other extrinsic evidence while the latter result from applications submitted by potential and current licensees/permittees that are mutually exclusive with one or more potential or existing license or permit holders.

110. Our tentative conclusion is that hearing fees should be assessed only against competing applicants in new and major/minor change construction permit comparative proceedings.[141] Our tentative decision reflects a conservative view of hearing fees in light of the structure of the Schedule of Charges, limited legislative guidance and our concern for the public policy implications of instituting a hearing fee in certain types of proceedings. We invite comments on this tentative decision.

111. Even a cursory review of the Schedule of Charges format seems to indicate that Congress meant to limit the instances where a hearing fee would apply. A charge is mandated under the general categories of "Commercial TV Stations", "Commercial Radio Stations", and "District Broadcast Satellite New and Major Change CPs". A hearing fee is not established for "FM/TV Translators and LPTV Stations", "Station Assignment and Transfer Fees", Auxiliary Services Major Actions", "Renewals—All Services", and "Cable Television Service". (In addition, Congress has not set out a hearing charge in any private radio or common carrier service, nor has it affirmatively spoken on hearing fees in revocation proceedings under section 312 of the Communications Act.) Presumably, Congress is aware that the Commission is authorized to designate applications for hearing in any of the above instances when it is presented with a substantial and material question of fact. Nevertheless, the statutory scheme appears to be narrowly drawn to preclude such charges except in the

[130] 47 CFR 2.967.

[131] 47 CFR 2.967.

[132] 47 CFR 2.904, 2.971–2.979.

[133] *See* 47 CFR 73.601.

[134] Conference Report at 425–426.

[135] The criteria for qualifying for a noncommercial educational TV station are set out in our rules at 47 CFR 73.621.

[136] 47 CFR 73.3572(a)(1).

[137] 47 CFR 73.3538(a). The legislative history provides a detailed list of minor changes including: changes in operating power, installation of a transmitter which has not been authorized for use by a licensed broadcast station, any change in location, height, or directional radiating characteristics of the antenna or antenna system; and moving the studio of a TV station to a location outside the principle community or to another location outside the principle community. Conference Report at 426. This history also indicates that minor changes should not include extensions of time to construct, reinstatement of expired permits, modifications that may be made without prior authorization from the FCC, and requests for Special Temporary Authority. Consistent with this latter clarifying language, we do not intend to treat these actions as minor changes for which a fee would be chargeable.

[138] *See also* 47 CFR 73.3593.

[139] 47 U.S.C. 309(e). *See also* 47 CFR 73.3593.

[140] Conference Report at 426.

[141] We do not intend to assess a fee against individuals or organizations named parties under § 1.221 of our rules, nor do we intend to assess a fee against intervenors (47 CFR 1.223), non-parties who wish to appear and give evidence (47 CFR 1.225), on those who file Petititons to Deny (47 CFR 73.3584) or Informal Objections (47 CFR 73.3587).

few services explicitly mentioned in the legislation. In the absence of contrary evidence of a congressional intent to impose an across-the-board hearing charge for all types of hearings and communications services regulated by the Commission, we are not prepared to give the legislation its broadest possible interpretation in this area. Our position in this regard is premised on traditional tenets of interpreting legislative intent,[142] especially in an instance where the legislation under consideration, the Schedule of Charges, results from repeated and painstaking congressional review. Our narrow reading of the hearing fee requirement is reinforced by the fact that strict adherence to the statutory "structure" results in hearing charges consistent with the general legislative intent—to recover the costs associated with processing applications—without creating serious policy and legal concerns.

112. New and major/minor change construction permit comparative proceedings in the AM, FM and TV services constitute the overwhelming majority of applications designated for hearing and therefore constitute a large fraction of our hearing costs. When a member of the public initiates a request for a new construction permit or major/minor change that is found to be mutually exclusive with one or more other applicants, we believe it is appropriate for these applicants to bear all of the processing costs associated with this action. In this context, an administrative hearing (and associated appeals) can be viewed as additional steps in the processing of an application. A fee for these hearings is consistent with the legislative intent underlying the entire fee program.

113. On the other hand, when the renewal, assignment, or transfer or any other proposed action of an existing license is challenged by a Petition to Deny or Commission staff and designated for hearing, the hearing can hardly be said to have been initiated by the applicant. To charge an applicant $6,000 based on the yet unproven charges of a Petition to Deny or a FCC staff investigation could be patently unfair.[143]

114. Clearly, revocation hearings are enforcement actions initiated by the FCC to enforce the dictates of the Communications Act, our rules and the general public interest. Unless waived, licensees or permittees are entitled to a hearing in response to an order to show cause before the Commission can issue an order of revocation or cease and desist order. The burden of introducing evidence and the burden of proof remain with the Commission.[144] In this context, the imposition of fee to permit an applicant to defend itself in a hearing undermines the statutory right to a hearing and may raise serious questions of fundamental fairness. We believe that limiting the hearing fee to the new and major/minor change comparative construction permit hearings avoids these concerns while meeting the congressional goals of the fee program.

115. The fee required for each application designated for hearing in a new or in a major/minor change construction permit comparative proceeding would be due with the submission of a notice of written appearance filed with the Secretary under § 1.221 of the rules. Should the written appearance not be accompanied by the proper fee, or a request for waiver or deferral of the fee, the written appearance would be returned to the applicant by the fee processing staff. The presiding judge would be notified of this action. Unless the written appearance is resubmitted with the correct remittance in a manner consistent with rule 1.221, the underlying application would be subject to dismissal by the presiding judge. We request comment upon the proposed due date for submitting hearing fees, particularly as it might affect settlement agreements, and welcome suggestions for alternative dates that would prove to be consistent with the statute and our proposal to require fee payments before staff action is undertaken on an application or filing.

TV License Fee

116. Each request for a covering license will require a fee of $150. This license covers the facility authorized by, and constructed pursuant to, an outstanding construction permit.[145] A fee will not be charged to obtain a modified station license to reflect a change made that does not require prior authorization from the FCC.[146]

TV Assignment and Transfer

117. Each request for the assignment of a construction permit or station license or transfer of control of a corporation or other entity holding a broadcast station will require a fee of either $500 or $70, based on the type of transaction requested. "Long" form applications for consent to assign a broadcast construction permit or license (FCC Form 314) and requests to transfer control of a corporation holding a broadcast station construction permit or license (FCC Form 315) will be charged $500.[147] In those instances where our rules permit the filing of a "short" form application (FCC Form 316) to request these actions, a fee of $70 will be charged.[148]

TV Renewals

118. Each request for renewal of a TV license will require a fee of $30. Section 307 of the Communications Act requires that TV station licenses be renewed at five year intervals.[149] These requests are submitted on FCC Form 303–S.

Commercial AM/FM Radio Stations

119. The statutory Schedule of Charges directs the Commission to charge a fee for certain regulatory services provided commercial AM and FM radio stations. The legislative history indicates that fees should not be assessed against those stations classified by the FCC as noncommercial educational stations.[150] Therefore, we

[142] We are guided by a fundamental premise of statutory interpretation: *Expressio unius est exclusio alterius*. In essence, when Congress has designated a form of conduct, its manner of performance and operation, and the person and things to which it applies, there is an inference that all ommissions should be understood as exclusions. Sutherland Stat. Const § 47.23 (4th Ed.). Nevertheless, we recognize that this is only a tool of statutory construction and invite comments that demonstrate "clear contrary evidence of legislative intent." *National Rail Passenger Corp.* v. *National Association of Rail Passengers*, 414 U.S. 453, 458 (1974); see also, *U.S. Department of Justice* v. *Federal Labor Relations Authority*, 727 F.2d 481, 491 (5th Cir. 1984) "The controlling consideration is legislative intent and the maxim can be overcome by strong indicia of contrary congressional intent."

[143] This fee might also work a serious hardship in a comparative renewal action brought under section 309 of the Communications Act. 47 U.S.C. 309. Again, we request comment on whether hearing fees should be imposed in comparative renewal proceeding as well as all other hearings besides new and major/minor change comparative proceedings.

[144] Revocation procedures are established in section 312(d) of the Communications Act, 47 U.S.C. 312(d).

[145] 47 CFR 73.3536.

[146] 47 CFR 73.3544. *See also* Conference Report at 426.

[147] Conference Report at 428. The legislative history's reference to "Long" form applications reflects widespread use of the term when discussing FCC Forms 314 and 315. *See also* 47 CFR 73.3540(c) & (d).

[148] Conference Report at 428. For those instances where FCC "Short form" 316 may be used, *see* 47 CFR 73.3541(f)(1)–(6) and 73.3541(b).

[149] 5 U.S.C. 307(c). Applications for renewal are submitted in accordance with §§ 73.3539 and 73.1020 of our rules. 47 CFR 73.3539 and 73.1020.

[150] The requirements for noncommercial educational FM stations are set out at 47 CFR 73.503. Unlike the FM rules, Commission rules do not separately define eligibility for non-commercial educational AM stations. All applicants must meet the same legal and technical standards to receive an

Continued

are proposing to charge the following fees except for those stations that would qualify as non-commercial educational stations in accordance with our current rules.

New and Major Change Construction Permit

120. Each request to construct a new AM broadcast facility will require a fee of $2,000. Each request for a major change in an existing station will require a fee of $2,000. These requests are submitted on FCC Form 301. A major change includes any request for a construction permit for an increase in power (except for Class IV stations on local channels) or any change in frequency, hours of operation, or station location.[151]

121. Each request to construct a new FM broadcast facility will require a fee of $1,800. Each request for a major change in an authorized station will require a fee of $1,800. These requests are submitted on FCC Form 301. A major change for FM stations is any change in frequency or community of license that is in accord with a present allotment contained in the Table of Allotments.[152]

Minor Change Construction Permit

122. Each request for a construction permit to make minor changes in previously authorized AM or FM facilities will require a fee of $500. These requests are made on FCC Form 301. Minor changes to AM facilities include, but are not limited to, the installation of a transmitter which has not been authorized for use by a licensed broadcast station; any change in the location, height, or directional radiating characteristics of the antenna or antenna system; any decrease in nominal power of an AM station; and moving the main studio of the AM station to a location outside the principal community, or moving the studio from one location outside the principal community to another such location.[153] Consistent with the relevant legislative history, we do not propose to require a fee in either the AM or FM services for requests for Special Temporary Authority filed under section 74.1635 of our rules; requests for extension and/or replacement of construction permits under § 73.3534 of our rules; requests for remote control authorizations; or modifications that may be made without prior authorization from the Commission.[154]

123. Minor changes to an FM facility for which a fee would be due include any application, other than for a new or major change (as defined by § 73.3573(a) of our rules), to modify the facilities of a currently authorized station.

Hearing Charge

124. consistent with the analysis at paragraphs 108–115 *supra.*, we propose to charge a fee of $6,000 for each application designated for hearing in new and in major or minor change construction permit comparative proceedings before an Administrative Law Judge. These fees would be due when a party files a notice of written appearance under § 1.221 of our rules.

License Applications

125. Each request in the AM service for a license to cover a construction permit will require a fee of $325. These requests are made on FCC Form 302.[155] Consistent with the legislative history, we do not propose to impose a fee for requests to determine power by the direct method under § 73.51 of our rules or for license modifications that may be made without prior authorization from the FCC.

126. Each request in the FM service for a license to cover a construction permit will require a fee of $100. The fee would not be applicable to any license modification that may be made without prior authorization from the FCC.

Directional Antenna License Fee (AM Only)

127. Each request for a license for a directional antenna will require a fee of $375.[156] These requests are made on FCC Form 302. This fee would be in addition to the $325 for an AM station license.

Assignment and Transfer

128. Each request for the assignment or transfer of an AM or FM construction permit or station license will require a fee of either $500 or $70, based on the type of transaction requested. "Long" form applications for consent to assign a broadcast construction permit or license (FCC Form 314) and requests to transfer control of a corporation holding a broadcast station construction permit (FCC Form 315) will be charged $500.[157] In those instances where our rules permit the filing of a "short" form application (FCC Form 316) to request these actions, a fee of $70 will be charged.[158]

Renewals

129. Each request for renewal of an AM or FM license will require a fee of $30. Section 307 of the Communications Act requires that radio station licenses be renewed at seven-year intervals.[159] These requests are submitted on FCC Form 303–S.

FM Translators

130. The Schedule of Charges directs the Commission to impose a charge for certain regulatory services provided in the FM translator services. An FM translator station retransmits the signals of an FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristics of the incoming signal other than its frequency and amplitude for the purpose of providing FM reception to the general public.[160] Consistent with this direction from Congress, we are proposing to institute the charges discussed below for translator stations.

New and Major Change Construction Permits

131. Each request for a permit to construct a new station or make major changes in previously authorized facilities will require a fee of $375. These requests are made on FCC Form 346. A major change includes any change in frequency (output channel), or authorized principal community or area.[161]

License

132. Each request for a license to cover a construction permit or a major change in a previously authorized facility will require a fee of $75. These requests are made on FCC Form 347.[162]

AM allocation. For fee exemption purposes in the AM service only, we propose to waive the statutory fee upon a certification by the permittee or licensee that the station would qualify or does operate as a non-commercial educational station under rule 73.503 were it an FM facility.

[151] Conference Report at 426. *See also* the Commission's rules at 47 CFR 73.3571(a)(1).

[152] 47 CFR 73.3573(a) *See also* the Conference Report at 426.

[153] *See in general* 47 CFR 73.3538(a)(1)–(5).

[154] Conference Report at 426–427.

[155] 47 CFR 73.3536(b)(1).

[156] The requirements for these applications are contained in 47 CFR 73.150 and 73.151.

[157] Conference Report at 428. The legislative history's reference to "Long" form applications reflects widespread use of the term when discussing FCC Forms 314 and 315. *See also* 47 CFR 73.3540(c) & (d).

[158] Conference Report at 428. For those instances where FCC "Short Form" 316 may be used, *see* 47 CFR 73.3541(f)(1)-(6).

[159] 5 U.S.C. 307(c). Applications for renewal are submitted in accordance with 73.3539 of our rules. 47 CFR 73.3539.

[160] Conference Report at 427. *See also* 47 CFR 74.1201(a).

[161] 47 CFR 73.3573(a)(1). *See also* Conference Report at 427.

[162] *See* 47 CFR 73.3536(b)(6).

Assignment and Transfer

133. Each request for authority to assign or transfer control of a FM translator license or construction permit will require a fee of $75. These requests are made on FCC Form 345. In certain instances, FCC Form 316 may be used in seeking an assignment or transfer of control.[163] The new Communications Act language does not distinguish between "short" and "long" form applications in this radio service. Therefore, the $75 will be charged regardless of the type of assignment or transfer requested.

Renewals

134. Each request to renew the license of an existing FM translator station will require a fee of $30. Renewal periods for these licenses are established in our rules.[164] Renewal requests are made on FCC Form 348.

TV Translators and LPTV Stations

135. TV translators are stations operated in the broadcast services for the purpose of retransmitting the programs and signals of a television broadcast station, without significantly altering any characteristic of the original signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.[165] A low power TV (LPTV) station may retransmit the programs and signals of a TV broadcast station and may originate programming and/or operate as a subscription service.[166] The Communications Act directs the Commission to levy fees for certain authorization of service functions it provides in these radio services. Therefore, we are proposing to require the fees set out below when certain actions are requested for stations in these services.

New and major change construction permits

136. Each application for a permit to construct a new station or make major changes in a previously authorized facility will require a fee of $375. These requests are made on FCC Form 346. Major changes in facilities for TV translator and LPTV stations include changes in frequency (output channels). Often changes will be considered major only if they result in extending the radiation in any direction beyond that which is already authorized. Such changes may include changes in the transmitting antenna systems including the direction of the radiation, directive antenna pattern or transmission line; changes in antenna height; changes in antenna location exceeding 200 meters; and changes in authorized operating power.[167]

License

137. Each request for a license to cover the facilities authorized by, and constructed pursuant to, an outstanding construction permit for a new facility or a major change in an existing facility will require a fee of $75. These requests are made on FCC Form 347. The fee of $75 would not be required when this form is filed to obtain a modified station license to reflect either a change in the type of TV transmitter antenna or a change in the output power of TV aural or visual transmitters to accommodate a change in the antenna type or transmission line. These changes can be made without prior authorization from the Commission.[168]

Assignment and Transfer

138. Each request for authority to assign or transfer control of a TV translator/LPTV license or construction permit will require a fee of $75. These requests are made on FCC Form 345. In certain instances, FCC Form 316 may be used in seeking an assignment or transfer of control.[169] Again, the Communications Act does not distinguish between "short" and "long" form applications in this radio service. Therefore, $75 will be charged regardless of the type of assignment or transfer requested.

Renewal

139. Each request for renewal of a TV translator or LPTV station will require a fee of $30. These stations are renewed according to time frames established by our rules.[170] FCC Form 348 is submitted to request these renewals.

Auxiliary Services

140. Auxiliary services are radio frequencies operated in conjunction with AM, FM, or TV stations. The Communications Act directs the FCC to implement charges for certain regulatory services provided to members of the public who request these services or authority to make changes to existing stations. Consistent with this directive, we are proposing to institute charges for certain authorization of service actions we take for Remote Pickup stations,[171] TV Auxiliary Broadcast stations,[172] Aural Broadcast STL and Intercity Relay stations,[173] and Low Power Auxiliary stations.[174]

Major Actions

141. Each request for a new station and changes to existing stations will require a fee of $75. These requests are submitted on FCC Form 313. Our current practice is to treat as a major change—requiring the submission of Form 313—changes in frequency, antenna system, power, and number of mobiles; relocation of station(s); addition of a base station system; and replacement of equipment. We propose to require a fee of $75 only for these requested changes.

Renewals

142. Each request for the renewal of an auxiliary station will require a fee of $30. The license terms for these stations are established by our rules.[175] The request to renew a license of an existing station not held by a licensee of a broadcast station is submitted on FCC Form 313–R. Auxiliary broadcast licenses held by licensees of full service broadcast stations are automatically renewed along with the main station license and do not require a separate Form 313–R. Therefore, the $30 renewal charge will not be required for each auxiliary license held by a broadcast licensee.[176]

Cable Television Relay Service (CARS)

143. A cable television relay service (CARS) station is used for the transmission of television and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from the point of reception to a terminal point from which the signals are distributed to the public by the cable system.[177] The Schedule of Charges directs the Commission to charge a fee for requests for construction permits, assignments and transfers, renewals, and modifications. These charges are discussed below.

Construction Permits and Modifications

144. Each request for an authorization to construct a CARS station will require

[163] 47 CFR 73.3540(e) and (f), and 73.3541(b).

[164] 47 CFR 74.15(d).

[165] 47 CFR 74.701(a) and 74.731(a)-(f). *See also* the Conference Report at 427.

[166] 47 CFR 74.701(f) and 74.731(h)-(i).

[167] 47 CFR 73.3572(a)(1).

[168] 47 CFR 73.3544(a).

[169] 47 CFR 73.3540 (e) and (f), and 73.3541(b).

[170] 47 CFR 74.15(d).

[171] 47 CFR 74, Subpart D.

[172] 47 CFR 74, Subpart F.

[173] 47 CFR 74, Subpart E.

[174] 47 CFR 74, Subpart H.

[175] 47 CFR 74.15(b).

[176] We believe this proposal is consistent with the legislative history. *See* the Conference Report at 428.

[177] 47 CFR 78.1 CARS may also be used for internal or inter-cable system communications.

a fee of $135.[178] These requests are made on FCC Form 327. Each request for a modification in authorized facilities, also submitted on Form 327, will require a fee of $135.[179]

Assignment and Transfer

145. Each request for the assignment of a cable television relay station or transfer of control of a corporation holding a CARS license will require a fee of $135.[180] These requests are made on FCC Form 327.

Renewals

146. Each request for a renewal of a CARS license will require a fee of $135. Our rules currently allow for five year license terms in this service.[181] Requests for renewal are also submitted on FCC Form 327.

Cable Special Relief Petitions

147. On petition for special relief by any interested person, the Commission may waive any provision of the rules relating to cable television systems; impose additional or different requirements; or issue a ruling on a complaint or disputed question.[182] For the most part, these matters involve disputes between cable system operators, television broadcast stations, states and/or local governments, and public interest groups. The Schedule of Charges directs the Commission to institute a charge of $700 for the filing of each special relief petition. Therefore, we are proposing to institute a fee for special relief petitions dealing with significantly viewed status, network programming nonduplication protection, federal pre-emptions, cable system and television broadcast cross-ownership, and effective competiton and other rulings under the Cable Communications Policy Act of 1984. Pub. L. No. 98–549, 1 *et seq.*, 98 Stat. 2779 (1984)[183] At the same time, however, we are mindful that other types of requests in the nature of special relief petitions can be filed. Since the Conference Report is silent with respect to those requests and since we do not wish to cut off the free flow of information to individuals, organizations, municipalities or businesses seeking assistance in understanding or complying with our rules or other aspects of telecommunications, we are not proposing filing fees for those types of requests. In the same vein, as we are obligated under the Cable Act and § 76.11 of our rules to review petitions for special relief involving the failure of cable system operators to supply lockboxes to subscribers, we do not believe filing fees are appropriate with respect to such petitions or to similar types of enforcement requests. Comments are invited regarding the above discussion and methods of readily differentiating between chargeable and other types of special relief petitions.

Direct Broadcast Satellites

148. The Direct Broadcast Satellite (DBS) Service permits signals transmitted or retransmitted by space stations to be directly received by the public.[184] The Schedule of Charges directs the Commission to impose fees for certain authorization functions it provides in this service. Therefore, we are proposing to institute the following fees.

Application for Authorization to Construct

149. Each request for authorization to construct a new DBS system or make a major change in the authorization to construct a new DBS system will require a fee of $1,800. A major change will be considered any modification involving a significant, additional use of the orbit/spectrum resource.[185]

Issuance of Construction Permit and Launch Authority

150. Upon a showing that they have commenced construction or completed contracting for construction of satellites, permittees may apply for the issuance of a construction permit and launch authority.[186] Each such application will require a fee of $17,500.

License to Operate Satellite

151. Upon successful launch and positioning of its satellites, a permittee can apply for a license to cover the DBS facilities authorized.[187] Each such application will require a fee of $500.

Hearing Charge

152. Consistent with the limitations we proposed at paragraphs 108–115 *supra.*, a fee of $6,000 will be required of each mutually exclusive DBS applicant whose proposal is designated for a comparative hearing before an Administrative Law Judge. This fee will be due upon submission of the applicant's notice of appearance required by § 1.221 of our rules.

Common Carrier Services

153. The Federal Communications Commission regulates interstate and foreign communication services provided by common carriers. These services include voice, record, data, video, and facsimile transmissions. The Communications Act requires common carriers to furnish their services on request and at just, reasonable and non-discriminatory rates. The FCC is authorized to promote the public interest in these charges and practices of common carriers by Titles I through III of the Act. It does so through tariff review and prescriptions, facility authorizations, accounting rules, complaint investigations and other proceedings. The agency also allocates radio spectrum and orbital slots for various types of common carrier services.

154. The Communications Act's Schedule of Charges establishes a fee for many of the authorization actions taken by the Commission or its staff in response to the requests of potential and current common carriers. Generally, the manner for such requests is prescribed by the Commission. Most requests must be submitted on designated FCC Forms designed to elicit the information necessary to determine whether the applicant possesses the requisite qualifications to serve as a common carrier. Other requests may be submitted in a more informal manner consistent with our rules. In either case, we propose to institute the charges outlined below in conformance with the Communications Act's mandate. These charges will be due upon the filing of requests with the Commission.[188]

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[178] 47 CFR 78.15. A request for a construction permit or a modification thereto also includes the resulting license to cover. *See* Report and Order in MM Docket 84–866, *Licensing and Reporting Requirements in the Cable Antenna Relay Service*, 30 FR 23417 (June 4, 1985). Therefore, we are not proposing to charge an additional fee for licensing.

[179] We propose to charge fees for those equipment changes set out at section 78.109(a) of our rules.

[180] 47 CFR 78.35.

[181] 47 CFR 78.29.

[182] 47 CFR 76.7.

[183] The fee will be required upon submission of the special relief request.

[184] 47 CFR 100.3.

[185] These applications are made under the procedures of section 100.13 of our rules. No FCC Form is required to request any action in the DBS service. Written requests are presented in a narrative format, setting forth all of the information pertinent to the applicant's qualifications and to the Commission's public interest determination.

[186] 47 CFR 100.19(b).

[187] 47 CFR 100.13.

[188] The Commission may also issue "developmental authorizations" in many common carrier radio services. *see, e.g.*, 47 CFR 21.400 and 22.400. These authorizations are issued to communications common carriers for experimentation leading to the development of a service regulated under our rules. We propose to require the payment of the applicable fee set out in the Schedule of Charges for each developmental

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Domestic Public Land Mobile Stations (DPLMS)

155. The domestic public land mobile service is a public communication service for hire between land mobile stations wherever located and their associated base stations. The Communications Act directs the Commission to charge fees for authorization of service functions it provides for Base, Dispatch, Control and Repeater stations in this radio service.[189] Therefore, we are proposing fees for the following requests.

New or Additional facility Authorizations

156. Each request for a new construction permit or permit for additional facilities will require a fee of $200 for each transmitter requested in the construction permit. These requests are made on FCC Form 401.[190] Consistent with the Communications Act's mandate to require these fees on the basis of the number of transmitters requested, we propose to require that applicants submit $200 for each such transmitter listed on form 401.[191]

Assignments and Transfers

157. Each request for the assignment of a station will require a fee of $200. Each request for a transfer of control of a corporation holding a station license or permit will also require a fee of $200 for each station.[192] These requests are made on FCC Form 490. Consistent with the Communications Act's mandate, the fee of $200 will be required for each station listed on Form 490.

Renewals

158. Each request for a renewal of an initial authorization will require a fee of $20 per station.[193] These requests are made on FCC Form 405. Licenses are granted for up to ten years in this service.

Minor Modifications

159. Each request for a minor modification to an existing authorization will require a fee of $20 per station.[194] These requests are made on FCC Form 489.

Air-Ground Individual License, Renewals, and Modifications

160. An air-ground radio telephone service is a public radio service between a base station and airborne mobile stations.[195] Initial license requests in this service will require a fee of $20 per station. Each request for a modification to an existing license will require a fee of $20 per station. Each request for a renewal of an initial or amended authorization will require a fee of $20 per station.[196] These requests for Commission authority are submitted on FCC Form 409.

Cellular Systems

161. Cellular is a high capacity land mobile system in which assigned spectrum is divided into discrete channels which are assigned in groups to geographic cells covering a cellular geographic service area.[197] Based on the new section eight language of the Communications Act, we are proposing to institute a charge for requests to the FCC for the following authorization of service actions.

Initial Construction Permits & Major Modifications

162. Each request for an initial construction permit or for a major modification construction permit will require a fee of $200 per cellular system.[198] These requests are made on FCC Form 401.

Initial License

163. Each request for an initial license to cover an outstanding construction permit for a cellular system [199] will require a fee of $525 for a wireline carrier and $50 for a non-wireline carrier. These requests are made on FCC Form 489.[200]

Additional Licenses

164. Each request for an additional license to cover a construction permit for additional construction to a pre-existing cellular system will require a fee of $50.[201] These requests are made on FCC Form 489.

Minor Modifications

165. Each request for a minor modification to an existing facility, requiring only notification to the FCC prior to completing construction, will require a fee of $50 per cellular system.[202] These requests are made on FCC Form 489.

Assignments and Transfers

166. Each request for an assignment of a permit or license in the cellular service or a transfer of control of a corporation holding a permit or license will require a fee of $200 per station. These requests are made on FCC Form 490.[203]

Renewals

167. Each request for renewal of a cellular system will require a fee of $20. These requests are made on FCC Form 405.[204]

Rural Radio

168. Rural radio systems involve radio stations operated by common carriers who offer two-way radio telecommunications between fixed points in rural areas where it is impractical to extend basic telephone service via landlines. These systems involve central offices (a fixed station used for transmitting communications to rural subscriber stations); interoffice stations (a fixed station used for the connection of telephone central offices); and relay facilities (fixed stations used for the reception and retransmission of the signals of other stations).[205] We propose to charge the enumerated fees for the following requests for FCC authorization.

Initial Construction Permits

169. Each request for an initial construction permit for a rural radio

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authorization, or modification thereof, for the underlying radio service in which a developmental authorization is requested. We believe this charge is consistent with the authority granted by the Communications Act. These developmental authorizations are equivalent to a full service authorization as the permittee may provide service to the public for hire. These authorizations are also equivalent in terms of work required of FCC employees to review and approve the application of filing.

[189] These terms are defined in the Conference Report at 426 and in our rules at 47 CFR 22.2. We believe our rules are consistent with the definitions in the Conference Report and therefore are not proposing any changes to them at this time.

[190] 7 CFR 22.9(a). This rule also encompasses major modifications, granted pursuant to section 22.5 of our rules. These requests will require the same fee. *see also* Conference Report at 429.

[191] Conference Report at 429.

[192] 47 CFR 22.39(a).

[193] 47 CFR 22.11(b). Licenses are granted for up to ten years and expire according to a schedule set out in our rules. *see* 47 C.F.R. 22.45.

[194] 47 CFR 22.9(d).

[195] 47 CFR 22.2. The general discussion of this service is contained at §§ 22.521–22.523.

[196] 47 CFR 22.9(c)(2). Renewal in this service are required at no more than ten year intervals, see 47 CFR 22.45.

[197] 47 CFR 22.2. The requirements for cellular operations are set out at § 22.900 *et. seq.*

[198] 47 CFR 22.9(a) and 22.913. *see also* section 22.5 of the rules for major modifications.

[199] 47 CFR 22.9(b).

[200] 47 CFR 22.9(b). Wirelilne carriers are common carriers that are in the business of providing landline local exchange telephone service. Nonwireline carriers include all other common carriers engaged in the provision of public mobile service which are not also in the business of providing landline local exchange service. These carriers were formerly called "miscellaneous common carriers". *see* 47 CFR 22.2.

[201] 47 CFR 22.9(b).

[202] 47 CFR 22.9(d).

[203] 47 CFR 22.39.

[204] 47 CFR 22.11(b). Licenses in the cellular service are granted for up to ten (10) years. 47 CFR 22.45.

[205] 47 CFR 22.2. The rules for rural radio are set out at 47 CFR 22.600 *et seq.*

transmitter will require a fee of $90. These requests are made on FCC Form 401.[206]

Assignments and Transfers

170. Each request for an assignment of a rural radio license or the transfer of control of a corporation controlling a license or permit will require a fee of $90 per transmitter. This request is made on FCC Form 490.[207]

Modifications

171. Each request for a modification to an existing construction permit [208] will require a fee of $20 per station. These requests are made on FCC Form 401. Each request for a minor modification to an existing system [209] will require a fee of $20 per station. These requests are made on FCC Form 489.

Renewals

172. Each request for renewal of a rural radio station will require a fee of $20 per station.[210] These requests are made on FCC Form 405.

Offshore Radio Service

172. The Offshore radio service involves radio stations operated by common carriers who offer two-way radio telephone communications between fixed points in the Gulf of Mexico.[211] This service includes offshore mobile stations, offshore subscriber stations, and offshore central stations (a fixed station with facilities for interconnection with the land telephone system).[212] The following fees are proposed in this radio service.

Initial Construction Permit

173. Each request for an initial construction permit will require a fee of $90 per transmitter. These requests are made on FCC Form 401.[213]

Assignment & Transfers of Control

174. Each request for an assignment of an authorization or the transfer of control of a corporation controlling an authorization will require a fee of $90 per transmitter.[214] These requests are made on FCC Form 490.

Modifications

175. Each request for a modification to an existing construction permit [215] will require a fee of $20 per station. These requests are made on FCC Form 401. Each request for a minor modification to an existing system [216] will require a fee of $20 per station. These requests are made on FCC Form 489.

Renewals

176. Each request for renewal of a rural radio station will require a fee of $20 per station.[217] These requests are made on FCC Form 405.

Local Television or Point to Point Microwave Radio Service

177. The local Television Transmission service is a domestic public radio communications service for the transmission of television material and related communications.[218] The Point-to-Point Microwave service is a common carrier domestic public radio service rendered on microwave frequencies by fixed stations between points which lie within the United States or between points in its possessions or to points in Canada or Mexico.[219] Consistent with new section eight of the Communications Act, we propose the following charges for requests for FCC authorizations.

Construction Permits

178. Each request for a new construction permit in the Local Television or Point-to-Point Microwave Services will require a fee of $135.[220] These requests are made on FCC Form 435. We do not propose to require a fee for requests for special temporary authority or for a waiver of construction permit requirements.

Modifications of Construction Permits

179. Each request for a modification to an existing construction permit in either radio service will require a fee of $135.[221] These requests are made on FCC Form 435. We do not propose to require a fee for requests for facility changes that are made on FCC Form 436.[222]

Initial License for New Frequency

180. Each request for an initial license for a new frequency will require a fee of $135. These requests are made on FCC Form 436.[223]

Renewal of Licenses

181. Each request for a renewal of an existing license in either the Local Television or Point-to-Point Microwave services will require a fee of $135. This request is made on FCC Form 405.[224] Licenses in these services are valid for a period not to exceed ten years.[225]

Assignments and Transfers of Control

182. Each request for an assignment of a station or transfer of control of a corporation holding a station in these radio services will require a fee of $45. Requests for an assignment of a construction permit or license are made on FCC Form 702. Requests for transfer of control of a corporation holding a permit or license are made on FCC Form 704.[226] In accordance with the Communications Act's directive, the fee of $45 will be multiplied by the number of stations contained in the request made on either FCC From 702 or 704.

International Fixed Public Radio

183. International Fixed Public Radio is a fixed service, in which the stations are intended to provide radio communication between any one of the contiguous 48 states and the state of Alaska, the state of Hawaii, or any U.S. possession or any foreign point. In addition, radio communications within the contiguous 48 states in connection with the relaying of international traffic

[206] 47 CFR 22.9(a). Each transmitter listed on Form 401 will require an additional fee of $90.

[207] *See* 47 CFR 22.39(b)(1) for assignments and 22.39(b)(2) for transfers of control.

[208] These requests are designated as major modifications under our rules. *See* 47 CFR 22.5.

[209] These requests are designated as minor modifications or permissive changes by our rules. *See* 47 CFR 22.9(d).

[210] 47 CFR 22.10(b).

[211] 47 CFR 22.2. Our rules limit the use of the offshore radio service to the coastal waters of the Gulf of Mexico. The Conference Report defines the service to include all "offshore coastal waters of the United States and its possessions." Conference Report at 430. Should the Commission permit the expansion of this service into other coastal waters by rule or waiver, we would require a fee for all authorization actions listed in the Communications Act as "offshore radio."

[212] The terms and technical standards for this service are described at 47 CFR 22.1000 *et seq.*

[213] 47 CFR 22.9(a) Each transmitter requested on Form 401 will require an additional $90 fee.

[214] Assignments are requested pursuant to § 22.39(b)(1) of our rules while transfers of control are requested in accordance with § 22.39(b)(2).

[215] These requests are designated as major modifications under our rules. *See* 47 CFR 22.5.

[216] These requests are designated as minor modifications or permissive changes by our rules. *See* 47 CFR 22.9(d).

[217] 47 CFR 22.10(b).

[218] 47 CFR 21.2.

[219] 47 CFR 21.2.

[220] 47 CFR 21.7.

[221] 47 CFR 21.7.

[222] These are permissible changes that do not require a modified construction permit. *See* 47 CFR 21.7 (a) and (c).

[223] 47 CFR 21.7(d). These requests are submitted simultaneously with FCC Form 435. A separate fee is required for each form.

[224] 47 CFR 21.11(c). Although our rules permit the filing of a blanket application for multiple station renewals for the convenience of the licensee, we propose to require a charge of $135 for each station license renewal request in that application. We believe this is consistent with the legislative intent to impose a fee for the regulatory service provided the applicant regardless of the format of the filing. These filings require many separate and distinct actions by Commission staff based on the number of stations contained in the blanket application.

[225] 47 CFR 21.45(a).

[226] *See* 47 CFR 21.11(d) for assignment requests and 21.11(f) for transfer of control requests.

between stations which provide the above service are also deemed international fixed public radio. Chargeable stations in this service also include control stations, which are used for communicating between transmitting stations, receiving stations, message centers, or control points.[227]

Initial Construction Permit

184. Each request for an initial construction permit in this service will require a fee of $450 per station.[228] These requests are made on FCC Form 407. We do not intend to charge for requests for additional time to construct filed on FCC Form 701.

Modifications

185. Each request for a modification to an existing license will require a fee of $325. These requests are made on FCC Form 403. We do not propose to require a fee for requests for temporary authorization in addition to authority contained in a license.

Renewal of Licenses

186. Each request to renew an existing license on FCC Form 405 will require a fee of $325. The license term in this service is ten years unless otherwise stated on the instrument of authorization.[229]

Assignments and Transfers of Control

187. Each request for the assignment of a station made on FCC Form 702 will require a fee of $450. Each request for a transfer of control of a corporation controlling a station, submitted on FCC Form 704, will also require a fee of $450.

Satellite Services

188. Satellite services use radio transmission between authorized geostationary satellite space stations and earth stations for common carrier and private communications. The Commission's standards for satellite communications are contained in Part 25 of the rules. FCC authorization is required to construct, launch and operate satellite stations and to construct and/or operate satellite earth stations. Applications are examined for technical, legal and financial qualification as the basis for granting or denying authorization. The application/authorization process differs for various types of services. A general description of each category of service, including the fee required, is discussed below.[230]

Space Stations

Authority to Construct

189. Each request for authority to construct a space station [231] will require a fee of $1,800. This fee would also be required to request authority to construct an in-orbit spare. Applications are required to be filed with the Secretary of the Commission and should include the information specified in Appendix B to *Domestic Fixed-Satellite Service*, 93 FCC 2d 1260 (1983), or the equivalent for other space services. Applications for international space stations separate from Intelsat or Inmarsat, should contain the information in the Commission's *Separate Systems Decision*, 101 FCC 2d 1046 (1985). The Commission does not provide an application form for this purpose.

Authority to Launch and Operate

190. Each request for authority to launch and operate a space station will require a fee of $18,000.[232] This fee would also be required to request authority to launch and/or operate an in-orbit spare. Only one fee of $18,000 would be required to request the launch of the in-orbit spare and later request to operate. This fee includes the authorization to launch a space station and the assignment of an orbital location at which the space station is to be operated. Applications are required to be filed with the Secretary of the Commission and should include the information specified in Appendix B to *Domestic Fixed-Satellite, Service*, 93 FCC 2d 1260 (1983), or the equivalent for other space services. Applications for international space stations separate from Intelsat or Inmarsat, should contain the information in the Commission's *Separate Systems Decision*, 101 FCC 2d 1046 (1985). The Commission does not provide an application form for this purpose.

Transmit Earth Stations

Initial Station Authorization

191. Each request for an initial station authorization will require a fee of $1,350. This authorization is required to construct and/or operate a transmitting earth station for regular private or common carrier communications services or for telemetry, tracking and command functions. Requests for domestic earth stations are made on FCC Form 403.[233] Requests for international earth stations should be made on FCC Form 401, which is being reformatted specifically for this purpose, subject to OMB approval.

Assignments and Transfers of Station Authorizations

192. Each request for authorization to assign a station authorization or transfer control of a corporation holding a station authorization will require a fee of $450. These requests are made on FCC Form 702 for station assignments and FCC Form 704 for transfers of control.

All Other Applications

193. Each request for any other Commission authorization in this service, will require a fee of $90 per station. These requests include, but are not limited to, applications for regular or temporary authorization, applications for modification or renewal of station authorization, or waivers.[234] Applicants should contact the Satellite Radio Branch for domestic earth stations and the International Facilities Division for international earth stations to determine specific filing requirements.

Small Transmit/Receive Earth Stations

Lead Station Authorization

194. Each request for a lead authorization to construct and/or operate a small transmit/receive earth station for regular private or common carrier communications services will require a fee of $3,000. A small transmit/receive earth station is defined as an antenna of two meters or less. A lead authorization is the first earth station authorization in a network of user earth stations. The lead authorization establishes the terms and conditions under which routine authorizations may

[227] 47 CFR 23.1.

[228] 47 CFR 23.50(a). This rule also discusses all forms required in this service.

[229] 47 CFR 23.29.

[230] The Conference Report describes the categories of FCC satellite authorization actions subject to fees at pages 431–432.

[231] For space stations operating in the Intelsat and Inmarsat system, Comsat must seek authority to participate in the construction, or in the launch and operation, of such a station. The fees discussed herein would be required for all such authorizations. We are also proposing to charge the same fees for any space stations authorized to construct, launch, or operate outside the Intelsat system. These space stations would operate under the terms of our recently released decision on separate satellite systems. *See Establishment of Satellite Systems Providing International Communications*, 101 F.C.C. 2d 1046 (1985), recon., ——— F.C.C. 2d ——— (1986) FCC 86–144.

[232] We propose to charge this fee to Comsat for requests to participate in the launch of space stations within the Intelsat and Inmarsat system as well as to separate satellite systems applicants. *See* note 232 *supra*.

[233] Form 403 is used to request a station license or modification thereof for Parts 22, 23 or 25 of our rules. Use of the form in the satellite services usually requires additional supporting material.

[234] *See also* the Conference Report at 431.

be granted.[235] FCC Form 403 is used to request this authorization.

Routine Station Authorization

195. Each request for a routine station authorization will require a fee of $30. This request seeks authorization to construct and/or operate a small transmit and/or receive earth station for regular private or common carrier communications services under the terms and conditions of a lead authorization. An application for a routine authorization must identify the lead authorization to which it is associated. FCC Form 403 is required to be filed with the Secretary of the Commission unless a waiver is granted as part of the lead station authorization.

All Other Applications

196. Each request for any other Commission action following the routine earth station authorization will require a fee of $90 per station. These authorizations include, but are not limited to, applications for regular or temporary authorization, modification or renewal of station authorizations, requests for waivers, and transfers and assignments. Applicants should contact the Satellite Radio Branch for domestic earth stations and the International Facilities Division for international earth stations to determine specific filing requirements.

Receive-Only Earth Stations

Initial Station Authorization

197. Each request for an initial station authorization for an earth station licensed only to receive satellite transmissions will require a fee of $200. These requests involve the authorization or assignment of a frequency to a regular commercial receive-only earth station for which protection from interference is being requested. Requests for domestic earth stations are submitted on FCC Form 403. Requests for international earth stations should be submitted on FCC Form 401.

All Other Applications

198. All other requests for Commission actions in this service will require a fee of $90 per station. These request include, but are not limited to, any other application for regular or temporary authorization, modification or renewal of station authorizations, waivers, and transfers and assignments. Applicants should contact the Satellite Radio Branch for domestic earth stations and the International Facilities Division for international earth stations to determine specific filing requirements.

Satellite System Authorizations[236]

199. A Satellite system, involving large numbers of technically identical small antenna earth station facilities, is a single satellite communications earth station system which is processed as a total and complete system in bands where frequency coordination is not required for each earth station site. The technically identical small antennas may be used as part of a communications system accessing domestic fixed satellite space stations or other space stations providing services such as radiodetermination satellite services or mobile satellite services.

Initial Station Authorization

200. Each request for an initial small antenna earth station system authorization to construct and/or operate the earth station system for regular private or common carrier communications services will require a fee of $5,000. These requests are made on FCC Form 403.

Assignments and Transfers of System Authorizations

201. Each request to assign a small antenna earth station system or transfer control of a corporation holding an earth station system will require a fee of $1,333 per system. These requests are submitted on FCC Form 702 for assignments and FCC Form 704 for transfers of control

All Other Applications

202. Each request for any other Commission action in this service will require a fee of $90 per request. These actions include, but are not limited to, applications for regular or temporary authorization, modification or renewal of station authorizations, and waivers. Applicants should contact the Satellite Radio Branch to determine specific filing requirements.

Multipoint Distribution Service

203. The Multipoint Distribution Service (MDS) is a one-way domestic public radio service rendered on microwave frequencies from a fixed station transmitting (usually in an omnidirectional pattern) to multiple receiving facilities located at fixed points determined by the subscribers.[237]

Construction Permits

204. Each request for a new construction permit will require a fee of $135. These requests are made on FCC Form 435.[238] We do not propose to require a fee for requests for special temporary authority or for a waiver of the construction permit requirements.

Modifications of Construction Permits

205. Each request for a modification to an existing MDS construction permit will require a fee of $135.[239] These requests are made on FCC Form 435. We do not propose to require a fee for requests for facility changes that are made on FCC Form 436.[240]

Initial License

206. Each request for an initial license or for an additional license required to add a channel will require a fee of $400 per channel. These requests are made on FCC Form 436.[241] Our rules designate frequencies that correspond to each channel in the MDS service.[242] Therefore, each time an applicant requests an additional frequency it is in effect requesting an additional channel for which the Communications Act requires a fee of $400.

Renewal of License[243]

207. Each request for the renewal of an MDS license will require a fee of

[235] Conference Report at 431.

[236] The new Communications Act language refers to this service as "satellite system applications." Our practice is to refer to this action as a "blanket" earth station authorization. This reflects industry practice to submit a single application for a communications system consisting of a large number of identical small transmit/receive stations.

[237] 47 CFR 21.2. This service also includes the Multichannel Multipoint Distribution Service, known as MMDS.

[238] 47 CFR 21.7(a).

[239] 47 CFR 21.7.

[240] These are permissible changes that do not require a modified construction permit. *See* 47 CFR 21.7 (a) and (c).

[241] 47 CFR 21.7(b).

[242] 47 CFR 21.901 (a) and (b).

[243] The statutory Schedule of Charges states that the fee of $135 should be charged for "Construction Permits, Renewals and Modifications of Construction Permits". The Commission does not renew construction permits in this radio service or similar common carrier services, i.e., Local Television and Point to Point Microwave or the Digital Electronic Message Service. Instead, it grants extensions of time to construct under § 21.11(b) of the rules. We did not propose to Congress a fee for requests for extensions of time to construct. Therefore, we are proposing to require the $135 fee for requests for renewals of licenses in the MDS and DEMS services. This fee is consistent with the charge set out at line 5a. of the Schedule of Charges for "Local Television or Point to Point Microwave Radio Construction Permits, Modifications of Construction Permits, and Renewals of Licenses." This latter radio service is equivalent to MDS and DEMS in terms of processing procedures and therefore provides an appropriate model for fee purposes. We invite comments on this interpretation of the Schedule.

$135.[244] These requests are made on FCC Form 405.

Assignments and Transfers of Control

208. Each request for the assignment of an MDS station or the transfer of control of a corporation holding a construction permit or license will require a fee of $45 per station.[245] These requests are made on FCC Forms 702 for assignments and 704 for transfers of control.

Section 214 Applications

209. Section 214 of the Communications Act requires common carriers to obtain a certificate that the public convenience and necessity require or will require construction and/or operation of a line of communication, or the discontinuance, reduction or impairment of service. Common carriers seeking such certificates must file applications pursuant to our rules.[246]

Applications for Overseas Cable Construction

210. Each request to construct a new cable or cables will require a fee of $8,100. These requests are identified by the need to also request a cable landing license from the President before operation may begin.[247] We are not proposing a separate charge for any review of the license request we may take under delegated authority from the President.

Applications for Domestic Cable Construction

211. Each request to construct a domestic cable or cables will require a fee of $540. These requests do not require use of an FCC Form, but must be in conformance with procedures established by our rules.[248]

All Other Applications

212. All other domestic or international 214 applications requesting an authorization to install or acquire channels of communications under the requirements of Part 63 of our rules [249] will require a fee of $540. We propose to require this fee regardless of the section under our 214 rules in which the application is filed.[250] Each such request, regardless of the number of communications channels requested, will require one fee. Where a common carrier must file a 214 application and another application for a radio license that is also chargeable under section 8 of the Communications Act, both such charges would be required. We do not propose to require a fee for any other 214 requests—such as requests for reduction or discontinuance of service.[251] Nor do we propose to charge a fee for 214 applications that are submitted purely for notification purposes.[252]

Tariff Filings

213. Section 201 of the Communications Act of 1934 directs the Commission to determine whether the charges and practices of common carriers are just and reasonable. As part of this process, certain carriers are required to submit to the Commission and make available to the public tariffs detailing these charges and practices.[253] These tariffs contain such information and are formated in a manner determined by the Commission through regulation.[254]

Tariff Filing Fee

214. Each "Tariff Publication",[255] which may contain a tariff supplement, revised page(s), additional page(s), concurrence(s), notice of revocation, adoption notice or any other schedule(s) of rates or regulations, filed with a Letter of Transmittal under § 61.33 of our rules will require a fee of $250.[256] Should a carrier revise any of these materials through a later filing, each such filing would require an additional fee of $250.

215. In those instances when the Commission or its staff orders a carrier to submit a new or additional filing, a fee of $250 will be required. We believe the fee is justified in this instance because it compensates the Commission for its statutorily required analysis of the charge or practice. The Commission incurs costs in analyzing these submissions whether they are submitted on the initiative of the carrier or required by the Commission or its staff.

Special Permission Filing Fee

216. Each filing under § 61.151 of our rules requesting a waiver of Part 61 requirements must be accompanied by a fee of $200.[257] Subsequent revisions to the special permission request would constitute a new filing and therefore must be accompanied by an additional fee of $200.

Telephone Equipment Registration

217. All terminal equipment and circuitry connected directly to the telephone network must be registered with the Commission under Part 68 of our rules.[258] Applicants must file FCC Form 730 to request registration with the Commission or changes in previously registered equipment.[259] Each such filing of Form 730 will require a fee of $135.

Digital Electronic Message Service (DEMS)

218. DEMS is a two-way domestic end-to-end fixed microwave radio service utilizing digital termination systems for exchange of digital information. Digital termination systems consist of digital termination nodal stations and their associated digital termination user stations.[260]

Construction Permits

219. Each request for a new construction permit will require a fee of $135. These requests are made on FCC Form 435.[261] We do not propose to require a fee for requests for special temporary authority or for waiver of the construction permit requirements.

Modifications of Construction Permits

220. Each request for a modification to an existing DEMS construction permit will require a fee of $135.[262] These

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[244] 47 CFR 21.11(c). MDS licenses are valid for up to 10 years. *See* § 21.45 of our rules.

[245] *See* 47 CFR 21.11(d) for assignment requests and § 21.11(f) for transfer of control requests.

[246] 47 CFR 63.01 *et seq.*

[247] 47 U.S.C. 34–39 (1976). The President has delegated this authority to the FCC through Executive Order 10530 (May 10, 1954), 3 CFR 68.

[248] *See* 47 CFR 63.52 and 63.53.

[249] *See* note 230–231 *supra*. As we discussed earlier, we propose to charge requests for international satellite construction and launch on an equivalent basis with the fees required for domestic satellites and earth stations. *See* paragraphs 188–202 *supra*.

[250] For example, requests to build or acquire channels of communications on a temporary basis (47 CFR 63.04) or a request based on a previously filed annual program (47 CFR 63.06) would require a full $540 fee.

[251] We believe this is consistent with the legislative history. *See* the Conference Report at 432.

[252] 47 CFR 63.07(b).

[253] *See* section 203(a) of the Communications Act, 47 U.S.C. 203.

[254] In general, see part 61 of the FCC rules, 47 CFR 61.1 *et seq.*

[255] *See* 47 CFR 61.24.

[256] 47 CFR 61.33(a).

[257] 47 CFR 61.151. The Commission may issue such waivers for good cause shown. *See* 47 U.S.C. 203(b)(2).

[258] The scope of this registration requirement is set out at 47 CFR 68.2.

[259] 47 CFR 68.200 and 68.214.

[260] 47 CFR 21.2. The terms and conditions for operations in DEMS are set out at § 21.500 *et. seq.* It should be noted that private digital termination systems may also be licensed in the Operational-Fixed Microwave Service (OFS) in accordance with 47 CFR 94.185. The filing fees for private DTS systems licensed under Part 94 shall be the same as for other Operational-Fixed Microwave Stations. *See* paragraphs 80–84, *supra*.

[261] 47 CFR 21.7(a).

[262] 47 CFR 21.7.

requests are made on FCC Form 435. We do not propose to require a fee for requests for facility changes that are made on FCC Form 436.[263]

Initial License

221. Each request for an initial license or a license adding a new frequency will require a fee of $135 per channel. These requests are made on FCC Form 436.[264] DEMS frequencies are linked to channels in our rules. Therefore, each time an additional channel is requested, an additional $135 will be required.[265]

Renewal of License [266]

222. Each request for the renewal of a DEMS license will require a fee of $135.[267] These requests are made on FCC Form 405.

Assignments and Transfers of Control

223. Each request for the assignment of a DEMS nodal station or the transfer of control of a corporation holding a construction permit or license for a DEMS nodal station will require a fee of $45 per station.[268] These requests are made on FCC Forms 702 for assignments and 704 for transfers of control.

L. Effective Date of Schedule of Charges

224. New section 8(a) of the Communications Act directs the Commission to implement the Schedule of Charges not later than 360 days after the date of its enactment. Based upon this mandate, the Commission will require fees for all applications or filings listed in the Schedule of Charges no later than April 2, 1987. We do not expect to permit a "grace period" for improperly filed applications. The public will have had more than adequate notice of these prospective charges by that time. Therefore, all applications or filings made on or after the implementation date announced by the Commission would require a fee.

225. We have tentatively concluded that Commission or staff actions taken on applications or filings submitted to the Commission prior to the date of implementation would not be subject to fees.[269] We believe the Commission has authority under its new Communications Act fee program to impose a fee on those applications that are on file with us on the date of implementation. The Schedule of Charges was determined by the "regulatory service" provided to an applicant. Any such service performed by the Commission after the implementation date would thus be chargeable, regardless of the date of the applications' submission. Nevertheless, it is our tentative conclusion that the cost of a temporary billing and collection program for those applicants already on file with the Commission makes this option cost prohibitive.

226. Before we can determine the exact date for implementation of these charges, we must first complete this proceeding establishing the fundamental policies and procedures for our fee collection program. This will be followed by procurement of the automated and mechanized equipment necessary to operate a collection program on this scale. Staff will then require extensive training with the new equipment and procedures. Finally, we plan to implement a major public information program well before we implement the Schedule of Charges. Again, we will provide sufficient notice of the exact date of implementation at a later time.

227. These preparatory actions are essential to the successful functioning of the collection effort. It is our firm commitment to implement collections only when the Commission is prepared to process fees in conformance with accepted cash management principles. We also believe that a thorough public information effort will minimize the number of submissions without fees or containing insufficient fees. These efforts should lessen instance of errors by the public and Commission staff, saving both time and resources.

IV. Conclusions and Ordering Clauses

228. By this Notice of Proposed Rulemaking, the Commission proposes to amend its rules to implement certain provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985. We request comments on any of the proposed rule changes or policy statements discussed herein. In addition, we encourage parties to submit comments with respect to any other sections of the Budget Act that they believe may affect the Commission's rules and policies.

229. Pursuant to applicable procedures set out in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before *August 15, 1986* and reply comments on or before *September 2, 1986*. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the Commission's reliance on such information is noted in the Report and Order.

230. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rulemaking until the time a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting, or until a final order disposing of the matter is adopted by the Commission whichever is earlier. An *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal arguments) between a person outside the Commission and a Commissioner or any other decision making Commission staff which addresses the merits of the proceeding and is not served on the other parties to the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presenatation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presenatation addressing matters not full covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation that written summary must be served on the Commission official receiving the oral presentation. Each *ex parte* presentation described above must also state by docket number the proceeding to which it relates. *See generally*, §§ 1.1241 and 1.1243 of the Commission's Rules and Regulations, 47 CFR 1.1241 and 1.1243.

231. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an initial regulatory flexibility analysis of the expected impact of these proposed policies and rules on small entities. The initial analysis is set forth below. Written public comments are requested on this initial analysis. These comments must be filed in accordance with the same filing deadlines as comments on

[263] These are permissible changes that do not require a modified construction permit. *See* 47 CFR 21.7 (a) and (c).

[264] 47 CFR 21.7(b).

[265] 47 CFR 21.502.

[266] *See* note 243 *supra*.

[267] 47 CFR 21.11(c). MDS licenses are valid for up to 10 years. *See* § 21.45 of our rules.

[268] *See* 47 CFR 21.11(d) for assignment requests and § 21.11(f) for transfer of control requests.

[269] However, we believe a fee should be required for applications designated for hearing in chargeable proceedings after fee collection is instituted, regardless of the date of original filing. These charges would be for a prospective action of the Commission for which the applicant must file a Notice of Appearance, accompanied by a fee, under § 1.221 of our rules.

the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the initial regulatory flexibility analysis. The Secretary shall serve a copy of this *Notice*, including the initial regulatory flexibility analysis, on the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a).

Initial Regulatory Flexibility Analysis

I. Reason for Action. This action is taken to implement new section eight of the Communications Act of 1934, as amended. This section was added by the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. Number 99–272. Sections 5002 (e) and (f) of this law create a Schedule of Charges for certain authorization services performed for the public by the Commission. This law also requires the Commission to prescribe rules and regulations in order to institute the Schedule of Charges.

II. Objectives. The objective of this proceeding is to establish rules and procedures required to implement the Communications Act's Schedule of Charges. These rules and procedures will establish: (1) Requirements for the submission of fees, (2) procedures for modifying fees, (3) penalties for late and failed payments, and (4) exemptions, waivers, and deferrals.

III. Legal Basis. Authority for issuance of this rule making is contained in sections 5002 (e) and (f) of Public Law Number 99–272; sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, (47 U.S.C. 154(i), 154(j), and 303(r)).

IV. Description, Potential Impact and Number of Small Entities Affected. Public Law Number 99–272 creates regulatory fees for the majority of the licensees and permittees in the private radio, mass media, and common carrier communications services. In addition, the law requires fees of those manufacturers who produce equipment that must be approved by the Commission. Unless a permittee or licensee falls within a specific fee exemption established by the legislation, *ie.*, a Public Safety or Special Emergency Radio licensee, governmental entity, or non-commercial educational licensee, it will be required to pay a non-refundable fee that must accompany its application or other filing. The public will receive advance notice of the implementation date for fees well before they are required by the Commission. After that date, any application or filing requiring a fee, and accompanied by either an insufficient fee or no fee, will be returned to the applicant. The fees created by the Communications Act may have a significant impact on small business entities. Nevertheless, the Act directs the Commission to charge these fees except for explicitly stated exemptions. The cost of these fees for small business entities as a percentage of the required start up or operating expenses of a communications permittee or licensee is very low.

V. Recording, Record Keeping and Other Compliance Requirements. The proposed amendments should not result in any significant adverse impact imposed upon small business entities in terms of recordkeeping or reporting requirements. Licensees or permittees, or their representatives, would continue to submit the currently used FCC Forms and retain copies of those filed, should they so desire.

VI. Federal Rules which Overlap, Duplicate, or Conflict With These Rules. Commission cash management and billing procedures will be consistent with Department of the Treasury requirements for all government collection efforts.

VII. Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives. None.

VIII. Conclusion. The Commission believes that they may be significant negative or adverse impact on small entities resulting from this proceeding. These fees will increase the cost of obtaining a permit or license from the Commission to operate a communications service. However, these fees are required by law. Potential and current permittees and/or licensees will be made aware of these proposed fees, as well as the procedures for submitting them, well before the effective date of this program.

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

233. To file formally in this proceeding, participants must file an original and 5 copies of all comments, reply comments, pleadings, briefs or other supporting documents. Members of the general public who wish to participate informally in the processing may submit one copy of their comments, specifying the docket number of this proceeding. If a participant wants each Commissioner to receive a personal copy of their comments, an original plus eleven copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. All filings in this proceeding will be available for public inspection by interested persons during regular business hours in the Commission's Dockets Public Reference Room (Room 239). For additional information on this proceeding, contact Brent Weingardt, Office of Managing Director, (202) 632–3906.

234. Accordingly, it is hereby ordered, that, pursuant to authority contained in section 5002(e) of Pub. L. Number 99–272, the Consolidated Omnibus Budget Reconciliation Act of 1985, and in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended (47 U.S.C 154(i), 154(j), and 303), this Notice of Proposed Rule Making is hereby adopted.

235. It is further ordered, that the proceeding initiated in General Docket No. 78–316, *Fee Refunds and Future FCC Fees*, is hereby terminated.

List of Subjects

47 CFR Part 0

Organizations and functions (Government agencies).

47 CFR Part 1

Administrative practice and procedure, Communications common carriers.

47 CFR Parts 21, 22, 23

Communications common carriers.

47 CFR Part 62

Reporting and recordkeeping requirements.

47 CFR Parts 73 and 74

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

William J. Tricarico,

Secretary.

V. Appendix A

Examples of change in fees over a four year time frame using consumer price index for all urban consumers (CPI (U)).

	November 1980	November 1981	November 1982	November 1983	November 1984
Assume legislation signed November 1980					
CPI-U	256.2	280.7	293.6	303.1	315.3
Percent change from November 1980		9.6	14.6	18.3	23.1

Base fee, November 1980	Gross change* in fee (November 1980-82)	Adjusted fees † for 1982	Gross change** in fee (November 1980-84)	Adjusted fees † for 1984
$30	$34.38	[1]$30	$36.93	[3]$40
650	744.90	[2]745	800.15	[2]805
2,250	2,578.50	[2]2,580	2,769.75	[2]2,770
3,000	3,438.00	[2]3,440	3,693.00	[2]3,695

* 14.6% increase applied to November 1980 fee.
** 23.1% increase applied to November 1980 fee.
† Rounded up to the next $5 increment.
[1] Fee under $100; increase less than $5.
[2] Fee over $100; increase greater than 5%.
[3] Fee under $100; increase greater than $5.

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Wednesday
July 16, 1986

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 761

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Program; Areas Unsuitable for Surface Coal Mining; Areas Designated by Act of Congress; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 761

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Program; Areas Unsuitable for Surface Coal Mining; Areas Designated by Act of Congress

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) is amending its rule prohibiting surface coal mining operations on lands adjoining rivers under study pursuant to the Wild and Scenic Rivers Act (WSRA). This final rule prohibits surface coal mining operations along study rivers or study river corridors as established in any guidelines pursuant to WSRA. If a study river or a study river corridor is not designated as a Wild and Scenic River (or corridor) under WSRA and loses its study status, the protection for such areas under section 522(e)(1) of the Surface Mining Control and Reclamation Act no longer applies.

EFFECTIVE DATE: August 15, 1986.

FOR FURTHER INFORMATION CONTACT: Stann Chase, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240: telephone 202-343-5587 (commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Background

The Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, Pub. L. 95-87, sets forth the general regulatory requirements governing surface coal mining operations and the surface impacts of underground coal mining. OSMRE has, by regulation (30 CFR Chapter VII), implemented or clarified many of the general requirements of SMCRA and established performance standards to be achieved by different operations. As part of that process, on September 14, 1983 (48 FR 41312), the Secretary of the Interior promulgated final rules amending certain portions of its permanent regulatory program.

In part, the rules affected were those in 30 CFR Part 761, which implemented section 522(e) of SMCRA by setting forth the prohibitions and limitations of mining in areas designated by Congress as unsuitable for all or certain types of surface coal mining operations. More specifically, the rules affected mining along study rivers in the National Wild and Scenic Rivers System designated under section 5(a) of the Wild and Scenic Rivers Act (WSRA), 16 U.S.C. 1276(a). The September 14, 1983, rule prohibited mining within a *maximum* of one-quarter mile from each bank of a study river. However, the rule was found to be inconsistent with the guidelines established under WSRA, which designate a boundary for protection of study river areas of *at least* one-quarter mile from each bank of a study river. Therefore, the guidelines established pursuant to WSRA allow a wider corridor of protection along study rivers than the rule promulgated under SMCRA.

The 1983 regulatory revision to the permanent surface mining regulations was challenged in Round III of *In re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79-1144 (D.D.C.). As a result of the Round III challenge, the Secretary reviewed the rule pertaining to study rivers and concluded that it was inconsistent with the guidelines established pursuant to WSRA. Consequently, this final rule establishes under SMCRA the same boundary for study river areas and study river corridors as is established under WSRA. The proposed rule was published August 15, 1985 (50 FR 32962).

II. Discussion of Final Rule

Section 761.11 Areas Where Mining is Prohibited or Limited

Section 761.11(a): Wild and Scenic Rivers

On June 10, 1982 (47 FR 25278), OSMRE published a notice of proposed rulemaking to amend 30 CFR Chapter VII, Subchapter F. Included in the proposed rule was a revision to 30 CFR 761.11(a), which enumerated certain national systems within whose boundaries surface coal mining operations could not be conducted, subject to valid existing rights. Among those systems was the Wild and Scenic Rivers System. The rule was to implement section 522(e)(1) of SMCRA, which states that "[N]o surface coal mining operations . . . shall be permitted . . . on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act and National Recreation Areas designated by Act of Congress."

The June 10, 1982, proposed rule was based on guidelines proposed by the National Park Service (NPS) and the Forest Service (FS) on January 18, 1981, to establish the boundaries for study river areas in the National Wild and Scenic Rivers System (46 FR 9148). The objective of OSMRE's rule was to establish those areas in which mining would be prohibited along study rivers. In the final rule, OSMRE adopted the proposed NPS/FS standard that a study corridor was "a corridor extending not more than one-quarter mile from each bank for the length of the segment being studied." This was in keeping with the NPS/FS proposed phrase that a study area is "normally defined as an area extending the length of the study segment and extending in width one-quarter mile from each bank of the river." However, the final NPS/FS guidelines were published with revised wording in which the phrase "normally defined as" had been replaced with the phrase "as a minimum," resulting in the previous inconsistency (47 FR 39456, Sept. 7, 1982). OSMRE is now revising § 761.11(a) to be consistent with the guidelines established pursuant to WSRA. The specific boundary limits of a study river corridor are not stated in the final rule, to prevent future conflicts in the event that the guidelines for establishing study river corridors and their boundary limits under WSRA are changed at a later date.

III. Discussion of Comments

One commenter advocated including in the final rule a specific cross-reference to the NPS/FS guidelines. OSMRE, however, intentionally used the phrase "as established in any guidelines pursuant to that Act" in order to avoid future inconsistencies, such as occurred in OSMRE's 1983 rule, in the event that the procedure for establishing study river corridors and their boundary is changed in the future. The present NPS/FS guidelines are fully identified in this preamble.

Another commenter wanted it made clear that prohibitions or limitations placed on surface coal mining operations within the National Wild and Scenic Rivers System, including study river corridors, are subject to valid existing rights. Section 522(e) of SMCRA and the introductory paragraph of § 761.11, both of which address mining in areas within the system, state specifically that the prohibition of mining in those areas is subject to valid existing rights.

The same commenter stated that prohibitions or limitations on mining in those areas should apply only to the surface impacts of mining on lands formally included in a study river area or river system and not to operations on lands adjacent to those areas except as they are subject to other applicable State and Federal laws, and that those mining operations cannot legally be further regulated under WSRA or SMCRA. The commenter is correct that the limitations and prohibitions under WSRA and section 522(e)(1) of SMCRA will apply only in the areas specified in the rule. However, the rule will have no effect on the application of the provisions of SMCRA to operations outside of these areas.

Also according to that commenter, the following matters pertaining to the National Wild and Scenic Rivers System guidelines need clarification or revision: The determination of adequate compensation for lands added to the system, allowance for completion of existing mining operations as lands are added to the system, and establishment of fixed and maximum boundary limits. Inasmuch as the guidelines were promulgated by the National Park Service and the Forest Service, those matters are outside the jurisdiction of OSMRE.

The remainder of the commenters expressed their approval of the proposed rule.

Effect in Federal Program States

The final rule applies, through cross-referencing, to the following Federal program States: Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for these States appear at 30 CFR Parts 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively.

IV. Procedural Matters

Federal Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12291 and Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The change in this rule will have a minor economic effect because the only additional area within which mining is prohibited would be created in those situations where the boundary of a study river corridor set under the Wild and Scenic Rivers Act is greater than one-quarter mile from the river bank. Under the OSMRE September 14, 1983, rule, mining would have been allowed in the area between that one-quarter mile boundary and the boundary set by the NPS/FS.

National Environmental Policy Act

OSMRE has prepared an environmental assessment (EA) of the impacts on the human environment of this final rule and has made a finding that the rule would not have a significant impact under Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(C). The EA and finding of no significant impact are on file in the OSMRE Administrative Record, Room 5314–A, 1100 L Street, NW., Washington, DC.

List of Subjects in 30 CFR Part 761

Coal mining, Historic preservation, National forests, National parks, National trails system, National wild and scenic rivers system, Surface mining, Underground mining, Wilderness areas, Wildlife refuges.

Accordingly, 30 CFR Part 761 is amended as set forth herein.

Dated: June 19, 1986.

J. Steven Griles,

Assistant Secretary for Land and Minerals Management.

PART 761—AREAS DESIGNATED BY ACT OF CONGRESS

1. The authority citation for Part 761 is revised to read as follows:

Authority: Pub. L. 95–87 (30 U.S.C. 1201 *et seq.*).

2. Section 761.11 is amended by revising paragraph (a) to read as follows:

§ 761.11 Areas where mining is prohibited or limited.

* * * * *

(a) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) or study rivers study river corridors as established in any guidelines pursuant to that Act, and National Recreation Areas designated by Act of Congress.

* * * * *

[FR Doc. 86–15963 Filed 7–15–86; 8:45 am]

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Wednesday
July 16, 1986

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 773 and 843

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Permitting Process; Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 773 and 843

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Permitting Process

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) of the United States Department of the Interior (DOI) proposes to amend its regulations having to do with the permitting process by: (1) Revising the procedures for conditionally approving a permit pending the outcome of a good faith appeal contesting the validity of any existing violations; (2) requiring the regulatory authority to make written findings prior to permit issuance that the applicant, and any operation owned or controlled by either the applicant or any person who owns or controls the applicant, is not responsible for unpaid civil penalties or AML fees; (3) requiring the regulatory authority to make its decision to approve or disapprove a permit on the basis of up-to-date information concerning the applicant's compliance record; (4) making the payment of all final civil penalities a condition of a permittee's continued right to mine; (5) requiring the regulatory authority to rescind a permit if it determines that any surface coal mining operation owned or controlled by either the permittee or any person who owns or controls the permittee is responsible for outstanding, unabated and unappealed violations, civil penalties, or AML fees which arose prior to permit approval; and (6) enabling OSMRE to order cessation of surface mining operations and commencement or continuation of reclamation if a State fails or lacks authority to rescind a permit. This action is being taken to ensure that persons do not obtain and/or hold permanent program permits if they are in violation of the Surface Mining Control and Reclamation Act of 1977.

DATES: *Written coments:* OSMRE will accept written comments on the proposed rule until 5 p.m. Eastern time on September 24, 1986.

Public hearings: Upon request, OSMRE will hold public hearings on the proposed rule in Washington, DC; Denver, Colorado; and Lexington, Kentucky at 9:30 a.m. local time on September 17, 1986. Upon request, OSMRE also will hold public hearings in the States of Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington at times and on dates to be announced prior to the hearings. OSMRE will accept requests for public hearings until 5:00 p.m. Eastern time on September 3, 1986. Individuals wishing to attend but not testify at any hearing should contact the person identified under "For Further Information Contact" beforehand to verify that the hearing will be held.

ADDRESSES: *Written comments:* Hand-deliver to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 L Street, NW., Washington, DC; or mail to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315L, 1951 Constitution Avenue, NW, Washington, DC 20240.

Public hearings: Department of the Interior Auditorium, 18th and C Streets, NW., Washington, DC; Brooks Towers, 2nd Floor Conference Room, 1020 15th Street, Denver, Colorado; and Suite 28 Conference Room, 340 Legion Drive, Lexington, Kentucky. The addresses for any hearings scheduled in the States of Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee and Washington will be announced prior to the hearings.

Request for public hearings: Submit orally or in writing to the person and address specified under **"FOR FURTHER INFORMATION CONTACT."**

FOR FURTHER INFORMATION CONTACT: Andrew F. DeVito, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: 202-343-5950 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Written Comments

Written comments submitted on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where practicable, commenters should submit three copies of their comments (see **"ADDRESSES"**). Comments received after the close of the comment period or delivered to addresses other than those listed above (see **"DATES"**) may not be considered or included in the Administrative Record for the final rule.

Public Hearings

OSMRE will hold public hearings on the proposed rule on request only. The times, dates and addresses scheduled for the hearings at three locations are specified previously in this notice (see **"DATES"** and **"ADDRESSES"**). The times, dates and addresses for the hearings at the remaining locations have not yet been scheduled, but will be announced in the **Federal Register** at least 7 days prior to any hearings which are held at these locations.

Any person interested in participating at a hearing at a particular location should inform Mr. DeVito (see **"FOR FURTHER INFORMATION CONTACT"**) either orally or in writing of the desired hearing location by 5:00 p.m. Eastern time on September 3, 1986. If no one has contacted Mr. DeVito to express an interest in participating in a hearing at a given location by that date, the hearing will not be held. If only one person expresses an interest, a public meeting rather than a hearing may be held and the results included in the Administrative Record.

If a hearing is held, it will continue until all persons wishing to testify have been heard. To assist the transcriber and ensure an accurate record, OSMRE requests that persons who testify at a hearing give the transcriber a written copy of their testimony. To assist OSMRE in preparing appropriate questions, OSMRE also requests that persons who plan to testify submit to OSMRE at the address previously specified for the submission of written comments (see **"ADDRESSES"**) and advance copy of their testimony.

II. Background

The Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1201 *et seq.*, provides various requirements pertaining to the process of applying for and receiving a permit to conduct surface coal mining and reclamation operations. Included among these requirements are the provisions of section 510, which set the standards to be applied by the regulatory authority in approving or denying a permit, and the requirements for permit findings and conditions.

The findings which the regulatory authority must make under section 510 of the Act must be based on the information contained in a complete permit application and other information available to the regulatory authority. The requirements for a complete permit application are largely set out in

sections 507 and 508 of the Act. OSMRE has implemented these informational requirements at 30 CFR Parts 777–784. 44 FR 1537, March 13, 1979; and, 48 FR 44398, September 28, 1983.

Section 510(b) states that "[n]o permit . . . shall be approved unless the application affirmatively demonstrates and the regulatory authority finds in writing on the basis of the information set forth in the application or from information othewise available . . . that . . . the permit application is accurate and complete *and* that *all* the requirements of this Act . . . have been complied with . . ." (Emphasis added.) OSMRE has implemented this provision at 30 CFR 773.15(c). 48 FR 44394, September 28, 1983.

Section 510(c), as stated in the legislative history of the Act, "prohibits issuance of a mining permit if the application [or other information available] indicates the applicant to be in violation of the Act or a wide range of other environmental requirements." S. Rep. No. 95–128, 95th Cong., 1st Sess. 79 (1977). Specifically, section 510(c) requires that the regulatory authority not issue an applicant a permit "if any surface coal mining operation owned or controlled by the applicant is currently in violation of this Act" or certain other environmental laws, until the applicant submits proof to the regulatory authority that the violation has been or is being corrected to the satisfaction of the responsible agency.

In addition to the specific authority in section 510 to deny a permit to an applicant who is either directly or indirectly (through an ownership or control connection) in violation of the Act or certain other environmental laws, the Act provides in section 201(c)(1) that "[t]he Secretary acting through [OSMRE], shall . . . order the *suspension, revocation,* or *withholding* of any permit for failure to comply with *any* of the provisions of this Act or *any* rules and regulations adopted pursuant thereto . . . " (Emphasis added.) Moreover, section 201(c)(2) and section 412(a) of the Act confer broad rulemaking authority upon OSMRE. Thus, the Secretary may properly promulgate regulations to ensure that persons applying for permanent program permits may receive permits only if they are in compliance with all provisions of the Act, and where permits are improperly or erroneously issued require the rescission of such permits. This rulemaking is an exercise of that authority.

This proposal does not stand alone. To strengthen the permitting process OSMRE published a proposed rule on April 5, 1985 50 FR 13724, that would define the terms "owned" and "controlled" as used in section 510(c), and would interpret the finding required by section 510(c) to include violations at any surface coal mining operation owned or controlled by any person who owns or controls the applicant. On April 16, 1986 a notice was published in the **Federal Register**, 51 FR 12879, which reopened and extended the comment period on that proposed rule until June 16, 1986. In addition to extending the comment period, the notice explained in detail the manner in which the proposed rule would operate, its relationship to OSMRE's computerized Applicant-Violator System, and the new information collection requirements that would be imposed on permit applicants. The preamble to that proposed rule and the notice reopening the comment period should be read to obtain a clear understanding of the potential effect of that proposed rule on this proposal. Copies of the April 5, 1985 and April 16, 1986 **Federal Register** documents may be obtained by contacting the person identified under "For Further Information Contact."

Together, the two rules would curb abuse of the Act's permitting requirements. A significant number of operators who are responsible for unabated violations of the Act, unpaid civil penalties, or Abandoned Mine Land Reclamation (AML) fees at one site apply for permits to conduct surface coal mining operations at other sites. In some instances, individuals involved in operations that have unabated violations or outstanding fees or penalties form new corporations, partnerships or other business entities and apply for permits for new operations without correcting the violations or paying the fees or penalties resulting from the previous operations.

Under OSMRE's existing regulations it is possible for an applicant to restructure business relationships solely to evade the finding requirements of section 510. This has resulted in some operators obtaining permits for new operations despite the existence of unabated violations at another site.

Congress did not intend to allow such evasion of the Act's requirements. The provisions proposed in this rule, along with the proposed rule defining "owned" and "controlled," would aid OSMRE and State regulatory authorities in their efforts to prevent such practices from occurring in the future and to take appropriate action against permittees who already have or who may yet obtain their permits in violation of section 510.

III. Discussion of Proposed Rule

This proposed rule would, through the revisions and additions explained in detail below, ensure that persons who are in violation of any requirement of the Act, and who are unwilling to cooperate with the regulatory authority to correct such violations, are not allowed to receive or to hold permanent program permits.

Review of Permit Applications—§ 773.15(a)(3)

As described in the "Background" section of this preamble, section 510(c) of the Act requires that if "any surface coal mining operation owned or controlled by the applicant is currently in *violation* of the Act . . . the permit shall not be issued . . . ." (Emphasis added.) For purposes of the findings required under § 773.15(b)(1), and in order to clarify what constitutes a violation, OSMRE is proposing to add a new § 773.15(a)(3), which states that nonpayment of Federal civil penalties or State civil penalties shall be considered a violation of the Act. This addition is not a change in substance because OSMRE already considers nonpayment of Federal or State civil penalties following a final order to be a violation of the Act, as is the nonpayment of delinquent AML fees. Inclusion of the additional language is intended to assure that State regulatory authorities interpret the Act in a manner consistent with OSMRE's interpretation.

Proposed § 773.15(a)(3), in conjunction with the April 5, 1985 proposed amendment to § 773.15(b)(1), would assure that prior to permit issuance the regulatory authority must make a determination that the applicant, and any entity owned or controlled by either the applicant or any person who owns or controls the applicant, has paid all civil penalties arising from a violation of the Act for which the applicant or any such entity or person is liable and for which a final order has been issued.

Conditional Permit Approval—§ 773.15(b)

OSMRE proposes to revise 30 CFR 773.15(b)(1)(ii) and (b)(2) to place additional limitations on the conditional approval of a permit when the applicant is pursuing a good faith appeal of a violation that would otherwise prohibit permit issuance.

Section 773.15(b)(1)(ii)

Section 510(c) of the Act requires that if any surface coal mining operation owned or controlled by the applicant is currently in violation of the Act "the permit shall not be issued until the

applicant submits proof that the violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority." OSMRE has by regulation at 30 CFR 773.15(b)(1)(ii) allowed an applicant to delay the satisfaction of this requirement in those cases where the violation is the subject of a good faith administrative or judicial appeal. This regulation implements the intent of the Congress as expressed in the following excerpt from the Act's legislative history:

> It is not the intention of the Committee that an operator who is charged with the types of violation described in section 510(c) be collaterally penalized through denial of a mining permit if he is availing himself, in good faith, of whatever administrative and judicial remedies may be available to him.

S. Rep. No. 95–128, 95th Cong., 1st Sess. 79 (1977).

Once the applicant has demonstrated to the regulatory authority that any outstanding violation is currently the subject of a good faith appeal the permit may be conditionally approved and issued. Under existing § 773.15(b)(1)(ii) the permittee is not required to submit proof that the violation under appeal has been or is in the process of being corrected until "the initial judicial review authority under § 773.15 either denies a stay applied for in the appeal or affirms the violation."

The current provision terminating the conditional approval upon the denial of a stay interprets a denial as strongly indicating that the violation will be affirmed. However, a stay can be denied for any number of reasons. Moreover, the current provision unquestionably discourages the filing of a request for a stay. In the interest of fairness, the current proposal would allow the permit to remain conditionally approved pending the initial judicial affirmation of the violation, regardless of the results of the request for a stay.

The revision to § 773.15(b)(1)(ii) would require that if the initial judicial review authority affirms the alleged violation, then the holder of such a conditional permit shall, within 30 days of such decision, submit proof of the correction of the violation or that the violation is in the process of being corrected to the satisfaction of the regulatory authority with jurisdiction over the violation.

Requiring operators to submit the information concerning the correction of a violation within 30 days of the initial judicial decision affirming the violation would preserve a permittee's right to mine while a violation is being appealed, but would limit the duration of that right to the time it takes the judicial authority to reach a decision on the merits of the appeal. Such a procedure comports with the Act and its legislative history as quoted above. In its current form, § 773.15(b)(1)(ii) does not specifically set a time limit within which the applicant (conditional permittee) must submit the required proof, but merely provides that submittal shall be made "promptly." OSMRE proposes the 30-day period in which the applicant must submit the proof required by § 773.15(b)(1)(ii) as a reasonable approximation of the time that might be required for an applicant, acting in good faith, either to abate the violation or to demonstrate to the regulatory authority that the applicant is acting in good faith to abate the violation. However, OSMRE seeks comments on alternatives to this time period, together with the supporting rationale for any such alternatives.

Section 773.15(b)(2)

Existing § 773.15(b)(2) provides that the regulatory authority making the permitting decision "*may* issue a permit conditionally pending the outcome of an appeal . . ." (Emphasis added.) Confusion has arisen regarding the use of the term "may." The intent of the existing rule is to allow the issuance of permits under the circumstance of a good faith appeal while recognizing that the regulatory authority has other obligations associated with the review of the permit, and thus is not required to issue the permit if other problems with the application exist. To eliminate this source of confusion and to ensure consistency with the other revisions proposed in this rule, OSMRE proposes to revise this paragraph. As revised, § 773.15(b)(2) would provide that any permit issued pending the outcome of a good faith appeal shall be conditionally approved. Of course, the applicant would still have to meet all other applicable requirements to obtain a permit under the Act.

The current rule does not specify precisely what occurs when a violation is affirmed and the permittee fails within 30 days to submit proof that the violation is being corrected to the satisfaction of the responsible agency. Under the proposed rule, where a permittee under a conditionally issued permit failed to comply with the provisions of §§ 773.15(b)(1) (i) or (ii), the regulatory authority would issue a notice of rescission, citing the failure to comply with the permit conditions and requiring the immediate cessation of mining operations and the reclamation of all areas for which a reclamation obligation existed.

Section 773.15(b)(3)

Existing § 773.15(b)(3) implements that part of section 510(c) of the Act which states:

> [N]o permit shall be issued to an applicant after a finding by the regulatory authority, after opportunity for hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of this Act of such nature and duration with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of this Act.

The existing rule, which generally incorporates the language of the Act, requires the regulatory authority to withhold the granting of a permit if it makes a finding corresponding with this quoted provision. OSMRE is proposing to amend § 773.15(b)(3) to make it consistent with the findings requirement in the April 5, 1985 proposed amendment to § 773.15(b)(1). To accomplish this, the scope of the finding under § 773.15(b)(3) would be expanded to include anyone who owns or controls the applicant. The purpose of this change is the same as for the proposed change to § 773.15(b)(1)—to prevent evasion of the requirements of section 510(c) through restructuring of business relationships. OSMRE also proposes to change the existing phrase, "the application shall not be granted," to "no permit shall be issued" in order to mirror the language of section 510(c).

Section § 773.15(c)(7)

Section 412(a) of the Act authorizes the Secretary to "do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer" the AML program. One effective tool for enforcing the existing AML fee provisions is to ensure that persons who are delinquent in fee payments do not receive permits until they pay the fees they owe. In accordance with its authority under section 412(a), OSMRE promulgated § 773.15(c)(7), which provides that a permit application may not be approved unless the regulatory authority finds in writing that the applicant has paid reclamation fees required by the AML program rules. The purpose of this provision is to "make clear that a permit applicant must have a history of compliance with all portions of the Act, and not just Title V." 44 FR 15101 (March 13, 1979) (referring to § 786.19(h), the regulatory predecessor to § 773.15(c)(7)).

As noted in the preamble to the March 13, 1979 rules, and in the "Background" section of this preamble, the Act authorizes permit denial based on unpaid AML fees through the

requirement of § 510(b)(1) that the application affirmatively demonstrate and the regulatory authority find compliance with all requirements of the Act. Thus, even though OSMRE collects AML fees and primarily enforces the payment obligation, the Act requires State regulatory authorities to deny permits to applicants who are delinquent in AML fee payments.

As described in the "Background" section of this preamble, some operators have evaded this provision and their obligations under § 402 of the Act by forming new entities or by reorganizing their businesses prior to applying for a permit so that the "applicant" appears to have no Title IV AML fee payment obligation, even though persons who own or control, or who are owned or controlled by, the applicant are delinquent in payments for other operations.

The revisions proposed in this rule would address this problem by amending exising § 773.15(c)(7) and expanding the scope of the required finding to include a determination that, in addition to the applicant and any person who is owned or controlled by the applicant, any person who owns or controls the applicant has paid all reclamation fees for which he or she may be responsible as a result of previous or existing surface coal mining operations.

This revision would enable the regulatory authority to look beyond the person listed as the applicant, identify other persons responsible for the proposed operation, and determine whether they had met their obligations under Title IV of the Act. If the persons involved with the operation had not paid AML fees for which they were responsible, either individually or through business entities which they own or control, or which own or control them, the resulting denial of a permit would serve as an added incentive for the operator to comply with the fee payment rules, since his delinquency would bar new surface coal mining operations by any individual or entity with an ownership or control relationship to the delinquent operator.

Submission of Updated Information—§ 773.15(e)

Sections 507(b)(1)–(5) of the Act and 30 CFR 778.13 require the applicant to submit information including, among other things, the identity of the applicant, the type of business organization used by the applicant, and the identity of persons who have an ownership or control interest in the operation. Section 510(c) of the Act and § 778.14 require the applicant to submit information regarding any violations of the applicant or any entities with an ownership or control connection to the applicant. Section 510(c) and 30 CFR 773.15(b)(1) require the regulatory authority to make a determination that the applicant is not in violation of the Act at the time of permit issuance. Experience has shown that the time that elapses between the submission of an application for a permit and the issuance of the permit is typically several months at a minimum. Information submitted with the application may become dated by the time of issuance thus making it impossible for the regulatory authority to make an accurate section 510(c) finding.

This proposed rule would add paragraph (e) to § 773.15 to require that the applicant, when submitting the bond required by 30 CFR 800.11, submit to the regulatory authority any corrections or updates to the information submitted in accordance with 30 CFR § 778.13(a)–(d) and 778.14, or if no changes have taken place to indicate such. The rule would also require that the regulatory authority review the initial section 510(c) finding in light of the updated information. If the applicant failed or refused to send the information required under § 773.15(e) the regulatory authority would not issue the permit. With the updated information, the regulatory authority would be in a better position to make an accurate § 510(c) finding and to take appropriate action.

Permit Conditions—§ 773.17

Section 773.17 of 30 CFR lists a number of mandatory conditions which must be part of any permit issued pursuant to the Act. These conditions ensure that after a permit is issued the permittee's continued right to conduct surface coal mining operations is dependent upon compliance with certain essential requirements of the Act. For example, one of these conditions at 30 CFR 773.17(g) requires that an "operator pay all reclamation fees required by Subchapter R of this chapter for coal produced under the permit. . . ." 49 FR 27493, July 5, 1984. In this notice, OSMRE is proposing to require that the regulatory authority condition each permit upon the payment of civil penalties in accordance with section 518 of the Act. This proposed permit condition is intended to make current permittees subject to the enforcement sanctions of section 512 of the Act, including the cessation of mining if they fail to pay any civil penalties for which a final order required payment has been made.

Section 773.17(h)(1)

Proposed paragraph (h)(1) of § 773.17 would include as a permit condition a requirement that the permittee pay all civil penalties assessed under the Act and arising from surface coal mining and reclamation operations under the permit within 30 days of the issuance of a final order by the Secretary or by the appropriate State official. This proposed permit condition would supplement the proposed permit finding in § 773.15(a)(3). OSMRE expects that expressly tying payment of such civil penalties to a permittee's continuing authorization to mine would strengthen its ability to collect civil penalties and improve compliance with the Act.

Section 773.17(h)(2)

Proposed paragraph (h)(2) would impose a limitation that no new or additional civil penalties would result from a notice of violation or cessation order issued for a violation of the condition imposed under paragraph (h)(1) of this section. The intent of conditioning the permit upon the payment of penalties is to assure that such penalties will be paid, based on possible enforcement action that can be taken. As stated above, such enforcement action could include the cessation of mining where civil penalties remain unpaid. The proposed limit has been included in § 773.17(h)(2) because it would be counter-productive to assess further penalties for the nonpayment of the original penalties. Thus, a notice of violation or cessation order can be used to compel payment of the original penalty without the accrual of additional penalties which would only exacerbate the non-payment problem. Because penalties were assessed on the underlying violation of the Act, the limit imposed under § 773.17(h)(2) is consistent with the Act's requirements concerning mandatory penalties.

Section 773.17(h)(3)

A new paragraph § 773.17(h)(3) is being proposed to clarify that persons who make late payment of civil penalties are subject to the requirements of the Debt Collection Act of 1982 (Pub. L. 97–365). Pursuant to that law the Treasury Department, as required by the Treasury Fiscal Requirements Manual (TFRM 6–8020.20), transmits to all Federal agencies an interest rate to be assessed quarterly on late payments due the Federal government. This interest rate is based on the current value of funds to the Treasury, and is transmitted to all Federal agencies through the TFRM prior to the first day of each calendar quarter. Under the proposal,

following the expiration of 30 days after the issuance of a final order requiring payment of penalties, interest would begin to accure and would run until the date of payment.

OSMRE's proposed rule would also subject the late payment of civil penalties to the same enforcement actions, penalties and handling charges as are assessed for late AML fees under 30 CFR 870.15 (e), (f) and (g). These enforcement measures are proposed pursuant to OSMRE's authority under section 201(c)(1) of the Act as well as under government-wide debt collection directives.

Permit Rescission—§ 773.20

As indicated in the "Background" section of this preamble, OSMRE is aware that in the past some applications have received permits in violation of the section 510(c) finding requirement. In some cases the violations or unpaid fees which should have precluded these permittees from receiving permits have since been abated or paid. However, in many instances these violations remain unabated, and civil penalties and AML fees remain unpaid. To insure compliance with the Act, and as a safeguard against future permits being issued erroneously or improperly, the proposed rule would require regulatory authorities to rescind erroneously or improperly issued permits.

As stated in section 201(c)(1) of the Act, OSMRE must "order the *suspension, revocation,* or *withholding* of any permit for failure to comply with *any* of the provisions of this Act or any rules and regulations adopted pursuant thereto. . . ." (Emphasis added.) A failure to abate a serious violation, or to pay civil penalties or AML fees is a "failure to comply" within the purview of this requirement of the Act. Moreover, the Congress could not have intended that OSMRE and State regulatory authorities withhold permits under section 510(c) from applicants responsible for unabated violations or unpaid fees or penalties, but allow continued mining by persons in the same circumstances who improperly or erroneously receive permits, whether through mistake, through one regulatory authority's refusal to accord full faith and credit to another's enforcement actions, or through fraud or collusion. Therefore, under the authority of section 201(c)(1) and section 510, OSMRE proposes to add to Part 773 a new rule to expressly require the regulatory authority to rescind permits in such cases. This proposal also would facilitate compliance with the February 1, 1985 Order in *Save our Cumberland Mountains v. Clark*, No. 81-2134 (D.D.C. 1985) (Revised Parker Order).

The procedures for rescinding a permit are contained in proposed § 773.20. This new section would in paragraph (a) require the regulatory authority to initiate the permit rescission process if, subsequent to permit issuance, it discovers that a surface coal mining operation owned or controlled by either the permittee or any person who owns or controls the permittee was, at the time of permit issuance: (a) Subject to an outstanding cessation order or to a notice of violation for which a cessation order was subsequently issued; or (2) liable for any civil penalties subject to a final order requiring payment, or for AML fees. In addition, before initiating the process the regulatory authority would have to determine that any such violation, penalty or fee remains uncorrected or unpaid, and is not currently the subject of a good faith appeal, or of a payment schedule or abatement plan approved by the authority which cited the violation, assessed the penalty or was owed the fee in question.

Once the required determinations were made, paragraph (b)(1) of § 773.20 would require the regulatory authority to issue a notice of violation to the permittee. The notice of violation would alert the permittee that its permit would be rescinded pursuant to § 772.20(b)(2) unless specified remedial actions were taken within 30 days.

Under the proposed rule, the permit would be rescinded 30 days after the regulatory authority served the notice of violation on the permittee, unless within that time the permittee submitted satisfactory proof to the regulatory authority that: (1) The regulatory authority's determinations under paragraph (a) were erroneous; or (2) the permittee had corrected the violations, or paid the penalties or fees; or (3) the permittee had entered into a payment schedule or abatement plan approved by the authority which cited the violation, assessed the penalty or was owed the fees in question.

Paragraph (b)(3) would allow the regulatory authority to delay the rescission of a permit for up to 90 days if it made a written determination that the permittee was pursuing good faith negotiations to establish a plan or schedule for the abatement or payment of such violations, penalties or fees. The notice of violation issued pursuant to paragraph (b)(1) would be modified to reflect any extension of the abatement period.

Finally, paragraph (c) of § 773.20 would require that after permit rescission the regulatory authority would immediately order: (1) The cessation of surface coal mining operations covered by the permit, and (2) the commencement or continuation of reclamation of all areas for which a reclamation obligation exists. OSMRE requests specific comments on whether this order should be treated as a failure-to-abate cessation order subject to the penalities of section 518(h) of the Act.

Under the proposal, permit rescission by OSMRE in its capacity as a regulatory authority would be considered a "final decision" of the Director of OSMRE, subject to administrative review in accordance with 43 CFR Part 4. Where a State were the regulatory authority, and in the absence of specific provisions for review of such actions, the right to appeal would be the same as that provided from any other final order of the State regulatory authority.

Section 843.13

To emphasize the distinction between the proposed procedures of § 843.21 regarding a State permit issued improperly or erroneously (described below) and suspension or revocation of a permit resulting from a determination that a permittee has or has had a "pattern of violations" of certain requirements of the Act, the heading of existing § 843.13, which deals with the latter, would be amended to read "*§ 843.13 Suspension or revocation of permits: Pattern of violations.*"

Section 843.21

In certain cases a State regulatory authority may fail to take the action required by § 773.20. Such failure may result from a State lacking the authority necessary to rescind a permit because of unavoidable administrative delays in the adoption by the State of permanent program provisions no less effective than § 773.20. To assure that surface coal mines do not continue to operate under improperly or erroneously issued permits in those cases where a State cannot or otherwise fails to act, OSMRE proposes to add new § 843.21. The enforcement powers provided to OSMRE by this new section are in accordance with section 521 of the Act, which allows for Federal enforcement where a State fails to take appropriate enforcement action, and section 201(c)(1) of the Act, which as explained earlier gives broad powers to the Secretary acting through OSMRE to suspend, revoke or withhold any permit for failure to comply with the provisions of the Act or its implementing regulations. The failure to comply with

this instance would be the act of operating under an improperly or erroneously issued permit, and the underlying noncompliance by the permittee or those owning or controlling the permittee. Like proposed § 773.20, this proposed section also facilitates OSMRE compliance with the Revised Parker Order.

Specifically, 843.21 would require OSMRE to notify a State regulatory authority when OSMRE determines (through the use of the computer generated applicant/violator lists or other oversight activities) that the State regulatory authority improperly or erroneously issued a permit that meets the criteria of § 773.20(a), and failed to act as required by § 773.20(b). If the State then fails within 30 days of being notified by OSMRE, to take action to rescind the permit in accordance with § 773.20(b), OSMRE would issue to the State a notice requiring the State to institute within ten days permit rescission procedures under § 773.20. A copy of the initial notice would be provided to the permittee.

Section 843.21(b) would provide that where a State fails, within ten days of receiving the notice specified in proposed § 843.21(a), to take the action required by proposed § 773.20 or to show good cause for failure to act, OSMRE would take action. Under § 843.21(b)(1) OSMRE would issue the permittee a notice of violation requiring the cessation of all mining operations until all cessation orders were abated, all civil penalties and AML fees were paid, or an appropriate abatement plan or payment schedule were approved for all outstanding cessation orders, civil penalties and AML fees. The notice of violation would also require the commencement or continuation of reclamation of all areas for which a reclamation obligation exists. If the permittee failed to comply with this order OSMRE could issue a failure-to-abate cessation order or use the alternative enforcement measures available under the Act.

In addition, § 843.21(c)(1)–(3) would provide that OSMRE could vacate or terminate a notice of violation issued under § 843.21(b) if it found: (1) That its determination under paragraph (a) of § 843.21 were erroneous; or (2) that the permittee had corrected any such violation, or paid any such penalty or fee to the satisfaction of the regulatory authority, department or agency having jurisdiction over such violation, penalty or fee; or (3) that the permittee had entered into a plan or schedule for the payment of any penalty or fee or the abatement of any violation.

Effect in Federal Program States

The proposed rule would apply through cross-referencing to the following Federal program States: Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for these States appear at 30 CFR Parts 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. Comments are specifically solicited as to whether unique conditions exist in any of these States relating to this proposal which should be reflected either as changes to the national rules or as State-specific amendments to any or all of the Federal programs.

IV. Procedural Matters

Federal Paperwork Reduction Act

The information collection requirements in the proposed rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.* The information is needed to meet the requirements of sections 201, 507, and 510(c) of Pub. L. 95–87, and will be used by OSMRE in reviewing a permit application and rescinding a permit. The obligation to respond is mandatory.

Executive Order 12291

The DOI has examined the proposed rule according to the criteria of Executive Order 12291 (February 17, 1981) and has determined that it is not a major and does not require a regulatory impact analysis. This determination is based on the findings that the regulatory revisions and additions proposed by this rule: (1) Clarify the existing permitting obligations of OSMRE, State regulatory authorities, permit applicants, and operators; and (2) provide regulatory authorities with additional mechanisms for ensuring that operators are in full compliance with existing regulations. Therefore, the rule should not add appreciably to the cost of operating a mine in compliance with an approved regulatory program.

Regulatory Flexibility Act

The DOI also has determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that the proposed rule will not have a significant economic impact on a substantial number of small entities for the same reasons as discussed in the preceding paragraph.

National Environmental Policy Act

OSMRE has prepared an environmental assessment (EA), and has made an interim finding that the proposed rule would not significantly affect the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The EA is on file in the OSMRE Administrative Record at the address specified previously (see "ADDRESSES"). An EA will be completed on the final rule and a finding made on the significance of any resulting impacts prior to promulgation of the final rule.

List of Subjects

30 CFR Part 773

Administrative practice and procedure, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 843

Administrative practice and procedure, Coal mining, Law enforcement, Reporting requirements, Surface mining, Underground mining.

Accordingly, it is proposed to amend 30 CFR Parts 773 and 843 as follows:

Dated: June 19, 1986.

J. Steven Griles,

Assistant Secretary for Land and Minerals Management.

PART 773—REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

1. The authority citation for Part 773 continues to read as follows:

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

2. Section 773.15 is amended by adding paragraphs (a)(3) and (e), and revising paragraphs (b)(1)(ii), (b) (2) and (3) and (c)(7) to read as follows:

§ 773.15 Review of permit applications.

(a) * * *

(3) Nonpayment of Federal and State civil penalties within 30 days of a final order shall be considered a violation of the Act for the purposes of the findings required under paragraph (b)(1) of this section.

(b) * * *

(1) * * *

(ii) Establish for the regulatory authority that the applicant has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the initial judicial review authority under § 775.13 of this chapter affirms the violation, then the applicant shall within 30 days of the judicial action submit the proof required under paragraph (b)(1)(i) of this section.

(2) Any permit issued subject to the requirement of paragraph (b)(1)(i) of this

section or pending the outcome of an appeal described in paragraph (b)(1)(ii) of this section shall be conditionally approved. If an applicant who is issued such a permit fails to comply with the provisions of paragraph (b)(1)(i) or (b)(1)(ii) of this section, the regulatory authority shall issue a notice of rescission of the permit citing the permittee's failure to comply with the permit conditions and require the immediate cessation of mining operations and the reclamation of all areas for which a reclamation obligation exists.

(3) If the regulatory authority makes a finding that the applicant, anyone who owns or controls the applicant or the operator specified in the application, controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Act of such nature and duration, and with resulting irreparable damage to the environment as to indicate an intent not to comply with the Act, no permit shall be issued. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in § 775.11 of this chapter.

(c) * * *

(7) The applicant, anyone owned or controlled by the applicant, or anyone who owns or controls the applicant has paid all reclamation fees from previous and existing operations as required by Subchapter R of this chapter.

* * * * *

(e) *Submission of updated information.* (1) The applicant, when submitting the bond required by § 800.11 of this chapter, shall submit to the regulatory authority all corrections, updates or indications of no change to:

(i) The information concerning "identification of interests" previously submitted under § 778.13(a)-(d) of this chapter; and

(ii) The listing of violation information previously submitted under § 778.14 of this chapter.

(2) The regulatory authority shall review the finding required by paragraph (b)(1) of this section in light of the information provided under paragraph (e)(1) of this section.

3. Section 773.17 is amended by adding new paragraph (h) to read as follows:

§ 773.17 Permit conditions.

* * * * *

(h)(1) The permittee shall, within 30 days of the issuance of a final order requiring payment, pay all civil penalties assessed under the Act and arising from surface coal mining and reclamation operations under the permit.

(2) A notice of violation or cessation order issued for a violation of the condition specified in paragraph (h)(1) of this section shall not result in any additional civil penalties.

(3) Following the expiration of 30 days after the issuance of a final order requiring payment of penalties, all delinquent penalties which are payable to the United States are subject to interest at the rate established quarterly by the U.S. Department of the Treasury for use in applying late charges or late payments to the Federal Government, pursuant to Treasury Fiscal Requirements Manual 6–8020.20. The Treasury current value of funds rate is published by the Fiscal Service in the notices section of the **Federal Register.** Interest on unpaid penalties will run until the date of payment. Failure to pay overdue penalties may result in one or more of the actions specified in §§ 870.15(e)(1) through (e)(5) of this chapter. Delinquent penalties are subject to late payment penalties specified in § 870.15(f) of this chapter and processing and handling charges specified in § 870.15(g) of this chapter.

4. A new § 773.20 is added to read as follows:

§ 773.20 Permit rescission.

(a) The regulatory authority shall apply the permit rescission procedures of paragraph (b) of this section if, subsequent to permit issuance, it determines that:

(1) At the time of permit issuance, any surface coal mining operation owned or controlled by either the permittee or any person who owns or controls the permittee was—

(i) Subject to an outstanding cessation order or to a notice of violation for which a cessation order was subsequently issued; or

(ii) Liable for any civil penalty for which the Office or the regulatory authority had issued a final order requiring payment, or for any abandoned mine reclamation fees due but not paid under Subchapter R of this chapter; and

(2) Where the regulatory authority determines that an operation meets the criteria of paragraph (a)(1) of this section, at the time of such determination any such violation, penalty or fee—

(i) Remains uncorrected or unpaid; and

(ii) Is not the subject of a good faith appeal, or of a payment schedule or abatement plan approved by the authority which cited the violation, assessed the penalty or is owed the fee in question;

(b)(1) The regulatory authority shall issue a notice of violation to a permittee, and shall therein notify the permittee that its permit will be rescinded in accordance with paragraph (b)(2) of this section unless the permittee takes the remedial actions specified in paragraph (b)(2) of this section.

(2) The regulatory authority shall notify the permittee that the permit is rescinded 30 days after the service of the notice of violation required by paragraph (b)(1) of this section (or up to 90 days if the regulatory authority grants an extension of time under paragraph (b)(3) of this section) unless prior to the expiration of such time the permittee or person responsible for any violation, penalty or fee as described in paragraph (a)(1) of this section has submitted satisfactory proof to the regulatory authority that:

(i) The regulatory authority's determinations under paragraph (a) of this section were erroneous; or

(ii) The permittee has corrected any such violation, and paid any such penalty or fee to the satisfaction of the regulatory authority, department or agency having jurisdiction over such violation, penalty or fee; or

(iii) The permittee has entered into a plan or schedule for the correction of any such violation, and the payment of any such penalty or fee to the satisfaction of the regulatory authority, department or agency having jurisdiction over such violation, penalty or fee.

(3) The regulatory authority may delay the rescission of the permit for up to 90 days after the issuance of a notice of violation under paragraph (b)(1) of this section if the regulatory authority determines in writing that the permittee is pursuing good faith negotiations to establish a plan or schedule for the correction of any violation described in paragraph (a)(1)(i) of this section, or the payment of any penalty or fee described in paragraph (a)(1)(ii) of this section. The regulatory authority shall modify the notice of violation to reflect any extension in the abatement period as provided for under this paragraph.

(c) Upon permit rescission the regulatory authority shall immediately order—

(1) The cessation of surface coal mining operations; and

(2) The commencement or continuation of reclamation of all areas for which a reclamation obligation exists.

PART 843—FEDERAL ENFORCEMENT

5. The authority citation for Part 843 continues to read as follows:

Authority: Secs. 102, 201, 501(b), 503, 504, 510, 517, 518, 520, 521, 523, 526 and 701 of Pub. L. 95–87, 91 Stat. 448, 449, 468, 470, 471, 480, 498, 499, 504, 510, 511 and 516 (30 U.S.C. 1202, 1211, 1268, 1271, 1273, 1275 and 1291).

6. The heading of § 843.13 is revised to read as follows:

§ 843.13 Suspension or revocation of permits: Pattern of violations.

* * * * *

7. A new § 843.21 is added to read as follows:

§ 843.21 Procedures on improperly or erroneously issued State permits.

(a) If the Office determines that a State regulatory authority has erroneously or improperly issued a permit that meets the criteria of § 773.20(a) of this chapter, and the State regulatory authority has failed to take action as required under § 773.20(b) of this chapter, the Office shall notify the State in writing of such failure. A copy of the notice also shall be provided to the permittee.

(b) Where the State fails, within thirty days of the notice described in paragraph (a) of this section, to take appropriate action under § 773.20 of this chapter to rescind the permit, or to show good cause for such failure, the Office shall issue to the State a notice requiring that the State take such action within ten days. If the State fails to take such action within ten days of such notice the Office shall issue to the permittee a notice of violation requiring—

(1) The cessation of all mining operations until all cessation orders are abated, all civil penalties and abandoned mine reclamation fees are paid, or an appropriate abatement plan or payment schedule is approved for all outstanding cessation orders, civil penalties and reclamation fees; and

(2) The commencement or continuation of reclamation of all areas for which a reclamation obligation exists.

(c) The Office shall either vacate or terminate a notice of violation issued under paragraph (b) of this section upon submission by either the permittee or the regulatory authority of proof that:

(1) The Office's determinations under paragraph (a) of this section were erroneous;

(2) The permittee has corrected any such violation, and paid any such penalty or fee to the satisfaction of the regulatory authority, department or agency having jurisdiction over such violation, penalty or fee; or

(3) The permittee has entered into a plan or schedule for the correction of any such violation, and the payment of any such penalty or fee to the satisfaction of the regulatory authority, department, or agency having jurisdiction over such violation, penalty or fee.

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Wednesday
July 16, 1986

Part V

Environmental Protection Agency

40 CFR Parts 10 and 14

Administrative Claims Under Federal Tort Claims Act; Employee Personal Property Claims; Final rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 10 and 14

[OGC-FRL-3002-6]

Administrative Claims Under Federal Tort Claims Act; Employee Personal Property Claims

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final regulation amends 40 CFR Parts 10 and 14. It is published as a final rule pursuant to 5 U.S.C. 553(b)(A). It is a general statement of the policy and rules of organization, procedure and practice for the Environmental Protection Agency (EPA). As such, it is excepted from the requirements of notice and comment under 5 U.S.C. 553(b).

The revision to 40 CFR Part 10 is necessary to reflect changes in EPA's organizational structure for reviewing and deciding administrative claims under the Federal Tort Claims Act (FTCA), 28 U.S.C. 2671–2680. The EPA Claims Officer is responsible for investigating and deciding claims under the FTCA. The Claims Officer position and function has been relocated from the Facilities Support Services Division to the Office of General Counsel. The Director, Facilities Support Services Division, is no longer responsible for directing the EPA Claims Officer in the adjustment, determination, compromise or settlement of tort claims. Additionally, the amendment to 40 CFR Part 10 deletes various provisions which are no longer applicable to EPA's administrative review of tort claims.

EPA is amending 40 CFR Part 14 to delete the existing Part 14 and replace it with a new Part 14. The amendment to Part 14 is necessary to reflect changes in the Military Personnel and Civilian Employees' Claims Act, as amended, 31 U.S.C. 3721, and in EPA's policies for its implementation.

EFFECTIVE DATE: July 16, 1986.

FOR FURTHER INFORMATION CONTACT: Ray Spears at (202) 382–4548.

SUPPLEMENTARY INFORMATION:

Background

A. Part 10

EPA published its regulations for the Federal Tort Claims Act, 40 CFR Part 10, on June 27, 1973. Since that time, various organizational changes have occurred within EPA. These changes have made portions of Part 10 obsolete. This regulation reflects the relocation of the EPA Claims Officer function from the Facilities and Support Services Division to the Office of General Counsel. Additionally, these changes include technical amendments to Part 10 required by the codification of Title 31 and removes two provisions which have only historical relevancy.

B. Part 14

EPA published regulations for the Military Personnel and Civilian Employees' Claims Act, 40 CFR Part 14, on March 13, 1974. Since that time there have been numerous changes in EPA's policies for payment of employee personal property losses. For example, EPA now reimburses its employees for loss and damage to household goods occurring during EPA authorized relocations. Further, codification of the Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 3721, and statutory increases in the amount EPA is authorized to pay have made portions of Part 14 obsolete. Part 14 has been rewritten to present EPA's policies and procedures in a format which is easier to understand and use.

Executive Order 12291

Under Executive Order 12291, EPA is required to determine whether a regulation is "major" and, therefore, subject to the regulatory impact analysis requirements of the Order, or whether it may follow other development procedures. We have determined that this regulation is not "major" as it will not have a substantial impact on the economy. Consequently, the regulation is not subject to the impact analysis requirements of Executive Order 12291.

List of Subjects

40 CFR Part 10

Administrative claims under the Federal Tort Claims Act.

40 CFR Part 14

Employee personal property claims.

Dated: June 23, 1986.

Lee M. Thomas,
Administrator.

Therefore, 40 CFR Chapter I, Parts 10 and 14 are amended as follows:

PART 10—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

1. The authority citation for Part 10 continues to read as follows:

Authority: Sec. 1, 80 Stat. 306; 28 U.S.C. 2672; 28 CFR Part 14.

2. Revise § 10.1 to read as follows:

§ 10.1 Scope of regulations.

The regulations in this part apply only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. 2671–2680, for money damages against the United States because of damage to or loss of property or personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Environmental Protection Agency (EPA) while acting within the scope of his/her employment.

3. Section 10.2 is amended by revising paragraph (c) to read as follows:

§ 10.2 Administrative claim; when presented; place of filing.

* * * * *

(c) Forms may be obtained and claims may be filed with the EPA office having jurisdiction over the employee involved in the accident or incident, or with the EPA Claims Officer, Office of General Counsel (LE–132G), 401 M Street SW., Washington, DC 20460.

4. Revise § 10.5 to read as follows:

§ 10.5 Investigation, examination, and determination of claims.

The EPA Claims Officer adjusts, determines, compromises and settles all administrative tort claims filed with EPA. In carrying out these functions, the EPA Claims Officer makes such investigations as are necessary for a determination of the validity of the claim. The decision of the EPA Claims Officer is a final agency decision of purposes of 28 U.S.C. 2675.

§ 10.9 [Amended]

5. Amend § 10.9 to change the citation "(18 U.S.C. 287.1001)" to "(18 U.S.C. 287, 1001)" and to change the citation at the end of the section to read: "(31 U.S.C. 3729)."

§ 10.11 [Amended]

6. Amend § 10.11 to remove paragraph designation "(a)" and to remove paragraph (b).

7. 40 CFR is amended by revising Part 14 to read as follows:

PART 14—EMPLOYEE PERSONAL PROPERTY CLAIMS

Authority: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 3721).

§ 14.1 Scope and purpose.

This part prescribes regulations for the Military Personnel and Civilian Employees' Claims Act of 1964 (the Act), 31 U.S.C. 3721. The Act allows the Administrator of the U.S. Environmental Protection Agency (EPA) to settle and pay claims of EPA employees for damage to or loss of their personal property which was incident to service. A claim under the Act is allowed only where the claim is substantiated and the Administrator determines that possession of the property was reasonable or proper under the circumstances existing at the time and place of the loss and no part of the loss was caused by any negligent or wrongful act or omission of the employee or his/her agent.

§ 14.2 Definitions.

As used in this part:

(a) "EPA Claims Officer" is the Agency official delegated the responsibility by the Administrator to carry out the provisions of the Act.

(b) "Claim" means a demand for payment by an employee or his/her representative for the value or the repair cost of an item of personal property damaged, lost or destroyed as an incident to government service.

(c) "Employee" means a person appointed to a position with EPA.

(d) "Settle" means the act of considering, ascertaining, adjusting, determining or otherwise resolving a claim.

(e) "Accrual date" means the date of the incident causing the loss or damage or the date on which the loss or damage should have been discovered by the employee through the exercise of reasonable care.

(f) "Depreciation" is the reduction in value of an item caused by the elapse of time between the date of acquisition and the date of loss or damage.

§ 14.3 Incident to service.

In order for a claim to be allowed under this part, the EPA Claims Officer must determine that the item of personal property, at the time of damage or loss, was used by the employee as an incident to government service. An item is incident to service when possession of the item by the employee had substantial relationship to the employee's performance of duty. Whether an item is incident to service is determined by the facts of each claim. The employee has the burden of showing that the item was incident to his/her governmental service.

§ 14.4 Reasonable and proper.

EPA does not insure its employees from every loss or damage to personal property they may sustain. In order for a claim to be allowed, the item must not only have been incident to service, it must also have been reasonable and proper for the employee to possess the item at the time and place of its loss or damage. Generally, the possession of an item is reasonable and proper when the item is of a type and quantity which EPA reasonably expected its employees to possess at the time and place of the loss or damage. Consequently, items which are exceptionally expensive, excessive quantities of otherwise allowable items, personal items which are used in place of items usually provided to employees by EPA or items which are primarily of aesthetic value are not considered reasonable or proper items and are unallowable.

§ 14.5 Who may file a claim.

A claim may be filed by an employee or by his/her authorized agent or legal representative. If a claim is otherwise allowable under this part, a claim can be filed by a surviving spouse, child, parent, brother or sister of a deceased employee.

§ 14.6 Time limits for filing a claim.

A claim under this part is considered by the EPA Claims Officer only if it is in writing and received within two years after the claim accrues. The EPA Claims Officer may consider a claim not filed within this period when the claim accrued during a period of armed conflict and the requirements of 31 U.S.C. 3721(g) are met.

§ 14.7 Where to file a claim.

An employee or his/her representative may file a claim with his/her Administrative Office or the Safety Office for the facility. The employee should complete and submit to the Administrative Office or the Safety Office a completed EPA Form 3370-1, "Employee Claim for Loss of or Damage to Personal Property." That Office then forwards the form and any other relevant information to the EPA Claims Officer, Office of General Counsel (LE-132G), 401 M Street SW., Washington, DC 20460.

§ 14.8 Investigation of claims.

The EPA Claims Officer investigates claims filed under this part. The EPA Claims Officer may request additional documentation from an employee (e.g., repair estimates and receipts), interview witnesses, and conduct any further investigation he believes is warranted by the facts of the claim.

§ 14.9 Approval and payment of claims.

(a) EPA's approval and payment of a claim is limited by the Act to $25,000. The EPA Claims Officer considers, adjusts, determines, compromises and settles all claims filed under this part. The decision of the EPA Claims Officer is final unless reconsideration under § 14.10 is granted.

(b) The EPA Claims Officer will approve and pay claims filed for a deceased employee by persons specified in § 14.5 in the following order:

(1) The spouse's claim

(2) A child's claim.

(3) A parent's claim.

(4) A brother's or sister's claim.

§ 14.10 Procedures for reconsideration.

The EPA Claims Officer, at his discretion, may reconsider a decision when the employee establishes that an error was made in the computation of the award or that evidence or material facts were unavailable to the employee at the time of the filing of the claim and the failure to provide the information was not the result of the employee's lack of care. An employee seeking reconsideration of a decision must file, within 30 days of the date of the decision, a written request with the EPA Claims Officer for reconsideration. The request for reconsideration must specify, where applicable, the error, the evidence or material facts not previously considered by the EPA Claims Officer and the reason why the employee believes that the evidence or facts previously were not available.

§ 14.11 Principal types of allowable claims.

(a) *General*—A claim under this part is allowed for tangible personal property of a type and quantity that was reasonable and proper for the employee to possess under the circumstances at the time of the loss or damage. In evaluating whether a claim is allowable, the EPA Claims Officer may consider such factors as: The employee's use of the item; whether EPA generally is aware that such items are used by its employees; or whether the loss was caused by a failure of EPA to provide adequate protection against the loss.

(b) *Examples of claims which are allowable*—Claims which are ordinarily allowed include loss or damage which occurred:

(1) In a place officially designated for storage of property such as a warehouse, office, garage, or other storage place;

(2) In a marine, rail, aircraft, or other common disaster or natural disaster such as a fire, flood, or hurricane;

(3) When the personal property was subjected to an extraordinary risk in the employee's performance of duty, such as in connection with an emergency situation, a civil disturbance, common or natural disaster, or during efforts to save government property or human life;

(4) When the property was used for the benefit of the government at the specific direction of a supervisor;

(5) When the property was money or other valuables deposited with an authorized government agent for safekeeping; and

(6) When the property was a vehicle which was subjected to an extraordinary risk in the employee's performance of duty and the use of the vehicle was at the specific direction of the employee's supervisor.

(c) *Claims for articles of clothing*—Claims for loss or damage to clothing and accessories worn by an employee may be allowed where:

(1) The damage or loss occurred during the employee's performance of official duty in an unusual or extraordinary risk situation;

(2) The loss or damage occurred during the employee's response to an emergency situation, to a natural disaster such as fire, flood, hurricane, or to a man-made disaster such as a chemical spill;

(3) The loss or damage was caused by faulty or defective equipment or furniture maintained by EPA; or

(4) The item was stolen even though the employee took reasonable precautions to protect the item from theft.

(d) *Claims for loss or damage to household items*—

(1) Claims for damages to household goods may be allowed where:

(i) The loss or damages occurred while the goods were being shipped pursuant to an EPA authorized change in duty station;

(ii) The employee filed a claim for the damages with the appropriate carrier; and

(iii) The employee substantiates that he/she has suffered a loss in excess of the amount paid by the carrier.

(2) Where a carrier has refused to make an award to an employee because of his/her failure to comply with the carrier's claims procedures, any award by EPA will be reduced by the maximum amount payable for the item by the carrier under its contract of shipment. Where an employee fails to notify the carrier of damages or loss, either at the time of delivery of the household goods or within a reasonable time after discovery, any award by EPA will be reduced by the amount of the carrier's maximum contractual liability for the damage or loss. The employee has the burden of proving his/her entitlement to reimbursement from EPA for amounts in excess of that allowed by the carrier.

§ 14.12 Principal types of unallowable claims.

Claims that ordinarily will not be allowed include:

(a) Loss or damage totaling less than $25;

(b) Money or currency, except when deposited with an authorized government agency for safekeeping;

(c) Loss or damage to an item of extraordinary value or to an antique where the item was shipped with household goods, unless the employee filed a valid appraisal or authentication with the carrier prior to shipment of the item;

(d) Loss of bankbooks, checks, notes, stock certifications, money orders, or travelers checks;

(e) Property owned by the United States unless the employee is financially responsible for it to another government agency;

(f) Claims for loss or damage to a bicycle or a private motor vehicle, unless allowable under § 14.11(b)(6);

(g) Losses of insurers or subrogees;

(h) Losses recoverable from insurers or carriers;

(i) Losses recovered or recoverable pursuant to contract;

(j) Claims for damage or loss caused, in whole or in part, by the negligent or wrongful acts of the employee or his/her agent;

(k) Property used for personal business or profit;

(l) Theft from the possession of the employee unless the employee took reasonable precautions to protect the item from theft;

(m) Property acquired, possessed or transported in violation of law or regulations;

(n) Unserviceable property; or

(o) Damage or loss to an item during shipment of household goods where the damage or loss was caused by the employee's negligence in packing the item.

§ 14.13 Items fraudulently claimed.

Where the EPA Claims Officer determines that an employee has intentionally misrepresented the cost, condition, cost of repair or a material fact concerning a claim, he/she may, at his discretion, deny the entire amount claimed for the item. Further, where the EPA Claims Officer determines that the employee intentionally has materially misrepresented the costs, conditions or nature of repairs of the claim, he will refer it to appropriate officials (e.g., Inspector General, the employee's supervisor, etc.) for action.

§ 14.14 Computation of award.

(a) The amount awarded on any item may not exceed its adjusted cost. Adjusted cost is either the purchase price of the item or its value at the time of acquisition, less appropriate depreciation. The amount normally payable for property damaged beyond economical repair is its depreciated value immediately before the loss or damage, less any salvage value. If the cost of repair is less than the depreciated value, it will be considered to be economically repairable and only the cost of repair will be allowable.

(b) Notwithstanding a contract to the contrary, the representative of an employee is limited by 31 U.S.C. 3721(i) to receipt of not more than 10 percent of the amount of an award under this part for services related to the claim. A person violating this paragraph is subject to a fine of not more than $1,000. 31 U.S.C. 3721(i).

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federal register

Wednesday
July 16, 1986

Part VI

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

July 1, 1986.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of July 1, 1986, of 83 rescission proposals and 70 deferrals contained in the seven special messages of FY 1986. These messages were transmitted to the Congress on October 1 and November 25, 1985, February 5, March 12, March 20, April 25, and June 24, 1986.

Rescissions (Table A and Attachment A)

As of July 1, 1986, there were no rescission proposals pending before the Congress.

Deferrals (Table B and Attachment B)

As of July 1, 1986, $10,498.0 million in 1986 budget authority was being deferred from obligation and $25.5 million in 1986 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1986.

Information from Special Messages

The special messages containing information on the deferrals covered by this cumulative report are printed in the Federal Registers listed below:

Vol. 50, FR p. 41100, Tuesday, October 8, 1985

Vol. 50, FR p. 49498, Monday, December 2, 1985

Vol. 51, FR p. 5830, Tuesday, February 18, 1986

Vol. 51, FR p. 9154, Monday, March 17, 1986

Vol. 51, FR p. 10526, Wednesday, March 26, 1986

Vol. 51, FR p. 16274, Thursday, May 1, 1986

Vol. 51, FR p. 24790, Tuesday, July 8, 1986

James C. Miller III,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1986 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$10,126.9
Accepted by the Congress	0
Rejected by the Congress	10,126.9 a/
Pending before the Congress	0

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TABLE B

STATUS OF 1986 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$24,767.2
Routine Executive releases through July 1, 1986 (OMB/Agency releases of $14,139.8 million and cumulative adjustments of $119.8 million)	-14,020.0
Overturned by the Congress	-223.6
Currently before the Congress	$10,523.5 b/

a/ Rescission proposals transmitted with the FY 1987 Budget and subsequent special messages were released immediately following expiration of the 45-day clock on rescissions under the Impoundment Control Act. However, the proposals continue to be subject to Congressional action.

b/ This amount includes $25.5 million in outlays for a Department of the Treasury deferral (D86-30B).

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1986

As of July 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress'	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
FUNDS APPROPRIATED TO THE PRESIDENT								
Multilateral Assistance								
International organizations and programs.	R86-1			2-5-86				
	R86-1A	39,760		3-20-86		39,760	4-16-86	
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization and Conservation Service								
Rural clean water program	R86-2	6,000		2-5-86		6,000	4-16-86	
Agricultural conservation program	R86-3	140,839		2-5-86		140,839	4-16-86	
Water bank program	R86-4	8,371		2-5-86		8,371	4-16-86	
Dairy indemnity program	R86-5	95		2-5-86		95	4-16-86	
Rural Electrification Administration								
Reimbursement to the Rural electrification and telephone revolving fund for interest subsidies and losses	R86-6	100,000		2-5-86		100,000	4-16-86	
Purchase of Rural Telephone Bank capital stock	R86-7	28,710		2-5-86		28,710	4-16-86	
Farmers Home Administration								
Rural development loan fund	R86-10	13,674		2-5-86		13,674	4-16-86	
Soil Conservation Service								
Watershed and flood prevention operations	R86-11	60,401		2-5-86		60,401	4-16-86	
Great plains conservation program	R86-12	6,606		2-5-86		6,606	4-16-86	
Food and Nutrition Service								
Food donations program	R86-13	5,183		2-5-86		5,183	4-16-86	
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs.	R86-14	101,309		2-5-86		101,309	4-16-86	
International Trade Administration								
Operations and administration	R86-15	19,290		2-5-86		19,290	4-16-86	
National Oceanic and Atmospheric Administration								
Operations, research, and facilities	R86-16	63,323		2-5-86		63,323	4-16-86	
National Telecommunications and Information Administration								
Public telecommunications facilities, planning and construction	R86-17	21,820		2-5-86		21,820	4-16-86	
DEPARTMENT OF DEFENSE - MILITARY								
Procurement								
Procurement of weapons and tracked combat vehicles, Army	R86-81	34,400		4-25-86		34,400	6-23-86	
Shipbuilding and conversion, Navy	R86-82	40,100		4-25-86		40,100	6-23-86	
Other procurement, Air Force	R86-83	40,000		4-25-86		40,000	6-23-86	
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Compensatory education for the disadvantaged	R86-18	7,177		2-5-86		7,177	4-16-86	
Special programs	R86-19	37,782		2-5-86		37,782	4-16-86	
Office of Bilingual Education and Minority Languages Affairs								
Immigrant education	R86-20	28,710		2-5-86		28,710	4-16-86	
Office of Special Education and Rehabilitative Services								
Education for the handicapped	R86-21	44,364		2-5-86		44,364	4-16-86	
Rehabilitation services and handicapped research	R86-22	75,439		2-5-86		75,439	4-16-86	
Payments to institutions for the handicapped	R86-23	446		2-5-86		446	4-16-86	
Office of Vocational and Adult Education								
Vocational and adult education	R86-24	210,337		2-5-86		210,337	4-16-86	
Office of Postsecondary Education								
Student financial assistance	R86-25	456,347		2-5-86		456,347	4-16-86	
Higher education	R86-26	180,882		2-5-86		180,882	4-16-86	
Special Institutions								
Howard University	R86-27	5,699		2-5-86		5,699	4-16-86	

Attachment A - Status of Rescissions - Fiscal Year 1986

As of July 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Office of Educational Research and Improvement								
Libraries	R86-28	33,017		2-5-86		33,017	4-16-86	
DEPARTMENT OF ENERGY								
Energy Programs								
Energy supply, research and development activities	R86-8	38,489		3-12-86		38,489	5-9-86	
Fossil energy research and development	R86-80	13,072		3-12-86		13,072	5-9-86	
Energy conservation	R86-77	9,816		3-12-86		9,816	5-9-86	
	R86-77A	5,344		3-20-86		5,344	5-9-86	
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Resources and Services Administration								
Health resources and services	R86-9	211,455		2-5-86		211,455	4-17-86	
Indian health	R86-29	24,262		2-5-86		24,262	4-16-86	
Indian health facilities	R96-30	38,642		2-5-86		38,642	4-16-86	
Centers for Disease Control								
Disease control, research, and training	R86-31	34,096		2-5-86		34,096	4-17-86	
National Institutes of Health								
National Cancer Institute	R86-32	6,800		2-5-86		6,800	4-18-86	
National Heart, Lung and Blood Institute	R86-33	11,469		2-5-86		11,469	4-18-86	
National Institute of Diabetes and Digestive and Kidney Diseases	R86-34	7,980		2-5-86		7,980	4-18-86	
National Institute of Neurological and Communicative Disorders and Strokes	R86-35	9,554		2-5-86		9,554	4-18-86	
National Institute of Allergy and Infectious Disease	R86-36	1,513		2-5-86		1,513	4-18-86	
National Institute of General Medical Sciences	R86-37	7,358		2-5-86		7,358	4-18-86	
National Institute of Child Health and Human Development	R86-38	1,150		2-5-86		1,150	4-18-86	
National Eye Institute	R86-39	5,224		2-5-86		5,224	4-18-86	
National Institute on Aging	R86-40	2,679		2-5-86		2,679	4-18-86	
Office of the Director	R86-41	23,055		2-5-86		23,055	4-18-86	
Alcohol, Drug Abuse, and Mental Health Administration								
Alcohol, drug abuse, and mental health	R86-42	39,718		2-5-86		39,718	4-18-86	
Health Care Financing Administration								
Program management	R86-43	912		2-5-86		912	4-16-86	
Social Security Administration								
Refugee and entrant assistance	R86-44	87,551		2-5-86		87,551	4-16-86	
Human Development Services								
Human development services	R86-45	29,980		2-5-86		29,980	4-16-86	
Family social services	R86-46	6,157		2-5-86		6,157	4-16-86	
Work incentives	R86-47	45,884		2-5-86		45,884	4-16-86	
Community services block grant	R86-48	182,139		2-5-86		182,139	4-16-86	
Community development credit union revolving fund	R86-49	2,529		2-5-86		2,529	4-16-86	
Departmental Management								
General Departmental management	R86-50	19,619		2-5-86		19,619	4-16-86	
Policy research	R86-51	220		2-5-86		220	4-16-86	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs	R86-52	4,416,151		2-5-86		4,416,151	4-16-86	
Congregate services program	R86-53	2,555		2-5-86		2,555	4-16-86	
Housing counseling assistance	R86-54	3,313		2-5-86		3,313	4-16-86	
Community Planning and Development								
Urban development action grants	R86-55	220,062		2-5-86		220,062	4-16-86	
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Land acquisition	R86-56	3,000		2-5-86		3,000	4-16-86	
United States Fish and Wildlife Service								
Land acquisition	R86-57	4,951		2-5-86		4,951	4-16-86	
National Park Service								
Construction	R86-58	13,613		2-5-86		13,613	4-16-86	
Land acquisition	R86-59	83,917		2-5-86		83,917	4-16-86	
Historic preservation fund	R86-60	18,523		2-5-86		18,523	4-16-86	

Attachment A - Status of Rescissions - Fiscal Year 1986

As of July 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF JUSTICE								
Federal Prison System								
National Institute of Corrections.....	R86-61	3,315		2-5-86		3,315	4-16-86	
Office of Justice Programs								
Justice assistance.....	R86-62	134,666		2-5-86		134,666	4-16-86	
DEPARTMENT OF LABOR								
Employment and Training Administration								
Training and employment services.....	R86-63	416,037		2-5-86		416,037	4-16-86	
DEPARTMENT OF TRANSPORTATION								
Federal Railroad Administration								
Rail service assistance.....	R86-64	14,355		2-5-86		14,355	4-16-86	
Northeast corridor improvement program...	R86-65	11,962		2-5-86		11,962	4-16-86	
Railroad rehabilitation and improvement financing funds.....	R86-66	32,059		2-5-86		32,059	4-16-86	
Urban Mass Transportation Administration								
Discretionary grants.....	R86-67	521,275		2-5-86		521,275	4-16-86	
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
Payments to State and local government fiscal assistance trust fund.....	R86-68	759,975		2-5-86		759,975	4-16-86	
Federal Law Enforcement Training Center								
Salaries and expenses.....	R86-69	4,976		2-5-86		4,976	4-16-86	
United States Customs Service								
Salaries and expenses.....	R86-70	4,169		2-5-86		4,169	4-16-86	
Operation and maintenance, air interdiction program.....	R86-71	19,275		2-5-86		19,275	4-16-86	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and development.....	R86-72	26,796		2-5-86		26,796	4-16-86	
OFFICE OF PERSONNEL MANAGEMENT								
Government payment for annuitants, employees health benefits.....	R86-73	600,000		2-5-86		600,000	4-16-86	
OTHER INDEPENDENT AGENCIES								
Appalachian Regional Commission								
Appalachian regional development programs	R86-74	81,000		2-5-86		81,000	4-16-86	
Corporation for Public Broadcasting								
Public broadcasting fund.....	R86-75	44,000		2-5-86		44,000	4-16-86	
National Endowment for the Humanities								
Grants and administration.....	R86-76	1,903		2-5-86		1,903	4-16-86	
State Justice Institute								
Salaries and expenses.....	R86-78	7,656		2-5-86		7,656	4-16-86	
United States Railway Association								
Administrative expenses.....	R86-79	640		2-5-86		640	4-16-86	
Total, rescissions.....		10,126,892	0			10,126,892		

Notes. - The amount of the rescission proposal for Subsidized housing programs (R86-52) for the "Rental rehabilitation grants program" was inadvertently shown in the Third Special Message as $71,755,000 instead of $71,775,000. This report reflects the correct amount.

The following rescission proposal has been adjusted downward to reflect the impact of sequestration: R86-54..... $3,312,500

Attachment B - Status of Deferrals - Fiscal Year 1986

As of July 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 7-1-86
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs..	D86-1	10,000		10-1-85					10,000
International Security Assistance									
Foreign military sales credit.....	D86-32	4,590,000		2-5-86	2,453,162				2,136,838
Economic support fund.....	D86-24	1,222,216		11-25-85					
	D86-24A		1,936,060	2-5-86	2,410,634			40,491	788,134
Military assistance program.....	D86-33	661,350		2-5-86	618,146				43,204
International military education and training.....	D86-34	27,245		2-5-86	27,245				0
Agency for International Development									
International disaster assistance.....	D86-59	64,607		3-12-86	46,358				18,249
Multilateral Development Banks									
Contribution to the special facility for sub-saharan Africa.....	D86-35	75,000		2-5-86	75,000				0
DEPARTMENT OF AGRICULTURE									
Farmers Home Administration									
Rural housing insurance fund.....	D86-60	700,000		3-12-86					700,000
Forest Service									
Expenses, brush disposal.....	D86-2	77,913		10-1-85					
	D86-2A		30,893	3-12-86	7,300				101,506
Timber salvage sales.....	D86-3	22,854		10-1-85	151				22,702
Cooperative work.....	D86-61	442,336		3-12-86					442,336
DEPARTMENT OF COMMERCE									
Economic Development Administration									
Economic development assistance programs.....	D86-36	40,000		2-5-86					40,000
National Oceanic and Atmospheric Administration									
Promote and develop fishery products and research pertaining to American fisheries	D86-26	32,333		11-25-85	32,333				0
Fisheries loan fund.....	D86-25	1,959		11-25-85					2,297
	D86-25A		338	2-5-86					
Patent and Trademark Office									
Salaries and expenses.....	D86-65	1,977		3-20-86					1,977
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, Defense.....	D86-4	353,079		10-1-85					
	D86-4A		1,488,579	2-5-86	1,881,631			42,323	2,350
Family Housing									
Family housing, Defense.....	D86-27	11,800		11-25-85					
	D86-27A		210,042	2-5-86	144,899				76,943
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation.....	D86-5	1,168		10-1-85					
	D86-5A		88	2-5-86	124			106	1,238
DEPARTMENT OF ENERGY									
Energy Programs									
Energy supply, research and development activities.....	D86-38	65,763		2-5-86	41,029				24,734
Uranium supply and enrichment activities...	D86-58	584,158		2-5-86					584,158
Fossil energy research and development.....	D86-6	9,247		10-1-85					
	D86-6A		55,565	2-5-86	44,065			6,640	27,387
	D86-67	500		6-24-86					500
Fossil energy construction.....	D86-7	7,038		10-1-85	4,964				2,074
Naval petroleum and oil shale reserves.....	D86-8	155,668		10-1-85					
	D86-8A		10,798	2-5-86	130,005				36,461

Attachment B - Status of Deferrals - Fiscal Year 1986

As of July 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 7-1-86
Energy conservation	D86-9	9,880		10-1-85					
	D86-9A		26,902	3-12-86	18,560			3,080	21,302
	D86-68	287		6-24-86					287
Strategic petroleum reserve	D86-37	197,941		2-5-86	156,759				41,182
	D86-69	637		6-24-86					637
SPR petroleum account	D86-10	536,958		10-1-85					
	D86-10A		40,576	2-5-86					577,534
Alternative fuels production	D86-11	1,149		10-1-85					
	D86-11A		750	2-5-86	1,899				0
Power Marketing Administration									
Alaska Power Administration, Operation and maintenance	D86-62	400		3-12-86					400
Southeastern Power Administration, Operation and maintenance	D86-12	25,344		10-1-85	23,936			681	2,089
Southwestern Power Administration, Operation and maintenance	D86-13	5,000		10-1-85					
	D86-13A		8,243	2-5-86					13,243
Western Area Power Administration, Construction, rehabilitation, operation and maintenance	D86-14	27,095		10-1-85					
	D86-14A		16,371	3-12-86	11,900				31,566
Departmental Administration									
Departmental administration	D86-15	8,501		10-1-85	8,501				0
	D86-63	393		3-12-86					393
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health									
Scientific activities overseas (special foreign currency program)	D86-16	3,000		10-1-85					3,000
Health Care Financing Administration									
Program management	D86-57	8,489		2-5-86	8,489				0
	D86-70	45,000		6-24-86					45,000
Social Security Administration									
Limitation on administrative expenses (construction)	D86-28	6,489		11-25-85					
	D86-28A		157	2-5-86					6,647
Limitation on administrative expenses (excludes disability determination services)	D86-39	30,000		2-5-86	30,000				0
Limitation on administrative expenses (information technology systems)	D86-40	114,641		2-5-86					114,641
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Annual contributions for assisted housing - Budget authority	D86-41	7,032,443		2-5-86	4,731,637				2,300,805
Contract authority	D86-42	641		2-5-86	641				0
Rental housing development grants	D86-43	77,400		2-5-86	77,400				0
Congregate services program	D86-44	2,670		2-5-86	2,670				0
Housing for the elderly or handicapped fund	D86-45	599,801		2-5-86	599,801				0
Nonprofit sponsor assistance	D86-46	1,000		2-5-86	1,000				0
Community Planning and Development									
Rental rehabilitation grants program	D86-47	77,000		2-5-86	77,000				0
Community development grants	D86-48	500,000		2-5-86					500,000
Urban development action grants	D86-49	251,000		2-5-86	251,000				0
Rehabilitation loan fund	D86-50	135,535		2-5-86	4,402				131,133
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Payments for proceeds, sale of Mineral Leasing Act of 1920, Section 40(d)	D86-66	49		3-20-86					49
National Park Service									
Land acquisition and State assistance	D86-64	1,893		3-12-86					1,893
DEPARTMENT OF JUSTICE									
Bureau of Prisons									
Buildings and facilities	D86-17	20,000		10-1-85					
	D86-17A		10,730	2-5-86					30,730

Attachment B - Status of Deferrals - Fiscal Year 1986

As of July 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 7-1-86
Office of Justice Programs									
Crime victims fund	D86-18	100,000		10-1-85					99,096
	D86-18A		3,396	2-5-86	4,300				
DEPARTMENT OF LABOR									
Employment and Training Administration									
State unemployment insurance and employment service operation	D86-51	37,000		2-5-86	33,089				3,911
DEPARTMENT OF STATE									
Bureau of Refugee Programs									
United States emergency refugee and migration assistance fund, executive	D86-19	18,082		10-1-85					18,082
Other									
Assistance for implementation of a Contadora agreement	D86-20	2,000		10-1-85					2,000
DEPARTMENT OF TRANSPORTATION									
Federal Railroad Administration									
Conrail labor protection	D86-52	4,565		2-5-86	4,565				0
Urban Mass Transportation Administration									
Discretionary grants	D86-21	223,600		10-1-85		223,600	P.L. 99-190		0
Federal Aviation Administration									
Facilities and equipment (Airport and airway trust fund)	D86-29	686,438		11-25-85					1,340,151
	D86-29A		681,723	2-5-86	28,011				
Maritime Administration									
Operations and training	D86-53	9,350		2-5-86					1,738
	D86-53A		888	3-20-86	8,500				
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
Local government fiscal assistance trust fund	D86-30	7,743		11-25-85					
	D86-30A		97,483	2-5-86					
	D86-30B		19,774	3-12-86	125,712			26,211	25,499
Local government fiscal assistance trust fund	D86-31	54,349		11-25-85					
	D86-31A		25,651	3-12-86	6,055			244	74,189
OTHER INDEPENDENT AGENCIES									
Commission on the Ukraine Famine									
Salaries and expenses	D86-54	233		2-5-86					233
Pennsylvania Avenue Development Corporation									
Land acquisition and development fund	D86-22	10,947		10-1-85					10,947
Railroad Retirement Board									
Milwaukee railroad restructuring, administration	D86-23	243		10-1-85	43				200
Dual benefits payments account	D86-55	2,201		2-5-86	2,009				192
United States Information Agency									
Acquisition and construction of radio facilities	D86-56	66,545		2-5-86	4,880				61,666
TOTAL, DEFERRALS		20,102,143	4,665,008		14,139,804	223,600		119,776	10,523,523

Note: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D86-30B) of outlays only.

Some of the amounts shown above as "Cumulative OMB/Agency Releases" were sequestered pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

[FR Doc. 86-16009 Filed 7-15-86; 8:45 am]

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Federal Register
Vol. 51, No. 136
Wednesday, July 16, 1986

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Last List July 11, 1986

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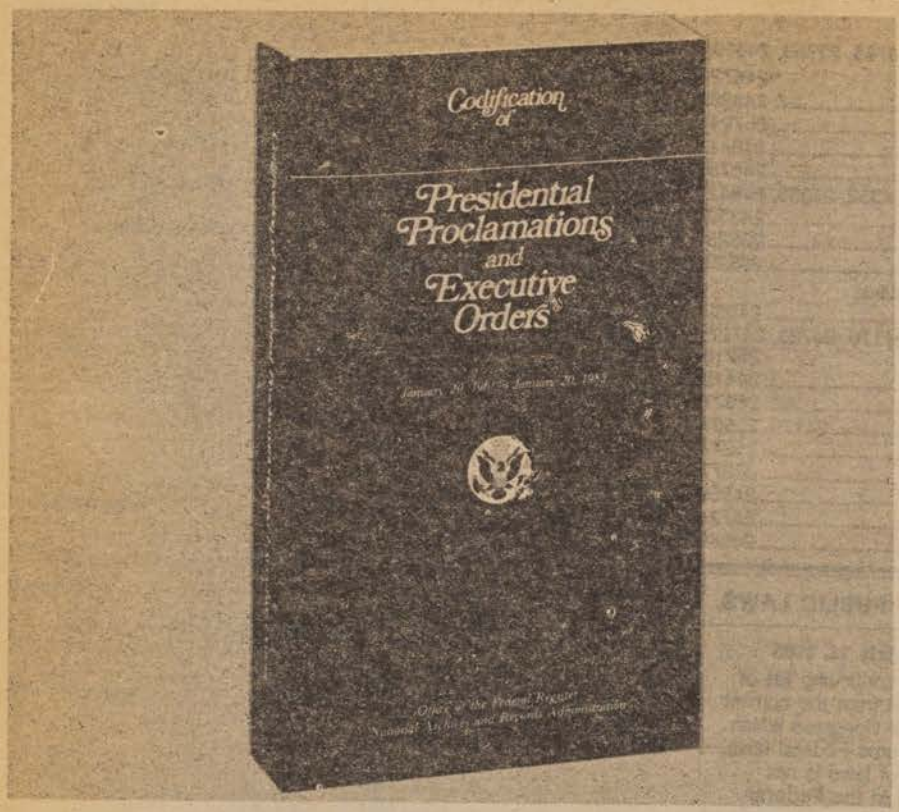

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