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Contents

Federal Register
Vol. 51, No. 142
Thursday, July 24, 1986

Separate Parts In This Issue

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

Federal Register
Vol. 51, No. 142
Thursday, July 24, 1986

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

7 CFR Part 614

Conservation Operations; Reconsideration and Appeal Procedures

AGENCY: Soil Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rulemaking establishes procedures for the reconsideration or appeal of certain decisions made under the provisions of Title XII of the Food Security Act of 1985, Pub. L. 99–198, 99 stat. 1504–1515, 16 U.S.C. 3801 *et seq.*, regarding a conservation reserve program and relating to highly erodible land conservation and wetland conservation. Section 1243(a), 99 stat. 1515, 16 U.S.C. 3843(a) of the Food Security Act of 1985, directs the Secretary of Agriculture to establish, by regulation, appeal procedures under which a person who is adversely affected by any determination under subtitles A through E of Title XII may seek review of such determination.

DATE: These regulations are effective on July 24, 1986.

FOR FURTHER INFORMATION CONTACT: Gary A. Margheim, Director, Land Treatment Program Division, Soil Conservation Service, USDA, P.O. Box 2890, Washington, DC 20013, or telephone (202) 382–1870.

SUPPLEMENTARY INFORMATION:

Background

The Food Security Act of 1985 (the Act), Pub. L. 99–198, 99 stat. 1354 *et seq.*, 16 U.S.C. 3801 *et seq.*, which became effective of December 23, 1985, contains specific provisions to encourage the conservation and wise use of the Nation's soil and water resources. These provisions are set forth in three subtitles of Title XII: (1) Highly erodible land conservation (subtitle B, 99 stat. 1506–1507, 16 U.S.C. 3811–3813); (2) wetland conservation (subtitle C, 99 stat. 1507–1508, 16 U.S.C. 3821–3823); and (3) a conservation reserve program (CRP) (subtitle D, 99 stat. 1509–1514, 16 U.S.C. 3831–3836).

During the implementation and enforcement of those provisions, various determinations must be made by officials responsible for their administration. These determinations include whether a particular parcel of land meets the definitions of "highly erodible land," "wetland," or "converted wetland" under the Act [sections 1201(a) (7), (16) and (4), respectively, 99 stat. 1504–1505, 16 U.S.C. 3801(a) (7), (1c) and (4)]; whether a conservation system or conservation plan meets the technical standards of the Soil Conservation Service relating to the production of an agricultural commodity on highly erodible land [section 1212 (a)(2) and (b)(3), 99 stat. 1506–1507, 16 U.S.C. 3812 (c)(2) and (b)(3)] or relating to the conversion of highly erodible cropland from agricultural commodity production to a less intensive use [section 1232(a)(1), 99 stat. 1509, 16 U.S.C. 3832 (a)(1)] and whether the conversion of wetland in order to produce an agricultural commodity on such converted wetland will have a minimal effect on the hydrological and biological aspects of wetland [section 1222(c), 99 stat. 1508, 16 U.S.C. 3822(c)].

Section 1243(a), 99 stat. 1515, 16 U.S.C. 3848(a), directs the Secretary of Agriculture to establish, by regulation, appeal procedures under which a person who is adversely affected by any determination under subtitles A through E of Title XII may seek review of such determination. The procedures established in this rulemaking provide such a process for the decisions discussed above, as is specified in § 614.1 of the rule.

It was determined to include in these procedures requests for review of the decision of a conservation district to withold approval of a conservation system or a conservation plan as described in sections 1212 (a)(2) and (b)(3) and 1232(a)(1), since such decisions will be based upon Soil Conservation Service technical standards and since, in the absence of a local conservation district, the Soil Conservation Service will be in the same decision-making situation.

It would be incongruous to have a review for the relatively few instances in which the Soil Conservation Service will have sole approval of a conservation system or a conservation plan, but not provide review in the more common situation of conservation district determinations. Furthermore, it would be impractical and unwieldy, if not impossible, for the Department of Agriculture to implement a review process, as required by the Act, for conservation district decisions that is extraneous to the process established by this rule. It should be further noted that one of the elements for reconsideration or appeal of the determination by a conservation district or the Soil Conservation Service not to approve a conservation system or conservation plan may be the reasonableness of the application of local Soil Conservation Service technical standards to the system or plan under consideration.

Executive Order 12291

This rule has been reviewed under Department of Agriculture procedures implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1, and it has been determined that the proposed rule will affect the economy by less than $100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies, or geographic regions. There will not be significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this rule is classified as "nonmajor."

Regulatory Flexibility Act

General notice of proposed rulemaking is not required for this rule by 5 U.S.C. 553 or any other law. Accordingly, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply to this rule.

Paperwork Reduction Act

The provisions of this regulation do not contain reporting and recordkeeping requirements subject to approval by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Interim rules were published April 16, 1986, 51 FR 12826. Two comments were received and the responses to those comments are set forth below:

Comment: One comment recommended that the definition of "designated conservationist" be changed to recognize the Department of Interior, Bureau of Indian Affairs responsibility for doing conservation work including conservation planning on Indian Trust lands.

Response: This rule is not applicable to the trust responsibilities of the Department of Interior, Bureau of Indian Affairs regarding Indian lands. The intent of the rule is to identify the responsibilities of persons who make technical determinations on behalf of the Department of Agriculture, Soil Conservation Service. The definition of "designated conservationist" will remain as written.

Comment: One comment recommended that requests for reconsideration [par. 614.4(b)] could be verbal or written.

Response: The requirement of a written request for reconsideration is considered necessary to ensure a good understanding and documentation of the disagreement which the requestor has with an initial determination. The rule will remain as written.

The procedures established by this rule apply to certain decisions made in the implementation of the Title XII programs and requirements, as set forth in rules published in the Federal Register: Conservation Reserve Program (51 FR 8780; March 13, 1986); and Highly Erodible Land and Wetland Conservation (51 FR 23496; June 27, 1986).

In order to allow agricultural land owners and operators adequate notice of the programs' requirements for their crop planning and to comply with the statutory deadline for publication of program rules, those regulations were made effective upon publication. Because the procedures contained in this final rule are an integral part of complete program administration and in light of the absence of any significant change in the final procedures from the interim procedures, it has been determined, pursuant to 5 U.S.C. 553 that good cause exists for making this rule effective upon publication.

List of Subjects in 7 CFR Part 614

Administrative practice and procedure, Determinations, Reconsiderations, Appeals, Hearings, Soil conservation.

Accordingly, Subchapter B of Chapter VI of Title 7 of the Code of Federal Regulations is amended by revising Part 614 as follows:

Subchapter B—Conservation Operations

PART 614—RECONSIDERATION AND APPEAL PROCEDURES

Sec.

Authority: Sec. 1243(a), Pub. L. 99-198, 99 Stat. 1515, 16 U.S.C. 3843(a).

§ 614.1 Purpose and scope.

(a) The regulations contained in this part are issued pursuant to Title XII of the Food Security Act of 1985, Pub. L. 99-198, 16 U.S.C. 3801 *et seq.* (the Act). These regulations set forth the procedures under which an owner or operator may seek reconsideration of or appeal from certain decisions made by officials of the Soil Conservation Service (SCS) regarding eligibility for participation in the Conservation Reserve Program as authorized by subtitle D of Title XII and implemented under 7 CFR Part 704, or regarding the applicability of the compliance requirements of the highly erodible land and the wetland conservation provisions of subtitles B and C, respectively, of Title XII as implemented under 7 CFR Part 12.

(b) Requests for reconsideration or appeals under these procedures are limited to the following determinations:

(1) Highly erodible land determinations:

(i) The land capability classification of a field or portion thereof;

(ii) The predicted average annual rate or erosion for a field of portion thereof;

(iii) The potential average annual rate of erosion for a field or portion thereof.

(2) Wetland determinations:

(i) The determination that certain land is a "wetland," as defined by the Act;

(ii) The determination that certain land is a "converted wetland," as defined by the Act.

(iii) The determination of whether the conversion of wetland for the production of an agricultural commodity on such converted wetland will have minimal effect on the hydrological and biological aspects of wetland.

(3) The determination by a conservation district, or by a designated conservationist in those areas where no conservation district exists, that a conservation system or a conservation plan should not be approved.

§ 614.2 Definitions.

"Area conservationist" means the Soil Conservation Service official in charge of providing supervisory and management service to a group of field offices within a state, as set forth in § 600.5 of this chapter. Some states do not have area conservationists.

"Chief" means the Chief, Soil Conservation Service whose authorities and duties as the highest official in the agency are set forth in § 600.5 of this chapter.

"Conservation district" means any district or unit of state or local government formed under state law or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such district or unit of government may be referred to as a conservation district, soil conservation district, soil and water conservation district, resource conservation district, natural resource district, land conservation committee, or a similar name.

"Conservation plan" means a document setting forth a conservation system(s) for the land, water, and related resources of an owner or operator and which reflects the owner or operator's decisions regarding planned land use and specific conservation treatment, including the extent and time schedule for application of such treatment. A conservation plan may consist of one or more conservation systems.

"Conservation system" means the management or treatment of land to achieve identified erosion control objectives.

"Designated conservationist" means the Soil Conservation Service official, usually the district conservationist, whom the state conservationist has designated to be responsible for the program or compliance requirement to which this rule is applicable.

"Owner or operator" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or legal entity and, whenever applicable, a state, a political subdivision of a State, or an agency thereof owning or operating a farm or ranch that has been determined by the designated conservationist, area conservationist, or the state conservationist to contain highly erodible land or wetland and whose

right to participate in the Conservation Reserve Program or any agriculture commodity program is adversely affected by such determination.

"Reviewing authority" shall mean the designated conservationist, area conservationist, state conservationist or Chief, as appropriate.

"State conservationist" means the Soil Conservation Service official in charge of agency operations within a state, as set forth in Part 600 of this chapter. In Puerto Rico and the U.S. Virgin Islands, the Director of the Caribbean Area Office shall, insofar as applicable, perform the functions of the state conservationist.

§ 614.3 Initial determinations and reconsiderations.

(a) All determinations covered by § 614.1(b) shall be in writing and shall inform the owner or operator of their right to reconsideration, the procedures for requesting reconsideration and pursuing such request, and the effect of failing to request reconsideration. The determination document shall be mailed or hand delivered to the owner or operator.

(b) Any determination made as a result of a reconsideration under § 614.4 shall set forth the determination, the basis for the determination, including all factors, technical criteria, and facts relied upon in making the determination; and shall inform the owner or operator of their right to appeal, if applicable, and the procedures for requesting and pursuing such appeal. Determinations upon reconsideration shall be provided to the owner or operator in the manner prescribed in paragraph (a) of this section.

§ 614.4 Request for reconsideration.

(a) Any owner or operator who is adversely affected by a determination made by a conservation district or a designated conservationist may request a reconsideration by the person who made the initial determination.

(b) Such a request for reconsideration must be in writing, must set forth the reasons for the request and any supporting statements or evidence, and must be mailed or filed with the office making the initial determination within the time period set forth in § 614.6.

(c) If a request for reconsideration is not filed as required by this section, the initial determination of the conservation district or designated conservationist cannot be appealed.

§ 614.5 Appeals.

(a) Any owner or operator who is adversely affected by an initial determination of the conservation district or designated conservationist, which has been reconsidered, may appeal to the area conservationist or, in states without area conservationists to the state conservationist.

(b) Any owner or operator who is adversely affected by the determination of the area conservationist, under paragraph (a), of this section, may appeal to the state conservationist.

(c) Any owner or operator who is adversely affected by the determination of the state conservationist, under paragraph (b) of this section, may appeal such determination of the Chief.

(d) All appeals must be made in accordance with the requirements of §§ 614.6 and 614.7.

(e) Determinations by the Chief are the final decisions of the Department of Agriculture from which there is no further administrative review.

§ 614.6 Time limitations for filing requests for reconsideration or appeals.

(a) A request for reconsideration or appeal from any determination shall be filed within 15 days after the written notice of the determination is mailed to or otherwise made available to the owner or operator. An appeal shall be considered "filed" when personally delivered or, if mail is used, when postmarked.

(b) If the final date for filing a request for reconsideration or appeal prescribed in paragraph (a) falls on a Saturday, Sunday, legal holiday, or other day that the office to which the appeal is sent is closed, the time for filing shall be extended to the close of business on the next working day.

(c) A request for reconsideration or appeal filed with a reviewing authority other than the appropriate one provided for in this part shall not be denied because of misdirection of the request.

§ 614.7 Form of request for reconsideration or appeal.

(a) Each request for reconsideration or appeal shall be in writing and signed by the owner or operator or authorized representative and shall be supported by a written statement of facts, which may be submitted with or as a part of the request for reconsideration or appeal.

(b) In the case of reconsideration, the owner or operator may request an informal meeting. In the case of an appeal, the owner or operator may either request an informal hearing or request that a determination be made by the reviewing authority without a hearing on the basis of the written statement submitted and other information available to the reviewing authority. All appeals to the Chief shall be based upon the administrative record developed in previous proceedings and relevant written statements. Informal hearings will not be held at the Chief's level.

§ 614.8 Nature of hearing for appeals.

(a) The hearing shall be held at the time and place designated by the reviewing authority.

(b) The hearing shall be conducted by the reviewing authority in the manner deemed most likely to obtain the facts relevant to the matter at issue. The owner or operator shall be advised of the issues involved. The reviewing authority may confine the presentation of facts and evidence to pertinent matters.

(c) The owner or operator or authorized representative shall be given full opportunity to present facts and information relevant to the matter in issue and may present oral or documentary evidence. The reviewing authority may request or permit persons other than those appearing on behalf of the owner or operator to give information or evidence at the hearing and, in such event, may permit the owner or operator to question those persons.

(d) The reviewing authority shall have prepared a written record containing a clear, concise statement of the facts as asserted by the owner or operator and material facts found by the reviewing authority. The names of interested persons appearing at the hearing shall be included. Any documents presented in evidence should be identified. A verbatim transcript made be taken if:

(1) The owner or operator requests before the hearing begins that the reviewing authority provides for such a transcript and agrees to pay the expense thereof, or

(2) The reviewing authority feels that the nature of the case makes such a transcript desirable.

(e) If, at the time scheduled for the hearing, the owner or operator is absent and no representative appears on their behalf, the reviewing authority shall, after a reasonable period of time, close the hearing, or may, at the discretion of the reviewing authority, accept information and evidence submitted by other persons at the hearing.

§ 614.9 Appeals determinations.

(a) The reviewing authority, prior to making a determination, may request the owner or operator to produce additional evidence deemed relevant, or may develop additional evidence from other sources.

(b) Upon completing the review and within program authorities, the

reviewing authority may affirm, modify, or reverse any determination the reviewing authority made initially or a lower reviewing authority made, or may remand the matter to a lower reviewing authority for such further consideration as is deemed appropriate.

(c) The owner or operator shall be notified in writing of the determination.

(d) The notification shall clearly set forth the basis for the determination and shall inform the owner or operator of the right to further appeal, if any, and of the procedures for pursuing such appeal.

(e) Copies of documents, information, or evidence upon which a determination is made or which will form the basis of the determination, upon request, shall be made available to the owner or operator.

§ 614.10 Reopening of hearing.

The reviewing authority may, upon its own motion or upon request of the owner or operator, reopen any hearing for any reason it deems appropriate unless the matter has been appealed to or considered by a higher reviewing authority.

Wilson Scaling,

Chief.

[FR Doc. 86-16440 Filed 7-23-86; 8:45 am]

BILLING CODE 3410-16-M

Commodity Credit Corporation

7 CFR Part 1493

[Amdt. 2]

CCC Export Credit Guarantee Program (GSM-102) and CCC Intermediate Export Credit Guarantee Program (GSM-103)

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: In accordance with section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)), as amended by section 1131 of the Food Security Act of 1985 (Pub. L. 99-198) (hereafter "Section 4 of the Food for Peace Act of 1966"), this rule sets forth the terms and conditions of the Commodity Credit Corporation (CCC) Intermediate Export Credit Guarantee Program (GSM-103). The rule provides for CCC to issue payment guarantees to U.S. exporters to protect against loss due to defaults in payment by foreign banks when agricultural commodities are sold on credit terms in excess of three years but not more than ten years. This rule will help promote exports of U.S. agricultural commodities since the exporter will be able to extend credit for a longer period when selling the commodities and obtain guarantees for that sale. In addition, this rule provides for: (i) Adjusting the maximum amount of interest which CCC guarantees to pay to the exporter or its assignee; (ii) permitting freight costs to be covered under CCC GSM-102 and GSM-103 payment guarantees for breeding animals and (iii) agreements with exporters/assignees for alternative methods of satisfying payment guarantees .

EFFECTIVE DATE: July 24, 1986.

FOR FURTHER INFORMATION CONTACT: L. T. McElvain, Director, CCC Operations Division, Export Credits, Foreign Agricultural Service, USDA, Washington, DC 20250, Telephone (202) 447-6225.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

This action has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major" since the rule would not have any of the effects specified in those documents.

To the extent that the provisions of the Regulatory Flexibility Act apply, if any, the General Sales Manager, Foreign Agricultural Service (FAS) certifies that this rule will not have a significant economic impact on a substantial number of small entities since there will not be a substantial number of small entities affected by this rule. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

As assessment of the impact of the rule on the environment was made and, based on this evaluation, this action is not a major federal action and will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this rule. The environmental assessment is available for review in Room 4525, South Building, USDA, during normal business hours.

Proposed Rule

Section 4 of the Food for Peace Act of 1966 requires CCC to make available payment guarantees for each fiscal year ending September 30, 1986, through September 30, 1988, for not less than $500 million of export sales and for each of the fiscal years ending September 30, 1989 and September 30, 1990, for not more than $1 billion of export sales. These guarantees must be made available for credits calling for terms of more than three years but not more than ten years.

On May 5, 1986, CCC published in the **Federal Register** (51 FR 16532) a notice of proposed rulemaking setting forth the proposed CCC Intermediate Export Credit Guarantee Program (GSM-103). The proposed rule proposed to amend the CCC Export Credit Guarantee Program (GSM-102) regulations (7 CFR Part 1493) to include the new Intermediate Export Credit Guarantee Program (GSM-103). The proposed GSM-103 program would allow U.S. exporters to apply for payment guarantees which would protect the exporter or the exporter's assignee against loss due to defaults in payment by foreign banks when commodities are sold on credit terms in excess of three years but not more than ten years. The proposed rule included proposed amendments to 7 CFR 1493.1, 1493.2, 1493.3, 1493.4, 1493.5, 1493.10, and 1493.12 to include the GSM-103 program. Some of the language in those sections as well as sections 1493.8 and 1493.9 was proposed to be revised slightly in the interest of greater clarity. Section 1493.2(e) was proposed to be amended to permit CCC to adjust, during the period of repayment by the foreign banks, the maximum rate of interest which CCC would guarantee. Paragraphs 1493.2(f) and (m) were proposed to be amended to redefine "exported value" and "port value" to include freight for breeding animals. Section 1493.4(b) has been further revised in the final rule to make it clear that the period of coverage of the payment guarantees under GSM-102 and 103 is determined first by reference to the guarantee itself, with the outside coverage limit set by the particular program. Also, a new § 1493.16 was proposed to be added to make clear that CCC may establish alternative procedures in settling its obligations to U.S. exporters or their assignees in rescheduling a foreign country's debt covered by a CCC payment guarantee.

Comments

Eighteen written comments were received from farm organizations representing dairy, wheat and feed grain producers and from exporters of various U.S. agricultural commodities, financial institutions, a Senator and an embassy representing a foreign government. A general discussion of the comments follows.

A. Comments were received from nine commentors dealing with specific sections of the regulations. Some of these comments dealt with sections of the regulations and issues not addressed by the proposed rule. It should be noted at the outset that the purpose of the

proposed rule was not to generally revise 7 CFR Part 1493, but instead to provide for the GSM–103 program. A discussion of these comments follows:

1. Section 1493.1(a)—One commentor suggested that the word "financing institution" appearing in the last sentence of this section should be changed to read "assignee" and that the word "nonpayment" in this section did not appear to be consistent with other parts of the rule where the word "default" appeared even though both terms appeared to have the same meaning. Another commentor suggested that the third sentence of this section be changed to read "The guarantee may be in the form of: (i) An irrevocable foreign bank letter of credit issued in favor of the exporter providing for deferred payments to be made by the foreign bank as such payments become due; or (ii) an irrevocable foreign bank letter of credit which provides for sight payment to the exporter from a U.S. correspondent bank of the foreign bank." The commentor's reasoning for this change is that such wording would be consistent with the Uniform Customs and Practice for Documentary Credits.

CCC agrees that the word "financing institution" should be changed to read "assignee" in order to keep the terminology consistent throughout the rule and consistency should be used with respect to the words "nonpayment" and "default". After reviewing the language provided in Uniform Customs and Practice for Documentary Credits, CCC feels that the language now appearing in the rule is too specific since the purpose of this section is to describe the program in general and not to be specific with regard to the actual mechanics of letters of credit. Although the language proposed by this commentor has not been accepted, CCC has changed this section to provide for a more general explanation of the foreign bank obligation that guarantees payment of the credit sale.

2. Section 1493.2(e)—Four comments were received regarding the method for setting the interest rate covered and the coverage of principal. No change was made in the regulation since this section merely provides for adjustments in the interest rate; it does not prescribe the method of adjustment or the amount of coverage. However, CCC does intend that exporters will be advised of the method by which the interest rate coverage will be adjusted prior to entering into a payment guarantee agreement. Another commentor felt that the phrase "average investment rate of the most recent 52-week Treasury bills" should be changed to read "average investment rate of the most recent 52-week Treasury bill auction" in section 1493.2(e) and other applicable sections.

CCC does agree that the word "bills" should be changed to read "bill" and the word "auction" should be added in this section as well as in other appropriate sections.

3. Section 1493.2 (f) and (o)—Comments were received from five commentors dealing with this part of the proposed rule which would allow CCC to cover freight under the payment guarantee for breeding animals. All of the five commentors supported this part of the proposed rule. However, two commentors apparently misunderstood the proposed rule since they interpreted the rule to cover freight for breeding animals as well as for other agricultural commodities. One commentor felt that the GSM–103 program will be the best program ever developed to assist in the export of breeding animals, and, as a result, several potential customers are awaiting implementation of the program. This same commentor felt that CCC's payment guarantee should also include marine and war risk insurance for a period of up to 60 days after arrival in the importing country while another commentor felt that the rule should allow for the option of freight coverage on commodities other than breeding animals since the program is designed for the purpose of promoting agricultural commodities.

After reviewing the commodities that have been exported under CCC programs, CCC feels that the payment guarantee should cover freight cost for breeding animals only since this cost can be a major part of the export sale of breeding animals as compared to the freight cost of other agricultural commodities that are exported under CCC export programs. With respect to marine and war risk insurance, CCC does not feel that such insurance should be covered under the payment guarantee for export sales of breeding animals. CCC believes this part of the sale can be paid for by importing countries since it will represent a small portion of the total export sale.

4. Section 1493.4(e)—One commentor suggested that this section should be changed to prohibit the assignee of the payment guarantee from being a subsidiary of the foreign bank that opens the letter of credit. The commentor's reasons for suggesting this change is that first, it would assume that an arm's length relationship is maintained between the foreign bank opening the letter of credit and the assignee of the payment guarantee and second, such a change would confirm the actual need for the financing; i.e., if the foreign bank already has access to funding in the U.S. market, why do they need to make a term loan available to themselves.

It has been CCC's position that if the assignee of the payment guarantee is not a branch or agency of the foreign bank that opens the letter of credit, such party should be considered a separate legal entity from the foreign bank. CCC has been operating credit guarantee programs since 1979 and no evidence has ever been disclosed that a foreign bank failed to make payment knowing that its subsidiary was protected by CCC's payment guarantee. CCC feels that if this comment was accepted, it could restrict financing of U.S. agricultural commodities for some foreign countries. Therefore, CCC does not feel that this section of the rule should be changed.

5. Section 1493.7(b)—One commentor felt that this section should be changed to allow 60 days from the date of export for the report of export to be furnished to CCC when exports are made by rail or truck. Such a change would not require an exporter to seek an extension of time to file the report of export with CCC. This would reduce the administrative burden for both CCC and the exporter or assignee of the payment guarantee. Another commentor suggested that the financial institution be responsible for filing the payment schedule which is a part of the report of export that must be submitted to CCC under this section since the exporter will not know the payment due dates of the interest or principal. This same commentor recommended that the financial institution be given 30 days from the date of the loan to the foreign bank to file such payment schedule in lieu of 30 days from the date of export as is currently required.

CCC feels that the report of export should be furnished to CCC by the exporter within 30 days from the date of export either by the exporter or on behalf of the exporter by the assignee of the payment guarantee. CCC recognizes that in some cases it is not always possible to furnish such report within 30 days but the rule does allow for an extension of this time. This is the only report that CCC relies on for determining the Corporation's exposure. Therefore, it is important that this information be furnished to CCC as soon as possible. CCC cannot agree to have the report of export furnished 30 days after the loan has been disbursed for the same reason and also because CCC would not have any control over such date.

CCC has no objection if the assignee of the payment guarantee prepares the payment schedule. It is recognized that the exporter will not always have this information. Therefore, arrangements can be made between the exporter and the assignee of the payment guarantee to have the exporter submit the report of export to the assignee for the purpose of attaching the final payment schedule. The assignee can then submit the report of export to CCC on behalf of the exporter.

6. Section 1493.8(a)—One commentor suggested that the words "if payment is not received" should be retained in the rule. By deleting such words, it could be read to require banks to report any payment not received on the due date even though such payment was received within ten days of the payment due date. It was also suggested for clarification purposes that the words "exclusive of days of grace" be inserted right after the words "due date" in the first sentence of the rule. Another commentor felt this section should be changed to allow ten business days to file the notice of default rather than 10 calendar days since payments can fall due on a Saturday, Sunday or other non-business day which has the effect of shortening the time period to file the notice with CCC.

CCC agrees that the exporter or the assignee should not be required to notify CCC if, in fact, payment is received from the foreign bank prior to the filing of a notice of default with CCC. Section 1493.8(a) has been changed to make clear that there is no requirement to file a notice of default with CCC within 10 calendar days from the payment due date unless a claim is to be filed. With respect to the commentor's suggestion that this section should make clear that the ten day notification requirement be exclusive of a grace period, CCC feels that no clarification is necessary since the due dates given in the payment schedule submitted to CCC must be the dates when payment is finally due. With regard to amending this section to allow for the reporting period to be based on business days rather than calendar days, CCC feels that this should not be changed. First, business days would need to be defined, but more importantly, CCC needs to be notified as soon as possible after a payment is not received in order to protect CCC's interests, and the language of section 1493.8(a) has been modified to emphasize this point.

7. Section 1493.9(d)—One commentor expressed concern that CCC should not annul coverage under the payment guarantee if the commodities are not shipped and the proceeds payable under the payment guarantee have been assigned by the exporter. A financial institution who is an assignee deals in documents only, not in goods, in determining whether or not to make payment to the exporter under the foreign bank letter or credit.

CCC feels this section protects the assignee in those cases when the exporter has submitted documents under the letter of credit for payment purposes even though it may later be determined that shipment was not actually made. If this happens, CCC would have recourse against the exporter on actions over which the assignee had no control. However, CCC must reserve the right to annul coverage on any part of the payment guarantee for which commodities are still to be exported. In these cases, the assignee of the payment guarantee would not have disbursed funds to the exporter and therefore would not need CCC's protection. However, CCC does recognize that a financial institution to whom the proceeds payable under the payment guarantee may have been assigned deals only in documents to confirm the export of the commodity. Therefore, CCC has changed the word "shipped" in the first sentence of § 1493.9(d) to read "exported" since "date of export" is considered the date shown on the document which evidences export of the commodity. Also, the word "shipped" in the second sentence of section 1493.12 has been changed to read "exported".

8. Sections 1493.10 (c) and (d) and Section 1493.11(a)—Two commentors felt that CCC should permit the proceeds payable under the payment guarantee to be reassigned to another party. One of these commentors commented that permission to reassign the proceeds would give the financial institution greater flexibility in managing its loan portfolios and would allow broader participation in extending credit for GSM–103 transactions. Another commentor felt that GSM–103 could not be effectively implemented unless the financing of the export transaction provided for a fixed rate of interest. It was this commentor's view that fixed rate interest financing could only be offered by institutional investors. Thus, CCC should agree to relax its requirements regarding the reassignment of the proceeds payable under the payment guarantee and pro rata sharing of monies that may be recovered after a claim has been filed and paid by CCC. Another commentor felt that § 1493.10(d) should be changed to make clear that the assignee is only responsible for its obligations under the payment guarantee. CCC does not feel that any change to the rule is necessary with respect to reassignment of the proceeds payable under the payment guarantee. If CCC determines that such reassignment is necessary in the interest of the program, § 1493.11(a) provides for this flexibility if approved in advance by CCC.

With respect to the pro rata sharing of monies that may be recovered after a claim is filed as required by § 1493.10(c) CCC feels strongly that any party that is directly protected by CCC's payment guarantee should be required to share with CCC any of that party's recoveries for the payment in default. This would apply whether recoveries are from the foreign bank or any other source whatsoever. CCC must continue this policy in order to enforce the risk sharing concept under the program. Regarding § 1493.10(d), CCC has changed this provision to make clear that the assignee will not be held responsible for obligations not fulfilled by the exporter over which the assignee has no control.

B. *General Comments*—Comments were received from ten commentors that dealt with: (1) Country allocations under GSM–103, (2) construction of market development facilities, and (3) third country consultations. Two of these commentors expressed views concerning the criteria that should be taken into consideration in allocating GSM–103 credit guarantees by country. Seven of the ten commentors expressed views as to whether or not the local proceeds generated from the resale of the imported commodities financed under GSM–103 should be used to build market development facilities in the importing country while another commentor felt that the FAO subcommittee for Commodity Surplus Disposal should be consulted prior to allocating GSM–103 credit guarantees by country.

These comments did not require a change to the proposed rule since they were not addressed to the specific text of the rule. It is CCC's position that these particular issues are policy matters rather than a regulatory matter and can be taken under consideration as programs are developed for GSM–103 credit guarantees.

List of Subjects in 7 CFR Part 1493

Agricultural commodities, Credit, Exports, Financing, Guarantees.

PART 1493—[AMENDED]

Accordingly, Part 1493 of Title 7 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart A of Part 1493 is revised to read as follows:

Authority: Sec. 5(f), Pub. L. 80–89, 62 Stat. 1072, as amended by Sec. 405(a)), Pub. L. 98–623, 98 Stat. 3409 (15 U.S.C. 714c(f)); Sec. 4(b), Pub. L. 89–808, 80 Stat. 1537, as amended by Sec. 101, Pub. L. 95–501, 92 Stat. 1685 and Sec. 1131, Pub. L. 99–198, 99 Stat. 1486 (7 U.S.C. 1707a(b)); 5 U.S.C. 301.

2. The title of Part 1493 is revised to read as follows:

PART 1493—CCC EXPORT CREDIT GUARANTEE PROGRAM (GSM–102) AND CCC INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM (GSM–103)

3. The table of contents for Subpart A of Part 1493 is amended by adding at the end the following:

1493.16 Alternative satisfaction of payment guarantees.
1493.17 OMB Control Number assigned pursuant to the Paperwork Reduction Act.

4. Section 1493.1 is revised to read as follows:

§ 1493.1 General statement.

(a) This part contains the regulations governing the Commodity Credit Corporation (CCC) Export Credit Guarantee Program (GSM–102) and the CCC Intermediate Export Credit Guarantee Program (GSM–103). Exporters of U.S. agricultural commodities usually require importers to guarantee payment of the selling price of commodities sold to such importers. The guarantee may be in the form of:

(1) An irrevocable foreign bank letter of credit issued in favor of the exporter under which the foreign bank would make payments as such payments become due; or

(2) An irrevocable foreign bank letter of credit in favor of the exporter which is supported by a related obligation under which the foreign bank would make payments as such payments become due. The exporter may assign the account receivable to a U.S. bank or financial institution so that the exporter may realize the proceeds of the sale prior to the deferred payment dates, as called for in the export credit sale. GSM–102 and GSM–103 are designed to protect the exporter or the exporter's assignee against loss from defaults due to commercial and noncommercial risks under the foreign bank letter of credit or related obligation. By transferring some of the risk of loss due to defaults by foreign banks from the exporters or their assignees to CCC, GSM–102 and GSM–103 are intended to: facilitate exportation; forestall or limit declines in exports; permit exporters to meet competition from other countries; and increase commercial exports of U.S. agricultural commodities.

(b) GSM–102 and GSM–103 will be administered by the General Sales Manager, Foreign Agricultural Service (FAS), U.S. Department of Agriculture.

(c) The provisions of Public Law 83–664 (Cargo Preference Act) are not applicable to the shipment of commodities covered under GSM–102 and GSM–103.

(d) GSM–102 and GSM–103 may be supplemented by USDA announcements.

5. Section 1493.2 is amended by revising paragraphs (e) and (f) to read as follows: redesignating paragraphs (j) through (n) as (l) through (p), respectively; adding new paragraphs (j) and (k) to read as follows; and revising newly redesignated paragraphs (n) and (o) to read as follows:

§ 1493.2 Definition of terms.

* * * * *

(e) "Eligible interest" means the maximum rate of interest which CCC agrees to pay the exporter, or the exporter's assignee, as indicated in CCC's payment guarantee, including any amendments to the payment guarantee. The payment guarantee may provide for automatic adjustments in the eligible interest during the term of the credit. Eligible interest shall not exceed the average investment rate of the most recent Treasury 52-week bill auction as announced by the Department of Treasury at the time CCC determines the eligible interest or at the time the eligible interest is adjusted.

(f) "Exported value" means the value of the commodity exported under the payment guarantee, basis f.a.s. or f.o.b. point of export, except that "exported value" may, upon approval by CCC, include freight costs for breeding animals if the animals are sold on c.&f. or c.i.f. basis. The exported value for breeding animals shall not include marine and war risk insurance for c.i.f. sales.

* * * * *

(j) "GSM–102" means the program under this subpart, also referred to as the "Export Credit Guarantee Program", under which the payment guarantees issued are for a period not exceeding 3 years from the date of export.

(k) "GSM–103" means the program under this subpart, also referred to as the "Intermediate Export Credit Guarantee Program", under which the payment guarantees issued are for a period exceeding 3 years but not exceeding 10 years from the date of export.

* * * * *

(n) "Payment guarantee" means the written agreement under which CCC undertakes to protect the exporter or the exporter's assignee from losses due to nonpayment by a foreign bank under the foreign bank's letter of credit supporting the exporter's export credit sales contract or under the foreign bank's obligation owed to the exporter or the exporter's assignee related to the foreign bank's letter of credit issued in favor of the U.S. exporter.

(o) "Port value" means the total value of the export credit sales, less any discounts or allowances, basis f.a.s. or f.o.b. at U.S. points of export. Port value may, upon approval by CCC, include freight cost for breeding animals if the export credit sale is made basis c.&f. or c.i.f., less any discounts or allowances. Such values shall include the amount of the upward loading tolerance, if any, as provided for by the export credit sales contract.

* * * * *

6. Section 1493.3 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 1493.3 Application for payment guarantee.

(a) An exporter shall submit a written application (e.g., letter, telex, or TWX) for a payment guarantee to the USDA office specified in § 1493.15 requesting coverage under GSM–102, if the credit terms are three years or less, or GSM–103, if the credit terms are more than three years but not more than 10 years. * * *

* * * * *

7. Section 1493.4 is amended by revising paragraphs (b), (c) and (d) to read as follows:

§ 1493.4 Payment guarantee.

* * * * *

(b) The payment guarantee shall become effective on the date(s) of export(s) of the agricultural commodities sold by the exporter to the importer and continue in force with respect to payments due during the period specified in the payment guarantee or amendment thereof but in any event not exceeding (i) 36 months for credits covered by GSM–102 and (ii) 120 months for credits covered by GSM–103, from the date(s) of such export(s). Exports made prior to receipt by CCC of a telephonic or written application for a payment guarantee or exports made

after the final date for export shown on the payment guarantee or amendment thereof are ineligible for GSM–102 or GSM–103 coverage, except where it is determined by the Assistant General Sales Manager to be in the interest of CCC.

(c) The payment guarantee may contain such additional terms, conditions, and limitations as are deemed necessary or desirable by the Assistant General Sales Manager.

(d) The payment guarantee may be amended by the parties thereto, provided that such amendment is in conformity with GSM–102 and GSM–103 at the time the amendment is approved. Amendments may include a change in the credit period or an extension of time to export. Any amendment to the payment guarantee may be subject to an increase in the guarantee fee. The assignee may submit corrections to the payment schedule.

* * * * *

8. Section 1493.5 is amended by revising the second sentence to read as follows:

§ 1493.5 Guarantee rates.

* * * Guarantee rates charged by CCC under GSM–102 and GSM–103 will be available upon request from the USDA office specified in section 1493.15.

9. Section 1493.8 is amended by revising paragraphs (a) and (b)(3)(iii) and (iv) to read as follows:

§ 1493.8 Notice of defaults.

(a) If the foreign bank issuing the letter of credit fails to make a remittance pursuant to the terms of the foreign bank letter of credit or related obligation, the exporter or the exporter's assignee shall notify CCC at the address indicated in § 1493.11(b) by phone or wire as soon as possible, but not later than 10 calendar days, after the due date, or any extension thereof by the Treasurer, or Assistant Treasurer, CCC in order to file a claim for that payment in accordance with paragraph (b) of this section. If made by phone it must be confirmed in writing. The notice shall include the payment guarantee number, the amount due, the date of refusal to pay and reason for failure to pay, if known.

(b) * * *

(3) * * *

(iii) Invoice(s) showing the exported value. If there is an intervening purchaser, both the exporter's invoice to the intervening purchaser and the invoice to the foreign buyer should be included.

(iv) An instrument, in form and substance satisfactory to CCC, subrogating to CCC their respective rights for the amount of payment in default under the applicable export credit sale.

* * * * *

10. Section 1493.9 is amended by revising the second sentence of paragraph (a) and paragraph (d) to read as follows:

§ 1493.9 Payment of loss.

(a) * * * If CCC determines that it is liable to the exporter and/or the exporter's assignee, CCC will remit to the exporter or the exporter's assignee the amount of the combined principal and interest loss covered by the payment guarantee plus interest at the latest average investment rate of the most recent Treasury 52-week bill auction as announced by the Department of Treasury as of the date of default. * * *

* * * * *

(d) Notwithstanding any other provision of the regulations set forth in this subpart to the contrary, with regard to commodities exported to which the payment guarantee is applicable, CCC will not hold the assignee responsible or take any action or raise any defense against the assignee for any action, omission or statement by the exporter over which the assignee has no control provided that:

(1) The exporter complies with the reporting requirements under § 1493.7 and

(2) The exporter or the exporter's assignee furnishes the statements and documents specified in section 1493.8.

11. Section 1493.10 is amended by revising paragraph (d) to read as follows:

§ 1493.10 Recovery of losses.

* * * * *

(d) Notwithstanding any other terms of the payment guarantee, the exporter shall be liable to CCC for any amounts paid by CCC under the payment guarantee when and if it is determined by CCC that the exporter has been or is in breach of any contractual obligation, certification or warranty made by the exporter for the purpose of obtaining the payment guarantee or in fulfilling obligations under GSM–102 or GSM–103, and the exporter's assignee shall be liable to CCC for any amounts paid by CCC under the payment guarantee when and if it is determined by CCC that the exporter's assignee has not fulfilled any of the assignee's obligations under GSM–102 or GSM–103.

* * * * *

12. Section 1493.12 is amended by revising the second sentence to read as follows:

§ 1493.12 Covenant against contingent fees.

* * * For breach or violation of this or other obligations or warranties undertaken by the exporter in regard to a GSM–102 or GSM–103 payment guarantee, CCC shall have the right, notwithstanding other rights provided under these regulations, to annul coverage for any commodities not yet exported and/or to proceed against the exporter.

13. A new § 1493.16 is added to read as follows:

§ 1493.16 Alternative satisfaction of payment guarantees.

CCC may, upon agreement of the exporter (or if the proceeds payable under the payment guarantee have been properly assigned, then the exporter's assignee), establish procedures, terms and conditions for the satisfaction of CCC's obligations under a payment guarantee other than those provided for in this subpart if CCC determines that those alternative procedures, terms and conditions are appropriate in rescheduling the debts arising out of any transaction covered by the payment guarantee and would not result in CCC paying more for an obligation than the amount of CCC's obligation.

14. A new § 1493.17 is added to read as follows:

§ 1493.17 OMB Control Number assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in this regulation (7 CFR Part 1493, Subpart A) have been approved by the Office of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Control Number 0551–0004.

Dated: July 18, 1986.

Melvin E. Sims,

General Sales Manager and Associate Administrator, FAS and Vice President, Commodity Credit Corporation.

[FR Doc. 86–16619 Filed 7–23–86; 8:45 am]

BILLING CODE 3410–10–M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Regulation A]

Extensions of Credit By Federal Reserve Banks; Change in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of reducing discount rates. The discount rate action, conforming in part to recent declines in a number of market interest rates, was taken within the framework of the generally accommodative stance of monetary policy that has prevailed for some time.

More specifically, the action appeared appropriate in the context of a pattern of relatively slow growth, comfortably within capacity constraints, in the United States and in the industrialized world generally. That pattern has been accompanied by relatively low prices of a number of important commodities and greater stability in prices of goods generally. Measures of the broader monetary aggregates—M2 and M3—are near the mid-points of the target ranges set at the start of the year.

EFFECTIVE DATE: July 11, 1986.

FOR FURTHER INFORMATION CONTACT: William W. Wiles, Secretary of the Board (202/452–3257), or Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TTD) (202/452–3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of sections 10(b), 13, 14, 19, et al., of the Federal Reserve Act, the Board has amended its Regulation A to incorporate changes in discount rates on Reserve Bank extensions of credit. Further, under the authority of 5 U.S.C. 553 (b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations require that these amendments be adopted immediately.

List of Subjects in 12 CFR Part 201

Banks, banking, Credit, Federal Reserve System.

PART 201—[AMENDED]

For the reasons outlined above, the Board of Governors amends Part 201 as set forth below:

1. The authority citation for 12 CFR Part 201 continues to read as follows:

Authority: Secs. 10(a), 10(b), 13, 13a, 14(d) and 19 of the Federal Reserve Act (12 U.S.C. 347a, 347b, 343 et seq., 347c, 348 et seq., 357, 374, 374a, and 461); and sec. 7(b) of the International Banking Act of 1978 (12 USC 347d).

2. Section 201.51 is revised to read as follows:

§ 201.51 Short-term adjustment credit for depository institutions.

The rates for short-term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6	July 11, 1986.
New York	6	July 11, 1986.
Philadelphia	6	July 11, 1986.
Cleveland	6	July 11, 1986.
Richmond	6	July 11, 1986.
Atlanta	6	July 11, 1986.
Chicago	6	July 11, 1986.
St. Louis	6	July 11, 1986.
Minneapolis	6	July 11, 1986.
Kansas City	6	July 11, 1986.
Dallas	6	July 11, 1986.
San Francisco	6	July 11, 1986.

3. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit for depository institutions.

(a) *Seasonal credit.* The rates for regular seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6	July 11, 1986.
New York	6	July 11, 1986.
Philadelphia	6	July 11, 1986.
Cleveland	6	July 11, 1986.
Richmond	6	July 11, 1986.
Atlanta	6	July 11, 1986.
Chicago	6	July 11, 1986.
St. Louis	6	July 11, 1986.
Minneapolis	6	July 11, 1986.
Kansas City	6	July 11, 1986.
Dallas	6	July 11, 1986.
San Francisco	6	July 11, 1986.

(b) *Temporary seasonal credit program.* At the option of the borrower, interest on credit advanced under the temporary simplified seasonal credit program as revised on February 18, 1986, can be either at the basic discount rate (see § 201.51) or at a rate that is one-half percentage point above the basic rate and that will remain fixed during the time the credit is outstanding. The fixed rate for new loans may be changed as the basic discount rate and extended credit rates are changed. In no case should such borrowing, including renewals, be outstanding beyond February 1987.

(c) *Other extended credit.* The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6	July 11, 1986.
New York	6	July 11, 1986.
Philadelphia	6	July 11, 1986.
Cleveland	6	July 11, 1986.
Richmond	6	July 11, 1986.
Atlanta	6	July 11, 1986.
Chicago	6	July 11, 1986.
St. Louis	6	July 11, 1986.
Minneapolis	6	July 11, 1986.
Kansas City	6	July 11, 1986.
Dallas	6	July 11, 1986.
San Francisco	6	July 11, 1986.

These rates apply for the first 60 days of borrowing. A one percentage point surcharge applies for borrowing during the next 90 days, and a two percentage point surcharge applies for borrowing thereafter. Where credit provided to a particular depository institution is anticipated to be outstanding for an unusually prolonged period and in relatively large amounts, the time period in which each rate under the structure is applied may be shortened, and the rate may be established on a more flexible basis, taking into account rates on market sources of funds.

By order of the Board of Governors of the Federal Reserve System, July 17, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–16569 Filed 7–23–86; 8:45 am]

BILLING CODE 6210–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 213

Collection of Claims

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development is amending Part 213 to implement salary offset provisions of the 5 U.S.C. 5514. The rule enables AID to recover delinquent debts owed the United States Government by Federal employees. The rule sets forth the procedures to be followed by AID in using salary offset, including certain rights provided to the employees (e.g. notice, inspection of records, and hearings).

EFFECTIVE DATE: July 24, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Miller, Office of the General Counsel, Room 6951 N.S., Agency for International Development, Washington, DC 20523, (202) 647–9434.

SUPPLEMENTARY INFORMATION: On May 8, 1986, the rule was published for

comment in the Federal Register (51 FR 17068). No comments were received.

List of Subjects in 22 CFR Part 213

Claims, Salary offset.

Accordingly, 22 CFR Part 213 is amended as follows:

1. The table of contents for Part 213 and the authority citation are revised to read as follows:

PART 213—COLLECTION OF CLAIMS

Subpart A—General Provisions

Subpart B—Salary Offset Provisions

Authority: Sec. 621 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2381; Subpart B also issued under 5 U.S.C. 5514; 5 CFR Part 550, Subpart K.

§ 213.1-213.7 [Amended]

2. Sections 213.1 through 213.7 are designated as Subpart A—General Provisions.

§ 213.6 [Amended]

3. In § 213.6, paragraph (b) is amended by deleting "part" and substituting "section".

4. A new subpart B is added as follows:

Subpart B—Salary Offset Provisions

§ 213.8 Scope.

(a) This subpart sets forth AID's procedures for the collection of a Federal employee's pay by salary offset to satisfy certain valid and past due debts owed the United States Government.

(b) This subpart applies to:

(1) Current employees of AID and other agencies who owe debts to AID.

(2) Current employees of AID who owe debts to other agencies.

(c) This subpart does not apply to debts or claims arising under the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.); the Social Security Act (42 U.S.C. 301 et. seq.); the tariff laws of the United States; or to any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute (e.g. travel advances in 5 U.S.C. 5705 and employee training expenses 5 U.S.C. 4108).

(d) This subpart does not apply to any adjustment to pay arising out of an employee's election of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay or ministerial adjustments in pay, if the amount to be recovered was accumulated over four pay periods or less.

(e) These regulations do not preclude an employee from:

(1) Requesting waiver of erroneous payment of salary, travel, transportation and relocation expenses and allowances;

(2) Requesting waiver of any other type of debt, if waiver is available by statute; or

(3) Questioning the amount of validity of a debt by submitting a subsequent claim to the General Accounting Office.

(f) Nothing in these regulations precludes the compromise, suspension or termination of collection actions where appropriate under subpart A or other regulations.

§ 213.9 Coordinating offset with another federal agency.

(a) When AID is owed the debt. When AID is owed a debt by an employee of another agency, the other agency shall not initiate the requested offset until AID provides the agency with a written certification that the debtor owes AID a debt (including the amount and basis of the debt and the due date of payment) and that AID has complied with these regulations.

(b) When another agency is owed the debt. AID may use salary offset against one of its employees who is indebted to another agency, if requested to do so by that agency. Such a request must be accompanied by a certification by the requesting agency that the person owes the debt (including the amount and basis of the debt and the due date of payment) and that the agency has complied with its regulations required by 5 U.S.C. 5514 and 5 CFR Part 550, Subpart K.

§ 213.10 Determination of indebtedness.

(a) In determining that an employee is indebted to AID and that 4 CFR Parts 101 through 105 have been satisfied and that salary offset is appropriate, AID will review the debt to make sure that it is valid and past due.

(b) If AID determines that any of the requirements of paragraph (a) of this section have not been met, no determination of indebtedness shall be made and salary offset will not proceed until AID is assured that the requirements have been met.

§ 213.11 Notice requirements before offset.

Except as provided in § 213.8, salary offset will not be made unless AID first provides the employee with a minimum of 30 calendar days written notice. This Notice of Intent to Offset Salary ("Notice of Intent") will state:

(a) That AID has reviewed the records relating to the debt and has determined that a debt is owed, the amount of the debt, and the facts giving rise to the debt;

(b) AID's intention to collect the debt by salary offset, i.e. by means of deduction from the employee's current disposable pay until the debt and all accumulated interest are paid in full;

(c) The amount, frequency, approximate beginning date, and duration of the salary intent;

(d) An explanation of that late payment, penalties and administrative costs will be charged in accordance with § 213.4, unless excused in accordance with § 213.4(c);

(e) The employee's right to inspect and copy agency records relating to the debt;

(f) The employee's right to enter into a written agreement with AID for a repayment schedule differing from that proposed by AID, so long as the terms of the repayment schedule proposed by the employee are agreeable to AID;

(g) The right to a hearing conducted by a hearing official on AID's determination of the debt, the amount of the debt, or percentage of disposable pay to be deducted each pay period, so long as a request for a hearing filed by the employee as prescribed by § 213.12;

(h) That the timely filing of a request for hearing will stay the collection proceedings;

(i) That a final decision on the hearing will be issued at the earliest practical date, but not later than 60 calendar days after the filing of the request for a hearing, unless the employee requests, and the hearing officer grants, a delay in the proceedings;

(j) That any knowingly false or frivolous statements, representations, or evidence may subject the employee to:

(1) Disciplinary procedures appropriate under 5 U.S.C. Chapter 75, 5 CFR Part 752, or any other applicable statutes or regulations;

(2) Penalties under the False Claims Act, 31 U.S.C. 3729–3731, or any other applicable statutory authority; or

(3) Criminal penalties under 18 U.S.C. 286, 287, 1001, and 1002 or any other applicable statutory authority;

(k) Any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made;

(l) That amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee, unless there are applicable contractual or statutory provisions to the contrary;

(m) The method and time period for requesting a hearing; and

(n) The name and address of an AID official to whom communications should be directed.

§ 213.12 Request for a hearing.

(a) Except as provided in paragraph (c) of this section, an employee must file a request for a hearing, that is received by AID not later than 30 calendar days from the date of AID's notice described in § 213.11 if an employee wants a hearing concerning:

(1) The existence or amount of the debt; or

(2) AID's proposed offset schedule (including percentage).

(b) The request must be signed by the employee and should identify and explain with reasonable specificity and brevity the facts, evidence and witnesses which the employee believes support his or her position. If the employee objects to the percentage of disposable pay to be deducted from each check, the request should state the objection and the reasons for it.

(c) If the employee files a request for hearing later than the 30 calendar days as described in paragraph (a) of this section, the hearing officer may accept the request if the employee can show that the delay was because of circumstances beyond his or her control or because of failure to receive notice of the filing deadline (unless the employee has actual notice of the filing deadline).

§ 213.13 Result if employee fails to meet deadlines.

An employee waives the right to a hearing and will have his or her disposable pay offset in accordance with offset schedule set forth in the Notice of Intent if the employee:

(a) Fails to file a petition for a hearing as prescribed in §213.12; or

(b) Is scheduled to appear and fails to appear at the hearing.

§ 213.14 Hearings.

(a) If an employee timely files a request for a hearing under § 213.12 AID shall select the time, date, and location for the hearing.

(b)(1) Hearings shall be conducted by an appropriately designated hearing official; and

(2) Rules of evidence shall not be adhered to, but the hearing official shall consider all evidence that he or she determines to be relevant to the debt that is the subject of the hearing and weigh it accordingly, given all of the facts and circumstances surrounding the debt.

(c) AID will have the burden of going forward to prove the existence of the debt.

(d) The employee requesting the hearing shall bear the ultimate burden of proof.

(e) The evidence presented by the employee must prove that no debt exists or cast sufficient doubt such that reasonable minds could differ as to the existence of the debt.

§ 213.15 Written decision following a hearing.

Written decisions provided after a hearing will include:

(a) A statement of the facts presented to support the nature and origin of the alleged debt and those presented to refute the debt;

(b) The hearing officer's analysis, findings and conclusions, considering all of the evidence presented and the respective burdens of the parties, in light of the hearing;

(c) The amount and validity of the alleged debt determined as a result of the hearing; and

(d) The amount, frequency, beginning date and duration of the salary offset, if applicable.

§ 213.16 Review of agency records related to the debt.

(a) *Notification by employee.* An employee who intends to inspect or copy agency records related to the debt must send a letter to the official designated in §213.11(n) stating his or her intention. The letter must be received by AID within 30 calendar days of the date of the Notice of Intent.

(b) *AID's response.* In response to the timely notice submitted by the debtor as described in paragraph (a) of this section, AID will notify the employee of the location and time when the employee may inspect and copy AID records related to the debt.

§ 213.17 Written agreement to repay debt as alternative to salary offset.

(a) *Notification by employee.* The employee may propose, in response to a Notice of Intent, a written agreement to repay the debt as an alternative to salary offset. Any employee who wishes to do this must submit a proposed written agreement to repay the debt which is received by AID with 30 calendar days of the date of the Notice of Intent.

(b) *AID's response.* AID will notify the employee whether the employee's proposed written agreement for repayment is acceptable. AID may accept a repayment agreement instead of proceeding by offset. In making this determination, AID will balance AID's interest in collecting the debt against hardship to the employee. If the debt is delinquent and the employee has not disputed its existence or amount, AID will accept a repayment agreement, instead of offset, for good cause such as, if the employee is able to establish that offset would result in undue financial hardship or would be against equity and good conscience.

(c) *Procedures.* If the employee and AID enter into a written agreement to repay instead of salary offset, the debt will be repaid in accordance with the provisions of the agreement and the procedures of § 213.18 will not apply.

§ 213.18 Procedures for salary offset.

Unless AID agrees otherwise, the procedures for salary offset are as follows:

(a) *Method.* Salary offset will be made by deduction at one or more officially established pay intervals from the current pay account of the employee without his or her consent.

(b) *Source.* The source of salary offset is current disposable pay which is that part of current basic pay, special pay, retainer pay, or in the case of an employee not entitled to pay, other authorized pay remaining after the deduction of any amount required by law to be withheld.

(c) *Types.* Ordinarily debts will be collected by salary offset in one lump sum if possible. However, if the employee is financially unable to pay in one lump sum or the amount of the debt exceeds 15 percent of disposal pay for an officially established pay interval, the collection by salary offset must be made in installment deductions.

(d) *Amount and duration of installment deductions.* (1) The size of installment deductions must bear a reasonable relation to the size of the debt and the employee's ability to pay. If possible the size of the deduction will

be that necessary to liquidate the debt in no more than 1 year. However, the amount deducted for any period must not exceed 15 percent of the disposal pay from which the deduction is made, unless the employee has agreed to a greater amount.

(2) Installment payments of less than $25 per pay period will be accepted only in the most unusual circumstances.

(3) Installment deductions will be made over a period of not greater than the anticipated period of employment.

(e) *When deductions may begin.* (1) Salary offset will begin as of the date stated in the Notice of Intent, unless a hearing has been requested.

(2) If there has been a timely request for a hearing, salary offset will begin as of the date stated in the written decision provided after the hearing.

(f) *Additional offset provisions.*—(1) *Liquidation from final check.* If employment ends before salary offset is completed, the remaining debt will be liquidated by offset from subsequent payments of any nature due the employee from AID as of the date of separation (e.g. final salary payment, lump-sum leave, etc).

(2) *Offset from other payments.* If the debt cannot be liquidated by offset from any final check, the remaining debt will be liquidated by offset from later payments of any kind due the former employee from the United States.

§ 213.19 Non-waiver of rights.

So long as there are no statutory or contractual provisions to the contrary, no employee payment (of all or portion of a debt) collected under this subpart will be interpreted as a waiver of any rights that the employee may have under 5 U.S.C. 5514.

§ 213.20 Refunds.

(a) AID will refund promptly to the appropriate individual amounts offset under these regulations when:

(1) A debt is waived or otherwise found not owing the United States (unless expressly prohibited by statute or regulation); or

(2) AID is directed by an administrative or judicial order to make a refund.

(b) Refunds do not bear interest unless required or permitted by law or contract.

Dated: June 24, 1986.

Curtis W. Christensen,

Controller

[FR Doc. 86-16482 Filed 7-23-86; 8:45 am]

BILLING CODE 6116-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-2-FRL-3049-6]

Standards of Performance for New Stationary Sources Delegation of Authority to the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Final rule; delegation of authority.

SUMMARY: This notice announces the delegation of authority by the Environmental Protection Agency to the Commonwealth of Puerto Rico to implement and enforce additional source categories of the Standards of Performance for New Stationary Sources (NSPS) along with revisions and amendments to the NSPS and National Emission Standards for Hazardous Air Pollutants (NESHAPS). This delegation was requested by the Puerto Rico Environmental Quality Board (EQB).

NSPS are air pollution control requirements set under the Clean Air Act. This action informs all affected sources of the need to submit to the State, in addition to the EPA, all the information required pursuant to the delegated subparts. NSPS are applicable to certain categories of new air pollution sources.

EFFECTIVE DATE: This action was effective on July 24, 1986. This action was applicable on April 15, 1986.

FOR FURTHER INFORMATION CONTACT: Francis W. Giaccone, Chief, Air Compliance Branch, Air & Waste Management Division, Region II Office, 26 Federal Plaza, New York, New York 10278 (212) 264-9627.

SUPPLEMENTARY INFORMATION: Section 111(c) of the Clean Air Act directs the Administrator of the Environmental Protection Agency (EPA) to delegate EPA's authority to implement and enforce Standards of Performance for New Stationary Sources (NSPS) to any state which has submitted adequate procedures. Nevertheless, the Administrator still retains concurrent authority to enforce the standards following delegation of authority to a state.

On March 3, 1986 EPA offered to the EQB delegation of two applicable NSPS categories and revisions and amendments to existing NSPS and NESHAPS promulgated between January 1, 1985 and December 31, 1985, in accordance with the EPA/EQB delegation agreement dated July 20, 1983. EQB accepted delegation of these additional NSPS and revisions and amendments to existing NSPS and NESHAPS in a letter dated April 2, 1986 from the Chairman of the EQB to the Regional Administrator, Region II. The following provides a complete listing of NSPS delegated to the EQB. The new categories being delegated by today's action are identified with an asterisk (*). All revisions and amendments to the existing NSPS and NESHAPS from January 1, 1985 to December 31, 1985 are included here by reference.

NSPS Delegation

D Fossil-Fuel Fired Steam Generators for Which Construction Commenced After August 17, 1971 (Steam Generators and Lignite Fired Steam Generators)
Da Electric Utility Steam Generating Units for Which Construction Commenced After September 18, 1978
E Incinerators
F Portland Cement Plants
G Nitric Acid Plants
H Sulfuric Acid Plants
I Asphalt Concrete Plants
J Petroleum Refineries—(Process Gas Combustion, Catalytic Regenerators)
J Petroleum Refineries—(Sulfur Recovery)
K Storage Vessels for Petroleum Liquids Constructed After June 11, 1973 and prior to May 19, 1978.
Ka Storage Vessels for Petroleum Liquids Constructed After May 18, 1978
L Secondary Lead Smelters
M Secondary Brass and Bronze Ingot Production Plants
N Iron and Steel Plants
O Sewage Treatment Plants
P Primary Copper Smelters
Q Primary Zinc Smelters
R Primary Lead Smelters
S Primary Aluminum Reduction Plants
T Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants
U Phosphate Fertilizer Industry: Superphosphoric Acid Plants
V Phosphate Fertilizer Industry: Diammonium Phosphate Plants
W Phosphate Fertilizer Industry: Triple Superphosphate Plants
X Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
Y Coal Preparation Plants
Z Ferroalloy Production Facilities
AA Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and prior to August 17, 1983
AAa Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

BB Kraft Pulp Mills
CC Glass Manufacturing Plants
DD Grain Elevators
EE Surface Coating of Metal Furniture
GG Stationary Gas Turbines
HH Lime Plants
LL Metallic Mineral Processing
QQ Graphic Arts Industry: Publication Rotogravure Printing
RR Pressure Sensitive Tape and Label Surface Coating Operations
SS Industrial Surface Coating: Large Appliances
TT Metal Coil Surface Coating
UU Asphalt Processing and Asphalt Roofing Manufacture
VV Equipment Leaks of Volatile Organic Compounds in Synthetic Organic Chemical Manufacturing Industry
WW Beverage Can Surface Coating Industry
XX Bulk Gasoline Terminals
FFF Flexible Vinyl and Urethane Coating and Printing
GGG Equipment Leaks of VOC in Petroleum Refineries
HHH Synthetic Fiber Production Facilities
JJJ Petroleum Dry Cleaners
*OOO Nonmetallic Mineral Processing Plants
*PPP Wool Fiberglass Insulation Manufacturing

EPA's Findings:

EPA's determination of approvability of delegations is based on the Agency's review of the Puerto Rico Public Policy Environmental Act, Law No. 9 of 1970, 12 L.P.R.A. Sec. 1121, et seq. and on the Puerto Rico Regulation for the Control of Atmospheric Pollution. Based on that review, EPA determined that such delegation is appropriate and so notified the Chairman of the EQB, in a letter dated July 2, 1983. This letter identified the conditions under which delegation would be approved. EQB subsequently accepted delegation of the additional categories in a letter dated April 2, 1986. Copies of all correspondence and EPA's delegation letter are available for public inspection in the office of the Air Compliance Branch at the Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Consequences of EPA's Action

Effective April 15, 1986, all correspondence, reports and notifications required by the delegated NSPS should be submitted to the offices of the Puerto Rico Environmental Quality Board located at P.O. Box 11488, Santurce, Puerto Rico, 00910, Attention: Air Quality Area Director.

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

This Notice is issued under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. 7411).

List of Subjects in 40 CFR Part 60

Air pollution control, Reporting and recordkeeping requirements, Incorporation by reference, Intergovernmental relations.

Dated: June 19, 1986.

Christopher J. Daggett,

Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Title 40, Chapter I, Subchapter C, Part 60, Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

1. The authority citation for 60 continues to read as follows:

Authority: 42 U.S.C. 7401—7642.

2. Section 60.4 is amended by revising and adding the following entries to the table in paragraph (b)(FF)(1) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(FF) * * *

(1) * * *

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS FOR REGION II

Subpart		State			
		New Jersey	New York	Puerto Rico	Virgin Islands
LL	Metallic Mineral Processing Plants	X		X	
PP	Ammonium Sulfate Manufacturing Plants	X	X		
VV	Equipment Leaks of Volatile Organic Compounds In Synthetic Organic Chemical Manufacturing Industry	X		X	
OOO	Nonmetallic Mineral Processing Plants			X	
PPP	Wool Fiberglass Insulation Manufacturing			X	

* * * * *

3. Section 60.4 is amended by revising paragraph (b)(BBB) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(BBB) Commonwealth of Puerto Rico: Commonwealth of Puerto Rico Environmental Quality Board, P.O. Box 11488, Santurce, Puerto Rico 00910, attention: Air Quality area Director. (see table under Part 60.4(b)(FF)(1))

* * * * *

[FR Doc. 86-16653 Filed 7-23-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 65

Changes in Flood Elevation Determinations; Arizona et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each

community. The respective addresses are listed on the following table.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator, has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish in this notice all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 65.

For rating purposes, the revised community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the flood plain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in the base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, is promulgated, will not have a significant economic impact on a substantial number of entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

State and County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Maricopa (FEMA Docket No. 6700).	Town of Gilbert	December 16, 1985 and December 23, 1985, *Chandler Arizonan.*	The Honorable L.J. Reed, Mayor, Town of Gilbert, P.O. Box 837, Gilbert, AZ 85234.	December 10, 1985.	040044C.
California: Alameda	(Unincorporated Areas) (FEMA Docket No. 6707).	March 12, 1986, March 19, 1986, *Oakland Post.*	The Honorable John George, Chairman, Alameda County Board of Supervisors, 1221 Oak Street, Oakland, CA 94612.	February 24, 1986, Letter of Map Revision.	060001B.
Florida: Hillsborough (Docket No. FEMA-6700).	Unincorporated Areas	January 13, 1986, January 20, 1986, *Tampa Tribune.*	The Honorable Norman W. Hickey, Hillsborough County Administrator, Hillsborough County, P.O. Box 1110, Tampa, FL 33601.	January 7, 1986	120112.
Georgia: Cobb (Docket No. FEMA-6699).	Unincorporated Areas	December 20, 1985, December 27, 1985, *Marietta Daily Journal.*	The Honorable Earl E. Smith, Chairman, Cobb County Board of Commissioners, 10 E. Park Square, P.O. Box 649, Marietta, GA 30090-9602.	December 4, 1985.	130052.
Georgia: Fulton (Docket No. FEMA 6707).	City of Roswell	February 12, 1986, February 19, 1986, *Roswell Neighbor.*	The Honorable W.L. Mabry, Mayor, City of Roswell, 105 Dobbs Drive, Roswell, GA 30075.	February 5, 1986	130088.
Louisiana: East Baton Rouge Parish (FEMA Docket No. 6691).		November 12, 1985, November 19, 1985, *Advocate.*	Honorable Pat Screen, Mayor of the City of Baton Rouge, P.O. Box 1471, Baton Rouge, LA 70821.	October 28, 1985, Letter of Map Revision.	220058B.
New Mexico: Bernalillo (FEMA Docket No. 6700).	City of Albuquerque	December 9, 1985, December 16, 1985, *Journal Tribune.*	The Honorable Harry E. Kinney, Mayor of the City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	November 28, 1985, Letter of Map Revision.	350002C.
North Carolina: Forsyth (Docket No. FEMA-6707).	Unincorporated Areas	March 14, 1986, March 21, 1986	The Honorable H.L. Pete Jenkins, County Manager, Forsyth County, Hall of Justice, Room 700, Winston-Salem, NC 27101.	March 3, 1986	375349.
Ohio: Franklin & Fairfield (Docket No. FEMA 6691).	City of Columbus	November 27, 1985, December 4, 1985, *Columbus Dispatch.*	The Honorable Dana G. Rinehart, Mayor, City of Columbus, City Hall, 90 West Broad Street, Columbus, OH 43215–4184.	November 13, 1985.	390170.
Ohio: Franklin and Fairfield (Docket No. FEMA 6700).	City of Columbus	December 27, 1985, January 3, 1986, *Columbus Dispatch.*	The Honorable Dana G. Rinehart, Mayor, City of Columbus, City Hall, 90 West Broad Street, Columbus, OH 43215–4184.	December 16, 1985.	390170.
Oklahoma: Tulsa, Osage, and Rogers (FEMA Docket No. 6700).	City of Tulsa	December 26, 1985, January 2, 1986, *Tulsa Daily Business Journal and Legal Record.*	The Honorable Terry Young, Mayor of the City of Tulsa, 200 Civic Center, Tulsa, OK 74103.	December 12, 1985, Letter of Map Revision.	405381E.
South Dakota: Lawrence (FEMA Docket No. 6713).	City of Spearfish	January 23, 1986, January 24, 1986, *Queen City Mail.*	The Honorable Wilbur Tretheway, Mayor, City of Spearfish, 722 Main Street, Spearfish, SD 57783.	December 24, 1985.	460046C.
Texas: Bexar (FEMA Docket No. 6707).	Unincorporated Areas	January 24, 1986, January 31, 1986, *San Antonio Light.*	The Honorable Tom Vickers, Bexar County Judge, Commissioners Court, Suite 101, San Antonio, TX 78205.	January 22, 1986	480035.
Texas: Dallas, Denton, and Collin Counties (FEMA Docket No. 6684).	City of Carrollton	August 16, 1985, August 23, 1985, *Carrollton Chronicle.*	The Honorable Kenny Marchant, Mayor of the City of Carrollton, 1120 Metrocrest Drive, Carrollton, TX 75006.	August 9, 1985	480167C.

Issued: June 30, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-16502 Filed 7-23-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-6721]

Changes in Flood Elevation Determinations; Arizona et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the FIRM(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

These elevations, together with the flood plain management measures required by 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may, at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona—Maricopa	City of Phoenix	May 19, 1986 and May 26, 1986, *Arizona Business Gazette.*	The Honorable Terry Goddard, Mayor, City of Phoenix, City Hall, 25 West Washington, Phoenix, Arizona 85003.	May 5, 1986	040051
Arizona—Pima	(Unincorporated Areas)	May 7, 1986 and May 14, 1986, *Arizona Daily Star.*	The Honorable Sam Lena, Chairman, Pima County Board of Supervisors, 131 West Congress, Tucson, Arizona 85701.	April 28, 1986	040073
Arkansas—Benton	City of Bentonville	April 23, 1986 and April 30, 1986, *Benton County Daily Democrat.*	The Honorable David Ford, Mayor of the City of Bentonville, Benton County, 115 West Central, Bentonville, Arkansas 72712.	April 17, 1986; Letter of Map Revision.	050012 D
Illinois—Kane	Unincorporated areas	January 10, 1986 and January 17, 1986, *Cardunal Free Press.*	The Honorable Frank R. Miller, Chairman, Kane County Board, Kane County Government Center, 719 Batavia Avenue, Geneva, Illinois 60134.	Janauary 6, 1986	170896
Texas—Harris	Harris County	April 30, 1986 and May 7, 1986, *Houston Chronicle.*	The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Houston, Texas 77002.	April 22, 1986	480287

Issued: June 30, 1986.

Francis V. Reilly,

Deputy Administrator Federal Insurance Administration.

[FR Doc. 86-16504 Filed 7-23-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Final Flood Elevation Determinations; Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing modified base flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below:

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of The Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood Plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interest lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
ALABAMA	
Jefferson County (Unincorporated Areas), (FEMA Docket No. 6699)	
Shades Creek:	
About 0.98 mile upsteam of Greensprings Highway	*635
About 400 feet downstream of Old Montgomery Highway	*640
Just upstream of Old U.S. Highway 280	*657
Maps available for inspection at the Jefferson County Courthouse, 2nd Floor, 716 North 21st Street, Birmingham, Alabama.	
COLORADO	
Montrose (City), Montrose County (FEMA Docket No. 6706)	
Cedar Creek: 75 feet upstream of center of Main Street	*5,806
Montrose Arroyo: 50 feet downstream of center of North 8th Street	*5,764
Maps available for inspection at the Planning Department, City Hall, Montrose, Colorado.	
FLORIDA	
Monroe County (Unincorporated Areas), (FEMA Docket No. 6706)	
Gulf of Mexico:	
Intersection of Key Deer Boulevard and Miami Avenue	*9
North Half of Summerland Key	*9
About 250 feet west of Intersection of Bittersweet Avenue and Geranium Drive	*10
Intersection of Cactus Street and Kyle Boulevard	*10
Intersection of Sunset Road and Cardinal Lane	*10
Center of Budd Keys	*10
Center of Rattlesnake Lumps	*10
Intersection of Watson Road and Matthews Road	*11
About 250 feet East of Intersection of Central Avenue and Geraldine Street	*11
Intersection of Donna Road and Kyle Boulevard	*11
North and East Shoreline of Annette Key	*11
East Shoreline of Summerland Key	*11
About 500 feet North of Intersection of Minorca Drive and Coral Way	*12
Tarpon Belly Keys	*12
North Shoreline of Budd Keys	*12
Little Swash Keys	*12
Northern Shoreline of Cudjoe Key	*12
Rattlesnake Lumps entire Shoreline	*12
North and East Shoreline of Knockemdown Key	*12
North Shoreline of Toptree Hammock Key	*12
Atlantic Ocean:	
About 500 feet East of West Coastline of Cudjoe Key South of US Route 1	*8
Center of Little Knockemdown Key	*9
Southern Shoreline and Center of Toptree Hammock Key	*9
Southern Portions of Middle Torch Key	*10
Southern and Western Portions of Big Torch Key	*10
Center of Annette Key	*10
Southwest shoreline of Little Knockemdown Key	*11
Southwest shore line of Knockemdown Key	*11
South and West shoreline of Annette Key	*11
Southern Shoreline of Budd Keys	*11
Entire Shoreline of Cudjoe Key South of US Route 1	*12
Southern tip of Porpoise Key	*12
Maps available for inspection at the Civil Defense Department, 310 Fleming Street, Key West, Florida.	
FLORIDA	
Orange County (Unincorporated Areas) (FEAM Docket No. 6699)	
Little Econlockhatchee River:	
At the downstream county boundary	*48
Just downstream of Michaels Dam	*50
Just upstream of Michaels Dam	*54
Just downstream of Curry Ford Road	*75
Landfill Outfall Canal:	
Just upstream of Curry Ford Road	*75
About 2.83 miles upstream of the confluence of East Orlando Outfall Canal	*81
Goldenrod Canal:	
At the confluence with the Little Econlockhatchee River	*55
Just downstream of Harrell Road	*55
Just upstream of Harrell Road	*61
Just downstream of Cheney Dam	*61
Just upstream of Cheney Dam	*71
Just downstream of CS–7 Dam	*79
Just upstream of CS–7 Dam	*85
About 1100 feet upstream of Forsyth Road	*86
East Orlando Outfall Canal:	
At mouth	*79
Just upstream of Turnbull Drive	*96
E40 Canal:	
At mouth	*55
Just upstream of Peppercorn Drive	*78
Lake Corrine Outfall Canal:	
At mouth	*61
Just downstream of Doris Drive	*68
Just upstream of Doris Drive	*81

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
About 2500 feet upstream of State Road 436	*93
Azalea Park Outfall Canal:	
At the confluence with Landfill Outfall Canal	*77
Just upstream of Goldenrod Road	*89
Park Manor Outfall Canal:	
At mouth	*50
About 1800 feet upstream of Park Manor Drive	*59
Crane Strand Canal:	
At mouth	*61
At county boundary	*81
Winter Park Pines Canal:	
At mouth	*77
About 1000 feet upstream of Ranger Boulevard	*90
Maps available for inspection at the Department of Engineering, Division of Drainage Engineering and Water Management, 2450 33rd Street, Orlando, Florida.	
GEORGIA	
DeKalb County (Unincorporated Areas), (FEMA Docket No. 6699)	
South Fork Peachtree Creek:	
Just upstream of Tahoe Apartment Drive	*989
Just downstream of Sarr Parkway	*1021
Just upstream of Stone Mountain Freeway	*1029
Just downstream of Elmdale Drive	*1037
Maps available for inspection at the Planning Department, Room 308, Callaway Building, Decatur, Georgia.	
INDIANA	
Dyer (Town), Lake County (FEMA Docket No. 6699)	
Dyer Ditch:	
Just upstream of 213th Street	*624
Just upstream of Lincoln Highway	*630
About 0.35 mile upstream of Lincoln Highway	*632
Just downstream of Novak Road	*639
Shallow flooding (ponding):	
About 500 feet north of the intersection of Novak Road and Louisville and Nashville Railroad	*641
About 400 feet east of Dyer Ditch and about 500 feet north of Lincoln Highway	*630
Just south of 213th Street and about 0.4 mile west of Dyer Ditch	*623
Maps available for inspection at the Town Hall, 226 East Schulte Street, Dyer, Indiana.	
MARYLAND	
Cecil County (FEMA Docket No. 6699)	
Chesapeake Bay: Entire shoreline of Sassafras River within community	*11
Maps available for inspection at the Federal Emergency Civil Defense Office, Room 6, Courthouse, Elkton, Maryland.	
Howard County (FEMA Docket No. 6708)	
Patapsco River:	
At confluence of Deep Run	*26
Upstream side of U.S. Route 1	*46
Approximately 1.5 miles upstream of Sulphur Spring Road	*54
Approximately .4 mile downstream of confluence of Bonnie Branch	*67
Upstream side of Chessie System	*100
Downstream side of State Route 144	*134
At U.S. Route 40	*192
Approximately 1.7 miles upstream of Old Frederick Road	*232
At State Route 125	*265
At confluence of South Branch Patapsco River	*276
South Branch Patapsco River:	
At confluence with Patapsco River	*276
Downstream side of Marriotsville Road	*300
Approximately 1.3 miles upstream of Henryton Road	*323
Approximately .6 mile downstream of Sykesville Road	*352
At downstream side of Sykesville Road	*372
At downstream side of Gather Road	*429
At downstream side of Morgan Station Road	*469
At Newport Road	*504
Approximately 1.1 miles upstream of Newport Road	*530
Downstream side of Waterville Road	*568
Approximately .6 mile upstream of Waterville Road	*586
Approximately .4 mile downstream of Interstate Route 70	*630
Downstream side of Interstate Route 70	*656
Approximately 600 feet upstream of Interstate Route 70	*670
Deep Run:	
At confluence with Patapsco River	*26
Downstream side of Hanover Road	*44
Upstream side of Railroad Road	*88
At Dorsey Road	*106
Approximately 1.0 mile downstream of U.S. Route 1	*140
At U.S. Route 1	*182
At Interstate Route 95	*204
Upstream side of Mayfield Avenue	*244
Upstream side of Old Montgomery Road	*344
Approximately .4 mile upstream of Old Montgomery Road	*364
Approximately .8 mile upstream of Old Montgomery Road	*382
Approximately 1.2 miles upstream of Old Montgomery Road	*420
Approximately 1.4 miles upstream of Old Montgomery Road	*444
Stream DR-1:	
At confluence with Deep Run	*49
At Haul Road	*68
Upstream side of Chessie System	*94
Downstream side of Baltimore Washington Boulevard	*110
Upstream side of Baltimore Washington Boulevard	*130
Approximately 0.4 mile upstream of Baltimore Washington Boulevard	*150
Approximately 0.6 mile upstream of Baltimore Washington Boulevard	*180
Downstream side of Interstate 95	*200
Upstream side of Marshalee Avenue	*220
Approximately .6 mile upstream of Marshalee Avenue	*276
Approximately 750 feet upstream of Bellance Drive	*308
Stream DR-2:	
At confluence with DR-1	*52
Upstream side of Loudon Avenue	*82
Upstream side of South Hanover Road	*108
Upstream side of U.S. Route 1	*126
Approximately 0.5 mile upstream of U.S. Route 1	*160
Approximately 0.7 mile upstream of U.S. Route 1	*192
Stream DR-3:	
Confluence with DR-1	*107
Upstream side of U.S. Route 1	*126
Upstream side of Median Maryland Route 100	*148
Approximately .4 mile downstream of Interstate Route 95	*180
Downstream side of Interstate Route 95	*218
Approximately 0.3 mile upstream of Interstate Route 95	*247
Stream DR-4:	
At confluence with DR-3	*130
Approximately 0.5 mile downstream side of Interstate 95	*160
Approximately 0.3 mile downstream side of Interstate 95	*180
100 feet downstream of Interstate 95	*199
Upstream of Interstate 95	*214
1,500 feet upstream of Interstate 95	*240
Approximately 0.6 mile upstream of Interstate 95	*270
Approximately 0.9 mile upstream of Interstate 95	*316
Stream DR-5:	
Upstream of Chessie System	*146
Approximately 0.5 mile upstream of Chessie System	*150
Approximately 0.2 mile upstream of Montevideo Road	*178
Bonnie Branch:	
Confluence with Patapsco River	*93
Approximately 110 feet downstream of Stone Dam	*105
Upstream side of Stone Dam	*134
Approximately 540 feet upstream of Stone Dam	*155
Downstream side of (first) Concrete Dam	*189
Upstream side of (first) Concrete Dam	*203
Upstream side of Bonnie Branch Road	*217
Downstream side of (second) Concrete Dam	*238
Upstream side of (second) Concrete Dam	*239
Upstream side of College Avenue	*265
Approximately 840 feet upstream of College Avenue	*280
Approximately 1,520 feet upstream of College Avenue	*300
Approximately 0.5 mile upstream of College Avenue	*340
At confluence of Tributary to Bonnie Branch	*359
Approximately 1,290 feet upstream of confluence of Tributary to Bonnie Branch	*376
Approximately 0.4 mile upstream of confluence of Tributary to Bonnie Branch	*391
Tributary to Bonnie Branch:	
Confluence with Bonnie Branch	*359
Approximately 1,110 feet upstream of confluence with Bonnie Branch	*382
Upstream side of Round Hill Road	*399
Approximately 1,000 feet upstream of Round Hill Road	*415
Approximately 1,800 feet upstream of Round Hill Road	*432
Patuxent River:	
At County boundary	*148
Downstream side of Rock Gorge Dam	*172
Little Patuxent River:	
At County boundary	*133
Approximately 1.0 mile upstream of U.S. Route 1 (northbound)	*186
At confluence of Middle Patuxent River	*190
Upstream side of Interstate 95 southbound	*252
At confluence of Lake Elkhorn Branch	*281
Upstream side U.S. Route 29 (southbound)	*306
At confluence of Clark's Creek	*325
At confluence of Stream LPR-6	*342
Upstream side of Bethany Lane	*355
Upstream side of Turf Valley Road	*409
Approximately 1.48 miles upstream of Turf Valley Road	*439
Beaver Run Branch:	
At confluence with Little Patuxent River	*261
Upstream side of Seneca Drive	*308
Upstream side of U.S. Route 29	*335
Upstream side of Owen Brown Road	*370
Approximately 300 feet upstream of Bright Plume Road	*400
Tributary to Beaver Run Branch:	
At confluence with Beaver Run Branch	*317
Approximately 200 feet upstream of footbridge	*356
Lake Elkhorn Branch:	
At confluence with Little Patuxent River	*282
Upstream side of Lake Elkhorn Dam	*299
Upstream side of Oakland Mills Road	*310
Upstream side of Old Montgomery Road	*340
Approximately 0.47 mile upstream of Old Montgomery Road	*357
Stream LPR-1:	
At confluence with Little Patuxent River	*307
Approximately 0.42 mile upstream of Old Columbia Road	*321
Approximately 0.76 mile upstream of Old Columbia Road	*339
Approximately 1.0 mile upstream of Old Columbia Road	*356
Wilde Lake Branch:	
At confluence with Little Patuxent River	*308
Upstream side of Wilde Lake Dam	*338
Approximately 250 feet upstream of Hesperus Drive	*365
Stream LPR-2:	
At confluence with Little Patuxent River	*315
Approximately 100 feet upstream of U.S. Route 29	*332
Approximately 50 feet upstream of Lightning View Road	*347
Stream LPR-3:	
At confluence with Little Patuxent River	*318
Approximately 100 feet upstream of U.S. Route 29	*341

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
Approximately 75 feet upstream of Old Annapolis Road	*370
Stream LPR-4:	
At confluence with Little Patuxent River	*319
Approximately 1,760 feet upstream of Ten Mills Road	*335
Clark's Creek:	
At confluence with Little Patuxent River	*325
Upstream side of Centennial Lane	*350
Approximately 1.1 miles upstream of Centennial Lane	*376
Stream LPR-5:	
At confluence with Little Patuxent River	*326
Approximately 1,150 feet upstream of Old Annapolis Road	*340
Approximately 0.5 mile upstream of Old Annapolis Road	*360
Plumtree Branch:	
At confluence with Red Hill Branch	*328
Downstream side of Frederick Road	*359
Approximately 0.4 mile upstream of Hearthstone Road	*365
Approximately 0.7 mile upstream of Hearthstone Road	*395
Red Hill Branch:	
At confluence with Little Patuxent River	*326
Downstream side of U.S. Route 29	*339
Approximately 1.0 mile upstream of U.S. Route 29	*367
Approximately 2.0 miles upstream of U.S. Route 29	*412
Benson Branch:	
At confluence with Middle Patuxent River	*360
Upstream of Folly Quarter Road	*473
Approximately 1.0 mile upstream of Folly Quarter Road	*555
Vista Road Tributary:	
Confluence with Middle Patuxent River	*265
Upstream of Vista Road	*313
Approximately 0.3 mile upstream of Newberry Drive	*361
Sanner Road Tributary:	
Confluence with Middle Patuxtent River	*264
Approximately 900 feet upstream of Sanner Road	*294
Middle Patuxent River:	
At confluence with Little Patuxent River	*190
Upstream of Murray Hill Road	*229
Upstream of State Route 29 (southbound)	*256
Upstream side of State Route 108 (Clarksville Pike)	*314
Upstream of Triadelphia Road	*386
Upstream of McKendree Road	*512
Approximately 700 feet upstream of State Route 97	*581
Stream HB-1:	
Confluence with Hammond Branch	*148
Approximately 20 feet upstream of U.S. Route 1	*177
Stream HB-2:	
At confluence with Hammond Branch	*169
Approximately 0.53 mile upstream of confluence	*233
Stream HB-3:	
At confluence with Hammond Branch	*231
Approximately 1,250 feet upstream of confluence	*264
Stream HB-4:	
At confluence with Hammond Branch	*261
Approximately 0.38 mile upstream of confluence	*293
Stream HB-5:	
At confluence with Hammond Branch	*266
Approximately 0.42 mile upstream of confluence	*316
Stream HB-6:	
At confluence with Hammond Branch	*289
Approximately 0.41 mile upstream of confluence	*318
Stream HB-7:	
At confluence with Hammond Branch	*306
Approximately 750 feet upstream of confluence	*334
Stream HB-8:	
At confluence with Hammond Branch	*320
Approximately 0.40 mile of confluence	*359
Stream HB-9:	
At confluence with Hammond Branch	*349
Approximately 950 feet upstream of Private Drive	*392
Stream HB-10:	
At confluence with Hammond Branch	*384
Approximately 0.49 mile upstream of confluence	*423
Stream HB-11:	
At confluence with Hammond Branch	*402
Approximately 85 feet upstream of Cherrytree Drive	*448
Stream HB-12:	
At confluence with Hammond Branch	*432
Approximately 0.47 mile upstream of confluence	*460
Hammond Branch:	
At confluence with Little Patuxent River	*143
Approximately 0.6 mile upstream of U.S. Route 1	*181
Upstream side of Interstate Route 95	*285
At confluence of Stream HB-8	*320
At confluence of Stream HB-11	*402
Approximately 0.4 mile upstream of confluence of Stream HB-12	*458
Guilford Branch:	
At upstream side of U.S. Route 1	*174
Upstream side of Mary Lane	*215
Approximately 1,600 feet upstream of Mission Road	*285
Stream LPR-6:	
At confluence with Little Patuxent River	*342
Upstream side of Centennial Lane	*365
Approximately 1.1 miles upstream of Centennial Lane	*405
Clydes Branch:	
At confluence with Middle Patuxent River	*317
Upstream side of Shepherd Lane	*349
At confluence of Stream CB-11	*385
At confluence of Stream CB-16	*454
Approximately 0.76 mile upstream of State Route 32	*526
Stream CB-1:	
At confluence with Clydes Branch	*323
Upstream side of Shepherd Lane	*359
Approximately 800 feet upstream of State Route 32	*492
Stream CB-2:	
At confluence with Stream CB-1	*367
Approximately 0.54 mile upstream of confluence with Stream CB-1	*459
Stream CB-3:	
At confluence with Stream CB-1	*376
Approximately 0.45 mile upstream of confluence with Stream CB-1	*449
Stream CB-4:	
At confluence with Stream CB-1	*396
Approximately 600 feet upstream of State Route 32	*416
Stream CB-5:	
At confluence with Clydes Branch	*340
Approximately 0.38 mile upstream of Folly Quarter Road	*446
Stream CB-6:	
At confluence with Stream CB-5	*345
Approximately 0.39 mile upstream of confluence of Stream CB-9	*447
Stream CB-7:	
At confluence with Stream CB-5	*374
Approximately 0.57 mile upstream of confluence	*435
Stream CB-8:	
At confluence with Stream CB-5	*406
Approximately 0.38 mile upstream of confluence	*466
Stream CB-9:	
At confluence with Stream CB-5	*403
Approximately 0.65 mile upstream of confluence	*483
Stream CB-10:	
At confluence with Clydes Branch	*358
Approximately 1.6 miles upstream of confluence	*478
Stream CB-11:	
At confluence with Clydes Branch	*386
Approximately 0.71 mile upstream of confluence	*486
Stream CB-12:	
At confluence with Clydes Branch	*410
Approximately 1,100 feet upstream of confluence of Stream CB-13	*486
Stream CB-13:	
At confluence with Stream CB-12	*439
Approximately 1,350 feet upstream of confluence	*494
Stream CB-14:	
At confluence with Clydes Branch	*427
Approximately 0.47 mile upstream of confluence of Stream CB-15	*528
Stream CB-15:	
At confluence with Stream CB-14	*457
Approximately 1,500 feet upstream of confluence	*479
Stream CB-16:	
At confluence with Clydes Branch	*454
Approximately 1,150 feet upstream of Ten Oak Road	*566
Stream CB-17:	
At confluence with Stream CB-16	*538
Approximately 1,050 feet upstream of Ten Oak Road	*581
Stream CB-18:	
At confluence with Stream CB-16	*483
Approximately 0.40 mile upstream of State Route 32	*558

Maps available for inspection at the Bureau of Engineering, Ellicott City, Maryland.

MINNESOTA

Crystal (City), Hennepin County (FEMA Docket No. 6699)

Bassett Creek: At confluence with North Branch Bassett Creek	*849
North Branch Bassett Creek:	
At confluence of Bassett Creek	*849
Approximately 400 feet upstream of Douglas Drive	*872
Immediately upstream of dam	*878
Immediately downstream of Louisiana Avenue North	*879

Maps available for inspection at the Planning Department, City Hall, 4141 Douglas Drive, Crystal, Minnesota.

Golden Valley (City), Hennepin County (FEMA Docket No. 6699)

Bassett Creek:	
About 200 feet upstream of Golden Valley Road	*829
About 800 feet upstream of Bassett Creek Drive	*833
About 230 feet downstream of Lilac Drive	*843
About 50 feet upstream of Lilac Drive	*847
Just upstream of Westbrook Road	*863

Maps available for inspection at the Department of Planning and Development, City Hall, 7800 Golden Valley Road, Golden Valley, Minnesota.

Winona (City), (FEMA Docket No. 6699)

Gilmore Creek:	
Just upstream of U.S. Highway 14	*667
Just upstream of Gilmore Avenue	*674
About 1100 feet upstream of Gilmore Avenue	*677
Shallow flooding (Gilmore Creek overflow):	
Just east of Huff Street	*655
Just northeast of U.S. Highways 14 and 61	*660
Just south of the intersection of Gilmore Avenue and Kerry Drive	*674

Maps available for inspection at the Engineering Department, City Hall, P.O. Box 378, Winona, Minnesota.

NEVADA

Douglas County (Unincorporated Areas) (FEMA Docket No. 6692)

Buckeye Creek: 50 feet downstream of center of unnamed road approximately 1,800 feet upstream of confluence with Lower Old Virginia Canal	*4,777

Maps available for inspection at the Community Development Department, Valley Professional Building, 1645 Highway 395, Minden, Nevada.

NEW YORK

LaGrange (Town), Dutchess County (FEMA Docket No. 6699)

Branch 3 Wappinger Creek:	
1,475 feet downstream of Noxon Road	*219
755 feet downstream of Noxon Road	*225
525 feet downstream of Noxon Road	*230

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
Downstream side of Noxon Road	*242
35 feet upstream of Noxon Road	*243
Maps available for inspection with Mr. Samuel Shaffer, Building Inspector, LaGrange Town Hall, Stringham Road, Pleasant Valley, New York.	
OKLAHOMA	
Muskogee (City), Muskogee County (FEMA Docket No. 6706)	
Sam Creek:	
Approximately 240' of downstream of corporate limits	*554
Approximately 210' of upstream of corporate limits	*555
Approximately 540' of upstream of upstream corporate limits	*556
Maps available for inspection at the City Engineering Department, Muskogee, Oklahoma.	
OREGON	
Stanfield (City), Umatilla County (FEMA Docket No. 6712)	
Umatilla, River: At the Intersection of Umatilla Street and W. Seymour Street	*591
Maps available for inspection at City Hall, 105 Westwood, Stanfield, Oregon.	
VIRGINIA	
Poquoson (City), (FEMA Docket No. 6692)	
Chesapeake Bay:	
Shoreline approximately 150' north of Browns Neck Road (extended)	*11
Approximately 700' south of Rock Creek confluence with Chesapeake Bay	*10
Intersection of Carys Chapel Road and Wythe Creek Road	*9
Intersection of Little Florida Road and Cedar Raod	*9
Intersection of Messick Road and Poquoson Avenue	*9
Shoreline at Tin Shell Point	*11
Intersection of Ridge Road and Messick Road	*10
Maps available for inspection at the City Hall, Municipal Building, Poquoson, Virginia.	
WASHINGTON	
Clark County (Unincorporated Areas) (FEMA Docket No. 6699)	
Lewis River: At crossing of CC Street Bridge (County Route 1)	*31
400 feet south of the intersection of Lyons Road and County Highway 16 along Lyons Road	*38
At confluence with Cedar Creek	*57
Columbia River: At Squaw Island at the mouth of Gee Creek	*23
At confluence with Whipple Creek on the downstream side of Burlington Northern-Union Pacific Railroad	*25
Maps available for review at Planning and Code Administration, P.O. Box 5000, Vancouver, Washington 98668.	
WEST VIRGINIA	
Ripley (City), Jackson County (FEMA Docket No. 6699)	
Mill Creek:	
Approximately 300 feet downstream of Interstate Highway 77	*592
Upstream side of U.S. Route 33	*594
Downstream side of Main Street	*597
Downsstream side of School Street	*599
Downstream side of U.S. Route 21	*601
Maps available for inspection at the City Hall, 113 South Church Street, Ripley, West Virginia.	
WISCONSIN	
Green County (Unincorporated Areas), (FEMA Docket No. 6706)	
Sugar River:	
At the confluence of Story Creek	*838
About 2,000 feet downstream of County Highway D	*845
At the county boundary	*854
Maps available for inspection at the Green County Courthouse, Monroe, Wisconsin.	

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

Issued: June 30, 1986.

[FR Doc. 86-16503 Filed 7-23-86; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-382; RM-5049]

Radio Broadcasting Services; Rocky Ford, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 238C1 for Channel 240A at Rocky Ford, CO and modifies the license of Station KAVI-FM, in response to a petition filed by Two A, Inc.

With this action, this proceeding is terminated.

EFFECTIVE DATE: August 25, 1986.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order MM Docket No. 85-382, adopted July 3, 1986, and released July 17, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

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

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

2. Section 73.202(b) is amended by revising the following entry:

§ 73.202 FM Table of Allotments.

* * * * *

(b) * * *

City	Channel No.
Rocky Ford, CO	238C1

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 86-16664 Filed 7-23-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-137; RM-4792]

Radio Broadcasting Services; Rantoul, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 241A to Rantoul, Illinois, as its second FM channel at the request of J. Darwin Johnson. In response to the *Notice* Capitol Communications of Illinois, Inc. filed comments in opposition to the allotment of Channel 278A at Rantoul, as being short spaced to Station WKIO (FM), Urbana, Illinois. A counterproposal filed by Livingston County Broadcasters, Inc. suggested several Class A channels as a substitute for Channel 278A. In responsive comments, the petitioner agreed with Capitol's allegation of a potential short spacing between WKIO and Channel 278A at Rantoul, and amended his proposal to request Channel 241A instead. Since no party opposed the alternate channel, we have allotted Channel 241A to Rantoul. With this action, this proceeding is terminated.

EFFECTIVE DATE: August 25, 1986; The window period for filing applications will open on August 26, 1986, and close on September 24, 1986.

FOR FURTHER INFORMATION CONTACT: Montrose Tyree, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85–137, adopted July 3, 1986, and released July 17, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

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

2. Section 73.202(b) is amended by revising the following:

§ 73.202(b) Table of allotments.

* * * * *

(b) * * *

City	Channel No.
Rantoul, IL	237A, 241A

Mark N. Lipp,

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

[FR Doc. 86–16665 Filed 7–23–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

[Docket No. 60617-6117]

Drum Fishery of the Gulf of Mexico; Notice of Closure

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

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) issues this notice to close the directed net fishery for red drum in the Gulf of Mexico fishery conservation zone (FCZ). The Director, Southeast Region, NMFS (Regional Director) has determined that the directed net fishery quota of one million pounds has been reached. The intended effect of this action is to insure that the quota is not exceeded and that the red drum resource is not subjected to excessive harvesting.

EFFECTIVE DATE: The directed net fishery for red drum is closed 0600 hours local time, July 20, 1986, through 2400 hours local time, September 23, 1986.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813–893–3722.

SUPPLEMENTARY INFORMATION: The Secretary implemented an emergency interim rule on June 25, 1986 (51 FR 23551, June 30, 1986) for management of the red drum fishery in the FCZ of the Gulf of Mexico. This emergency rule estabished a total directed net harvest (TDNH) of one million pounds for the directed net fishery for red drum during the 90-day effective period of the rule. This TDNH quota was imposed to prevent excessive harvesting of the red drum resource pending development and implementation by the Secretary of a plan to manage the fishery.

The Secretary is required under § 653.22 to close the directed net fishery for red drum when the TDNH has been or is projected to be reached. The Regional Director has determined, based on the most recently reported catch figures, that the TDNH for red drum has been harvested. Hence, directed net fishing for red drum in the FCZ of the Gulf of Mexico must cease. The closure will remain in effect through 2400 hours local time, September 23, 1986, when the emergency rule expires.

During the period of closure, the purchase, barter, trade, and sale of red drum taken from the FCZ by directed net fishing is prohibited. (This prohibition does not apply to the trade in red drum which were harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by dealers and processors.)

This action is required by § 653.22, and complies with the procedures of Executive Order 12291.

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

List of Subjects in 50 CFR Part 653

Fisheries.

Dated: July 21, 1986.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

[FR Doc. 86–16695 Filed 7–21–86; 4:43 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 142
Thursday, July 24, 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 ENERGY

Western Area Power Administration

10 CFR Part 904

Charges for the Sale of Power From the Boulder Canyon Project; Notice of a Meeting Between Department of Energy Officials and Representatives of the Allottees of Hoover Dam Power; Reopening of Comment Period

AGENCY: Western Area Power Administration, DOE.

ACTION: Proposed rule; Notice of reopening of comment period.

SUMMARY: On November 29, 1985, at 50 FR 49050, the Western Area Power Administration proposed regulations for the sale of power from the Boulder Canyon Project. On July 10, 1986, Department of Energy officials met in Washington, DC with representatives of the allottees of Hoover Dam power to encourage them to attempt to develop a joint proposal to resolve the major outstanding issues in the pending rulemaking.

To facilitate the submission of a joint proposal the Western Area Power Administration (Western) has determined to provide interested parties with an opportunity to submit additional written comments on the revised proposed General Regulations. Any additional comments must be submitted within the time period and in the manner indicated in this notice.

DATE: Written comments must be received on or before August 7, 1986, at the address set forth below.

ADDRESS: Written comments must be submitted to Mr. Thomas A. Hine, Area Manager, Western Area Power Administration, Boulder City Area Office, P.O. Box 200, Boulder City, NV 89005.

FOR FURTHER INFORMATION CONTACT:

Mr. Tom Carter, Assistant Area Manager for Power Marketing, Western Area Power Administration, Boulder City Area Office, P.O. Box 200, Boulder City, NV 89005 (702) 477–3255

Mr. Gary D. Miller, Attorney, Office of the General Counsel, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401 (303) 231–1531

SUPPLEMENTARY INFORMATION: Notice is given that on July 10, 1986, the Under Secretary of the Department of Energy met with representatives of each of the allottees presently scheduled to receive Hoover Dam power on and after June 1, 1987, (i.e. the Boulder Canyon Project renewal contractors and the Uprating Program allottees) in Washington, DC. The meeting was held at the invitation of the Department of Energy. Officials from the Western Area Power Administration were also present. The Under Secretary briefly addressed the representatives of the allottees. He encouraged them to attempt to work out a consensus proposal which would resolve the major outstanding issues in the subject rulemaking in a manner which would be mutually satisfactory to all of the allottees. Such proposal could then be submitted as a joint comment for consideration by Western. It was announced at the meeting that the comment period in the subject rulemaking would be reopened in order to receive any additional comments from any interested party.

The Department's goal is to bring this rulemaking process to a timely conclusion. By issuing this **Federal Register** notice, the Department is offering all interested parties a final opportunity to submit additional written comments on the revised proposed General Regulations.

After careful consideration of all comments, including those submitted in response to this notice, Western will promulgate the Final General Regulations. A summary of the July 10 meeting will be made a part of the rulemaking record and will be available in the DOE public reading room.

Issued at Golden, CO, July 21, 1986.

William H. Clagett,

Administrator.

[FR Doc. 86–16763 Filed 7–22–86; 3:15 am]

BILLING CODE 6450–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 654

Preference in Federal Procurement for Labor Surplus Areas Under Executive Orders 12073 and 10582

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Department of Labor (DOL) is proposing to amend its regulations for classifying labor surplus areas to modify the types of areas eligible for classification under the criteria for exceptional circumstances. The proposal would take into account the fact that workers in larger metropolitan areas often reside in one civil jurisdiction but work in another civil jurisdiction in the same metropolitan area.

ADDRESS: Written comments on the proposed rule may be submitted by mailing the comments to the Assistant Secretary of Employment and Training, U.S. Department of Labor, Room 8100—Patrick Henry Building, 601 D Street NW., Washington, DC 20213, Attention: Richard C. Gilliland.

DATE: Written comments on the proposed rule must be received on or before August 25, 1986.

FOR FURTHER INFORMATION CONTACT: Richard C. Gilliland, Director, U.S. Employment Service. Telephone: (202) 376–6750.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in high unemployment areas known as labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor.

The Department of Labor's (DOL's) regulations implementing Executive

Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor for Employment and Training (Assistant Secretary) to classify "civil jurisdictions" (defined below) as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

At present, the regulations classify as labor surplus areas only high unemployment civil jurisdictions. 20 CFR 654.5(b) (1985). "Civil jurisdictions" are:

(1) Cities of 50,000 or more population on the basis of the most recently available Bureau of the Census estimates; or

(2) Towns and townships in the States of New Jersey, New York, Michigan, and Pennsylvania of 50,000 or more population and which possess powers and functions similar to cities; or

(3) All counties, except those counties which contain any of the types of political jurisdictions defined in paragraphs (b) (1) and (2) of this section; or

(4) All other counties are defined as "balance of county" (i.e., total county less component cities and townships identified in paragraphs (b) (1) and (2) of this section); or

(5) County equivalents which are towns in the States of Massachusetts, Rhode Island and Connecticut.

[20 CFR 654.4(b).]

Civil jurisdictions are classified as labor surplus areas when the average unemployment rate for all civilian workers in the civil jurisdiction for the reference period is (1) 120 percent of the national average unemployment rate for civilian workers or higher for the reference period, or (2) 10 percent or higher. 20 CFR 654.5(a). No civil jurisdiction is classified as a labor surplus area if the national civilian unemployment rate is below 6.0 percent. *Id.*

Upon petition by a State employment security agency, a civil jurisdiction, under the regulations as currently in force, may be classified as a labor surplus area without regard to the unemployment rate of all civilian workers for the reference period, whenever it meets or is expected to meet the above unemployment tests as a result of "exceptional circumstances", meaning catastrophic events, such as natural disasters, plant closings, and contract cancellations expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors. 20 CFR 654.5(b).

Unemployment rates, the criteria for classifying labor surplus areas, are estimated on a "place of residence" basis, not a "place of employment" basis. Curretly, since only civil jurisdictions are classified as labor surplus areas, a problem is caused, particularly in large metropolitan areas, when workers reside in one civil jurisdiction, but work, or may seek work, in another civil jurisdiction of the same metropolitan area. Civil jurisdictions where workers reside sometimes will be classified as labor surplus areas, but nearby civil jurisdictions in the same metropolitan area which may be employment centers might not be classifed as labor surplus areas because the employment centers' unemployment rates (based on place of residence) are not high enough to meet the unemployment rate criteria. In these cases, the procurement preference granted to labor surplus areas (civil jurisdictions) may be of little value in alleviating the unemployment problem in the metropolitan area.

For the above reasons, DOL is proposing to amend the labor surplus area regulations to take into account that employment and residency may occur in different, but neighboring, jurisdictions in the same metropolitan area. Other benefits of such an action can include some reduction of a need for relocation (and possible loss) of employment opportunities, and some reduction of a need for labor surplus area residents to relocate to obtain employment.

The criteria for determining "exceptional circumstances" would be amended to provide the Assistant Secretary the necessary discretion to designate an entire Metropolitan Statistical Area or Primary Metropolitan Statistical Area (terms defined by the Office of Management and Budget) as a labor surplus area if the entire area meets or is expected to meet the unemployment cirteria established under the labor surplus are basic criteria at 20 CFR 654.5(a). This would allow the preference in bidding on Federal contracts (called for in E.O. 12073 and E.O. 10582) to all firms located in high unemployment Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas, the largest labor markets in the United States. The Assistant Secretary would continue to have the authority to add civil jurisdictions to the annual labor surplus area list, if they meet the exceptional circumstances criteria at 20 CFR 654.5(b).

Regulatory Impact

The financial and other impact of the proposed rule is less than specified in Executive Order 12291 for designation as a major rule. Therefore, a regulatory impact analysis was not prepared for the proposed rule.

The Department of Labor has certified to the Chief Counsel for Advocacy, Small Business Administration, pursuant to 5 U.S.C. 605(b), that the proposed rule will not have a significant impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis was not prepared for the proposed rule.

Paperwork Reduction Act

The proposed rule does increase information collection requirements. A paperwork package is being submitted for Office of Management and Budget review under the Paperwork Reduction Act to renew the requirement for a petition from State employment security agencies requesting labor surplus area designation under the "exceptional circumstances" provision in 20 CFR 654.5(b). To be consistent with the proposed rule, a second paperwork package is being submitted to extend the information collection requirement to include requests for labor surplus area designations of Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas. If approved, the Office of Management and Budget control number will be published with the final rule.

List of Subjects in 20 CFR Part 654

Employment, Labor.

Proposed Rule

Accordingly, it is proposed that Part 654 of Chapter V of Title 20, Code of Federal Regulations, be amended as follows:

PART 654—SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM

1. The blanket authority citation for Part 654 is proposed to be removed.

Subpart A—Responsibility Under Executive Order 12073 (Amended)

2. Subpart A is proposed to be amended by adding an authority citation

as set forth below and by removing the separate authority citations all the sections in Subpart A.

Authority: 41 U.S.C. 10a *et seq.*; 29 U.S.C. 49 *et seq.*; E.O. 12073; E.O. 10582, as amended by E.O. 11051 and 12148.

3. Section 654.5 is proposed to be amended by revising paragraph (b) to read as follows:

§ 654.5 Classification of labor surplus areas.

* * * * *

(b) *Criteria for exceptional circumstances.* The Assistant Secretary, upon petition submitted by the appropriate State employment security agency, may classify a civil jurisdiction, a Metropolitan Statistical Area, or a Primary Metropolitan Statistical Area as a labor surplus area whenever such an area meets or is expected to meet the unemployment tests established under § 654.5(a) as a result of exceptional circumstances. For purposes of this paragraph "exceptional circumstances" shall mean catastrophic events, such as natural disasters, plant closings, and contract cancellations expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors. For purposes of this paragraph, "Metropolitan Statistical Area" and "Primary Metropolitan Statistical Area" shall mean the areas officially defined and designated as such by the Office of Management and Budget.

Subpart B—Responsibilities Under Executive Order 10582—[Amended]

4. Subpart B is proposed to be amended by adding an authority citation as set forth below and by removing the separate authority citations following all the sections in Subpart B:

Authority: 41 U.S.C. 10a *et seq.*; 29 U.S.C. 49 *et seq.*; E.O. 12073, E.O; 10582, as amended by E.O. 11051 and 12148.

Subpart E—Housing for Agricultural Workers—[Amended]

5. Subpart E is proposed to be amended by revising the authority citation to read as follows:

Authority: 29 U.S.C. 49k; 41 Op. A.G. 406 (1959).

Signed at Washington, DC, this 14th day of July, 1986.

William E. Brock,

Secretary of Labor.

[FR Doc. 86-16631 Filed 7-23-86; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 630

[Docket No. 86N-0027]

Additional Standards for Viral Vaccines; Poliovirus Vaccine Live Oral

Correction

In FR Doc. 86-9980, beginning on page 16620 in the issue of Monday, May 5, 1986, make the following corrections:

1. On page 16621, in the third column, under the heading *"C. Acceptability of Sabin Strains of Attenuated Poliovirus"*, in the sixth from last line of the paragraph, "real" should read "oral".

2. On page 16623, in the first column, in the next to last line, "90 percent" should read "80 percent".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPTS-50556; FRL-3054-3]

Benzenamine, 3-Chloro-2,6-Dinitor-N,N-Dipropyl-4-(Trifluoromethyl)-; Proposed Determination of Significant New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a signification new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance Benzenamine, 3-chloro-2,6-dinitro-*N,N*-dipropyl-4-(trifluoromethyl)- [CASRN: 29091-20-1] which was the subject of premanufacture notice (PMN) P-86-83 and a TSCA section 5(e) consent order issued by EPA. The Agency believes that this substance may be hazardous to human health and that the uses described in this proposed rule may result in significant human exposure. As a result of this rule, certain persons who intend to manufacture, import, or process this substance for a significant new use would be required to notify EPA at least 90 days before commencing that activity. The required notice would provide EPA with the opportunity to evaluate the intended uses and, if necessary, prohibit or limit those activities before they occur.

DATE: Written comments should be submitted by September 22, 1986.

ADDRESS: Since some comments are expected to contain confidential business information, all comments should be sent in triplicate to: Document Control Officer (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. E-209, 401 M St. SW., Washington, DC 20460.

Comments should include the docket control number OPTS-50556. Nonconfidential versions of comments received on this proposal will be available for reviewing and copying from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, in Rm. NE-6004 at the address given above. For further information regarding the submission of comments containing confidential business information, see Unit XI of this preamble.

FOR FURTHER INFORMATION CONTRACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460

Toll Free: (800-424-9065)

In Washington, DC (554-1404)

Outside the USA: (Operator-202-554-1404)

SUPPLEMENTARY INFORMATION:

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance in a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use.

Persons subject to this SNUR must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and (d)(1), the exemptions authorized by section 5(h)(1), (2), (3), and (5), and the regulations at 40 CFR Part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities on which it has received a SNUR notice. If EPA does not take action, section 5(g) of TSCA requires the Agency to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance indentified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR Part 707. Persons who intend to import a substance are subject to the TSCA section 13 import certification reguirements which are codified at 19 CFR 12.118 through 12.127 and 127.28. Person who import a substance identified in a final SNUR must certify that they are in compliance with the SNUR requirements. The EPA policy in support of the import certification requirements appears at 40 CFR Part 707.

II. Applicability of General Provisions

In the Federal Register of September 5, 1984 (49 FR 35011), EPA promulgated general regulatory provisions applicable to SNURs (40 CFR Part 721, Subpart A). The general provisions are discussed there in detail and interested persons should refer to that document for further information. EPA is proposing that these general provisions apply to this SNUR except as discussed in this preamble and as set forth in § 721.175. On April 22, 1986, EPA proposed revisions to the general provisions (51 FR 15104), some of which would apply to this proposed SNUR.

III. Summary of This Proposed Rule

The chemical substance which is the subject of this proposed SNUR is identified as Benzenamine, 3-chloro-2,6-dinitro-*N*,*N*-dipropyl-4-(trifluoromethyl)- [CASRN: 29091-20-1]. It was the subject of PMN P-86-83. EPA is proposing to designate the following as significant new uses of the substance:

1. Use other than as a site-limited intermediate in the synthesis of another organic substance.

2. Any method of disposal associated with use as a site-limited intermediate in the synthesis of another organic substance other than by deep-well injection or incineration, each of which meets all applicable local, State, and Federal laws and regulations.

3. Any manner or method of manufacturing, importing, or processing associated with use as a site-limited intermediate in the synthesis of another organic substance without establishing a program whereby:

a. Any person who may be exposed dermally to the substance must wear:

i. Gloves which have been determined to be impervious to the substance;

ii. Clothing which covers any other exposed areas of the arms, legs, and torso;

iii. Chemical safety goggles or equivalent eye protection.

b. Potentially exposed individuals are informed of the possible hazards and required protective equipment.

IV. Background

On October 22, 1985, EPA received a PMN which the Agency designated as P-86-83. EPA announced receipt of the PMN in the Federal Register of November 8, 1985 (50 FR 46501). The notice submitter intends to manufacture the substance for use as a site-limited intermediate in the synthesis of another organic substance.

The notice submitter claimed the following as confidential business information (CBI): Production volume, use information, and process information. Under section 14(a)(4) of TSCA, the Agency may disclose CBI relevant to any proceeding. "[D]isclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding." EPA is not convinced that this rulemaking will be so impaired by these claims as to justify disclosure of CBI. Therefore, EPA has decided not to disclose any of the CBI at this time. The Agency specifically requests comment on this approach for this SNUR rulemaking. For purposes of clarity, this substance will be referred to by its specific name and PMN number.

Based upon results obtained from bioassays on structurally similar substances, trifluralin and several nitroaromatic compounds, the Agency believes the PMN substance may cause cancer, developmental toxicity, and reproductive effects. During review of the PMN, the Agency concluded that the uncontrolled manufacture, import, processing, distribution in commerce, use, and disposal of the substance may present an unreasonable risk of injury to human health. Therefore, EPA regulated the substance under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health effects.

EPA concluded that the use of appropriate protective equipment will significantly reduce exposure and potential risks to human health. A section 5(e) consent order requiring the use of appropriate controls was negotiated with the notice submitter. The order became effective April 12, 1986. The terms of the SNUR are essentially the same as those of the Consent Order.

By issuing a section 5(e) consent order that allows controlled commercial production of the substance, EPA has taken a regulatory approach which is appreciably less burdensome than an order prohibiting manufacture of the substance until additional data are submitted. At the same time, the section 5(e) consent order protects human health by requiring precautionary controls pending the development of the data needed for a reasoned evaluation of the risks associated with the substance.

Section 5(e) orders apply only to the notice submitter. When the notice submitter commences commercial manufacture of the substance and submits a Notice of Commencement of Manufacture to EPA, the Agency will add the substance to the TSCA Chemical Substance Inventory. When a substance is listed on the Inventory, other persons may manufacture, import, or process the substance without controls. Therefore, EPA is proposing to designate the uses set forth in the proposed § 721.175(a)(2) as significant new uses so that the Agency can review these uses before they occur.

Through a SNUR, the Agency would ensure that all manufacturers, importers, and processors are subject to similar reporting requirements. In addition, a SNUR would afford EPA the opportunity to review exposure and toxicity information on the substance before a significant new use occurs and, if necessary, take action to ensure that persons will not be exposed to levels of the substance that are potentially hazardous.

V. Determination of Proposed Significant New Uses

To determine what would constitute significant new uses of this chemical substance, EPA considered relevant information about the toxicity of the substance, likely exposures associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA. Based on these considerations, EPA proposes to designate the significant new uses of P-86-83, as set forth in the proposed § 721.175(a)(2).

EPA has already determined in the section 5(e) order that unrestricted manufacture, import, processing, distribution in commerce, use, and disposal of the substance may present an unreasonable risk of injury to human health. While such a finding is not necessary to promulgate an SNUR, it strongly supports a determination that the uses of the substance designated in this rule would be significant new uses of the substance.

VI. Recordkeeping

To ensure compliance with this proposed rule and to assist enforcement

efforts, EPA is proposing, under its authority in sections 5 and 8(a) of TSCA, that in addition to meeting the requirements in § 721.17 the following records be maintained for 5 years after the date of their creation by persons who manufacture, import, or process P–86–83:

1. Any determination that gloves are impervious to the substance.

2. Names of persons who have attended safety meetings in accordance with paragraph (a)(2)(iii)(B) of this proposed rule, the dates of such meetings, and copies of any written information provided in accordance with paragraph (a)(2)(iii)(B).

3. Any names used for the substance and the accompanying dates of use.

4. Information on disposal of the substance, including dates waste material is disposed of, location of disposal sites, volume of disposed solid material, estimated volume of any disposed liquid wastes containing the substances, and method of disposal.

These recordkeeping requirements would apply to all manufacturers, importers, and processors, including small manufacturers, importers, and processors, because the small business exemption of section 8(a) of TSCA is not applicable when the chemical substance which is the subject of the rule also is the subject of a section 5(e) order.

The Agency considered omitting these specific recordkeeping requirements, but believes compliance monitoring for this proposed SNUR would be made more difficult without them. The basis for the Agency's recordkeeping requirements has been set forth in the preambles to previously proposed SNURs. Persons interested in a complete discussion of this issue should read the proposed SNUR for P–83–370 published in the Federal Register of January 13, 1984 (49 FR 1753).

VII. Exemptions to Reporting Requirements

EPA has codified, in § 721.19, general exemption provisions covering SNUR reporting. On a case-by-case basis the Agency may modify these provisions. However, in this case, the Agency is proposing that § 721.19 apply in its entirety.

On April 22, 1986, EPA issued amendments to 40 CFR Part 720, the premanufacture notification rule (51 FR 15906) including revisions of §§ 720.36 and 720.78(b) which contain detailed rules for the section 5(h)(3) exemption for chemical substances manufactured or imported in small quantities solely for research and development. Because §§ 720.36 and 720.78(b) were not in effect when EPA codified § 721.19, the Agency has relied on the general definition of "small quantities solely for research and development" in § 720.3(cc) and section 5(h)(3) of TSCA to determine whether activities qualify under this exemption. On April 22, 1986, EPA proposed amendments to 40 CFR Part 721 which would redesignate § 721.19 as § 721.18 and which would contain a new § 721.19 establishing detailed rules for the section 5(h)(3) exemption for SNURs and which would ultimately apply to this SNUR. The proposed new § 721.19 is similar to the revised §§ 720.36 and 720.78(b). Until the SNUR amendments are promulgated, manufacturers, importers, and processors of chemical substances identified in SNURs may look to §§ 720.36 and 720.78(b) and the proposed new § 721.19 for guidance in complying with the section 5(h)(3) exemption.

Section 721.19(g) of the general SNUR provisions exempts persons from SNUR reporting when they manufacture (the term manufacture includes import) or process the substance solely for export and label the substance in accordance with section 12(a)(1)(B) of TSCA. While EPA is concerned about worker exposure and/or environmental release during manufacture and processing of the substance, section 12(a) of TSCA prohibits EPA from requiring reporting of such manufacture or processing for a significant new use. However, such persons would be required to notify EPA of such export under section 12(b) of TSCA (see § 721.7 of the general SNUR provisions). Such notification will allow EPA to monitor manufacture and processing activities which are not subject to significant new use reporting.

The term "manufacture solely for export" is defined in § 720.3(s) of the PMN rule; and amendment clarifying this defintion was issued on April 22, 1986 (51 FR 15906). The term "process solely for export" is defined in § 721.3 of the general SNUR provisions in a similar fashion. Thus, persons would be exempt from reporting under this SNUR if they manufacture or process the substance solely for export from the U.S. under the following restrictions: (1) There is no use of the substance in the U.S. except in small quantities solely for research and development; (2) processing is restricted to sites under the control of the manufacturer or processor, respectively; and (3) distribution in commerce is limited to purposes of export. If a person manufactured or processed the substance both for export and for use in the U.S., the manufacturing or processing activity would not be "solely for export" because the manufacture and processing would be for use in the U.S.

VIII. Applicability of proposal to Uses Occurring Before Promulgation of Final Rule

To establish a significant new use, the Agency must determine that the use is not ongoing. In this case, the chemical substance in question has just undergone premanufacture review. When the notice submitter begins manufacture of the substance the submitter will send EPA a Notice of Commencement of Manufacture and the substance will be added to the Inventory. The notice submitter is prohibited by the section 5(e) order from undertaking the activities which the Agency is proposing the designated as significant new uses. Therefore, at this time, the Agency has concluded that these uses are not ongoing. However, EPA recognizes that when the chemical substance identified in this SNUR is added to the Inventory, it may be manufactured, imported, or processed by other persons for a significant new use as defined in this proposal before promulgation of the rule.

EPA believes that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the proposal date of the SNUR rather than as of the promulgation of the final rule. If uses begun during the proposal period of a SNUR were considered ongoing, any person could defeat the SNUR by initiating a proposed significant new use before the rule became final. This would make it extremely difficult for the Agency to establish SNUR notice requirements.

Thus, persons who begin commercial manufacture, import, or processing of P–86–83 for a significant new use between proposal and promulgation of this rule would have to cease that activity before the effective date of this rule. In order to resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expired.

EPA recognizes that this interpretation of TSCA may disrupt commercial activities of persons who begin manufacture, import, or processing of the substance for a significant new use during the proposal period. However, this proposal constitutes notice of that potential disruption; and, persons who commence a proposed significant new use do so at their own risk.

The Agency, not wishing to unnecessarily disrupt the commercial activities of persons who manufacture,

import, or process for a proposed significant new use prior to promulgation of a final SNUR, has proposed a new § 721.18(h) in Subpart A of 40 CFR Part 721 to allow for advance SNUR compliance (i.e., compliance prior to the date of promulgation).

IX. Test Data and Other Information

EPA recognizes that, under TSCA section 5, persons are not required to develop any particular test data before submitting a significant new use notice. Rather, persons are only required to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them. However, in view of the potential health risks that may be posed by a significant new use of this substance, EPA encourages potential SNUR notice submitters to conduct tests that would permit a reasoned evaluation of the potential risks posed by this substance when utilized for an intended use. The Agency believes that the results of studies for teratogenicity, reproduction and fertility, and carcinogenicity would adequately characterize possible developmental toxicity, reproductive effects, and carcinogenicity of the substance. These studies may not be the only means of addressing the potential risks. SNUR notices submitted for significant new use without such test data may increase the likelihood that EPA will take action under section 5(e).

EPA encourages persons to consult with the Agency before selecting a protocol for testing the substance. As part of this prenotice consultation, EPA will discuss the test data it believes necessary to evaluate a significant new use of the substance. Test data should be developed according to TSCA good laboratory practices standards at 40 CFR Part 792. Failure to do so may lead the Agency to find such data to be insufficient to reasonably evalaute the health effects of the substance.

EPA urges SNUR notice submitters to provide detailed information on human exposure that will result from the significant new uses. In addition, EPA encourages persons to submit information on potential benefits of the substance and information on risks posed by the substance compared to risks posed by substitutes.

X. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacture, import, or processing of this chemical substance. The Agency's complete economic analysis is available in the public file. This economic analysis is summarized below.

The only direct costs that will defintely occur as a result of the promulgation of this SNUR will be EPA's costs of issuing and enforcing the SNUR. It is estimated that the Agency costs of issuing a SNUR are $10,500 to $17,600. While enforcement costs may also be incurred, the Agency cannot quantify them at this time.

Subsequent to promulgating the SNUR, the Agency believes that there would be three possible outcomes for companies that would manufacture, import, process, distribute in commerce, or dispose of the substance. The companies could: (1) Manufacture, import, process, distribute in commerce, use, or dispose of the substance within the limits of this SNUR; (2) manufacture, import, process, distribute in commerce, or dispose of the substance under circumstances requiring the submission of a SNUR notice; or, (3) not manufacture, import, process, distribute in commerce, use, or dispose of the substance. The costs of these outcomes are summarized below.

If a company decides to manufacture, import, process, distribute in commerce, use, or dispose of P–86–83 within the limits of the SNUR, it will not incur the cost of submitting a SNUR notice. The only cost to the company would be the cost of specific protective equipment, recordkeeping, and imperviousness determinations. Protective equipment and recordkeeping costs, due to their recurring nature, are calculated as present value cost over an estimated 10-year life of the substance.

The PMN submitter claimed the actual exposure data as CBI. For analytical purposes, EPA has assumed that 10 workers will be exposed to P–86–83 for 8 hours a day, 250 days per year. Each worker will be required to to wear gloves (which are determined to be impervious to the chemical substance), other protective clothing, and chemical safety goggles. Assuming a 10 percent discount rate and a 10-year economic life for the substance, the present value of outfitting each worker is estimated to cost $830 per worker; for 10 workers, the cost would be $8,300. On an annualized basis, these costs may exceed $135 and $1,350 for 1 worker and 10 workers, respectively. Permeation tests to determine if the gloves are impervious to the substance have been estimated to cost $500 per substance per test per substrate (annualized cost of $75). These tests may cost up to $7,000 to $10,000 if different substrates (i.e., different compositions of gloves) are tested (annualized cost of $1,480). To the extent a company is able to extrapolate from previous tests, draw from knowledge of similar types of chemicals, or rely on the gloves manufacturer's specification as the basis for determining imperviousness, these costs may be less.

A company would also be required to inform the workers of the hazards associated with the chemical substance as part of a training program in safety meetings. In addition, the company would be required to maintain certain records. The present value of the cost of complying with the recordkeeping requirements over a 10-year period is estimated to be $1,520 (the annualized cost is $225).

If the company decides to commence a significant new use, it will incur the cost of filing a SNUR notice ($1,400 to $8,000). The submitter may also experience up to a 3.2 percent reduction in profits due to delays in manufacturing, importing, or processing, and the cost of regulatory follow-up, if any.

If the company elects to test carcinogenicity, developmental toxicity, and reproductive effects, the estimated cost would be $1,038,000, plus the cost of delay (probably a delay in profits of 2.5 to 3.0 years), and the cost of any regulatory follow-up.

EPA costs following promulgation of the SNUR would include the cost of reviewing SNUR notices, estimated at $7,100 per notice, and the costs of modifying the terms of the SNUR if the information provided indicates that EPA's concerns would be adequately addressed by use of a different type of exposure control. This cost is estimated at $8,700.

Some companies could find the cost of controlling exposure and potential testing costs too expensive to justify production, processing, and/or use. Therefore, there would be no direct costs as a result of the SNUR. The companies and society could lose benefits associated with the manufacture, processing, and use of the substance. However, the fact that the original PMN submitter intends to manufacture the substance under the conditions of the section 5(e) consent order indicates that the intended uses of the substance will still return an acceptable profit under terms of the SNUR.

The Agency has not quantified the benefits of the proposed SNUR. In general, however, benefits will accure if the proposed action leads to the identification and control of unreasonable risks before significant health effects occur. The proposal and promulgation of the SNUR provide

benefits to society by minimizing or eliminating potential health and environmental effects for this chemical substance.

XI. Confidential Business Information

Any person who submits comments which the person claims as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR Part 2. EPA requests that any party submitting confidential comments prepare and submit a sanitized version of the comments which EPA can place in the public file.

XII. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50556). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following:

1. The PMN for the substance.
2. The **Federal Register** notice of receipt of the PMN.
3. The section 5(e) consent order.
4. The economic analysis of the proposed rule.
5. The toxicology support document.
6. The engineering support document.

The Agency will accept additional materials for inclusion in the record at any time between this proposal and designation of the complete record.

EPA will identify the complete rulemaking record by the date of promulgation. A public version of this record containing sanitized copies from which CBI has been deleted is available to the public in the OTS Public Information Office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The OTS Public Information Office is located in Rm. E–107, 401 M St. SW., Washington, DC.

XIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore, requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "major rule" because it will not have an effect on the economy of $100 million or more and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this proposed rule, for the reasons discussed in Unit X of this preamble, EPA believes that the cost will be low. EPA believes that, because of the nature of the rule and the substance involved, there will be few significant new use notices submitted. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation that has high potential value.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA has determined that this proposed rule would not have a significant impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this proposed rule are likely to be small businesses. However, EPA expects to receive few SNUR notices for the substance. Therefore, the Agency believes that the number of small businesses affected by this rule would not be substantial even if all the SNUR notice submitters were small firms.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2070–0012 to this proposed rule. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked Attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Recordkeeping and reporting requirements, Significant new uses.

Dated: July 11, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 721—[AMENDED]

Therefore, it is proposed that 40 CFR Part 721 be amended as follows:

1. The authority citation for Part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. By adding a new § 721.175 to read as follows:

§ 721.175 Benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The following chemical substance, referred to by its chemical name and CAS number, is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section: Benzenamine, 3-chloro-2,6-dinitro-*N,N*-dipropyl-4-(trifluoromethyl)- [CASRN: 29091–20–1].

(2) The significant new uses are:

(i) Use other than as a site-limited intermediate in the synthesis of another organic substance.

(ii) Any method of disposal associated with use as a site-limited intermediate in the synthesis of another organic substance other than by deep-well injection or incineration, each of which meets all applicable local, State, and Federal laws and regulations.

(iii) Any manner or method of manufacturing, importing, or processing associated with use as a site-limited intermediate in the synthesis of another organic substance without establishing a program whereby:

(A) Any person who may be exposed dermally to the substance must wear:

(*1*) Gloves which have been determined to be impervious to the substance under the conditions of exposure, including the duration of exposure. This determination is made either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of specifications includes consideration of permeability, penetration, and potential chemical and mechanical degradation by the substance and associated chemical substances.

(*2*) Clothing which covers any other exposed areas of the arms, legs, and torso;

(*3*) Chemical safety goggles or equivalent eye protection.

(B) All persons who may be exposed to the substance are informed, in writing, and by presenting the information as part of a training program in safety meetings at which attendance is recorded, by means of the following statement:

Warning: Avoid all contact. Contact with skin may be harmful. Chemicals similar in structure to [insert appropriate name] have been found to cause developmental toxicity, reproductive effects and cancer in laboratory animals. To protect yourself, you must wear

chemical safety goggles or equivalent eye protection, impervious gloves, and protective clothing while handling this material.

(b) *Specific Requirements.* The provisions of Subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* In addition to the requirements of § 721.17, manufacturers, importers, and processors of the chemical substance identified in paragraph (a)(1) of this section must maintain the following records for 5 years from their creation:

(i) Any determination that gloves are impervious to the substance.

(ii) Names of persons who have attended safety meetings in accordance with paragraphs (a)(2)(iii)(B) of this section, the dates of such meetings, and copies of any written information provided in accordance with paragraph (a)(2)(iii)(B) of this section.

(iii) Any names used for the substance and the accompanying dates of use.

(iv) Information on disposal of the substance, including dates waste material is disposed of, location of disposal sites, volume of disposed solid material, estimated volume of any disposed liquid wastes containing the substance and method of disposal.

(2) [Reserved]

[Approved by the Office of Management and Budget under control number 2070–0012)

[FR Doc. 86–16648 Filed 7–23–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 86–309; FCC 86–319]

Common Carrier Service; Developing Facilities Authorization Policies and Guidelines for Telecommunications Service off the Island of Puerto Rico

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Commission proposes policies and guidelines to ensure the establishment of fair competition among carriers providing telecommunications service between Puerto Rico and off-island points. These proposals are made in response to several applications filed requesting to provide direct service between Puerto Rico and off-island points. The Commission also solicits comment concerning the effects on telecommunications service to the public of authorizing two Standard A international earth stations on the island.

DATES: Comments must be filed on or before August 25, 1986, and reply comments on or before September 15, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Daniel A. Spiro, International Facilities Division, Common Carrier Bureau, (202) 632–7265.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's NPRM, CC Docket 86–309, adopted July 9, 1986, and released July 8, 1986.

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

Summary of Notice of Proposed Rulemaking

This NPRM initiates a rulemaking proceeding to develop policies and guidelines concerning applications for facilities to provide common carrier telecommunications service between the island of Puerto Rico and off-island points. The proceeding is instituted by the FCC in light of the filing of several such applications pending with the Commission. The Puerto Rico Telephone Company (PRTC) has filed an application to provide direct service between Puerto Rico and the U.S. mainland/ U.S. Virgin Islands. Application to provide direct service between Puerto Rico and Canada have been filed, respectively, by PRTC and, jointly, by two affiliates of ITT World Communications, Inc.—All America Cables and Radio (AACR) and ITT Communications, Inc.—Virgin Islands (collectively referred to as "the ITT Companies"). Both PRTC and AACR have filed applications to construct, operate and establish channels through international, Standard A communications satellite earth stations on the island.

Currently, all intra-island telecommunications traffic is provided by two carriers wholly owned by the Puerto Rican government, the larger of which is PRTC. PRTC also owns and operates Puerto Rico's only off-island toll switch. Virtually all telecommunications traffic to and from the island is carried on the facilities of AACR. For most off-island traffic streams, the facilities of AACR provide the circuits between Puerto Rico and the U.S. mainland where they interconnect with the switching facilities of the American Telephone and Telegraph Company.

In this NPRM, the Commission examines the applications and other pleadings that have been submitted, requests futher information from the parties, raises options in disposing of particular applications and reaches certain tentative conclusions. Specifically, the Commission tentatively concludes that the authorization of direct rather than indirect off-island service would improve the efficiency and reliability of offerings to the public and that the ITT Companies should be authorized to provide direct off-island service via existing facilities. The Commission also tentatively concludes that the public would benefit from the operation of at least one international Standard A earth station on the island. The Commission further tentatively concludes that competition in the provision of off-island international service is feasible for various markets and would benefit the public if instituted fairly. Moreover, the FCC tentatively concludes that PRTC should not be authorized to provide off-island service until it has demonstrated that all authorized off-island carriers are ensured equal access to users or, in the alternative, AACR, as the traditional off-island carrier, is provided premium access. The Commission further notes that other carriers must be allowed to interconnect their off-island switches to PRTC's off-island toll switch. The FCC additionally tentatively concludes that the opportunity for PRTC to cross-subsidize its off-island activities can most appropriately be minimized by requiring the use of cost allocation mechanisms rather than structural separation between PRTC's intra-island and off-island operations. Finally, the Commission proposes that PRTC be required to disclose publicly certain forms of network information.

Ordering Clauses

Accordingly, pursuant to sections 4(i), 4(j), 201, 202, 214, 308–310, 319 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 214, 308–310, 319 and 403 (1976), it is ordered that a rulemaking looking toward the development of policies we shall apply in acting on applications by common carriers for facilities to provide telecommunications service off of the island of Puerto Rico is hereby instituted.

It is further ordered that the Application filed by the Puerto Rico Telephone Company (File Nos. I–P–D–8 and I–P–C–48) to provide message telephone service and Wide Area Telephone Service between Puerto Rico and points in or reached via the U.S. mainland and between Puerto Rico and the U.S. Virgin Islands is hereby dismissed consistent with our decision herein.

William J. Tricarico,

Secretary.

[FR Doc. 86–16663 Filed 7–23–86; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–308, RM–5233]

Television Broadcasting Service: Nogales, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Mountain States Broadcasting and the City of Nogales, proposing the assignment of UHF television Channel 66 to Nogales, Arizona, as that community's first commercial television service.

DATES: Comments must be filed on or before September 8, 1986, and reply comments on or before September 23, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners' counsel, as follows: Jonathan D. Blake, Esq. Covington and Burling, 1201 Penn. Ave., NW, P.O. Box 7566, Wash., DC 20044, and Joseph McKinney, Esq., Nogales City Hall, 1018 Grand Ave., Nogales, AZ 85621.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, or Stanley Schmulewitz, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–308, adopted June 20, 1986, and released July 17, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 86–16666 Filed 7–23–86; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–306, RM–5122]

Radio Broadcasting Services; Metropolis, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by WMOK, Inc. proposing to allot Channel 286A to Metropolis, Illinois, as its second FM service.

DATES: Comments must be filed on or before September 8, 1986, and reply comments on or before September 23, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: WMOK, Inc., Route 3, Box 720, Fairground Road, Metropolis, Illinois 62960 (petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–306, adopted July 3, 1986, and released July 17, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 86–16668 Filed 7–23–86; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1150

[Ex Parte No. 392 (Sub-No. 2)]

Class Exemption for the Construction of Connecting Tracks

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and proposed class exemption.

SUMMARY: The Commission is requesting comment on whether 49 CFR Part 1150, Subpart D—*Exempt Transactions,* should be expanded to include a class exemption for the construction of connecting tracks under 49 U.S.C. 10901, except for construction projects that would result in a major market extension as defined in 49 CFR 1180.3(c). It appears that the filing of individual petitions for exemption has become unnecessary. Based on our analysis of the individual exemptions we have processed, it appears that regulation of this class of transactions is not necessary to carry out the rail transportation policy or to protect shippers from abuse of market power, and that the matters involved are of limited scope. Thus, all exemption criteria seem to be satisfied. However, we will analyze all arguments presented in the comments that relate to the

criteria of section 10505 before issuing a final decision. If the proposed exemption is adopted, 49 CFR Part 1150, Subpart D, *Exempt Transactions*, would be amended to include constructing connecting tracks as set forth in Appendix A. Applicants would be required to comply with all existing notice requirements of the class exemption.

DATE: Comments must be submitted by August 25, 1986.

ADDRESSES: Send an original and, if possible, 10 copies of any comments referring to Ex Parte No. 392 (Sub-No. 2) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Regulatory Flexibility Impact. The Commission certifies that the proposed rule for construction of connecting tracks will not, if promulgated, have a significant economic impact on a substantial number of small entities, because this proposal merely establishes a class exemption for certain transactions that frequently are exempted under 49 U.S.C. 10505. Establishment of this class exemption may have a positive impact upon small carriers by reducing regulatory barriers to construction of connecting tracks.

This action will not significantly affect either the quality of the human environment or energy conservation.

List of Subjects in 49 CFR Part 1150

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

Decided: July 8, 1986.

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

Noreta R. McGee,

Secretary.

Appendix

PART 1150—[AMENDED]

Title 49 Subtitle B, Chapter X, Part 1150 of the Code of Federal Regulations is proposed to be amended to read as follows: 1. The authority citation for 49 CFR Part 1150 would continue to read as follows:

Authority: 49 U.S.C. 10321, 10901, and 10505; and 5 U.S.C. 553.

2. Section 1150.31 would be amended by revising the first sentence of the introductory text of paragraph (a) and by adding a new final sentence to the end of the paragraph (a) as follows:

§ 1150.31 Scope of exemption.

(a) Except as indicated below, this exemption applies to all acquisitions and operations under section 10901 and to construction of connecting tracks (See § 1150.1). * * * This exemption does not apply to construction of connecting tracks that would result in a major market extension.

* * * * *

3. Paragraph (e) of § 1150.33 would be revised as follows:

§ 1150.33 Information to be contained in notice.

* * * * *

(e) A brief summary of the proposed transaction or construction, including:

(1) The name and address of the railroad transferring the subject property, or constructing the connecting tracks,

(2) The proposed time schedule for consummation of the transaction or for the construction,

(3) The mile-posts of the subject property, including any branch lines, and

(4) The total route miles being acquired or constucted;

* * * * *

4. The "Key to Symbols" numbers (1) through (3) in the Caption Summary example in § 1150.34 would be revised as follows:

§ 1150.34 Caption Summary.

* * * * *

Key to symbols:

(1) Name of entity acquiring or operating the line, or both, or constructing the connecting tracks.

(2) The type of transaction, e.g., to acquire, operate, or both, or to construct connecting tracks.

(3) In cases involving acquisition and/or operation, insert the transferor; in cases involving construction, insert "in _____ County, _____" (fill in relevant County and State) and replace "3's" with "a" just before "line between (4)."

* * * * *

[FR Doc. 86–16761 Filed 7–23–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Determination of Experimental Population Status for an Introduced Population of Red Wolves in North Carolina

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to introduce mated pairs of red wolves (*Canis rufus*), as an endangered species, into the Alligator River National Wildlife Refuge (Refuge), Dare and Tyrrell Counties, North Carolina, and to determine this population to be nonessential experimental population according to section 10(j) of the Endangered Species Act of 1973 (ESA), as amended. The red wolf is now extirpated from its entire historic range in the southeastern United States; this action is being taken in an effort to reestablish a wild population. The experimental population status is being proposed because section 10(j) authorizes more discretion in devising an active management program for an experimental population than for a regularly listed species, a critical factor in insuring that other agencies and the public will accept the proposed reintroduction. An experimental population is treated as a threatened species for purposes of sections 4(d) and 9 of the Act, which prohibits certain activities involving listed species. Accordingly, a special rule for specifying circumstances under which taking of introduced red wolves will be allowed is being proposed in conjunction with the nonessential, experimental population proposal. Management actions that would involve take include recapture of wolves to replace transmitter or capture collars, provide routine veterinary care, return animals to the refuge which have strayed outside its boundaries, or to return to captivity animals that are a threat to human safety or property, or which are severely injured or diseased. The nonessential designation is being proposed because the species is fully protected in captivity in six different locations, and all animals released into the wild can be quickly replaced through captive breeding. When not on National Wildlife Refuge or National Park lands, a nonessential experimental population is treated as a proposed species, rather than a listed species, for purposes of the

review of other Federal agency actions, under section 7 of the ESA (except for section 7(a)(1), which applies to all experimental populations). No conflicts are envisioned between the red wolf reintroduced and any existing or anticipated Federal agency actions or traditional public uses of the refuge or surrounding lands.

DATES: Comments from all interested parties including the State of North Carolina and the public must be received by September 8, 1986.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Field Supervisor, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259–0321 or FTS 672–0321). Comments and materials relating to this proposed rule are available for public inspection by appointment during normal business hours at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Warren T. Parker, Asheville Endangered Species Field Supervisor (see **ADDRESSES** section above), or Mr. Marshall P. Jones, Chief, Endangered Species Division, U.S. Fish and Wildlife Service, 75 Spring Street SW., Atlanta, Georgia 30303 (404/331–3580 or FTS 242–3580).

SUPPLEMENTARY INFORMATION:

Background

Among the significant changes made by the Endangered Species Act Amendments of 1982, Pub. L. No. 97–304, was the creation of a new section 10(j) which provides for the designation of specific introduced populations of listed species as "experimental populations." Under previous authorities in the Act, the Service was permitted to reintroduce populations into unoccupied portions of a listed species' historic range when it would foster the conservation and recovery of the species. Local opposition to reintroduction efforts, however, stemming from concerns about the restrictions and prohibitions on private and Federal activities contained in sections 7 and 9 of the Act, severely handicapped the effectiveness of this as a management tool. Under section 10(j), past and future reintroduced populations established outside the current range, but within the species' historic range, may now be designated, at the discretion of the Service, as "experimental." Such designations will increase the Service's flexibility to manage these reintroduced populations, because such experimental populations may be treated as threatened species. The Service has much more discretion in devising management programs for threatened species than for endangered species, especially on matters regarding incidental or regulated takings. Moreover, experimental populations found to be "nonessential" to the continued existence of the species in question are to be treated as if they were only proposed for listing for purposes of section 7 of the ESA, except as noted below. A "nonessential" experimental population is not subject to the formal consultation requirement of section 7(a)(2) of the Act," but if the experimental population is found on a National Wildlife Refuge or National Park, the full protection of section 7 applies to such animals. (The provision in section 7(a)(1) applies to all experimental populations.) The individual organisms comprising the designated experimental population can be removed from an existing source or donor population only after it has been determined that their removal itself is not likely to jeopardize the continued existence of the species, and must be done under a permit issued in accordance with the requirements in 50 CFR 17.22.

The species included in this proposalis the red wolf (*Canis rufus*), an endangered species which is currently extirpated from the wild. The red wolf was originally native to the southeastern United States from the Atlantic Coast westward to central Texas and Oklahoma, and from the Gulf of Mexico to central Missouri and southern Illinois. The historic relationship of the red wolf to other wild canids is poorly understood, but it is thought that the red wolf coexisted with the coyote (*Canis latrans*) along its western range generally along the line where deciduous cover gave way to open prairie in Texas and Oklahoma. The gray wolf (*Canis lupus*) is believed to have frequented the range north of the red wolf, but probably did range along the higher elevations of the Appalachian Mountains as far south as Georgia and Alabama. Historical evidence seems to characterize the red wolf as common in the vast pristine bottomland riverine habitats of the southeast, and especially numerous in and adjacent to the extensive "canebrakes" that occurred in these habitats. The canebrakes harbored large populations of swamp and marsh rabbits, considered likely to be the primary prey species of the red wolf under natural conditions. The demise of the red wolf was directly related to man's activities, especially land changes, such as the drainage of vast wetland areas for agricultural purposes; the construction of dam projects that inundated prime habitat; and predator control efforts at the private, State, and Federal levels. At that time the natural history of the red wolf was poorly understood, and like most other large predators, it was considered a nuisance species. Today, the red wolf's role as a potentially important part of a natural ecosystem, if it can be successfully reintroduced, is better appreciated. Furthermore, it is now clear that traditional controls would not be needed in any case; the red wolf would pose no threat to livestock in situations where its natural prey, especially such small mammal species as rabbits and opossums, are abundant. Service studies have documented that there is an abundant prey base at the Alligator River National Wildlife Refuge. This was one of the criteria used to select it as a reintroduction site.

Man-caused pressures eventually forced the red wolf into the lower Mississippi River drainage and lastly into southeast Texas and southwest Louisiana. This was where the only surviving population remained in the mid-1970s when the Service decided to trap the animals and place them in a captive breeding program. This decision was based on the obviously low number of animals left in the wild, poor physical condition of these animals due to internal and external parasites and disease, and the threat posed by an expanding coyote population and consequent inbreeding problems. A Red Wolf Captive Breeding Program was established by contract with the Point Defiance Zoological Garden of the Metropolitan Park Board of Tacoma, Washington. Soon thereafter 40 wild-caught adult red wolves were provided to the breeding program, and the first litter of pups was born in May 1977. Since then, the wolves have continued to prosper at this and six other captive facilities throughout the United States. Without this extreme action it is obvious that the species would now be completely extinct. Throughout this time, however, the goal of the Service's red wolf recovery program has continued to be the eventual release of at least some of the captive animals into the wild to establish a new, self-sustaining population.

To demonstrate the feasibility of such reintroductions of red wolves, the Service conducted carefully planned one-year experiments in 1976 and 1978. These experiments involved the release of mated pairs of red wolves onto Bulls Island, a 4,000-acre component of the Cape Romain National Wildlife Refuge near Charleston, South Carolina. The results of these planned releases indicated that it is feasible to reestablish adult wild-caught red wolves

in selected habitats in the wild. The experiments were eventually terminated, and the wolves recaptured and returned to captivity all in good health. Bull's Island was not large enough to support a self-sustaining population of wolves, and it was never intended to be a permanent reintroduction site. Observations and conclusions derived from these experiments, plus knowledge gained with wild-caught but captive-reared pups in Texas, also indicate the potential success of establishing captive reared populations in the wild.

Based on limited historical knowledge of this species, it is believed that the red wolf would thrive in dense cover typified by large acreages of bottomland vegetation now typically found in remnant sites throughout the Piedmont and Coastal Plain regions of the southeastern States. Such sites would provide the small mammal prey base and the denning and escape cover required by the species. Ideally such areas would also be isolated, have a low human encroachment potential, and by secured in either State or Federal ownership.

A great deal of investigative effort by the Fish and Wildlife Service since 1980 has been directed at locating suitable release sites throughout the historic range of the red wolf. Apparently ideal habitat for this species exists within the Alligator River National Wildlife Refuge in Dare and Tyrrell Counties, North Carolina. This refuge comprises nearly 120,000 acres of the finest wetland ecosystems found in the Mid-Atlantic region. Principal natural communities in the Refuge include broad expanses of palustrine (non-riverine) swamp forests, pocosins, and freshwater and salt marshes. Adjacent to the refuge is a 47,000-acre U.S. Air Force bombing range with similar habitats. The very limited live ordnance expended by the Air Force and Navy on this range is restricted to two extremely small, well defined, and cleared target areas (approximately 10 acres each). The establishment of an experimental population of red wolves in this refuge will greatly enhance the recovery potential of this species, by demonstrating the feasibility of a large predator reintroduction. The approved Red Wolf Recovery Plan calls for the establishment of three self-sustaining populations before the species can be considered for possible downlisting from its endangered status. By demonstrating that reintroductions of red wolves into suitable habitats is feasible, it is hoped that other Federal land management agencies in the Southeast will be interested in further reintroduction efforts.

Presently, the Fish and Wildlife Service's Red Wolf Captive Breeding Program in Washington State has 33 animals. One small captive breeding program near St. Louis, Missouri, has 10 wolves, and 20 other animals are in five public and private zoos in the United States. The Fish and Wildlife Service has full responsibility for all of the red wolves in captivity, and from this captive group will come those animals selected for a reintroduction. A reintroduction project at the Refuge would require the removal of 8 to 12 animals from the captive program over a period of 12 months. Animals selected for reintroduction to the wild would be flown to Norfolk, Virginia, in the fall and transported by truck to the Refuge. Each pair would be placed in a 2,500-square foot acclimation pen for a period of six months. Acclimation pens would be isolated and provided maximum protection. During their acclimation each animal would be fitted with a radio collar and a capture collar to allow the animals time to adjust to the collars and also to insure the quick retrieval of any animals if this proves necessary.

During the early spring months of 1987, three pairs of mated, acclimated red wolves would be released on a two-week staggered schedule. They would be closely monitored via telemetry tracking for the first four to six weeks, then the frequency of monitoring would be gradually reduced after each pair has established a home range on the Refuge. If these initial releases are judged successful, two more mated pairs will be released on the Refuge the following spring (1988) after going through the acclimation process. It is anticipated that the Refuge and adjacent U.S. Air Force lands could eventually sustain a red wolf population of about 25 to 35 animals.

Status of Reintroduced Populations

This reintroduced population of red wolves is proposed to be designated as a nonessential experimental population according to the provisions of section 10(j) of the Act. The experimental population status would mean the reintroduced population would be treated as a threatened species, rather than an endangered species, for the purposes of sections 4(d) and 9 of the Act, which regulate taking, and other actions. This enables the Service to propose a special rule which can be less restrictive than the mandatory prohibitions covering endangered species, if there is a management need for more flexibility and the resulting protections are necessary and advisable for the conservation of the red wolf. The proposed special rule provides that there would be no violation of the Act for taking by the public incidental to otherwise lawful hunting, trapping, or other recreational activities or defense of human life, provided such takings are immediately reported to the Refuge Manager. Service and State employees and agents would be additionally authorized to take animals which need special care or which are posing a threat to livestock or property. These flexible rules are considered a key to public acceptance of the reintroduced population. The State of North Carolina has regulatory authority to protect and conserve listed species and we are satisfied that the State's regulatory system for recreational activities is sufficient to provide for conservation of the red wolf. No additional federal regulations are needed.

The nonessential status is appropriate for the following reasons: Although extirpated from the wild, the red wolf nevertheless is secured in seven widely separate captive breeding programs and zoos in the United States. The existing captive population totals 63 animals, with approximately half this number in the U.S. Fish and Wildlife Service's captive breeding program in the State of Washington, and the other half scattered in six facilities in Louisiana, Texas, Missouri, Florida, and New York. Given the health checks and careful monitoring that these animals receive, it is highly unlikely that disease or other natural phenomenon would threaten the survival of the species. Futhermore, the species breeds readily in captivity; only five members of the existing captive population were wild caught, with all the others born since 1977 to captive pairs. Therefore, the taking of 8 to 12 animals from this captive assemblage would pose no threat to the survival of the species even if all of these animals, once placed in the wild, were to succumb to natural or man-caused factors.

The management advantage from the nonessential status comes from the fact that it would change the application of section 7 of the Act (interagency consultation) to the reintroduced population. Off of the refuge (*i.e.*, on the Dare County Bombing Range or on private lands), the nonessential experimental population would be treated as if it were a species proposed for listing, rather than a listen species. This means that only two provisions of section 7 would apply on these non-Service lands: section 7(a)(1), which authorizes all Federal agencies to establish conservation programs; and

section 7(a)(4), which requires Federal agencies to confer informally with the Service on actions that are likely to jeopardize the continued existence of the species. The results of a conference are only advisory in nature; agencies are not required to refrain from commitment of resources to projects as a result of a conference. There are in reality no conflicts envisioned with any current or anticipated management actions of the Air Force or other Federal agencies in the area. The presence of the bombing range is in fact a benefit, since if forms a secure buffer zone between the refuge and private lands; the target areas that are actually fired into, as previous discussed, would be easily avoided by the wolves. Thus there would be no threats to the success of the reintroduction project or the overall continued existence of the red wolf from these less restrictive section 7 requirements.

On the Alligator River National Wildlife Refuge, on the other hand, the experimental population would continue to receive the full range of protections of section 7. This would prohibit the Service or any other Federal agency from authorizing, funding, or carrying out an action on the refuge which is likely to jeopardize the continued existence of the red wolf. Service regulations at 50 CFR 17.83(b) specify that section 7 provisions shall apply collectively to all experimental and nonexperimental populations of a listed species, rather than solely to the experimental population itself. The Service has reviewed all ongoing and proposed uses of the refuge, including traditional trapping and hunting with or without dogs, and found that none of these would jeopardize the continued existence of the red wolf, nor would they adversely affect the success of the reintroduction effort.

Location of Reintroduced Population

Since the red wolf is recognized as extinct in the wild, this reintroduction site fulfills the requirement of section 10(j) that an experimental population be geographically isolated and/or easily discernible from existing populations. As previously described, the release site is the Alligator River National Wildlife Refuge in Dare and Tyrrell Counties, North Carolina, in the extreme northeast corner of the State, just inland from the Outer Banks.

Management

This reintroduction project would be undertaken by the Service. Present plans call for the acclimation of wolves for six months in captive pens on the refuge, followed by release of six animals in the spring of 1987, and if that is successful, by the release of two additional pairs the next spring. Animals released would be adult, previously mated pairs. Releases would be staggered at two-week intervals. Reintroduced animals would be closely monitored via telemetry during the first three to five months following release. After this initial monitoring phase, periodic checks would be made to determine if established home ranges are being maintained. It is anticipated that, because of the size and habitat characteristics of the reintroduction area, animals will remain within the boundaries of the refuge and adjacent military lands. The public will be instructed to immediately report any observation of a red wolf off Federal lands to the refuge manager. The Service will then take appropriate actions to recapture and return the animal to the refuge.

Take of animals by the public will be discouraged by an extensive information and education program and by the assurance that all animals will be radio-collared and therefore easy to locate if they leave the refuge. The public will be encouraged to cooperate with the Service in our attempts to maintain the animals on the release site. In addition, the special rule provides there would be no penalty for incidental take in the course of otherwise lawful hunting, trapping, or other recreational activity, or in defense of human life, provided that the taking is immediately reported to the Service. Serivce and State employees and agents would be additionally authorized to take animals which need special care or which pose a threat to livestock or property. Take procedures in such instances would involve live capture and removal to a remote area, or if the animal is clearly unfit to remain in the wild, return to the captive breeding facility. Killing of animals would be a last resort only if live capture attempts failed or there was some clear danger to human life. These flexible rules are considered a key to public acceptance of the reintroduced population.

Utilizing information gained from this initial 5-year period, an overall assessment of the success of the reintroduction will be made at the end of the 5th year. This assessment will include public meetings in the Dare County area to ascertain public attitudes that have developed toward the red wolf. In consultation with the North Carolina Wildlife Resources Commission, a determination will then be made regarding the future management of wolves that leave the refuge/bomb range area. This assessment will provide the Service the information needed to initiate the next management phase for the Alligator River population and to consider additional red wolf introductions in accordance with recovery goals indentified for this species.

This reintroduction in not expected to conflict with existing or proposed human activities or hinder the utilization of the Alligator River National Wildlife Refuge by the public. Additionally, the presence of these animals is not expected to impact the ongoing activities designated for this National Wildlife Refuge. Utilization of the refuge for the establishment of a red wolf population is consistent with the legal responsibility of the Service to enhance the wildlife resoruces of the United States.

As described above, no extant populations are available to provide animals for this reintroduction. Therefore, the Service believes that this reintroduction will result in the establishment of the only viable wild population. With a successful reintroduction, the Service can begin to consider additional sites and proceed with the expectation that recovery of this species is attainable. In addition, there are no existing or anticipated Federal and/or State actions identified for this release site which are expected to affect this experimental population. For all of these reasons, the Service finds that the release of an experimental population of red wolves will further the conservation of this species. *See* ESA, Section 10(j)(2)(A); 50 CFR 17.81(b).

Public Comments Solicited

The Service intends that any rule finally adopted be as effective as possible. Therefore, comments or recommendations concerning any aspects of this proposed rule are hereby invited to be submitted (see **ADDRESSES** section) from the public, concerned government agencies, the scientific community, industry, or any other interested party. Comments should be as specific as possible.

Final promulgation of a rule to implement this proposed action will take into consideration any comments or additional information received by the Service. Such communications may lead to a final rule that differs from this proposal.

National Environmental Policy Act

A draft Environmental Assessment under NEPA has been prepared and is available to the public at the Service's Asheville Field Office (see **ADDRESSES**

section), Atlanta Regional Office (see **FOR FURTHER INFORMATION CONTACT** section), or the Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia 22201 (202/235–2760). This assessment will form the basis for a decision, to be made prior to the issuance of a final rule, as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The U.S. Fish and Wildlife Service has determined that this is not a major rule as defined by Executive Order 12291; that the rule would not have a significant economic effect on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96–354). The introduction site occurs within 15 miles of Atlantic Ocean resorts in a region along the Outer Banks that can be considered a high use area for vocations and wildlife enthusiasts.

However, the mainland portion of Dare County is not in the vicinity of a high concentration of year-round inhabitants. The Refuge has been set aside by the Federal government for wildlife use. The introduction of a nonessential experimental population into this refuge and the use by these animals of adjacent Federal lands is compatible with current utilization of the refuge and adjacent Federal lands and is expected to have no adverse impact on public use days. It is reasonable to expect some increase in visitor use of the Refuge after the release of the red wolves. No private entities will be affected by this action. The rule as proposed does not contain any information collection or record keeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Authors

The principal authors of this proposal are Peter G. Poulos, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. (703/235–2760), Warren T. Parker, Endangered Species Field Office, Asheville, North Carolina (704/259–0321), and Marshall P. Jones, Atlanta Regional Office, Atlanta, Georgia (404/331–3583).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subsection B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; and Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by revising the existing entry for this species as shown below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
MAMMALS							
Red wolf	*Canis rufus*	U.S.A. (SE U.S.A., west to central TX).	Entire except Dare, Tyrrell, Hyde, and Washington Cos., NC.	E	1	NA	NA
Do	do	do	U.S.A. NC-Dare, Tyrell, Hyde, Washington Cos.	XN		NA	17.84(c)

§ 17.84 [Amended]

3. It is proposed that 50 CFR 17.84 be amended by adding new paragraph (c) as follows:

* * * * *

(c) Red wolf *(Canis rufus)*. (1) The red wolf population identified in paragraph (c)(9) of this section is a nonessential experimental population.

(2) No person may take this species, except as provided in paragraphs (c)(3) through (5) of this section.

(3) Any person with a valid permit issued by the Service under § 17.32 may take red wolves for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act and in accordance with applicable State fish and wildlife conservation laws and regulations;

(4) Any person may take red wolves:

(i) Incidental to lawful recreational activities, or

(ii) In defense of that person's own life or the lives of others, *provided* that such taking shall be immediately reported to the Refuge Manager, as noted in paragraph (c)(6) of this section.

(5) Any employee or agent of the Service or State conservation agency who is designated for such purposes, when acting in the course of official duties, may take a red wolf if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen;

(ii) Dispose of a dead specimen, or salvage a dead specimen which may be useful for scientific study;

(iii) Take an animal which constitutes a demonstrable but nonimmediate threat to human safety, or which is responsible for depredations to lawfully present domestic animals or other personal property, if it has not been possible to otherwise eliminate such depredation or loss of personal property, *provided* that such taking must be done in a humane manner, and may involve killing or injuring the animal only if it has not been possible to eliminate such threat by live capturing and releasing the specimen unharmed on the refuge.

(6) Any taking pursuant to paragraphs (c)(3) through (5) of this section must be immediately reported to the Refuge Manager, Alligator River National Wildlife Refuge, Manteo, North Carolina, telephone 919/473–1131, who will determine disposition of any live or dead specimens.

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these

regulations or in violation of applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (c)(2) through (7) of this section.

(9) The site for reintroduction of red wolves is within the historic range of the species in the State of North Carolina, on the Alligator River National Wildlife Refuge, Dare, Tyrrell, Hyde, and Washington Counties. The red wolf is other widewise extirpated from the wild, so there are no other extant populations with which this experimental population could come into contact.

(10) The reintroduced population will be continually monitored closely during the life of the project, including the use of radio telemetry as appropriate. All animals will be vaccinated against diseases prevalent in canids prior to release. Any animal which is sick, injured, or otherwise in need of special care, or which moves off Federal lands, will be immediately recaptured by the Service and given appropriate care. Such an animal will be released back to the wild on the refuge as soon as possible, unless physical or behavioral problems make it necessary to return the animal to a captive breeding facility.

(11) The status of the population will be reevaluated within five years of the effective date of this regulation to determine future management status and needs. This review will take into account the reproductive success of the mated pairs, movement patterns of individual animals, food habits, and the overall health of the population.

Dated: June 26, 1986.

Susan E. Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-16605 Filed 7-23-86; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Revision of Special Regulations for the Grizzly Bear

Correction

In FR Doc. 86-16172, beginning on page 25914, in the issue of Thursday, July 17, 1986, make the following corrections:

1. On page 25915, first column, under "Background" seventh line, "northwestern" should read "northeastern".

2. On page 25918, first column, in § 17.40(b)(1)(i)(C)(*1*), fourth line, "to" should read "in".

3. On the same page, first column, in § 17.40(b)(1)(i)(C)(*2*), first line, insert as the first word "The" and lowercase "Taking".

4. On the same page, second column, in § 17.40(b)(1)(i)(E), twenty-first line, "of" should read "to".

5. On the same page, second column, in § 17.40(b)(1)(i)(E), thirty-first line, "U.S." should be removed.

6. On the same page, second column, in § 17.40(b)(1)(i)(E), fifteenth line from the bottom, after "be" insert "7".

7. On the same page, third column, in § 17.40(b)(1)(iv)(C), fifth line, before "grizzly" insert "taken".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 51, No. 142
Thursday, July 24, 1986

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement Regarding Management of Lithic Scatter Archeological Sites Affected by Routine Management Activities of the Forest Service on the Little Missouri National Grassland, ND

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute an amended Programmatic Memorandum of Agreement, pursuant to its regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Custer National Forest, Forest Service, U.S. Department of Agriculture, and the North Dakota State Historic Preservation Officer, providing for management of lithic scatter archeological sites affected by routine management activities of the Forest on the Little Missouri National Grasslands in North Dakota. The proposed amended Programmatic Memorandum of Agreement will establish mechanisms by which archeological properties will be identified, evaluated, and managed in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Comments due: August 25, 1986.

ADDRESS: Executive Director, Western Division of Project Review, Advisory Council on Historic Preservation, Suite 450, 730 Simms Street, Golden, Colorado 80401.

For further information contact: Robert Fink, Chief, Western Division of Project Review, 730 Simms Street, Room 450, Golden, CO 80401.

Dated: July 17, 1986.

John M. Fowler,

Acting Executive Director.

[FR Doc. 86-16609 Filed 7-23-86; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

KAMO Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and REA Environmental Policy and Procedures (7 CFR Part 1794), has adopted an Environmental Assessment (EA) prepared by the Federal Energy Regulatory Commission (FERC) and made a Finding of No Significant Impact with respect to a project proposed by KAMO Electric Cooperative, Inc. (KAMO), and the Oklahoma Municipal Power Authority. The project consists of construction, operation and maintenance of a 37 MW hydroelectric generating unit to be installed at the existing Kaw Lake Dam and a 138 kV transmission line to be built between the dam and the KAMO Fairfax Substation. The project is located in Kay and Osage Counties, Oklahoma.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact (FONSI), the EA prepared by FERC as supplemented by REA and KAMO's Borrower's Environmental Report (BER), may be reviewed or obtained from the office of the Chief, Distribution and Transmission Engineering Branch, Southest Area—Electric, South Agriculture Building, Rural Electrification Administration, Room 0269, Washington, DC 20250, telephone (202) 382–8437, or at the office of KAMO Electric Cooperative Inc. (B. Dean Sanger, Manager), P.O. Box 577, Vinita, Oklahoma 74301, telephone (918) 256–5551, during regular business hours. Questions or comments on the proposed project should be sent to the REA contact

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for approval from KAMO, has reviewed the BER submitted by KAMO, the EA prepared by FERC, the "Interim Survey Report and Environmental Impact Statement Supplement for Kaw Lake Hydropower and Other Purposes," prepared by the U.S. Army Corps of Engineers (COE) and other project related documents and has determined that they represent an accurate assessment of the environmental impact of the proposed project. The proposed project consists of facilities required for the installation of a 37 MW hydroelectric generating unit which will be located on the west side of the Arkansas River proximate to the COE operated Kaw Lake Dam. A 29.3 km (18.2 mi) long 138 kV transmission line will connect the project to KAMO's existing Fairfax Substation. The proposed project will fully develop the hydropower features incorporated with the original construction of the dam which included an intake structure, penstock and powerhouse substructure. The hydropower generating facilities would be operated utilizing the present lake levels and daily releases scheduled by the COE.

REA has determined that the proposed project will have no effect on floodplains, wetlands, prime forestland, threatened and endangered species or any property listed or eligible for listing in the National Register of Historic Places. The transmission line will cross areas defined as important farmland and prime rangeland. However, less than 0.015 ha (0.036 a) of land identified as important farmland and prime rangeland will be impacted by the wood H-frame structures.

There is a national policy which recognizes the significant need for the addition of hydroelectric facilities at existing dams. There is no practicable alternative that would avoid or reduce the small amount of important farmland and prime rangeland that will be converted.

No other matters of potential environmental concern have been identified.

Alternatives examined for the proposed project included no action and alternative line routes. REA determined that the proposed project is an environmentally acceptable project.

Based upon support documents, FERC issued an EA, made a Finding of No Significant Impact and issued a license to KAMO on November 27, 1984. The EA was supplemented by REA based upon the BER and other documents received from KAMO. REA has independently evaluated the proposed project and has concluded that approval of the project

would not constitute a major Federal action significantly affecting the quality of the human environment.

In accordance with its regulations, FERC published notices and requested comments on the application submitted by KAMO. Comments were received from interested Federal, State, and local agencies, No protests, objections or motions to intervene were received or filed. The notices published by FERC meet the REA notice requirement contained in 7 CFR 1794.62.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.850-Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR Part 3015 Subpart V in 50 FR 47034, November 14, 1985, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Dated: July 18, 1986.

Harold V. Hunter,

Administrator.

[FR Doc. 86-16675 Filed 7-23-86; 8:45 am]

BILLING CODE 3410-15-M

South Texas Electric Cooperative, Inc., Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and REA Environmental Policy and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI) with respect to construction of 138 kV transmission line in Jim Wells and Nueces Counties, Texas, by South Texas Electric Cooperative, Inc. (STEC).

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) and STEC's Borrower's Environmental Report (BER) may be reviewed at the office of the Director, Southwest Area—Electric, Room 0207, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, Telephone (202) 382–8848, or at the office of South Texas Electric Cooperative, Inc., (William S. Robson, Manager), P.O. Box 151, Nursery, Texas 77979, Telephone (512) 575–6491, during regular business hours.

Copies of the EA and FONSI can be obtained from either of the contacts listed above. Any comments or questions should be directed to the REA contact.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for construction approval from STEC, has reviewed the BER submitted by STEC and has determined that it represents an accurate assessment of the environmental impact of the proposed project. STEC's project consists of constructing 48 km (30 mi) of 138 kV transmission line within a 30 meter (100 ft) right-of-way between the Orange Grove Substation in Jim Wells County and the Driscoll Substation which is located in Nueces County. The 69 kV Driscoll Substation would be enlarged by approximately 1.2 ha (3 ac) to include a 138 kV bay and a microwave tower with associated equipment. An additional 138 kV line terminal and oil circuit breaker would be installed at the Orange Grove Substation.

REA determined that the proposed project will have no effect on wetlands, prime forestland or rangeland, threatened or endangered species, or critical habitat, and any property listed or eligible for listing in the National Register of Historic Places. All three alternatives corridors cross areas defined as prime farmland and floodplains. However, regardless of the corridor selected, approximately 0.085 ha (0.21 ac) of important farmland will be impacted by the wood H-frame structures and a maximum of 48 structures could be located within the 100-year floodplain of the creeks located within the cooridors. There is no practicable alternative that would avoid or reduce the small amount of important farmland that would be converted or would avoid the placement of some structures in 100-year floodplains.

No other matters of potential environmental concern have been indentified.

Alternatives examined for the proposed transmission line and associated facilities included no action, alternative means of power delivery and two alternative routes. REA determined that constructing the proposed project along the preferred route is an environmentally acceptable alternative to meet STEC's needs.

Based upon the BER, REA prepared an EA concerning the proposed project and its impacts. REA has independently evaluated the proposed project and has concluded that project approval would not constitute a major Federal action significantly affecting the quality of the human environment. Consequently, no environmental impact statement is required.

In accordance with REA Environmental Policies and Procedures (7 CFR Part 1794), STEC advertised and requested comments on the environmental aspects of the proposed project in local newspapers. There were no comments.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.850-Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR Part 3015 Subpart V. this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Dated: July 18, 1986.

Harold V. Hunter,

Administrator.

[FR Doc. 86-16676 Filed 7-23-86; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

AGENCY: Defense Intelligence Agency Scientific Advisory Committee, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Committee has been scheduled as follows:

DATES: Wednesday and Thursday, 3–4 September 1986, 9:00 a.m. to 5:00 p.m. each day.

ADDRESS: The DIAC, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, DC 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

Dated: July 21, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-16684 Filed 7-23-86; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force Security Subgroup on Technological and Operational Surprise; Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force Security Subgroup on Technological and Operational Surprise will meet in closed session on August 19–20, September 18, October 15, November 19, and December 16, 1986 in the Pentagon, Arlington, Virginia.

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 these meetings this Task Force will evaluate the potential for technological and operational surprise in the U.S.-Soviet military competition.

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 these DSB Panel meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Dated: July 21, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-16685 Filed 7-23-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Monday–Wednesday, 11–13 August, 1986.

Times of meeting: 0800–1630.

Places: Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup on Helicopter Lift Capabilities in Europe will meet to review Army models and processes for determination of requirements and capabilities of helicopters. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-16677 Filed 7-23-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board.

Dates of meeting: Thursday-Friday, 14–15 August, 1986.

Times of meeting: 0800–1700.

Place: Fort Belvoir, VA.

Agenda: The Army Science Board Ad Hoc Subgroup for Army Analysis will meet to discuss the Engineer Center and School analytic agencies, and the Engineer Study Center. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-16678 Filed 7-23-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board.

Dates of meeting: Thursday-Friday, 14–15 Aug 1986.

Times of meeting: 0800–1700 hours.

Places: Ft. Belvoir, VA.

Agenda: The Army Science Board Ad Hoc Subgroup for the Engineer Topographic Laboratory Effectiveness Review will meet for a kickoff meeting of the peer review group. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for futher information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-16679 Filed 7-23-86; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Confined Disposal of Polluted Sediments Dredged From the Cleveland Harbor Commercial Navigation Project at Cleveland, OH

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

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

Summary

1. *Description of Action.* The proposed action involves constructing an additional Federal confined disposal facility (CDF) at one of two alternative sites. The first site is located west of the Cuyahoga River on the shoreline of Lake Erie at Edgewater Park. The second site is east of the river and immediately adjacent to Burke Lakefront Airport. The Burke Lakefront Airport was constructed on old CDFs which have been filled to capacity. Several other CDFs exist to the east of the Cuyahoga River mouth to include site 14 which is presently being used. No sites presently exist in the Edgewater Park vicinity. The proposed site would cover an area of about 100–150 acres.

2. *Alternatives.* Potential alternatives to the proposed action consist of no-action, extending the life of the existing CDF, and constructing a new CDF at another location.

3. *Scoping Process.* An initial scoping meeting was held with the Cleveland Port Authority and concerned resource agencies on 29 March 1985. Additional coordination will be accomplished during preparation of the DEIS. The participation of concerned Federal, State, and local agencies, and other interested private organizations and parties is invited. Significant issues to

be analyzed in the DEIS include sediment and water quality, fish and wildlife impacts, and commercial shipping.

4. *Scoping Meeting.* No additional scoping meeting is currently scheduled.

5. *Availability.* The DEIS is scheduled to be available for review in January 1986.

ADDRESS: Questions about the proposed action and DEIS can be answered by William F. MacDonald, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, telephone (716) 876–5454, extension 2175 or FTS 473–2175.

Dated: July 11, 1986.

Bruce W. Haigh,

LTC, Corps of Engineers, Acting District Commander.

[FR Doc. 86–16670 Filed 7–23–86; 8:45 am]

BILLING CODE 3710-GP-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Harkers Island Navigation Project, Carteret County, NC

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The proposed project consists of dredging a navigation channel from Westmouth Bay through Eastmouth Bay to the existing channel in Core Sound near the east end of Harkers Island. The width of the proposed channel would be approximately 60 feet with a depth of 6 or 7 feet, plus a 2-foot overdepth allowance for dredging inconsistencies. The proposed channel would be approximately 13,800 feet long. Disposal areas for the containment of dredged material generated by the project have not yet been identified.

2. Alternatives to the proposed channel include variations in channel dimensions and alignment. Also being considered is a wide range of disposal options including upland diked disposal on Harkers and Browns Islands, toe-of-the-bank disposal on portions of Harkers Island, and semi-confined disposal in Core Sound. Also being considered is the no action alternative.

3a. All private interests and Federal, State, and local agencies known to have an interest in the study have been notified of the study start and have been provided an opportunity for input into the study process. All additional agencies, organizations, and interested parties which have not been previously notified are invited to comment at this time.

3b. The significant issues to be analyzed in the DEIS are as follows: (1) The potential impacts of the channel on benthic organisms and fishes of the bays and potential changes in estuarine circulation patterns; (2) potential impacts of dredged material disposal on terrestrial or acquatic communities; (3) potential impacts of disposal on cultural resources; and (4) potential impacts of disposal on groundwater resources and water quality of adjacent surface waters.

3c. The U.S. Fish and Wildlife Service is furnishing input into the planning process in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). Other environmental laws and directives which will be considered in plan formulation and reporting include the Clean Water Act (Pub. L. 95–217); the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 et seq.); the Endangered Species Act, as amended, (16 U.S.C. 1531 et seq.); and Executive Order 11990, Protection of Wetlands, dated 24 May 1977. A Coastal Zone Management Act consistency determination will be furnished to the State of North Carolina and a section 401 Water Quality Certificate will be obtained from the State prior to project construction.

4. A scoping letter requesting input to the study has been sent to all known interested parties. No formal scoping meetings are currently planned; however, the identification by others of any signficant issues relating to the project will result in coordination with appropriate interests as needed.

5. It is estimated that the Detailed Project Report and DEIS will be available to the public on or about 1 July 1987.

ADDRESS: Questions about the proposed action and DEIS can be referred to: William F. Adams, Environmental Analysis Section, U.S. Army Engineer District, Wilmington, P.O. Box 1890, Wilmington, North Carolina, 28402; telephone (919) 343–4748 commercial, 671–4748 FTS.

Dated: July 18, 1986.

Paul W. Woodbury,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 86–16671 Filed 7–23–86; 8:45 am]

BILLING CODE 3710-GN-M

DEPARTMENT OF ENERGY

Richland Operations Office

AGENCY: Department of Energy, Richland Operations Office.

ACTION: Notice of Solicitation for Cooperative Agreement Proposal (SCAP).

SUMMARY: The Department of Energy, Richland Operations Office, announces that it intends to issue a solicitation for proposal to design, construct and test a gasifier using wood and/or other biomass feedstocks to produce medium BTU fuel gas.

Cooperative agreement number: DE–SC06–86RL10835.

Scope of project: The Department of Energy, Richland Operations Office (DOE–RL) is requesting information to identify firms who can design, construct and test a gasifier using wood and/or other biomass feedstocks to produce medium BTU fuel gas to verify the viability of the thermal conversion of biomass to medium BTU fuel gas. DOE–RL anticipates that the project will have a capacity of approximately 50 to over 200 dry tons per day and will use the most competitive of all processes to produce medium BTU fuel gas through the thermochemical conversion of biomass. Consideration will be given to any process capable of producing gas with an approximate average of 300 BTU/SCF exclusive of sensible heat, calculated in accordance with the standard method for calculating calorific value and specific gravity of gaseous fuel (ASTM D3588–81).

The SCAP agreement is anticipated to be phased over a period of five years as the gasifier is designed, constructed, and tested. DOE–RL anticipates developing a cost shared facility with the private sector cost share to be 50 percent or more of the total cost. DOE funding will not exceed $5 million for the award. DOE expects to issue the SCAP on September 15, 1986. Your written request to be included on the mailing list for solicitation DE–SC06–86RL10835 should be submitted by July 31, 1986, to the address below. Requests submitted prior to this publication should be resubmitted to assure placement on the bidder's list.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, ATTN: R. P. Angulo, Richland Operations Office, P.O. Box 550, Richland, WA 99352.

Issued in Richland, WA.

Robert D. Larson,

Director Procurement Division.

[FR Doc. 86–16628 Filed 7–23–86; 8:45 am]

BILLING CODE 6540-01-M

Economic Regulatory Administration

[ERA Docket No. 86-32-NG]

Phibro Energy, Inc.; Order Granting Blanket Authorization to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Phibro Energy, Inc. (Phibor) blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 86-32-NG authorizes Phibor to import up to 200 Bcf of Canadian gas over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Divison Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, DC, July 14, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-16629 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 86-27-NG]

Michigan Consolidated Gas Co., Order Amending an Authorization to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order amending authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Michigan Consolidated Gas Company (MichCon) authorization to increase its maximum daily import of Canadian natural gas from 13,000 Mcf to 50,000 Mcf during a period ending January 22, 1989, pursuant to energy exchange agreements with Esso Chemical Canada and Shell Western E&P Inc. The increased daily import is solely for the purpose of reducing an exchange imbalance between natural gas being imported by MichCon and equivalent Btu's of ethane being exported for use at a Canadian petrochemical plant, and will not result in an increase in the total volume of gas to be imported.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9478. The docket room is open between the hours of 8:00 and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, DC, July 14, 1986.

Robert L. Davies,

Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-16630 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-015, OFP Case No. 61050-9275-21, 22-22]

Alaska Electric Generation and Transmission Cooperative, Inc.; Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting Alaska Electric Generation and Transmission Cooperative, Inc., exemption from 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 reliability of service 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 Alaska Electric Generation and Transmission Cooperative, Inc. (AEG&T) ("the petitioner"), of Palmer, Alaska. The permanent reliability of service exemption is for two proposed 80 MW gas turbine powerplants, to be called Hollywood 1 and 2, which will use natural gas as their primary generation fuel. Construction of Hollywood unit No. 1 is scheduled with an on-line date of September 1987. Construction of Hollywood unit No. 2 is to commence in 1995. The present construction plan calls for a combined cycle heat recovery steam unit once unit No. 2 is in service. Hollywood No. 1 is to be configured so as to accommodate the proposed combined cycle operation.

The geographic location of the units is to be 40 acres at Township 17 North, Range 3, West of the Seward Meridian, Alaska. Gas for the facility will be produced from various gas fields located in the Beluga and Kenai areas. Enstar, the local area supplier of natural gas, is the owner of the Alaska Pipeline Service Company which operates a main 20-inch diameter gas transmission line within four miles of the Hollywood site. Enstar has contracted with major producers for approximately one-half a trillion cubic feet of gas. In addition, there are substantial uncommitted proven reserves in the area. This assures a continuing, adequate supply for the proposed powerplants. 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 22, 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 5:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 252-4807

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) 252-6749.

SUPPLEMENTARY INFORMATION:

Basis for Permanent Exemption Order.

The permanent exemption order is based upon evidence in the record including AEG&T's certification to ERA, in accordance with 10 CFR 503.40(a)(c), that:

1. AEG&T is not able to construct an alternate fuel fired plant in time to prevent an impairment of reliability of service;

2. Despite diligent good faith efforts, AEG&T is not able to make the demonstration necessary to obtain a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements in the time required to prevent an impairment of reliability of service;

3. No alternate power supply exists; and

4. Use of mixtures is not feasible.

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 June 24, 1985, 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 August 8, 1985; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined 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.

Order Granting Permanent Reliability of Service Exemption

Based upon the entire record of this proceeding, ERA has determined that AEG&T has satisfied the eligibility requirements for the requested permanent reliability of service exemption, as set forth in 10 CFR 503.40. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent reliability of service exemption to AEG&T to permit the use of natural gas as the primary energy source for its proposed facility in The Seward Meridian, Alaska.

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 16, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-16620 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-86-14; OFP Case No. 50552-0096-20, 21, 22, 23-22]

Chugach Electric Association, Inc.; Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting Chugach Electric Association, Inc.; exemption from 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 reliability of service 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"), the Chugach Electric Association, Inc. (Chugach) (the petitioner) of Anchorage, Alaska. The permanent reliability of service exemption is for a proposed 87 MW powerplant which will use natural gas as its primary generation fuel. Construction of this powerplant, to be called Beluga Unit Number 9, is scheduled for completion in 1988. Chugach's Beluga Station facility is located approximately 40 miles west of and across Cook Inlet from Anchorage.

Chugach, headquartered in Anchorage, Alaska, is a non-profit member-owned electric cooperative. Chugach serves approximately 61,000 retail electric consumers within the Municipality of Anchorage and on the Kenai Peninsula. In addition, Chugach is a wholesale power supplier for two neighboring cooperatives—Matanuska Electric Association, Inc. of Palmer, Alaska, and Homer Electric Association, Inc. of Homer, Alaska—and for the City of Seward, Alaska. Overall, Chugach has the power supply responsibility of approximately half of Alaska's estimated 500,000 population.

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 22, 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 5:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 252-4807

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) 252-6749.

SUPPLEMENTARY INFORMATION

Basis For Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including Chugach's certification to ERA, in accordance with 10 CFR 503.40(a)(c), that:

1. Chugach is not able to construct an alternate fuel fired plant in time to prevent an impairment of reliability of service;
2. Despite diligent good faith efforts, Chugach is not able to make the demonstration necessary to obtain a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements in the time required to prevent an impairment of reliability of service;
3. No alternate power supply exists; and
4. Use of mixtures is not feasible.

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 December 23, 1985, 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 February 6, 1986; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined 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.

Order Granting Permanent Reliability of Service Exemption

Based upon the entire record of this proceeding, ERA has determined that Chugach has satisfied the eligibility requirements for the requested permanent reliability of service exemption, as set forth in 10 CFR 503.40. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent

reliability of service exemption to Chugach to permit the use of natural gas as the primary energy source for its proposed facility 40 air miles west of and across Cook Inlet from Anchorage, Alaska.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any persons 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 17, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-16621 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E 86-41, OFP Case No. 62020-9318-20, 21-24]

Double "C" CoGen, Inc.; Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order Granting Double "C" CoGen, Inc. Exemption 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 Double "C" Cogen, Inc. (Double "C" CoGen or "the petitioner"). The permanent exemption permits the use of natural gas as the primary energy source in a new powerplant facility located in Kern County, California, based on the lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. 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 22, 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:

Myra L. Couch, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone: (202) 252-6769

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: On May 7, 1986, Double "C" CoGen petitioned ERA under section 212 of FUA and 10 CFR 503.32 for a permanent exemption to permit the use of natural gas in a new powerplant. The petition for exemption is based on the lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record that shows that in accordance with the requirements of 10 CFR 503.32(b), Double "C" CoGen has submitted the following evidence in order to make the demonstration required by that section:

(1) Duly executed certifications required under paragraph (a) of that section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of that section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of those regulations;

(4) Fuels search, as required under § 503.14 of those regulations; and

(5) All data required by § 503.6 (cost calculation) of those regulations necessary for computing the cost calculation formula.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined 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).

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 Certifications in the Federal Register on May 29, 1986 (51 FR 19382), 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 July 14, 1986; no comments were received and no hearing was requested.

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has determined that Double "C" CoGen has satisfied the eligibility requirements for the requested permanent exemption, as set forth in 10 CFR 503.32(b). Therefore, pursuant to section 212 of FUA, ERA hereby grants a permanent exemption to Double "C" CoGen to permit the use of natural gas as the primary energy source for the new powerplant in Kern County, California.

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 16, 1986.

Robert L. Davies,

Director, Office of Fuels Program, Economic Regulatory Administration.

[FR Doc. 86-16622 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-019, OFP Case No. 63028-9281-21-22]

Golden Valley Electric Association, Inc.; Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order Granting Golden Valley Electric Association, Inc., Exemption from 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 reliability of service 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 Golden Valley electric Association, Inc. (GVEA) ("the petitioner"), of Fairbanks, Alaska.

The proposed 80 MW gas turbine powerplant, named Hollywood GV, for which GVEA seeks a reliability of

service exemption will use natural gas as its primary generation fuel. Construction on the unit is scheduled to commence by April 1993, with an on-line date of September 1995. GVEA plans to share the plant site with the proposed Hollywood 1 and 2 generation complex of the Matanuska Electric Association Inc. (MEA) (OFP Case No. 61050-9275-21, 22-22), having obtained agreement to proceed from the Alaska Generation and Transmission Cooperative, Inc. (AEG&T), the cooperative formed by MEA. Both parties anticipate substantial savings in pooling of land and labor resources, including minimizing environmental impacts, when compared to stand-alone plant sites. The GV construction plan calls for full participation with AEG&T in site preparation, design, and sizing of all auxiliary equipment. Gas for the Hollywood GV unit will be produced from various gas fields located in the Beluga and Kenai areas.

GVEA, headquartered at Fairbanks, Alaska, is a nonprofit, member-owned electric cooperative supplying all generation requirements necessary to its members (approximately 24,078 retail customers as of the end of 1984). Recent power requirement studies made by GVEA indicate an additional increment will be needed by mid-1990. As the cooperative does not have any alternate sources, it is proposing the installation of the 80 MW gas turbine powerplant to provide for anticipated growth and system reliability. The geographic location of the unit is to be on a 40 acre area at Township 17 North, Range 3, west of the Seward Meridian, Alaska.

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 22, 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 5:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 252-4807

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) 252-6749.

SUPPLEMENTARY INFORMATION:

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including GVEA's certification to ERA, in accordance with 10 CFR 503.40(a)(c), that:

1. GVEA is not able to construct an alternate fuel fired plant in time to prevent an impairment of reliability of service;
2. Despite diligent good faith efforts, GVEA is not able to make the demonstration necessary to obtain a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements in the time required to prevent an impairment of reliability of service;
3. No alternate power supply exists; and
4. Use of mixtures is not feasible.

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 August 1, 1985, 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 September 16, 1985; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined 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.

Order Granting Permanent Reliability of Service Exemption

Based upon the entire record of this proceeding, ERA has determined that GVEA has satisfied the eligibility requirements for the requested permanent reliability of service exemption, as set forth in 10 CFR 503.40. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent reliability of service exemption to GVEA to permit the use of natural gas as the primary energy source for its proposed facility in The Seward Meridian, Alaska.

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 17, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-16623 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-04, OFP Case No. 66017-9266-01-23]

Power Developers, Inc.; Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Extension of Decision Period on Petition for Exemption by Power Developers, Inc. for a Proposed Facility Near Scottsdale, Arizona.

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby extends by forty-five (45) days to August 20, 1986, the Decision Period within which to either grant or deny the request for 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) filed by Power Developers, Inc. for its proposed electric power production facility to be located near and east of Scottsdale, Arizona.

Section 501.68(a)(2) of 10 CFR Part 501—Administrative Procedures and Sanctions, Subpart F—allows for the extension of the decision period on an exemption petition to a specified date by publishing such notice in the **Federal Register** and stating the reasons for such extension.

This extension by ERA of the decision period to grant or deny the petition is necessary to properly consider issues associated with this case.

Issued in Washington, DC on July 15, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-16624 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER86-569-000, et al.]

Electric Rate and Corporate Regulation Filings; Delmarva Power & Light Co., et al.

July 18, 1986.

Take notice that the following filings have been made with the Commission:

1. Delmarva Power & Light Company

[Docket No. ER86-569-000]

Take notice that on July 15, 1986, Delmarva Power & Light Company ("Delmarva") tendered for filing proposed Supplement No. 10 to its FERC Rate Schedule No. 66. Under the Supplement, Delmarva would provide partial requirements service at 138 kV instead of 25 kV when the City of Milford, Delaware ("Milford") completes its new 138 kV substation. Completion of the 138 kV substation is expected to take place on or about August 1, 1986. Copies of the filing were served upon Milford and the Delaware Public Service Commission.

Comment date: August 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Tampa Electric Company

[Docket No. ER86-599-000]

Take notice that on July 15, 1986, Tampa Electric Company ("Tampa Electric") tendered for filing Service Schedule J providing for negotiated interchange service between Tampa Electric and the City of Lakeland, Florida (Lakeland). Tampa Electric states that Service Schedule J is submitted for inclusion as a supplement under the existing agreement for interchange service between Tampa Electric and Lakeland, designated as Tampa Electric's Rate Schedule FERC No. 21.

Tampa Electric also tendered for filing, as a supplement to the Service Schedule J, a Letter of Commitment providing for the sale by Tampa Electric to Lakeland of 50 megawatts of reserved capacity and energy from Tampa Electric's Big Bend No. 4 generating unit. The commitment of capacity and energy is for the period July 15, 1986 through October 31, 1986, and may be extended for up to two months upon agreement of the parties.

Tampa Electric proposes an effective date of July 15, 1986 for the Service Schedule J and Letter of Commitment, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Lakeland and the Florida Public Service Commission.

Comment date: August 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

Town of Highlands, North Carolina; Haywood Electric Membership Corporation; North Carolina Electric Membership Corporation; and Western Carolina University v. Nantahala Power and Light Company

[Docket No. EL86-47-000]

Take notice that on June 30, 1986, the parties above named filed a complaint and motion to hold in abeyance or, in the alternative, petition for clarification or declaratory relief. The complaint and motion is directed against Nantahala Power and Light Company. The parties state that the filing is made pursuant to the settlement agreement approved November 16, 1981 in *Nantahala Power and Light Company*, Docket No. ER80-574-000, and pursuant to the Commission's rules. The complaining parties state that the complaint is regarding the justness and reasonableness of the rates being charged by Nantahala Power and Light Company ("Nantahala") under its wholesale tariff.

The complaining parties state in their complaint that they have served copies of the complaint upon the president of Nantahala and upon counsel for Nantahala. The certificate of service is dated June 30, 1986.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this document.

4. United States Department of Energy—Bonneville Power Administration

[Docket No. EF86-2061-000]

Take notice that on July 14, 1986, the Bonneville Power Administration (BPA) of the United States Department of Energy tendered for filing proposed Southern California Edison Company Contract Formula rates (SC-86). BPA requests confirmation and approval of these formula rates pursuant to section 7(a)(2) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), 16 U.S.C. 839e(a)(2), and the Commission's rules for the confirmation and approval of rates for Federal power marketing agencies, 18 CFR 300. BPA proposes that the SC-86 formula rates be finally approved on September 15, 1986, for an effective date of October 1, 1987, and that these rate formulas be given Commission approval for a period of 20 years.

The SC-86 rates are formula rates that begin at levels representing the cost of surplus firm power and nonfirm energy and escalate annually over the term of the proposed power sale by 2 percent and by the same rate of change in the rate BPA charges its priority firm customers. The formula rates are available to the Southern California Edison Company for purchase under a proposed 20-year power sale and exchange contract negotiated between the parties.

Comment date: August 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER82-423-003]

Take notice that on June 25, 1986, Virginia Electric and Power Company (VEPCO) filed a letter in this docket from its vice president, Mr. C.M. Jarvis, concerning a generating unit performance incentive program. In its letter VEPCO notes that this program was developed by VEPCO along with its wholesale customers and the Commission staff to encourage VEPCO to continue improved performance of its coal-fired and nuclear generating units.

VEPCO notes that the settlement agreement accepted by the Commission in Docket No. ER82-423-000 included the performance incentive program as an appendix and that this appendix provided that the program would be implemented as of January 1, 1983 for a trial period of three years. VEPCO further notes that the trial period ended in December 1985. VEPCO states that although the results of the trial period are favorable, it does not believe any purpose would be served by establishment of an ongoing program in view of the considerable administrative costs for all parties involved.

Comment date: August 15, 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. 86-16700 Filed 7-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-398-000, et al.]

Electric Rate and Corporate Regulation Filings; Florida Power Corp., et al.

July 17, 1986.

Take notice that the following filings have been made with the Commission:

1. Florida Power Corporation

[Docket No. ER86-398-000]

Take notice that on July 14, 1986, Florida Power Corporation (Florida Power) tendered for filing information intended to supplement its filing in this docket. This information consists of supplemental explanation of the proposed rates.

Comment date: July 30, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power Corporation

[Docket No. ER86-564-001]

Take notice that on July 14, 1986, Florida Power Corporation (Florida Power) tendered for filing in this docket its report of refunds made and interest paid with respect to an overcollection of the surcharge for spent nuclear fuel disposal costs. Florida Power states that the application of the surcharge resulted in an overcollection during the billing months of May and June 1985 from certain of its wholesale customers. Florida Power states that the surcharge has not been collected since the June 1985 billings.

Comment date: July 30, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Northern States Power Company

[Docket No. ER86-598-000]

Take notice that on July 14, 1986, Northern States Power Company [NSP] tendered for filing the United States Department of Energy Western Area Power Administration Interconnection Contract and Supplement No. 1 with Northern States Power Company (Interconnection Contract and Supplement).

The Interconnection Contract and Supplement provides for the system interconnections for the sale and interchange of electric service which permit the Western Area Power Administration (WAPA) to deliver power and energy to NSP for ultimate delivery to WAPA's customers located on NSP's transmission system. Also provided for are Schedules for maintenance, replacement, dump energy, emergency and interchange services.

The Interconnection Contract and Supplement represents new arrangements agreed to by the parties, and therefore, replaces all existing agreements designated under FERC Rate Schedule No. 133.

NSP requests this Interconnection Contract and Supplement become effective on June 2, 1986, and therefore, requests waiver of the Commission's notice requirements.

Comment date: July 30, 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. 86-16696 Filed 7-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-592-000, et al.]

Natural Gas Certificate Filings; Southern Natural Gas Co., et al.

July 17, 1986.

Take notice that the following filings have been made with the Commission:

1. Southern Natural Gas Company

[Docket No. CP86-592-000]

Take notice that on June 27, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP86-592-000 an application pursuant to section 7(c) of the Natural Gas Act for limited-term certificate of public convenience and necessity authorizing for one year the transportation of natural gas for Atlanta Gas Light Company (Atlanta), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern requests a limited-term certificate of public convenience and necessity authorizing it to transport gas on behalf of Atlanta, acting as agent in arranging for the transportation of natural gas supplies for Genstar Gypsum Products (Genstar), in accordance with the terms and conditions of a transportation agreement between Atlanta and Southern dated June 17, 1986 (Agreement). Southern states that Genstar has entered into gas sales contracts dated June 9, 1986, to purchase natural gas from SNG Trading Inc. (SNG Trading) in order to serve the natural gas requirements of its plant in Savannah, Georgia. It is said that in order to effectuate delivery of the gas purchased, Genstar has entered into an agreement with Atlanta dated June 9, 1986, wherein Atlanta has agreed to transport through its facilities the gas purchased by Genstar to its plant, and in conjunction therewith, to obtain as agent for Genstar the transportation of said gas through Southern's pipeline system.

It is stated that subject to the receipt of all necessary governmental authorizations, Southern has agreed to transport on an interruptible basis up to 4.5 billion Btu equivalent of gas per day purchased by Genstar from SNG Trading. Southern requests that the Commission issue a limited-term certificate for a term expiring one year from the date of the Commission's order issuing the requested authorization.

The Agreement, it is said, provides that Atlanta would cause gas to be delivered to Southern for transportation at various existing points of delivery on Southern's contiguous pipeline system as specified in Exhibit F to the Application. Southern states that it would redeliver to Atlanta at the Savannah Area Delivery Point, an equivalent quantity of gas less 3.25 percent of such amount which shall be deemed to have been used as compressor fuel and company-use gas (including system unaccounted-for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less Atlanta's pro-rata share of any gas delivered for Atlanta's account which is lost or vented for any reason.

Southern states that Atlanta has agreed to pay Southern each month, the following transportation rates:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to the particular shipper under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to such shipper do not exceed the daily contract demand of such shipper, the transportation rate shall be 48.2 cents per billion Btu equivalent; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to the particular shipper under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to such shipper exceed the daily contract demand of such shipper, the transportation rate for the excess volumes would be 77.6 cents per billion Btu equivalent.

Southern also requests flexible authority to provide transportation from additional delivery points in the event Thiele obtains alternative sources of supply of natural gas. The additional transportation service, it is said, would be to the same redelivery point, the same recipient, and within the maximum daily transportation volumes of gas as stated in the application. Southern indicates that it would file a report providing certain information with regard to the addition of any delivery points.

Southern states that the transportation arrangement would enable Genstar to diversify its natural gas supply sources and to obtain gas at competitive prices. It is said that Genstar has the installed capability to utilize fuel oil and has advised Southern that unless it is able to obtain the transportation services requested by Southern, it 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 Genstar to obtain access to competitively priced natural gas, the entire Southern system would benefit by retaining the Genstar load. In addition, it is said that Southern would obtain take-or-pay relief on the gas Genstar may obtain from its suppliers.

Comment date: August 7, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Northwest Central Pipeline Corporation

[Docket No. CP86-588-000]

Take notice that on June 25, 1986, Northwest Central Pipeline Corporation (Northwest), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP86-588-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by reclaim of facilities used to serve two direct sale customers, one located in Lyon County, Kansas, and the other located in Osage County, Oklahoma, and the transportation of gas through those facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest requests authority to abandon by reclaim measuring, regulating and appurtenant facilities used to serve two direct sale customers, the City of Olpe water treatment plant in Lyon County, Kansas, and Blake Stone Company in Osage County, Oklahoma. Northwest states that both customers have requested the abandonment; Olpe because the water treatment plant is no longer in operation and Blake because of its conversion to an alternate fuel source. Northwest further asserts that the total reclaim costs are estimated to be $755 with a salvage value of $450.

Comment date: August 7, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Natural Gas Pipeline Company of America

[Docket No. CP86-582-000]

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. CP86-582-000 an application pursuant to section 7 of the Natural Gas Act and the Commission's Regulations thereunder, in particular those promulgated by Order No. 436, *et seq.*, for a blanket certificate of public convenience and necessity authorizing, subject to the terms and conditions set out therein: (i) the transportation of natural gas in interstate commerce on both a firm and interruptible basis, (ii) an interruptible storage and balancing service, and (iii) a temporary implementation of the interruptible transportation and storage/balancing aspects of the program, pending Commission review of the entire plan. Applicant requests authority or waivers to permit temporary implementation of portions of the program, pending Commission review of the entire plan.

Applicant further requests pregranted approval to abandon such services, as provided by Part 284, Subpart G of the Commission's Regulations and Commission approval of related tariff provisions implementing the terms and conditions under which it is willing to open its system to such services. Finally, Applicant requests a waiver of § 284.10(a) and related regulations to the extent necessary to implement the program described here on both a permanent and temporary basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes a comprehensive plan to open its system to firm and interruptible transportation and to a best efforts storage and balancing service. Applicant states that this plan specifies certain terms and conditions under which it is willing to provide such services and incorporates the pro forma tariff provisions necessary to implement the plan. Applicant avers that the plan consists of a number of discrete features, all of which Applicant states are integrally related and necessary to the opening of its system. These features include: A blanket interruptible transportation service; a blanket firm transportation service; a blanket interruptible storage and balancing service; a program under which Applicant's customers can reduce their firm sales contract entitlement or convert such sales entitlements to firm transportation; modification of procedures governing the nominations for and granting of revised firm sales entitlements; institution of billings to cover a portion of the cost of maintaining a gas supply to meet its customers' current and future requirements; a procedure for Adjustment of Demand charges; and establishment of a gas release program.

Comment date: August 7, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket No. CP86-135-005]

Take notice that on June 23, 1986, Natural Gas Pipeline Company of America (Petitioner), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP86-135-005, a petition to amend the order issued May 1, 1986, in Docket No. CP86-135-000 pursuant to section 7 of the Natural Gas Act so as to authorize the transportation of natural gas on an interruptible basis for Jones and Laughlin Steel Inc. (J&L) and for pregranted abandonment of such service (1) at an additional point of delivery in

Bureau County, Illinois and (2) for an additional term ending April 30, 1987. Petitioner also seeks authority to increase the maximum daily delivery level to a combined total of 40 billion Btu equivalent.

Pursuant to Amendment No. 6 dated May 30, 1986 (Amendment), to the gas transportation agreement dated December 28, 1984, Petitioner and J & L propose to add an additional delivery point in Bureau County, Illinois. Petitioner proposes to deliver natural gas to Illinois Power Company (IPC) for J & L's account at an existing point of interconnection between the facilities of Petitioner and IPC located in Section 11, Township 16 North, Range 10 East, Bureau County, Illinois (IPC Delivery Point) for redelivery by IPC to J & L's Hennepin plant in Bureau County, Illinois.

Also pursuant to the Amendment, Petitioner and J & L propose to increase the maximum daily delivery to a combined total of 40 billion Btu equivalent per day for use at J & L's Indiana Harbor Works, South Chicago Works and Hennepin plant. Petitioner was previously authorized by Commission order issued May 1, 1986 to transport and redeliver up to a maximum of 25 billion Btu equivalant per day for use at J & L's Indiana Harbor and South Chicago Works.

Furthermore, pursuant to the Amendment, Petitioner and J & L propose to extend the term of the agreement until April 30, 1987.

Petitioner proposes to charge J & L a transportation rate based on its onshore cost per 100 miles as set forth in Tariff Sheet No. 5A of Petitioner's Tariff, Volume No. 1. These rates were effective January 1, 1986, and are subject to refund pending the outcome of Petitioner's rate proceeding in Docket No. RP85–150–000.

Petitioner proposes to reduce the volumes it redelivers to the IPC Delivery Point for the account of J & L by certain percentages for fuel consumed and lost and unaccounted for gas or will charge J & L for fuel consumed and lost and unaccounted for gas as provided for in the Agreement, as amended. Petitioner also proposes to charge J & L the currently effective GRI surcharge as set forth on Tariff Sheet No. 5A of Petitioner's Volume No. 1 Tariff.

Comment date: August 7, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Columbia Gas Transmission Corporation

[Docket No. CP86–604–000]

Take notice that on July 7, 1986, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP86–604–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to construct and operate additional points of delivery to an existing wholesale customer under the certificate issued in Docket No. CP83–76–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to construct and operate certain facilities necessary to provide two additional points of delivery to an existing wholesale customer, The Dayton Power and Light Company (Dayton). Columbia states that the additional volumes to be provided through the proposed new points of delivery are within Columbia's level of sales to Dayton currently authorized at Docket No. CP86–258–000 under the CDS rate schedule, and such volumes will not affect the peak day and annual deliveries to which Dayton is entitled. It is further stated that the proposed points of delivery will be utilized by Dayton to provide residential service. Columbia's application reflects the following estimate for gas usage at the proposed delivery points:

Location	Request number	Estimated usage	
		Maximum daily (Mcf)	Annual (Mcf)
Miami, Ohio	DPL–86–PN17–0001	50	3,350
Montgomery, Ohio	DPL–86–PN17–0002	25	1,675

Comment date: September 2, 1986, in accordance with Standard Paragraph G at the end of this notice.

6. ANR Pipeline Company

[Docket No. CP 79–467–009]

Take notice that on June 6, 1986, ANR Pipeline Company (Petitioner), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP79–467–009 a petition to amend the Commission's order, issued June 10, 1981 in Docket No. CP79–467–000, as amended, pursuant to section 7(c) of the Natural Gas Act so as to authorize a modification in the transportation service provided by Petitioner for Texas Eastern Transmission Corporation (TETCO), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner requests authority to modify its level of transportation for TETCO pursuant to the fourth amendment, dated April 18, 1986, to the transportation agreement between the parties dated July 6, 1979, as amended January 15, 1981, November 21, 1984, and August 15, 1985.

The fourth amendment, it is stated, extends for an additional contract year (November 1, 1986, through October 31, 1987) the full transportation volume of 75,000 Mcf of gas per day and is consistent with regulatory authority TETCO has obtained, regarding the importation of the natural gas subject to transportation herein, which TETCO is purchasing from ProGas Limited (National Energy Board of Canada License GL–56, as modified and supplemented, Economic Regulatory Administration Docket No. 79–15–NG and Commission authority in Docket No. CP79–332.)

Petitioner requests authority to extend for an additional contract year, through October 31, 1987, the transportation of 75,000 Mcf per day of natural gas on behalf of TETCO. The volumes subject to transportation would be adjusted for the eighth through tenth contract years as set forth in the fourth amendment, it is explained.

Petitioner states that its transportation service is provided in conjunction with service provided by Great Lakes Gas Transmission Company (Great Lakes). Great Lakes, it is stated, has filed with the Commission in Docket No. CP86–474–000 a petition seeking companion authority to modify its level of transportation for TETCO through October 31, 1987.

Comment date: August 7, 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.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16698 Filed 7-23-86: 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-600-000 et al.]

Natural Gas Certificate Filings; Trunkline Gas Co. et al.

July 18, 1986.

Take notice that the following filings have been made with the Commission:

1. Trunkline Gas Company

[Docket No. CP86-600-000]

Take notice that on July 3, 1986, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP86-600-000 an application pursuant to section 7(b) and 7(c) of the Natural Gas Act and the regulations thereunder for a limited-term certificate of public convenience and necessity authorizing it to transport natural gas on behalf of Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline proposes to transport up to 20,000 Mcf per day on an interruptible basis on behalf of Panhandle pursuant to a transportation agreement between Trunkline and Panhandle dated June 17, 1986. Trunkline states it would receive volumes for Panhandle's account at an existing point of receipt located at Section 44, Township 15 South, Range 10 East, St. Mary Parish, Louisiana (Centerville) at an existing interconnection with Columbia Gulf Transmission Company (Columbia), and would redeliver thermally equivalent volumes, less 3 percent for fuel usage and/or unaccounted-for line loss, to Panhandle at Section 1, Township 15 North, Range 7 East, Douglas County, Illinois (Tuscola). Trunkline proposes to charge Panhandle a transportation fee of 43.22 cents per Mcf for this transportation service.

Trunkline explains that the gas would be purchased by Panhandle for its system supply from Diamond Shamrock Corporation from reserves in the East Cameron Block 220 offshore Louisiana pursuant to a gas purchase agreement dated April 18, 1982.

Additionally, Trunkline requests pregranted authorization to abandon the proposed service upon the expiration of the transportation agreement, which would be the earlier of (1) June 17, 1988, or (2) thirty days from the date Trunkline accepts a blanket certificate of public convenience and necessity authorizing such service under Subpart G of 18 CFR Part 284 of the Commission's Regulations.

Comment date: August 8, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Southern Natural Gas Company South Georgia Natural Gas Company

[Docket No. CP86-595-000]

Take notice that on June 30, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and South Georgia Natural Gas Company (South Georgia), P.O. Box 1279, Thomasville, Georgia 31792 hereinafter referred to as Applicants, filed in Docket No. CP86-595-000 an application pursuant to section 7(c) of the Natural Gas Act for limited-term certificate of public convenience and necessity authorizing for one year the transportation of natural gas for Water, Gas & Light Commission of Albany, Georgia (Albany), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request a limited-term certificate of public convenience and necessity authorizing the transportation of gas on behalf of Albany. Albany, it is said has acquired the right to purchase gas from SNG Trading Inc. (SNG Trading) to be used as part of its system supply. It is said that in order to effectuate delivery of the gas, Albany has entered into an agreement with South Georgia dated June 24, 1986 (South Georgia Agreement), wherein South Georgia agreed to transport Albany's gas and to act as agent in arranging for the transportation of the gas through Southern's pipeline system. South Georgia, it is said, as agent for Albany, and Southern entered into a Transportation Agreement dated June 24, 1986 (Southern Agreement), which sets forth the terms under which Southern would transport the gas purchased by Albany from SNG Trading.

It is stated that subject to the receipt of all necessary governmental authorizations, Applicants have agreed to transport on an interruptible basis up to 15,000 MMBtu of gas per day purchased by Albany. Applicants request that the Commission issue a limited-term certificate for a term expiring one year from the date of the Commission's order issuing the requested authorization.

It is said that the Southern Agreement provides that South Georgia would cause gas to be delivered to Southern for transportation at various existing points of delivery on Southern's contiguous pipeline system as specified in Exhibit A to the Southern Agreement. Southern, it is said, would redeliver to South Georgia at existing point of interconnection between the pipeline facilities of Southern and those of South Georgia located in Lee County, Alabama (Lee County Redelivery Point), an equivalent quantity of gas less 3.25 percent of the volume transported for fuel use. The South Georgia Agreement, it is said, provides that Albany would cause gas to be delivered to South Georgia for

transportation at the Lee County Redelivery Point and will be redelivered to Albany at the No. 1 and No. 2 meter stations respectively located near Mile Post 103.721 on South Georgia's 12-inch Main Line and at the end of the Albany No. 2 Line at Mile Post 0.587 in Dougherty County, Georgia. It is indicated that South Georgia would redeliver an equivalent volume less 0.5 percent of the volume transported for fuel use.

It is stated that the Southern Agreement provides that South Georgia shall pay Southern each month for performing the transportation service rendered thereunder the following transportation rate:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to the particular shipper under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to such shipper do not exceed the daily contract demand of such shipper, the transportation rate shall be 39.9 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to the particular shipper under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to such shipper exceed the daily contract demand of such shipper, the transportation rate for the excess volumes would be 64.9 cents per MMBtu.

The South Georgia Agreement states that Albany has agreed to pay South Georgia each month the following transportation rate:

(a) Where the aggregate of the volumes transported and redelivered by South Georgia on any day to Albany under any and all transportation agreements with South Georgia, when added to the volumes of gas delivered under South Georgia's Rate Schedule G-2 on such day to Albany do not exceed the Maximum Daily Quantity of Albany, the transportation rates shall be 12.08 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by South Georgia on any day to Albany under any and all transportation agreements with South Georgia, when added to the volumes of gas delivered under South Georgia's Rate Schedule G-2 on such day to Albany exceed the Maximum Daily Quantity of Albany, the transportation rate for the excess volumes shall be 49.88 cents per MMBtu.

Albany, it is said, would reimburse South Georgia for all transportation and fuel charges and other costs South Georgia pays Southern pursuant to the Southern Agreement. It is stated that Agreements also provide for collection of the GRI surcharge of 1.35 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed in the event it has not previously been collected.

Applicants also requests flexible authority to provide transportation from additional delivery points in the event Albany obtains alternative sources of supply of natural gas. It is said that the additional transportation service would be to the same redelivery point, the same recipient, and within the maximum daily transportation volumes of gas as stated in the application. Applicants, it is said, would file a report providing certain information with regard to the addition of any delivery points.

Southern states that the transportation arrangement would enable Albany to diversify its natural gas supply sources and to obtain gas at competitive prices. In addition it is alleged that Southern would obtain take-or-pay relief on all volumes transported pursuant to the Southern agreement.

Comment date: August 8, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Southern Natural Gas Company

[Docket No. CP86-594-000]

Take notice that on June 30, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP86-594-000 an application pursuant to section 7(c) of the Natural Gas Act for limited-term certificate of public convenience and necessity authorizing for one year the transportation of natural gas for Atlanta Gas Light Company (Atlanta), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern requests a limited-term certificate of public convenience and necessity authorizing it to transport gas on behalf of Atlanta and the City of Thomson, Georgia (Thomson), acting as agent in arranging for the transportation of natural gas supplies for Thiele Kaolin Company (Thiele), in accordance with the terms and conditions of a transportation agreement between Atlanta and Southern dated June 24, 1986 (Atlanta Agreement) and a transportation agreement between Thomson and Southern dated June 20, 1986 (Thomson Agreement). Southern states that Thiele has entered into gas sales contracts dated April 11, 1986, to purchase natural gas from SNG Trading Inc. (SNG Trading) in order to serve the natural gas requirements of its plants in Sandersville and Thomson, Georgia. It is said that in order to effectuate delivery of the gas purchased, Thiele has entered into separate agreements with Atlanta and Thomson respectively dated May 13, 1986, and June 17, 1986, wherein Atlanta and Thomson have agreed to transport through their respective facilities the gas purchased by Thiele to its plant, and in conjunction therewith, to obtain as agent for Thiele the transportation of said gas through Southern's pipeline system.

It is stated that subject to the receipt of all necessary governmental authorizations, Southern has agreed to tansport on an interruptible basis up to 3,200 and 2,700 MMBtu of gas per day pursuant to the respective Atlanta and Thomson Agreements that Thiele has arranged to purchase from SNG Trading. Southern requests that the Commission issue a limited-term certificate for a term expiring one year from the date of the Commission's order issuing the requested authorization.

The Atlanta and Thomson Agreements, it is said, provide that Atlanta and Thomson would cause gas to be delivered to Southern for transportation at various existing points of delivery on Southern's contiguous pipeline system as specified in Exhibit F to the Application. Southern states that it would redeliver to Atlanta at the Sandersville Meter Station in Washington County, Georgia and to Thomson at the Thomson Meter Station in Jefferson County, Georgia, an equivalent quantity of gas less 3.25 percent of such amount which shall be deemed to have been used as compressor fuel and company-use gas (including system unaccounted-for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less Atlanta's or Thomson's respective pro-rata share of any gas delivered for Atlanta's or Thomson's respective account which is lost or vented for any reason.

Southern states that Atlanta and Thomson have agreed to pay Southern each month, the following transportation rates:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to the particular shipper under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to such shipper do not exceed the daily contract demand of such shipper,

the transportation rate shall be 48.2 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to the particular shipper under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to such shipper exceed the daily contract demand of such shipper, the transportation rate for the excess volumes would be 77.6 cents per MMBtu.

Southern also requests flexible authority to provide transportation from additional delivery points in the event Thiele obtains alternative sources of supply of natural gas. The additional transportation service, it is said, would be to the same redelivery point, the same recipient, and within the maximum daily transportation volumes of gas as stated in the application. Southern indicates that it would file a report providing certain information with regard to the addition of any delivery points.

Southern states that the transportation arrangement would enable Thiele to diversify its natural gas supply sources and to obtain gas at competitive prices. It is said that Thiele has the installed capability at both its plants to utilize fuel oil and has advised Southern that unless it is able to obtain the transportation services requested by Southern, it 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 Thiele to obtain access to competitively priced natural gas, the entire Southern system would benefit by retaining the Thiele load. In addition, it is said that Southern would obtain take-or-pay relief on the gas Thiele may obtain from its suppliers.

Comment date: August 8, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket No CP86-134-004]

Take notice that on July 2, 1986, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP86-134-004, a petition to amend the order issued May 1, 1986, in Docket No. CP86-134-000 pursuant to section 7 of the Natural Gas Act so as to authorize the transportation of natural gas on an interruptible basis for Bethlehem Steel Corporation (Bethlehem) for an additional term to expire April 30, 1987 and for pre-granted abandonment of such service. Natural also requests authority to increase the maximum daily volume transported from 25 billion Btu equivalent to 45 billion Btu equivalent and to expand its authorization to include the transportation of Canadian volumes of gas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Natural states that on May 1, 1986, it received authorization in Docket Nos. CP86-83-000 and CP86-134-000 to transport gas for Bethlehem's Burns Harbor, Indiana plant under the same agreement dated August 31, 1984 and said authorization is due to expire September 1, 1986 and August 31, 1986, respectively. Natural states that since both of the authorizations are under the same August 31, 1984 agreement, Natural seeks to amend only Docket No. CP86-134-000 and to allow the authorization in CP86-83-000 to expire. Therefore, Natural requests to increase the maximum daily volume transported in Docket No. CP86-134-000 from 25,000 MMBtu to 45,000 to include the natural gas imported from Canada for Bethlehem which is transported under authorization in Docket No. CP86-83-000.[1]

Comment date: August 8, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. MIGC, Inc.

[Docket No. CP86-596-000]

Take notice that on June 30, 1986, MIGC, Inc. (MIGC), 10701 Melody Drive, Northglenn, Colorado 80234, filed in Docket No. CP86-596-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a blanket cerificate of public convenience and necessity authorizing the transportation of 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.

MIGC indicates that it intends to transport natural gas on behalf of all shippers and elects to become a transporter under the terms and conditions of the Commission's Order No. 436, issued October 9, 1985, in Docket No. RM85-1-000. MIGC also indicates that it would comply with the conditions set forth in Subpart A of Part 284 of the Commission's Regulations.

MIGC also requests pre-granted abandonment authority with respect to its sales obligations, to the extent that its sales customers elect to reduce or convert to firm transportation their sales entitlements. With respect to those conversions and reductions, MIGC proposes that its sales customers be allowed the full percentage reduction set forth in § 284.10 of the Commission's Regulations, but that those conversions and reductions not begin to take effect until the later of 195 days after MIGC has accepted a blanket certificate or November 1, 1987.

MIGC states that it has filed pro forma tariff sheets reflecting recalculations of its T-1 interruptible transportation rate to provide for firm and interruptible rates, to be set forth in Rate Schedules FTS-1 and ITS-1, respectively. MIGC further states that pro forma terms and conditions describing the method in which it has proposed to implement its Order No. 436 transportation program are also included, as are certain other pro forma sheets reflecting necessary changes to its PL-1 and PL-2 Rate Schedules.

MIGC also requests pre-granted abandonment authority to abandon all self-implementing transportation service rendered under MIGC's Order No. 436 transportation program and that such abandonment authority be effective on the date a particular transportation agreement expires.

Comment date: August 8, 1986, in accordance with Standard Paragraph F at the end of this notice.

6. Consolidated Gas Transmission Corporation

[Docket No. CP86-344-001]

Take notice that on June 27, 1986, Consolidated Gas Transmission Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP86-344-001, pursuant to section 7 of the Natural Gas Act, an amendment to its application filed on February 25, 1986, seeking certificate authorization to construct and operate 33.5 miles of 24-inch transmission Line No. TL-460 in Onondaga and Oswego Counties, New York, and a new measuring and regulating station at the pipeline's northern terminus, to serve as its new Biddlecum Road delivery point to Niagara Mohawk Power Corporation (Niagara Mohawk), as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's original application explained that the proposed facilities are necessary to enable it to serve

[1] Natural states that Bethlehem obtained Economic Regulatory Administration authority to import this Canadian gas at ERA Docket No. 85-09-NG, Opinion and Order No. 84 issued June 3, 1986.

Niagara Mohawk's increased market requirements. In the amendment, Applicant submits an updated estimate of Niagara Mohawk's peak day and annual requirements for service from Applicant. The amendment explains that the estimate reflects higher peak day requirements, lower short-term annual requirements, and higher long-term annual requirements than the study contained in Applicant's original application. Applicant avers that the purpose of the amendment is to revise its original proposals to accommodate Niagara Mohawk's changed requirements.

The amendment states that it will not be necessary for Applicant to change the facilities it proposes to construct in the instant proceeding, but that certain changes in the proposed operations will be required to accommodate Niagara Mohawk's revised requirements. In Applicant's original application, it sought authorization to shift all deliveries of natural gas from its Oneida delivery point to the new Biddlecum Road delivery point and to retain the Oneida delivery point for back-up and emergency capacity. With Niagara Mohawk's estimated increased market requirements, commencing in the 1988–89 winter, it will be necessary for Applicant to use the Oneida delivery point for deliveries during peak periods. Applicant seeks authorization for this change in operations.

Additionally, to accommodate Niagara Mohawk's revised requirements, Applicant seeks authorization to expand the territory in which it serves Niagara Mohawk to include Lewis and St. Lawrence Counties in New York. The territory in which Applicant serves Niagara Mohawk is limited to the counties described in their currently effective service agreement, dated January 23, 1970. Niagara Mohawk's supplemental requirements study includes service through the new Biddlecum Road delivery point to potential markets located in Lewis and St. Lawrence Counties, which are not currently included in the service agreement. Applicant seeks authorization to serve Niagara Mohawk in those counties and to add Lewis and St. Lawrence Counties to the list of counties set forth in their service agreement.

Comment date: August 8, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

7. Colorado Interstate Gas Company

[Docket No. CP85–447–003]

Take notice that on July 7, 1986, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85–447–003 a petition to amend the order issued on September 30, 1985 in Docket No. CP85–447–000 as amended December 12, 1985 in Docket No. CP85–447–001, pursuant to section 7(c) of the Natural Gas Act. In the petition to amend, CIG requests authority for the addition of a receipt point to the gas transportation agreement dated February 28, 1985 (Agreement), between the Western Natural Gas and Transmission Corp. (Western) and itself, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

CIG seeks authority to add the existing Coronado receipt point, located in Park County, Wyoming, as a new receipt point to its Agreement with Western. In support of its request, CIG states that Western has purchased gas supplies behind the Coronado receipt which it would cause to be delivered to CIG. CIG adds that no new facilities are required to effectuate this proposal.

Additionally, CIG requests authority to add and delete receipt points to the Agreement and to file annually by January 31 tariff revisions reflecting such additions and deletions. This amended authority, CIG claims, would expedite the connection of new sources of supply which Western may acquire in the future. It also adds that such flexible authority would reduce the administrative burdens on the Commission, its staff and CIG.

Comment date: August 8, 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. 86–16699 Filed 7–23–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA86–3–1–002]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

July 18, 1986.

Take notice that on July 15, 1986, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets:

Substitute Ninth Revised Sheet No. 4

First Revised Sheet No. 41–B

The tariff sheets are proposed to become effective July 1, 1986. Alabama-Tennessee states the above referenced tariff sheets are filed in compliance with the Commission's Order issued on June 30, 1986 in Docket No. TA86–3–1–000. Substitute Ninth Revised Sheet No. 4 is stated to have been revised to reflect the proper Rate Schedule G–1 rate and to reflect downward revisions in the rates of its suppliers, effective July 1, 1986, including purchases of spot market gas at market responsive prices. Alabama-Tennessee further states that the tariff language shown on First Revised Sheet No. 41–B has been revised to reflect changes required by the Commission in its June 30, 1986 Order.

Alabama-Tennessee has requested any necessary waivers of the Commission's Regulations in order to permit the tariff sheets to become effective as proposed.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington,DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 28, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16701 Filed 7-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST86-1345-000 et al.]

Louisiana Interstate Gas Corp. et al.; Self-Implementing Transactions

July 21, 1986.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Subpart F of Part 157 and Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(EU)" indicates transportation by an interstate pipeline company on behalf of an end-user pursuant to a blanket certificate issued under § 284.223 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before August 11, 1986, 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 or 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 party to a proceeding. Any person wishing to become a party of 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.

Kennth F. Plumb,

Secretary.

[1] Notice of transactions does not constitute a determination that service will continue in accordance with Order No. 436, Final Rule and Notice Requesting Supplemental Comments, 50 FR 42,372 (Oct. 18, 1985).

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST86-1345	Louisiana Intrastate Gas Corp	Florida Gas Transmission Co	05-01-86	C	09-26-86	22.40
ST86-1346	Consolidated Gas Transmission Corp	Hope Gas, Inc	05-01-86	B		
ST86-1347	do	do	05-01-86	B		
ST86-1348	do	Rochester Gas & Electric Corp	05-01-86	B		
ST86-1349	do	East Ohio Gas Co	05-01-86	B		
ST86-1350	do	Hope Gas, Inc	05-01-86	B		
ST86-1351	Houston Pipe Line Co	Northern Intrastate Pipeline Co	05-02-86	C		
ST86-1352	do	United Cities Gas Co	05-02-86	C		
ST86-1353	Delhi Gas Pipeline Corp	Tennessee Gas Pipeline Co	04-23-86	C		
ST86-1354	Texas Eastern Transmission Corp	Consumers Power Co	05-01-86	B		
ST86-1355	do	do	05-01-86	B		
ST86-1356	do	Quivira Gas Co	05-01-86	B		
ST86-1357	do	East Ohio Gas Co., et al	05-01-86	B		
ST86-1358	do	Mississippi Valley Gas Co	05-01-86	B		
ST86-1359	do	United Cities Gas Co	05-01-86	B		
ST86-1360	Consolidated Gas Transmission Corp	Hope Gas, Inc	05-02-86	B		
ST86-1361	United Gas Pipe Line Co	Utility Board of City of Bay Minette	05-02-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST86-1362	do	Memphis Light, Gas and Water Division	05-02-86	B		
ST86-1363	ONG Transmission Co	Peoples Natural Gas Co	05-02-86	C	09-29-86	10.0
ST86-1364	Consolidated Gas Transmission Corp	Niagara Mohawk Power Corp	05-02-86	B		
ST86-1365	do	Peoples Natural Gas Co	05-02-86	B		
ST86-1366	do	Niagara Mohawk Power Corp	05-02-86	B		
ST86-1367	do	Hope Gas, Inc	05-02-86	B		
ST86-1368	Michigan Gas Storage Co	Consumers Power Co	05-05-86	B		
ST86-1369	do	do	05-05-86	B		
ST86-1370	Texas Gas Transmission Corp	Quivira Gas Co	05-05-86	B		
ST86-1371	Transok, Inc	East Ohio Gas Co	05-05-86	C	10-02-86	26.25
ST86-1372	Trunkline Gas Co	Consumers Power Co	05-06-86	B		
ST86-1373	do	do	05-06-86	B		
ST86-1374	United Gas Pipe Line Co	Mississippi Valley Gas Co	05-06-86	B		
ST86-1375	do	Shreveport Intrastate Gas Trans., Inc	05-06-86	B		
ST86-1376	Michigan Gas Storage Co	Consumers Power Co	05-07-86	B		
ST86-1377	Texas Eastern Transmission Corp	Indiana Gas Co	05-07-86	B		
ST86-1378	do	Mississippi Valley Gas Co	05-07-86	B		
ST86-1379	do	Rochester Gas & Electric Corp	05-07-86	B		
ST86-1380	do	Louisville Gas & Electric Co	05-07-86	B		
ST86-1381	Trunkline Gas Co	Michigan Gas Utilities	05-07-86	B		
ST86-1382	Michigan Gas Storage Co	Consumers Power Co	05-08-86	B		
ST86-1383	ONG Transmission Co	ANR Pipeline Co	05-08-96	C	10-05-86	10.00
ST86-1384	Valero Transmission Co	Texas Eastern Transmission Corp	05-09-86	C		
ST86-1385	do	Transcontinental Gas Pipe Line Corp	05-09-86	C		
ST86-1386	do	Texas Eastern Transmission Corp	05-09-86	C		
ST86-1387	do	El Paso Natural Gas Co	05-09-86	C		
ST86-1388	do	do	05-09-86	C		
ST86-1389	do	Valero Interstate Transmission Co	05-09-86	C		
ST86-1390	Valero Interstate Transmission Co	Valero Transmission Co	05-09-86	B		
ST86-1391	Delhi Gas Pipeline Corp	Niagara Mohawk Power Corp	05-09-86	C		
ST86-1392	Michigan Gas Storage Co	Consumers Power Co	05-09-86	B		
ST86-1393	Trunkline Gas Co	do	05-09-86	B		
ST86-1394	do	do	05-09-86	B		
ST86-1395	Texas Eastern Transmission Corp	Delhi Gas Pipeline Corp	05-09-86	B		
ST86-1396	Caprock Pipeline Co	Westar Transmission Co	05-09-86	B		
ST86-1397	Columbia Gulf Transmission Co	E.I. Dupont Denemours & Co	05-09-86	G(EU)		
ST86-1398	Trunkline Gas Co	Bridgeline Gas Distribution Co	05-12-86	B		
ST86-1399	do	Consumers Power Co	05-12-86	B		
ST86-1400	do	do	05-12-86	B		
ST86-1401	do	do	05-12-86	B		
ST86-1402	do	do	05-12-86	B		
ST86-1403	do	do	05-12-86	B		
ST86-1404	do	do	05-12-86	B		
ST86-1405	do	do	05-12-86	B		
ST86-1406	do	do	05-12-86	B		
ST86-1407	Houston Pipe Line Co	do	05-12-86	B		
ST86-1408	Panhandle Eastern Pipe Co	Northern Illinois Gas Co	05-13-86	B		
ST86-1409	Colorado Interstate Gas Co	Coors Energy Co	05-13-86	B		
ST86-1410	Panhandle Eastern Pipe Line Co	Illinois Power Co	05-13-86	B		
ST86-1411	do	Central Illinois Light Co	05-13-86	B		
ST86-1412	do	Kokomo Gas and Fuel Co	05-13-86	B		
ST86-1413	Trunkline Gas Co	Faustina Pipe Line Co	05-13-86	B		
ST86-1414	do	Consumers Power Co	05-13-86	B		
ST86-1415	do	do	05-13-86	B		
ST86-1416	Houston Pipe Line Co	Texas Eastern Transmission Corp	05-13-86	C		
ST86-1417	Oasis Pipe Line Co	Northern Natural Gas Co	05-13-86	C		
ST86-1418	Houston Pipe Line Co	do	05-13-86	C		
ST86-1419	Michigan Gas Storage Co	Consumers Power Co	05-14-86	B		
ST86-1420	do	do	05-14-86	B		
ST86-1421	do	do	05-14-86	B		
ST86-1422	do	do	05-14-86	B		
ST86-1423	do	do	05-14-86	B		
ST86-1424	do	do	05-14-86	B		
ST86-1425	Ong Transmission Co	Michigan Gas Utilities	05-14-86	C	10-11-86	10.00
ST86-1426	do	Anr Pipeline Co	05-14-86	C	10-11-86	10.00
ST86-1427	United Gas Pipe Line Co	Tejas Gas Corp	05-15-86	B		
ST86-1428	do	Eastex Gas Transmission	05-15-86	B		
ST86-1429	do	City of Milton	05-15-86	B		
ST86-1430	do	Clajon Industrial Gas	05-15-86	B		
ST86-1431	Weirton Service Pipeline Co., Inc	Columbia Gas Transmission Co	05-15-86	C	10-12-86	01.88
ST86-1432	United Gas Pipe Line Co	Humble Gas System, Inc	05-15-86	B		
ST86-1433	do	Clajon Industrial Gas	05-15-86	B		
ST86-1434	do	Cincinnati Gas and Electric Co	05-15-86	B		
ST86-1435	Texas Eastern Transmission Corp	Associated Natural Gas Co	05-15-86	B		
ST86-1436	do	Indiana Gas Co	05-15-86	B		
ST86-1437	do	Dayton Power and Light Co	05-15-86	B		
ST86-1438	do	Peoples Gas Light & Coke Co	05-15-86	B		
ST86-1439	do	Baltimore Gas and Electric Co	05-15-86	B		
ST86-1440	do	Southern Indiana Gas & Electric Co	05-15-86	B		
ST86-1441	do	Louisville Gas & Electric Co	05-15-86	B		
ST86-1442	do	Mountaineer Gas Co	05-15-86	B		
ST86-1443	Ohio River Pipeline Corp	Indiana Gas Co	05-16-86	B		
ST86-1444	do	do	05-16-86	B		
ST86-1445	Houston Pipe Line Co	Amoco Gas Co	05-16-86	C		
ST86-1446	United Gas Pipe Line Co	Orange and Rockland Utilities, Inc	05-16-86	B		
ST86-1447	Texas Eastern Transmission Corp	Indiana Gas Co	05-16-86	B		
ST86-1448	United Gas Pipe Line Co	New Orleans Public Service, Inc	05-16-86	B		
ST86-1449	do	Mountaineer Gas Co	05-16-86	B		
ST86-1450	do	Sarvic Gas Co	05-16-86	B		
ST86-1451	do	Peoples Natural Gas Co	05-16-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST86-1452	do	Utility Board of City of Bay Minette	05-16-86	B		
ST86-1453	do	Louisiana State Gas Corp	05-16-86	B		
ST86-1454	do	Ugi Corp	05-16-86	B		
ST86-1455	Midwestern Gas Transmission Co.[3]	Southern Natural Gas Co	05-16-86	G		
ST86-1456	Panhandle Eastern Pipe Line Co	Delhi Gas Pipeline Corp	05-16-86	B		
ST86-1457	do	Illinois Power Co	05-16-86	B		
ST86-1458	do	Kokomo Gas and Fuel Co	05-16-86	B		
ST86-1459	do	Union Electric Co	05-16-86	B		
ST86-1460	do	do	05-16-86	B		
ST86-1461	do	Kokomo Gas and Fuel Co	05-16-86	B		
ST86-1462	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	05-19-86	C		
ST86-1463	do	Associated Natural Gas Co	05-19-86	C		
ST86-1464	United Gas Pipe Line Co	Victoria Gas Corp	05-19-86	B		
ST86-1465	Equitable Gas Co	Columbia Gas of Pennsylvania, Inc	05-19-86	B		
ST86-1466	Columbia Gulf Transmission Co	Southern Natural Gas Co	05-19-86	G(IE)		
ST86-1467	do	Transcontinental Gas Pipe Line Corp	05-19-86	G(IE)		
ST86-1468	do	Faustina Pipe Line Co	05-19-86	B		
ST86-1469	Panhandle Eastern Pipe Line Co	Citizens Gas Fuel Co	05-19-86	B		
ST86-1470	Consolidated Gas Transmission Corp	Peoples Natural Gas Co	05-19-86	B		
ST86-1471	Panhandle Eastern Pipe Line Co	Citizens Gas Fuel Co	05-19-86	B		
ST86-1472	do	do	05-19-86	B		
ST86-1473	do	do	05-19-86	B		
ST86-1474	Trunkline Gas Co	Consumers Power Co	05-19-86	B		
ST86-1475	Panhandle Eastern Pipe Line Co	Citizens Gas Fuel Co	05-19-86	B		
ST86-1476	do	do	05-19-86	B		
ST86-1477	do	do	05-19-86	B		
ST86-1478	do	do	05-19-86	B		
ST86-1479	do	do	05-19-86	B		
ST86-1480	do	do	05-19-86	B		
ST86-1481	do	do	05-19-86	B		
ST86-1482	Trunkline Gas Co	Cokinos Natural Gas Co	05-19-86	B		
ST86-1483	Panhandle Eastern Pipe Line	Citizens Gas Fuel Co	05-19-86	B		
ST86-1484	do	do	05-19-86	B		
ST86-1485	do	do	05-19-86	B		
ST86-1486	do	do	05-19-86	B		
ST86-1487	do	Consumers Power Co	05-19-86	B		
ST86-1488	do	Citizens Gas Fuel Co	05-19-86	B		
ST86-1489	do	do	05-19-86	B		
ST86-1490	do	do	05-19-86	B		
ST86-1491	do	do	05-19-86	B		
ST86-1492	do	do	05-19-86	B		
ST86-1493	do	do	05-19-86	B		
ST86-1494	Texas Gas Transmission Corp	Columbia Gas of Ohio, Inc	05-20-86	B		
ST86-1495	do	Jackson Utility Division	05-20-86	B		
ST86-1496	United Gas Pipe Line Co	Texas Gas Corp	05-20-86	B		
ST86-1497	do	Shreveport Intrastate Gas Trans., Inc	05-20-86	B		
ST86-1498	SNG Intrastate Pipeline, Inc	Southern Natural Gas Co	05-20-86	C	10-17-86	49.50
ST86-1499	Panhandle Eastern Pipe Line Co	East Ohio Gas Co	05-21-86	B		
ST86-1500	do	Michigan Gas Utilities	05-21-86	B		
ST86-1501	do	Central Illinois Light Co	05-21-86	B		
ST86-1502	do	Michigan Gas Utilities	05-21-86	B		
ST86-1503	do	Central Illinois Light Co	05-21-86	B		
ST86-1504	Texas Eastern Transmission Corp	Western Kentucky Gas Co	05-21-86	B		
ST86-1505	Columbia Gulf Transmission Co	Nashville Natural Gas Co	05-21-86	B		
ST86-1506	El Paso Natural Gas Co	El Paso Hydrocarbons Co	05-21-86	B		
ST86-1507	do	Southwest Gas Corp	05-21-86	B		
ST86-1508	do	do	05-21-86	B		
ST86-1509	Texas Gas Transmission Corp	Indiana Gas Co	05-22-86	B		
ST86-1510	do	do	05-22-86	B		
ST86-1511	do	Western Kentucky Gas Co	05-22-86	B		
ST86-1512	do	Indiana Gas Co	05-22-86	B		
ST86-1513	do	Memphis Light, Gas and Water Division	05-22-86	B		
ST86-1514	do	Indiana Gas Co	05-23-86	B		
ST86-1515	do	City of Olive Branch	05-22-86	B		
ST86-1516	do	Corning Natural Gas Corp	05-22-86	B		
ST86-1417	Michigan Gas Storage Co	Consumers Power Co	05-22-86	B		
ST86-1518	United Gas Pipe Line Co	LGS Intrastate, Inc	05-22-86	B		
ST86-1519	Michigan Gas Storage Co	Consumers Power Co	05-22-86	B		
ST86-1520	do	do	05-22-86	B		
ST86-1521	do	do	05-22-86	B		
ST86-1522	do	do	05-22-86	B		
ST86-1523	do	do	05-22-86	B		
ST86-1524	Texas Gas Transmission Corp	Hoosier Gas Corp	05-22-86	B		
ST86-1525	do	West Ohio Gas Co	05-22-86	B		
ST86-1526	do	Indiana Gas Co	05-22-86	B		
ST86-1527	do	do	05-22-86	B		
ST86-1528	Delta Natural Gas Co., Inc	Columbia Gas Transmission Corp	05-22-86	G(HT)		
ST86-1529	Consolidated Gas Transmission Corp	Niagara Mohawk Power Corp	05-22-86	B		
ST86-1530	do	Hope Gas, Inc	05-22-86	B		
ST86-1531	do	Niagara Mohawk Power Corp	05-22-86	B		
ST86-1532	do	East Ohio Gas Co	05-22-86	B		
ST86-1533	do	Peoples Natural Gas Co	05-22-86	B		
ST86-1534	do	do	05-22-86	B		
ST86-1535	do	do	05-22-86	B		
ST86-1536	do	Corning Natural Gas Corp	05-22-86	B		
ST86-1537	do	East Ohio Gas Co	05-22-86	B		
ST86-1538	do	Niagara Mohawk Power Corp	05-22-86	B		
ST86-1539	do	do	05-22-86	B		
ST86-1540	Panhandle Eastern Pipe Line Co	Ohio Gas Co	05-23-86	B		
ST86-1541	do	do	05-23-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST86-1542	do	do	05-23-86	B		
ST86-1543	do	do	05-23-86	B		
ST86-1544	do	do	05-23-86	B		
ST86-1545	do	do	05-23-86	B		
ST86-1546	do	do	05-23-86	B		
ST86-1547	do	do	05-23-86	B		
ST86-1548	do	do	05-23-86	B		
ST86-1549	do	Citizens Gas and Coke Utility	05-23-86	B		
ST86-1550	do	Ohio Gas Co	05-23-86	B		
ST86-1551	do	do	05-23-86	B		
ST86-1552	do	do	05-23-86	B		
ST86-1553	do	do	05-23-86	B		
ST86-1554	do	do	05-23-86	B		
ST86-1555	do	do	05-23-86	B		
ST86-1556	do	Boston Gas Co	05-23-86	B		
ST86-1557	do	Orange and Rockland Utilities, Inc	05-23-86	B		
ST86-1558	do	City of Fulton, Bd. of Public Works	05-27-86	B		
ST86-1559	do	City of Monroe	05-27-86	B		
ST86-1560	Texas Gas Transmission Corp	New York State Electric and Gas Co	05-27-86	B		
ST86-1561	do	Victoria Gas Corp	05-27-86	B		
ST86-1562	Cranberry Pipeline Corp	National Fuel Gas Supply Corp	05-27-86	C	10-24-86	43.00
ST86-1563	Arkla Energy Resources	Arkansas Louisiana Gas Co	05-27-86	B		
ST86-1564	Texas Gas Transmission Corp	Peoples Gas Light & Coke Co	05-28-86	B		
ST86-1565	Michigan Gas Storage Co	Consumers Power Co	05-28-86	B		
ST86-1566	do	do	05-28-86	B		
ST86-1567	do	do	05-28-86	B		
ST86-1568	do	do	05-28-86	B		
ST86-1569	do	do	05-28-86	B		
ST86-1570	do	do	05-28-86	B		
ST86-1571	do	do	05-28-86	B		
ST86-1572	Panhandle Eastern Pipe Line Co	Michigan Consolidated Gas Co	05-28-86	B		
ST86-1573	do	Central Illinois Light Co	05-28-86	B		
ST86-1574	Trunkline Gas Co	Consumers Power Co	05-28-86	B		
ST86-1575	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	05-28-86	B		
ST86-1576	Trunkline Gas Co	Central Illinois Public Service Co	05-28-86	B		
ST86-1577	Panhandle Eastern Pipe Line Co	Kokomo Gas and Fuel Co	05-28-86	B		
ST86-1578	do	Illinois Power Co	05-28-86	B		
ST86-1579	Trunkline Gas Co	Central Illinois Public Service Co	05-28-86	B		
ST86-1580	Panhandle Eastern Pipe Line Co	Kokomo Gas and Fuel Co	05-28-86	B		
ST86-1581	do	do	05-28-86	B		
ST86-1582	do	Central Illinois Light Co	05-28-86	B		
ST86-1583	Trunkline Gas Co	Consumers Power Co	05-28-86	B		
ST86-1584	do	do	05-28-86	B		
ST86-1585	Northwest Pipeline Corp	City of Ellensburg	05-28-86	B		
ST86-1586	Oasis Pipe Line Co	Northern Natural Gas Co	05-29-86	C		
ST86-1587	Houston Pipe Line Co	do	05-29-86	C		
ST86-1588	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	05-29-86	C		
ST86-1589	do	Michigan Consolidated Gas Co	05-29-86	C		
ST86-1590	Houston Pipe Line Co	Faustina Pipe Line Co	05-29-86	C		
ST86-1591	do	Consumers Power Co	05-29-86	C		
ST86-1592	do	Philadelphia Gas Works	05-29-86	C		
ST86-1593	do	East Ohio Gas Co	05-29-86	C		
ST86-1594	Valero Interstate Transmission Co	VLDC Co	05-29-86	B		
ST86-1595	Valero Transmission Co	do	05-29-86	C		
ST86-1596	Delhi Gas Pipeline Corp	East Ohio Gas Co	05-29-86	C		
ST86-1597	do	Consumers Power Co	05-29-86	C		
ST86-1598	do	Cincinnati Gas and Electric Co	05-29-86	C		
ST86-1599	do	United Gas Pipe Line Co	05-29-86	C		
ST86-1600	do	do	05-29-86	C		
ST86-1601	do	do	05-29-86	C		
ST86-1602	do	Panhandle Eastern Pipe Line Co	05-29-86	C		
ST86-1603	do	Mississippi River Transmission Corp	05-29-86	C		
ST86-1604	do	Central Illinois Public Service Co	05-29-86	C		
ST86-1605	Panhandle Gas Co	United Cities Gas Co	05-29-86	D		
ST86-1606	do	Northern Intrastate Pipeline Co	05-29-86	D		
ST86-1607	United Gas Pipe Line Co	Llano, Inc	05-30-86	B		
ST86-1608	United Texas Transmission Co	Texas Eastern Transmission Corp	05-30-86	C		
ST86-1609	do	do	05-30-86	C		
ST86-1610	do	do	05-30-86	C		
ST86-1611	do	do	05-30-86	C		
ST86-1612	do	United Cities Gas Co	05-30-86	C		
ST86-1613	do	Texas Eastern Transmission Corp.	05-30-86	C		
ST86-1614	Arkansas Oklahoma Gas Corp	Columbia Gas Transmission Corp	05-30-86	G(HT)		
ST86-1615	El Paso Natural Gas Co	Gas Co. of NM	05-30-86	B		
ST86-1616	do	Southwest Gas Corp	05-30-86	B		
ST86-1617	Texas Eastern Transmission Corp	United Cities Gas Co	05-30-86	B		
ST86-1618	do	Michigan Consolidated Gas Co	05-30-86	B		
ST86-1619	do	Columbia Gas of Ohio, Inc	05-30-86	B		
ST86-1620	do	do	05-30-86	B		
ST86-1621	do	Delhi Gas Pipeline Corp	05-30-86	B		
ST86-1622	do	Louisville Gas & Electric Co	05-30-86	B		
ST86-1623	do	Western Kentucky Gas Co	05-30-86	B		
ST86-1624	Arkla Energy Resources	Arkla Energy Resources (La Intra. Seg.)	05-30-86	B		
ST86-1625	El Paso Natural Gas Co	High Plains Natural Gas Co	05-30-86	B		
ST86-1626	Texas Eastern Transmission Corp	North Alabama Gas District	05-30-86	B		
ST86-1627	do	East Ohio Gas Co	05-30-86	B		
ST86-1628	do	Orange and Rockland Utilities, Inc	05-30-86	B		
ST86-1629	do	Long Island Lighting Co	05-30-86	B		
ST86-1630	Louisiana Resources Co	Northern Intrastate Pipeline Co	05-30-86	C	10-27-86	10.00
ST86-1631	do	Northern Natural Gas Co	05-30-86	C	10-27-86	10.00

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST86-1632	....do	Southern Natural Gas Co	05-30-86	C	10-27-86	35.08
ST86-1633	....do	ANR Pipeline Co	05-30-86	C	10-27-86	23.27
ST86-1634	Columbia Gas Transmission Corp	Arkansas Oklahoma Gas Corp	05-30-86	B		
ST86-1635	Equitable Gas Co	Columbia Gas of Pennsylvania, Inc	05-30-86	B		
ST86-1636	Louisiana Resources Co	Transcontinential Gas Pipe Line Corp	05-30-86	C	10-27-86	18.27

[1] Notice of transactions does not constitute a determination that filings comply with commission regulations in accordance with order No. 436 (Final Rule and Notice requesting supplemental comments, 50 FR 42,372, 10/18/85).
[2] The Intrastate Pipeline has sought commission approval of its transportation rate pursuant to section 284.123(B)(2) of the commission's regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the commission does not take action by the date indicated.
[3] Combined initial report and notification of termination for a transaction commenced 12/01/84 and terminated 02/28/86.

[FR Doc. 86-16702 Filed 7-23-86; 8:45 am]
BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding a $60,382.82 consent order fund to members of the public. This money is being held in escrow following the settlement of an enforcement proceeding involving Cranston Oil Service Company, Inc., and its successor-in-interest Galego Oil Company.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to Cranston Oil Service Company, Inc. Consent Order Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to Case No. KEF-0029.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set forth below. The Proposed Decision relates to a consent order entered into by Cranston Oil Service Company, Inc. (Cranston) and its successor-in-interest, Galego Oil Company (Galego) and the DOE which settled possible regulatory violations in the firm's sales of No. 2 heating oil during the consent order period, November 1, 1973 through May 29, 1976.

The Proposed Decision set forth the procedures and standards that the DOE has tentatively formulated to distribute the escrow account funded by Galego pursuant to the consent order. The DOE has tentatively established procedures under which purchasers of Cranston No. 2 heating oil during the consent order period may file claims for refunds. Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: July 10, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

July 10, 1986.

Name of Firm: Cranston Oil Service Company, Inc.
Date of Filing: April 11, 1986
Case Number: KEF-0029

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition on April 11, 1986 requesting that the OHA implement a proceeding to distribute funds received pursuant to a Consent Order entered into by the DOE and Cranston Oil Service Company, Inc. (Cranston) and its successor-in-interest, Galego Oil Company (Galego).[1]

I. Background

Cranston was a "retailer" of No. 2 heating oil as this term was defined in 10 CFR 212.31, and was therefore subject to the Mandatory Petroleum Price Regulations. The firm was located in Cranston, Rhode Island and marketed No. 2 heating oils to predominantly residential customers. A DOE audit of Cranston's operations was conducted for the period November 1, 1973 through May 29, 1976 (the audit period). On February 8, 1977, Cranston and Galego entered into a Consent Order with the Federal Energy Administration (FEA), predecessor agency to the DOE, to settle all disputes and claims between Cranston and the FEA regarding the firm's compliance with the price regulations in sales of No. 2 heating oil during the audit period (hereinafter referred to as the consent order period). Under the Consent Order, Galego agreed, for a period of five years following the transfer of Cranston's assets, to deposit 0.9 cents for every gallon of No. 2 heating oil sold to former Cranston customers into an escrow account. The escrow account funds were to be used to provide restitution for the alleged overcharges plus interest, pending a final decision on an application for exception from the price regulations filed by Cranston. After several administrative and judicial decisions were issued concerning Cranston's request for exception relief, Galego was ordered on October 8, 1985, to remit to the DOE the amount held in

[1] On February 8, 1977, Cranston completed a transfer of its assets to Galego and ceased operation as a petroleum products retailer.

escrow less an overpayment of $643.57, for ultimate distribution to No. 2 heating oil customers of Cranston injured by the alleged overcharges. *See Cranston Oil Service Co.*, 13 DOE ¶ 82,513 (1985). Accordingly, on November 22, 1985, Galego remitted $60,382.82 to the DOE and that amount was deposited in an interest-bearing escrow account under the jurisdiction of the DOE.

II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. It is the DOE policy to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 9 DOE ¶ 82,597 (1981). After reviewing the record in the present case, we have concluded that a Subpart V proceeding is an appropriate mechanism for distributing the Cranston settlement. We therefore propose to grant the ERA's petition and assume jurisdiction over distribution of the fund.

III. Proposed Refund Procedures

A. Eligible Claimants

Insofar as possible, the consent order fund should be distributed to those customers of Cranston who were injured by the alleged overcharges. We expect that all claimants will be individuals or firms that consumed Cranston No. 2 heating oil for their own use (end-users). As in many other refund proceedings, we are making a finding that end-users of ultimate consumers whose business is unrelated to the petroleum industry were injured by the alleged overcharges covered by the Cranston settlement. Unlike regulated firms in the petroleum industry, members of this group were generally not subject to price controls during the audit period, and were not required to keep records which justified selling price increases by reference to cost increases. *See, e.g., Marion Corp.*, 12 DOE ¶ 85,014 (1984); *Thornton Oil Corp.*, 12 DOE ¶ 85,112 (1984). For these reasons, an analysis of the impact of the increased cost of petroleum products on the final prices of non-petroleum goods and services would be beyond the scope of this special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984) and cases cited therein. We therefore propose that end-users of Cranston No. 2 heating oil need only document their purchase volumes during the audit period to make a sufficient showing that they were injured by the alleged overcharges.

B. Calculation of Refund Amounts

We propose to use a volumetric refund methodology to distribute the consent order funds in this proceeding. The volumetric refund presumption assumes that the alleged overcharges by a firm were spread equally over all gallons of product marketed by that firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. This presumption is rebuttable, however. A claimant which believes that it suffered a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. *See Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984).

Under the volumetric system we plan to adopt, a claimant will be eligible to receive a refund equal to the number of gallons of No. 2 heating oil purchased from Cranston times the volumetric factor. The volumetric factor in this case equals $0.020060 per gallon.[2] In addition, successful claimants will receive a proportionate share of the accrued interest.

We also propose to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See Urban Oil Co.*, 9 DOE ¶ 82,541 (1982); *see also* 10 CFR 205.286(b). Thus, an end-user must have purchased a minimum of approximately 748 gallons of No. 2 heating oil ($15 divided by the volumetric factor of $0.020060) during the consent order period to obtain a refund.

IV. Conclusion

Refund applications in this proceeding should not be filed until issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final decisions in the **Federal Register**, copies will be provided to the few Cranston customers whose names and addresses we have obtained from the DOE audit files.

In the event that money remains after all first stage claims have been disposed of, these funds could be distributed in various ways. We will not be in a position to decide what should be done with any remaining funds until the first stage of this refund proceeding is completed.

It Is Therefore Ordered That

The refund amount remitted to the Department of Energy by Galego Oil Company on behalf of Cranston Oil Company pursuant to the Consent Order executed on February 8, 1977 and the Decision and Order issued on October 8, 1985, will be distributed in accordance with the foregoing Decision.

[FR Doc. 86-16625 Filed 1-23-86; 8:45 am]

BILLING CODE 6450-01-M

[2] The volumetric factor in the present case is computed by dividing the consent order amount ($60,382.82) by the 3,010,066 gallons of No. 2 heating oil which the ERA audit files indicate Cranston sold during the consent order period.

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $20,965.53 obtained as a result of a consent order which the DOE entered into with Port Oil Company, Inc. (Port), a reseller-retailer of refined petroleum products located in Mobile, Alabama. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of the Port consent order funds must be filed in duplicate and must be received within 90 days of publication of this notice in the **Federal Register**. All applications should refer to Case Number HEF-0153 and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Walter J. Marullo, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision relates to a consent order entered into by the DOE and Port Oil Company, Inc. (Port) which settled all claims and disputes between Port and the DOE regarding the manner in which the firm applied the federal price regulations with respect to its sales of motor gasoline during the period, April 1, 1979, through December 31, 1979 (consent order period). A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the Port consent order funds was issued on May 5, 1986. 51 FR 17817 (May 15, 1986).

The Decision sets forth procedures and standards that the DOE has formulated to distribute the contents of an escrow account funded by Port pursuant to the consent order. The DOE has decided to accept Applications for Refund from firms and individuals that purchased motor gasoline sold by Port during the consent order period. Eligible applications include indirect customers as well as first purchasers. In order to receive a refund, a claimant will be required to submit a schedule of its monthly purchases of Port motor gasoline and to demonstrate that it was injured by Port's pricing practices. An indirect purchaser must also submit the name of its immediate supplier and indicate why it believes the motor gasoline was originally sold by Port.

As the accompanying Decision and Order indicates, Applications for Refund may now be filed by customers that purchased motor gasoline sold by Port during the consent order period. Applications will be accepted provided they are filed in duplicate and received no later than 90 days after publication of this Decision and Order in the **Federal Register**. The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: July 9, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

July 9, 1986.

Name of Firm: Port Oil Company, Inc.
Date of Filing: October 13, 1983
Case Number: HEF–0153

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. On October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Port Oil Company, Inc. (Port). This Decision and Order contains the procedures which OHA has formulated to distribute the funds received pursuant to that consent order.

I. Background

Port is a "reseller-retailer" of refined petroleum products as that term was defined in 10 CFR 212.31 and is located in Mobile, Alabama. A DOE audit of Port's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. The audit alleged that between April 1, 1979, and December 31, 1979, Port committed possible pricing violations amounting to $101,670.59 in its sales of motor gasoline.

In order to settle all claims and disputes between Port and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, Port and the DOE entered into a consent order on September 1, 1981 (modified on April 17, 1986). The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. In addition, the consent order states that Port does not admit that it violated the regulations.

Under the terms of the consent order, Port was required, in a series of installments, to deposit $18,472.72, plus interest, into an interest-bearing escrow account for ultimate distribution by the DOE. Port made its final payment on February 23, 1983.[1]

II. Jurisdiction and Authority To Fashion Refund Procedures

The general guidelines which OHA may use to formulate and implement a plan to distribute funds received as the result of an enforcement proceeding are set forth in 10 CFR Part 205, Subpart V. The Subpart V procedures may be used in situations where the DOE is unable either to readily identify those persons who might have been injured by any alleged overcharges or to ascertain the amount of such injuries. For a more detailed discussion of Subpart V and the authority to fashion refund procedures, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981); and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

On May 5, 1986, OHA issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of refunds to parties that make a reasonable showing of injury as a result of the alleged overcharges in Port's sales of motor gasoline during the consent order period. 51 FR 17817 (May 15, 1986). The PD&O stated that the basic purpose of a special refund proceeding is to make restitution for injuries that were experienced as a result of actual or alleged violations of the DOE regulations.

In order to give notice to all potentially affected parties, a copy of the Proposed Decision was published in the **Federal Register** and comments regarding the proposed refund procedures were solicited. In addition, copies of the PD&O were sent to various petroleum dealers associations. Comments were submitted by the Governor's Energy Office of the State of Florida and by Alabama Energy Consultants, a firm located in Montgomery, Alabama. Both sets of comments concern the distribution of any funds remaining after refunds have been made to injured parties. The purpose of this Decision is to establish procedures for filing and processing claims in the first stage of the Port refund proceeding. Any procedures pertaining to the disposition of any monies remaining after this first stage will necessarily depend on the size of the fund. *See Office of Enforcement*, 9 DOE at 85,055.

Therefore, it would be premature for us to address the issues raised by these

[1] Port paid $20,965.53, including installment interest, into the escrow account. This amount represents the principal which will form the basis for refund calculations. As of June 30, 1986, the total value of the Port escrow account was $30,015.01.

comments at this time. Since no comments were received concerning the first-stage procedures, they will be adopted as proposed.

III. Refunds to Identifiable Purchasers

In the first stage of the Port refund proceeding, we will distribute the funds in escrow to claimants that demonstrate that they were injured by the alleged overcharges. In order to be eligible to receive a refund, a claimant will have to file an application and, with the three exceptions discussed below, show the extent to which injury resulted from the alleged overcharges. To the extent that any individual or firm can establish injury, it will be eligible for a share of the consent order funds.

In this case we will adopt two rebuttable presumptions as well as two findings regarding injury. These presumptions and findings have been used in many previous special refund cases. We will presume that purchasers of Port motor gasoline that are claiming small refunds ($5,000 or less, excluding accrued interest) were injured by the alleged overcharges. In the absence of compelling material, we will also adopt a presumption that spot purchasers were not injured. In addition, we will make a finding that end-users or ultimate consumers of Port motor gasoline whose business operations are unrelated to the petroleum industry were injured by the alleged overcharges. Finally, we will not require a detailed demonstration of injury from regulated utilities or agricultural cooperatives that purchased Port motor gasoline and passed the alleged overcharges associated with that product through to their end-user members. Prior OHA decisions provide detailed explanations of the bases of these presumptions and findings. *E.g., Peterson Petroleum, Inc.*, 13 DOE ¶ 85,191 at 88,508–10 (1985). The rationale for their use was also fully explained in the PD&O. 51 FR 17817 at 17818–20 (May 15, 1986). These presumptions and findings will permit claimants to apply for refunds without incurring disproportionate expenses and will enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a claimant might make such a showing, it is generally required to demonstrate (i) that it maintained a "bank" of unrecovered costs, and (ii) that market conditions did not permit it to pass on the increased costs to its customers in the form of higher prices.[2]

A modification of the standard injury requirement is necessary in this proceeding because, for 5½ months of the 9-month Port consent order period, retailers of motor gasoline were not required to compute MLSPs with reference to May 15, 1973 selling prices and increased costs. *See* 10 CFR 212.93; 45 FR 29546 (1980). Instead, effective July 16, 1979, a retailer was required to calculate its MLSP by adding a specified margin of profit to its cost of product. Unrecouped increased product costs could no longer be banked for later recovery. *Id.* Since retailers did not maintain or compute cost banks during the 5½ month period, requiring a retailer claimant to make a demonstration of injury like that contemplated for resellers, *i.e.*, based on unrecovered cost banks, is unnecessary. Therefore, in this proceeding, no bank documentation is necessary for retailers for the period after July 16, 1979.[3] However, like resellers, retailers will be required for the entire consent order period to show that market conditions prevented them from recovering those increased product costs, *e.g.*, through a demonstration of reduced profit margins, decreased market shares, depressed sales volumes or competitive disadvantage.[4]

A. Calculation of Refund Amounts

To calculate refunds for eligible applicants, we will use a volumetric method which presumes that the alleged overcharges were spread equally over all the gallons of motor gasoline sold by Port during the consent order period. A claimant will be eligible to receive a refund equal to the number of gallons of Port motor gasoline that it purchased during the consent order period, times the volumetric factor. The volumetric factor is equal to the value of the consent order fund—exclusive of accrued interest—divided by the number of gallons of motor gasoline sold by Port during the consent order period. In this case the volumetric factor equals $0.002561.[5] In addition, successful claimants will receive a proportionate share of the interest which has accrued on the escrow account.

We recognize that a particular pruchaser could have incurred a disproportionate share of the alleged overcharges. Any purchaser which can make such a showing may file a refund application based on such a claim.

As in previous cases, only claims for at least $15 will be processed. We have found through our experience in prior refund cases that the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See e.g., Uban Oil Co.*, 9 DOE ¶82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b). The same principle applies here.

If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

IV. Applications for Refund

Through the procedures described above, we will be able to distribute the Port consent order funds as equitably and efficiently as possible. Accordingly, we will now accept Applications for Refund from individuals and firms that purchased motor gasoline sold by Port between April 1, 1979, and December 31, 1979. Eligible applicants include subsequent repurchasers as well as first purchasers.

There is no specific application form which must be used. In order to receive a refund, each claimant must submit the following information:

(1) A schedule of its monthly purchases of Port motor gasoline during the consent order period along with any relevant information necessary to support its claim in accordance with the presumptions and findings outlined above. If the applicant was an indirect purchaser it must also submit the name of its immediate supplier and indicate why it believes the motor gasoline was originally sold by Port;

(2) Whether the applicant has previously received a refund, from any

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[2] This injury requirement reflects the nature of the petroleum price regulations in effect beginning on November 1, 1973, and ending on July 16, 1979 for retailers, and on May 1, 1980 for resellers. Under the original rules, a reseller or retailer of motor gasoline was required to calculate its maximum lawful selling price (MLSP) by summing its selling price on May 15, 1973, with increased costs incurred since that time. A firm which was unable to charge its MLSP in a particular month could "bank" any unrecovered increased product costs, so that those costs could be recouped in a later month, if possible. *See* 10 CFR 212.93; 45 FR 29546 (1980).

[3] The cost bank requirement has been relaxed in other instances involving the change in the pricing regulations for motor gasoline. *See* Tenneco Oil Company/United Fuels Corporation, 10 DOE ¶ 85,005 at 88,017 n.1 (1982).

[4] Resellers or retailers that claim a refund in excess of $5,000 but which do not attempt to establish that they did not pass through the price increases will be eligible for a refund of up to $5,000 without being required to submit evidence of injury beyond purchase volumes. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,122 (1982).

[5] This figure is computed by dividing the $20,965.53 received from Port by the 8,184,882 gallons of motor gasoline sold by the firm during the consent order period.

source, with respect to the alleged overcharges identified in the EPA audit underlying this proceeding;

(3) Whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the owners or provide a signed statement from the other owners indicating that they do not claim a refund;

(4) Whether the applicant is or has been involved as a party in any DOE enforcement proceedings or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR section 205.9(d); and

(5) The name and telephone number of a person who may be contacted by this Office for additional information.

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

All applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register** A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the information has been deleted. All applications should refer to Case No. HEF-0153 and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

It is Therefore Ordered That

(1) Applications for Refund from the funds remitted to Department of Energy by Port Oil Company, Inc. pursuant to the Consent Order executed on September 1, 1981, as modified on April 17, 1986, may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: July 9, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 86-16626 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures to be implemented for disbursement of $10,750,000.00 (plus accrued interest) allocated for Surface Transporters and $9,750,000.00 (plus accrued interest) allocated for Rail and Water Transporters under a Settlement Agreement approved on July 7, 1986 by the U.S. District Court for the District of Kansas. The Surface Transporters fund will be distributed to commercial truck, bus, and taxi operators. The Rail and Water Transporters fund will be distributed to commercial rail carriers and U.S. flag vessels. In order to claim a refund from either fund, an applicant must have purchased at least 250,000 gallons of oil products during the period August 19, 1973 through January 27, 1981.

DATE AND ADDRESS: Claim forms and copies of relevant portions of the Settlement Agreement can be obtained from Marcia Proctor, U.S. Department of Energy, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, telephone number (202) 252-4924. Completed claim forms must be filed at the above address no later than December 8, 1986.

FOR FURTHER INFORMATION CONTACT: Thomas Wieker, Deputy Director, or Irene Bleiweiss, Attorney, U.S. Department of Energy, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-2400.

SUPPLEMENTARY INFORMATION:

In accordance with the terms of the Settlement Agreement approved in *In Re: The Department of Energy Stripper Well Exemption Litigation*, M.D.L. No. 378 (D. Kan. July 7, 1986), notice is hereby given of the procedures that the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) will use to distribute monies in two refund proceedings.

The escrow accounts will be funded with monies received from 42 crude oil producers who challenged the DOE's rules concerning low production oil wells, commonly called "stripper wells." These challenges were consolidated into a single case heard by the U.S. District Court for the District of Kansas (the District Court). The District Court ordered the oil producers to deposit into escrow the differnce between the stripper well price and the controlled price of the crude oil in question. As a result, over one billion dollars has been placed in escrow.

On appeal, the Temporary Emergency Court of Appeals (TECA) upheld the validity of the DOE stripper well regulations. *In re the Department of Energy Stripper Well Litigation*, 690 F.2d 1375 (Temp. Emer. Ct. App. 1982), *cert. denied*, 459 U.S. 1127 (1983). TECA's decision made it clear that the escrowed funds represented crude oil overcharges and gave the District Court authority to supervise the distribution of the monies in escrow. On May 22, 1986, the parties submitted to the District Court a Settlement Agreement that would govern distribution of the overcharges. The Court approved the Agreement on July 7, 1986. Under the terms of the Settlement Agreement, $10,750,000.00 has been allocated for the benefit of Surface Transporters and $9,750,000.00 has been allocated for the benefit of Rail and Water Transporters. These funds will be transferred to separate escrow accounts upon issuance of the Court's order. That order is anticipated following the expiration of the thirty day appeal period. The OHA is designated as the Administrator for both of these funds.

All persons and firms who qualify as "Surface Transporters" or "Rail and Water Transporters" under the terms of the Settlement Agreement may file a claim, provided that each applicant must have purchased at least 250,000 gallons of refined petroleum products during the period August 19, 1973 through January 27, 1981.

Under the terms of the Settlement Agreement, "Surface Transporters" include "all commercial motor vehicle surface transporters of persons or property, including 'for hire' carriage and private fleet transportation, regulated and unregulated, and specifically including, without limitation trucks, buses and taxicabs, who utilized oil products in such operation at any time during the period August 19, 1973 through January 27, 1981."

The Settlement Agreement defines "Rail and Water Transporters" as "all U.S flag carriers of passengers or freight by water (including barge and tow operators) and all carriers of passengers or freight by rail (other than the National Railroad Passenger

Corporation), which are for-profit corporations incorporated under the laws of a state and which are not agencies or instrumentalities of the Federal Government or of a state, local or regional government or authority, and only for petroleum products purchased in the United States at any time during the period August 19, 1973 through January 27, 1981."

In order to be considered for a refund, applicants must complete a court-approved claim form available from the OHA. The size of a particular applicant's refund will be based on the volume of oil products which that applicant consumed during the period of price controls (August 19, 1973 through January 27, 1981). The OHA will calculate the appropriate award to each claimant after determining (1) the eligibility of all claimants, and (2) the oil product usage of all claimants during the Settlement Period. The OHA will distribute funds to claimants upon District Court approval of the OHA's proposed distribution order.

The OHA is publishing this notice in advance of the establishment of the claims funds to promote widespread knowledge of the funds and to provide maximum opportunity for participation. Thus, while the Court has not yet ordered disbursement of the funds, claim forms may now be filed with the OHA. The forms may be obtained in the manner specified at the beginning of this notice and must be be filed with the OHA no later than December 8, 1986. The OHA will provide further notice of these proceedings in the future.

Dated: July 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 86-16627 Filed 7-23-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-42086 FRL-3054-8]

Decision Not To Test Tetrachlorobenzenes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice is EPA's final response to the Interagency Testing Committee's (ITC) recommendation that EPA consider requiring environmental effects testing of 1,2,3,4-(CAS Number 634-66-2), 1,2,3,5-(CAS Number 634-90-2), and 1,2,4,5-tetrachlorobenzene (CAS Number 95-94-3) under section 4(a) of the Toxic Substances Control Act (TSCA). EPA is not at this time continuing rulemaking under section 4(a) to require environmental effects testing of tetrachlorobenzenes.

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

SUPPLEMENTARY INFORMATION: EPA is not continuing, under section 4(a) of TSCA, any rulemaking to require environmental effects testing of the tetrachlorobenzenes as designated by the ITC in its Third Report (43 FR 50630).

I. Introduction

Section 4(e) of TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq.;* 15 U.S.C. 2601 *et seq.*) established the ITC to recommend to EPA a list of chemicals to be considered for testing under section 4(a) of the Act.

The ITC designated tetrachlorbenzenes (TCB) (1,2,3,4-TCB CAS Number 634-66-2, 1,2,3,5-TCB CAS Number 634-90-2, and 1,2,4,5-TCB Cas Number 95-94-3) for priority consideration in its Third Report to EPA, published in the **Federal Register** of October 30, 1978 (43 FR 50630). The ITC recommended that the Agency consider requiring testing of the tetrachlorobenzenes in the areas of carcinogenicity, mutagenicity, teratogenicity other health effects, epidemiology and environmental effects. This notice addresses only the ITC's concerns for environmental effects from the possible release of tetrachlorobenzenes; the health issues relating to tetrachlorobenzenes are being addressed in a separate **Federal Register** notice.

While in its Third Report to EPA the ITC designated the tetrachlorobenzenes for priority consideration, the recommendation was moreover, a request for the Agency to consider the environmental effects of the chlorinated benzenes category as a whole. The ITC's rationale for recommending environmental effects testing noted the paucity of information on the acute and chronic effects of tri-, tetra-, and pentachlorobenzenes on wild and domestic birds and mammals, fish, amphibians, reptiles, invertebrates, plants and algae. They stated that since residues had been detected in aquatic areas, particular emphasis should be placed on long-term environmental studies on freshwater and marine organisms.

On January 13, 1984, EPA published a proposed rule that would require chemical fate and environmental effects testing for certain mono-, di-, and trichlorinated benzenes (49 FR 1760). That notice also constitued an Advance Notice of Proposed Rulemaking (ANPR) for the tetrachlorobenzenes. The Agency has initially decided not to propose environmental effects testing for the tetrachlorobenzenes under TSCA section 4(a) because these chlorobenzenes were neither produced in nor imported into the United States. Although information submitted to EPA under the June, 1982 TSCA section 8(a) Preliminary Assessment Information Rule (47 FR 26992) indicated that one manufacturer produced 1,2,4,5- and 1,2,3,5=tetrachorobenzene in the U.S., and that no tetrachlorobenzene was imported into the country, on May 2, 1983, this sole manufacturer notified the Agency that it no longer produced 1,2,4,5- and 1,2,3,5-tetrachlorobenzenes.

In September, 1983, EPA was informed that a chlorinated benzene manufacturer in the United States had received and accepted an order for a mixture of tri- and tetrachlorinated benzenes to be used as a replacement dielectric fluid for polychlorinated biphenyls (PCBs) in electrical transformers. On September 27, 1983, the Agency received information, claimed as confidential business information (CBI), as to which isomer or isomers of tri- and tetrachlorobenzenes constituted this mixture and in what percentages (Ref. 4). EPA received this production and use information as the Agency was about to publish a proposed chemical fate and environmental effects test rule for the various chlorinated benzenes; that proposed rule did not include any testing requirements for tetrachlorobenzenes. EPA wanted to evaluate the possible impact of the new production and use data, and to avoid delaying the publication of that notice (49 FR 1760; January 13, 1984) with further analysis of this new information concerning tetrachlorobenzenes, the Agency included an Advance Notice of Proposed Rulemaking (ANPR) for the tetrachlorobenzenes in the notice. EPA wanted to obtain more information on the potential production, use and possible environmental release of tetrachlorobenzenes as a PCB substitute and asked for public comment on the need to test the tetrachlorobenzenes for environmental effects. If EPA determined that there was a significant potential for environmental release from the manufacturing, processing, use or disposal of tetrachlorobenzenes, the

Agency would propose that they be tested for chemical fate and/or environmental effects.

On September 25, 1984, EPA held a public meeting to discuss oncogenicity testing of 1,2,4-trichlorobenzene (1,2,4-TCB) and health and environmental effects testing of 1,2,4,5-tetrachlorobenzene (1,2,4,5-TCB) and other tetrachlorobenzene isomers.

The comments concerning the use of tetrachlorobenzene, or mixtures of tetra- and trichlorinated benzenes as a transformer retrofill agent, were extremely limited. Those comments stated basically that due to factors such as the controlled aspects of this use, the chemicals' use as an interim retrofill agent, and the limited quantities involved, a section 4(a) test rule for tetrachlorobenzenes was not justified (Ref. 1).

II. Related PCB Regulations

The issues related to the use of dielectric fluids (PCBs and replacements) in electrical transformers have been addressed in previous **Federal Register** notices issued by the Agency. Section 6(e) of TSCA generally prohibits the use of PCBs after January 1, 1978 (Ref. 3). However, the statute sets forth two exceptions under which EPA may, by rule, allow a particular use of PCBs to continue: (1) EPA may allow PCBs to be used in a "totally enclosed manner" and (2) TSCA allows EPA to authorize the use of PCBs in a manner other than a "totally enclosed manner" if the Agency finds that the use "will not present an unreasonable risk of injury to health or the environment."

EPA promulgated the "PCB rule" on May 31, 1979 (44 FR 31514), to implement sections 6(e) (2) and (3) of TSCA. The 1979 rule defined a "PCB transformer" as one containing a concentration of PCBs greater than 500 parts per million (ppm) and a "PCB-contaminated transformer" as one containing between 50 and 500 ppm. Those transformers below the 50 ppm level are considered to be non-PCB transformers. The 1979 rule also designated all intact, non-leaking capacitors, electromagnets, and transformers as "totally enclosed". Although this classification of "totally enclosed" was later invalidated by the U.S. Court of Appeals, EPA issued a final rule (referred to as the "PCB Electrical Use Rule") on August 25, 1982 (47 FR 37342) (Ref. 3) and amended certain provisions of the May 31, 1979, PCB rule. Among other requirements, the final rule:

1. Prohibited the use of PCB transformers and PCB-filled electromagnets (with a PCB concentration of 500 ppm or geater) posing an exposure risk to food or feed, after October 1, 1985, and required a weekly inspection of the equipment for leaks of dielectric fluid until that date.

2. Authorized the use of all other PCB transformers and PCB-contaminated transformers for the remainder of their useful lives, but required a quarterly inspection of PCB transformers for leaks of dielectric fluid.

On July 17, 1985, EPA issued a final rule (50 FR 29170) (referred to as the "PCB fires rule") (Ref. 5) that placed additional restrictions and conditions on the use of PCB transformers. EPA had learned that fires involving transformers can be responsible for the release of PCBs, and that these can be volatilized and converted into materials which are orders of magnitude more toxic than PCBs. This rule addressed the use and phase-out of PCB dielectric fluid in electrical transformers located in or near commercial buildings, mandating the replacement or reclassification of all high secondary voltage network transformers (with a PCB concentration of 500 ppm or greater) by October 1, 1990.

The May 1979 "PCB rule" authorized the use of PCBs in railroad transformers until July 1, 1984, but under the authorization, these transformers could not contain dielectric fluids with a PCB concentration exceeding 60,000 ppm after January 1, 1982 and exceeding 1,000 ppm after January 1, 1984. After several railroad organizations indicated to EPA that they could not comply with the deadlines contained in the May 1979 rule, EPA proposed and later issued the "PCB railroad transformer rule amendment" (48 FR 124, January 3, 1983) (Ref. 6) which extended the deadlines in the May 1979 rule. The amendment mandates the replacement or reclassification of all PCB transformers in railroad use (with a PCB concentration of 1,000 ppm or greater) by July 1, 1986.

III. Use and Release

EPA has reviewed the public comments on the ANPR for tetrachlorobenzenes, the latest production information on tetrachlorobenzenes and their use as a dielectric retrofill agent for PCB-containing electrical transformers. The Agency anticipates that any releases of this material to the environment will be minimal and will not be expected to result in any unreasonable adverse effects to the environment.

Tetrachlorobenzene-containing fluids are being produced because the industry believes that in addition to possessing good qualities as dielectric fluids, they are good leaching/flushing agents for reducing the levels of PCBs in transformers. The industry is attempting to reduce the level of PCBs in PCB-containing transformers and these tetrachlorobenzene-containing dielectric fluids are being used as retrofill agents in transformers to achieve that end.

The August 25, 1982, final rule (47 FR 37342) and its support documentation examined the issue of transformer leakage. To reduce the risks associated with the release of PCBs from PCB transformers, the rule requires inspection and maintenance procedures as a condition for the use authorization for all PCB transformers. These conditions vary with the potential for exposure to PCBs.A quarterly inspection and maintenance program is required for all PCB transformers that do not pose an exposure risk to food or feed. (Ref. 3).

As stated in the August 25, 1982, final rule, a program of inspection and maintenance for PCB transformers reduces the amount of PCBs released and resultant PCB exposure by finding, stopping, and cleaning up small leaks of dielectric fluid. Properly maintained transformers are less likely to experience leaks, spills, or equipment failure. Because the tetrachlorobenzenes, as an interim replacement fluid, will be used similarly to the PCB-containing dielectrics in electrical transformers, the Agency believes the risks of exposure of the environment to tetrachlorobenzenes from leaks from PCB transformers are limited. The required inspection program also keeps company personnel informed and alert to the potential impact of PCBs and tetrachlorobenzenes discharged from electrical equipment.

The final PCB rule also stated that although it is impossible to measure exactly the effectiveness of an inspection and maintenance program in avoiding releases of PCBs to the environment, such a program would reduce the actual amount of PCBs released from PCB transformers by correcting otherwise undetected leaks of dielectric fluid and reducing the number of transformer failures due to improper maintenance. Additional benefits of this program include containment of active leaks which are discovered and cleanup and disposal of leaked material. These benefits that result in reduced exposure to PCBs will also apply to tetrachlorobenzenes that are being used as retrofill agents for PCB transformers. The Agency believes the safeguards designed to reduce the risks of leakage of PCBs will also minimize the opportunity for environmental release of dielectric fluids containing

tetrachlorobenzenes from the subpopulation of transformers which are PCB transformers.

When considering the overall life of a transformer, the Agency believes the industry will only retrofill relatively new equipment and older equipment which is inaccessible for replacement. Older, accessible equipment is expected to be totally replaced with non-PCB containing equipment and therefore retrofilling those transformers will not be necessary.

Industry has indicated that the use of tetrachlorobenzene will be a limited one. EPA expects the typical retrofilling use of the tetrachlorobenzene-containing fluid in a transformer to be twelve to eighteen months and the overall replacement program to conclude in four to six years, once the remaining PCB transformers have been successfully retrofilled or replaced. The transformers will then be filled with some other permanent fluid such as silicone or high-temperature hydrocarbon fluids.

The Agency has assessed the available data for determining the environmental hazard of the tetrachlorobenzenes, and is aware of the environmental hazards involved with inadvertant release of these chemicals. The Agency is also aware of the hazards to human health that can result from fires in transformers that contain tetrachlorobenzene fluids since polychlorinated dibenzo-p-dioxins can be formed in the combustion process. However, as the industry has indicated the incorporation of tetrachlorinated benzenes into transformers will be temporary and limited—and other fluids will be utilized as permanent retrofill agents—the Agency does not consider that further environmental effects testing is required at this time for the uses described in this Notice. The Agency recognizes that dielectric fluid; containing tetrachlorobenzenes could be used as a permanent fluid; however, industry has indicated a shared concern for the hazards involved with inadvertant release of these chemicals and has stressed the temporary nature of their use. The Agency will monitor the production levels of the tetrachlorobenzenes through updates of the chemical inventory under section 8 of TSCA and will consider environmental and chemical fate testing if production levels increase, indicating other than temporary use of these chemicals.

IV. Decision Not To Propose Testing

The Agency is not at this time proposing testing of the tetrachlorobenzenes under section 4 of TSCA for the following reasons: (1) Environmental releases will be limited because the uses will be in contained applications, (2) EPA views the use of tetrachlorobenzenes in retrofill dielectric fluids as temporary and short term and finally, (3) the PCB transformer inspection program will further reduce the chance for release of tetrachlorobenzenes to the environment from the subpopulation of transformers which are PCB transformers.

V. CERCLA Impacts

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), requires that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities (RQs) immediately notify the National Response Center (at 800–424–8802 or 202–426–2675) of the release. (See CERCLA Section 103 and 50 FR 13456–13522, April 4, 1985).

Because 1,2,4,5-tetrachlorobenzene has an RQ of 5000 pounds (See 50 FR 13498), all releases of this hazardous substance (except federally-permitted releases), that equal or exceed 5000 pounds must be reported immediately to the National Response Center.

Although CERCLA notification requirements do not apply to the broad generic category of "Chlorinated Benzenes" (See 50 FR 13461 and 13472), they do apply to specific compounds for which RQs are listed in Table 302.4 of 40 CFR Part 302 (50 FR 13475–13506). CERCLA liability may still, however, attach to releases of specific compounds that are within the generic listing of "Chlorinated Benzenes" but not specifically listed in Table 302.4.

VI. Public Record

The EPA has established a public record for this testing decision, docket number [OPTS–42086], which includes:

A. Supporting Documentation

(1) **Federal Register** notice designating the tetrachlorobenzenes to the Priority List, October 30, 1978 (43 FR 50630).

(2) Notice of final rule for chemical fate and environmental effects testing for certain Chlorinated Benzenes. (April 7, 1986, 51 FR 11728).

(3) Non-CBI communications from industry consisting of letters, comments, and meeting summaries.

(4) Meeting Transcript, September 25, 1984.

B. References

(1) Paul, Hastings, Janofsky and Walker. Comments of the Chlorobenzene Producers Association Regarding Additional Testing of 1,2,4-trichlorobenzene and 1,2,4,5-tetrachlorobenzene. September 25, 1984.

(2) The Dow Chemical Company. Letter to Steven D. Newburg-Rinn, Chief, TRDB. May 2, 1983.

(3) USEPA. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment. Final Rule. 47 FR 37342. August 25, 1982.

(4) Confidential Business Information, 1984, 1985.

(5) USEPA. Polychlorinated Biphenyls in Electric Transformers. Final Rule. 509 FR 29170. July 17, 1985.

(6) USEPA. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Amendment To Use Authorization for PCB Railroad Transformers. 48 FR 124. January 3, 1983.

Confidential Business Information (CBI), while part of the record, is not available for public review. A public version of the record, from which CBI has been deleted, is available for inspection in the OPTS Reading Rm. E–107, 401 M St., SW., Washington, DC, from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

Authority: 15 U.S.C. 2603.

Dated: July 15, 1986.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86–16652 Filed 7–23–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–493]

Detroit Federal Savings and Loan Association, Detroit, MI; Final Action; Approval of Conversion Application

Dated: July 18, 1986.

Notice is hereby given that on May 30, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Detroit Federal Savings and Loan Association, Detroit, Michigan for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Indianapolis, 1350 Merchants Plaza, South Tower, P.O. Box 60, Indianapolis, Indiana 46206.

By the Federal Home Loan Bank Board.

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86-16638 Filed 7-23-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-489]

The Dime Savings Bank, FSB, Garden City, NY; Final Action; Approval of Conversion Application

Dated: July 17, 1986.

Notice is hereby given that on July 9, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of The Dime Savings Bank, FSB, Garden City, New York for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home Loan Bank Board

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86-16639 Filed 7-23-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-490]

First Federal Savings and Loan Association, Sebring, FL; Final Action; Approval of Conversion Application

Dated: July 17, 1986.

Notice is hereby given that on July 7, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Federal Savings and Loan Association, Sebring, Florida for permission to convert to the stock form of organization. Following the conversion the Association shall be known as Atlantic Federal Savings Bank. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86-16640 Filed 7-23-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-491]

Penn Savings, Bank, F.S.B., Wyomissing, PA; Final Action; Approval of Conversion Application

Dated: July 18, 1986.

Notice is hereby given that on July 8, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Penn Savings Bank, F.S.B., Wyomissing, Pennsylvania for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Pittsburgh, 20 Stanwix Street, One Riverfront Center, Pittsburgh, Pennsylvania 15222-4893.

By the Federal Home Loan Bank Board

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86-16641 Filed 7-23-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-492]

Security Federal Savings and Loan Association of Jasper, Jasper, AL; Final Action; Approval of Conversion Application.

Dated: July 18, 1986.

Notice is hereby given that on July 8, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Security Federal Savings and Loan Association of Jasper, Jasper, Alabama for permission to convert to the stock of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Atlanta, Post Office Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86-16642 Filed 7-23-86; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-004076-002.

Title: Oakland Terminal Agreement.

Parties:

City of Oakland

Stevedoring Services of America

Synopsis: The proposed amendment would extend the agreement, on a month-to-month basis beyond its present expiration date of August 31, 1986. This extension would not continue beyond December 31, 1986.

Agreement No.: 203-010973.

Title: Trans Freight Lines/Nedlloyd Agreement.

Parties:

Trans Freight Lines

Nedlloyd Lijnen, B.V.

Synopsis: The proposed agreement would authorize the parties to engage in a space charter, sailing and rate agreement in the trade between U.S. Atlantic, Gulf, Puerto Rican and U.S. Virgin Island Ports and inland (including Pacific Coast) points, and North European and Mediterranean Ports and inland points in Europe. The parties would be authorized to operate up to twenty vessels in the agreement trades and could discuss and agree upon rates and conditions of service in trades where neither of them are members of a conference or the conference does not exercise jurisdiction over the rate or commodity involved. The parties have requested a shortened review period.

Dated: July 21, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86-16659 Filed 7-23-86; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-008290-005.

Title: Hawaii/Orient Rate Agreement.

Parties:

Nippon Yusen Kaisha, Ltd.

United States Lines, Inc.

Synopsis: The proposed amendment would restate the agreement to conform to the Commission's regulations concerning form and format. It would also enlarge the geographic scope of the agreement to include Singapore, Malaysia, Brunei and Indonesia and would extend the agreement's authority to include service contracts.

Agreement No.: 224-010971.

Title: Charleston Terminal Agreement.

Parties:

South Carolina State Ports Authority

Maersk Line

Synopsis: The proposed agreement would grant Maersk Line a license to use a designated area at the Wando Terminal in the Port of Charleston to support its container terminal operations. The parties have requested a shortened review period.

Dated: July 21, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86-16660 Filed 7-23-86; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 124-010872-001]

Port of Portland Terminal Agreement; Correction

The **Federal Register** Notice of July 15, 1986 (Vol. 51, No. 135, page 25604) stated that the above-named agreement was filed with the Commission pursuant to section 5 of the Shipping Act of 1984. The agreement was inadvertently noticed as being subject to the 1984 Act but should have been noticed pursuant to section 15 of the Shipping Act, 1916.

By Order of the Federal Maritime Commission.

Dated: July 21, 1986.

Joseph C. Polking,

Secretary.

[FR Doc. 86-16661 Filed 7-23-86; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Notice No. 1]

Guidelines for Official Use of Mail in Location and Recovery of Missing Children

AGENCY: Department of Health and Human Services (DHHS).

ACTION: Notice of preliminary guidelines.

SUMMARY: The Department of Justice guidelines authorizes Department of Health and Human Services (DHHS) through its component organizational units, to use penalty mail to aid in the location and recovery of missing children. The regulation further provides procedures under which penalty mail may be used to assist in the location and recovery of missing children in accordance with 39 U.S.C. 3220(a)(2) (Pub. L. 99-87, August 9, 1985), in conformance with the Office of Juvenile Justice and Delinquency Prevention "(OJJDP)" guidelines which were published in the **Federal Register** on November 8, 1985 (50 FR 46622) pursuant to 39 U.S.C. 3220(a)(1).

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT: Robert E. Wheeler, Chief, Postal Management Branch, Department of Health and Human Services, 330 Independence Avenue SW., Washington, DC 20201, Telephone (202) 245-7362.

SUPPLEMENTARY INFORMATION: The enactment of 39 U.S.C. 3220(a)(2) (Pub. L. 98-87, August 9, 1985), is indicative of the increasing public concern with the problem of missing and exploited children. The Missing Children's Assistance Act of 1984, added as Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by the Comprehensive Crime Control Act of 1984 (Pub. L. 98-473, October 12, 1984), recognized the problem and provided a Federal coordination and assistance role in addressing this international problem. These regulations are intended to comply with 39 U.S.C. 3220(a)(2), and the OJJDP guidelines in order to assist in the location and recovery of missing children through the use of official mail.

I Contact Person

Robert E. Wheeler, Chief, Postal Management Branch, Department of Health and Human Services, 330 Independence Avenue SW., Washington, DC 20201, Telephone Number (202) 245-7362.

II Plan

The DHHS will supplement and expand the national effort to assist in the location and recovery of missing children by maximizing the economical use of missing children information in domestic penalty mail directed to members of the public.

The DHHS, when determined to be cost effective, shall insert, manually and via automated inserts, pictures and biographical data related to missing children on a variety of types of penalty mail. These include:

1. Standard letter-size envelopes (4½" × 9½").

2. Document-size envelopes (9½" × 12", 9½" × 11½", 10" × 13").

3. Other envelopes (misc. size).

Missing children information will not be placed on letter-size envelopes on the "Penalty Indicia", "OCR Read Area", "Bar Code Read Area", and "Return Address" per Appendix A of the OJJDP Guideline.

The National Center for Missing and Exploited Children (National Center) will be the sole source from which DHHS will acquire the camera-ready and other photographic and biographical materials to be disseminated for use by DHHS organizational units.

The DHHS will remove all inserts from circulation or other use (i.e.: use or destroy) within a three month period from the date the National Center receives information or notice that a child whose picture and biographical information have been made available to DHHS has been recovered or that the parent(s) or guardian's permission to use the child's photograph and biographical information has been withdrawn. The National Center will be responsible for immediately notifying the DHHS contact

person, in writing, of the need to withdraw penalty mail envelopes and other materials related to a particular child from circulation. Photographs which were reasonably current as of the time of the child's disappearance shall be only acceptable form of visual media or pictorial likeness used on or in penalty mail.

DHHS will give priority to penalty mail that is addressed to: (1) members of the public that will be received in the United States, its territories and possessions; and (2) Inter- and Intra-agency publications and other media that will also be widely disseminated to DHHS employees.

All suggestions and or recommendations for innovative, cost-effective techniques should be forwarded to the DHHS contact person. DHHS Mail Managers shall hold biannual meetings to discuss the current plan, and recommendations for future plans.

This shall be the sole regulation for DHHS.

III Cost and Percentage Estimates

It is estimated that this program will cost DHHS $175,000 during the initial year. This figure is based on 20 percent of its DHHS's priority penalty mail contain missing children photographs and information by the end of the first year of the program.

IV Report to OJJDP

DHHS will compile and submit to OJJDP, by June 30, 1987, a consolidated report on its experience in implementation of 32 U.S.C. 3220(a)(2), the OJJDP Guidelines and DHHS regulation. The report will consolidate information gathered from individual DHHS organizational units, cover the period October 1, 1986 through May 31, 1987, and provide detail on:

(a) DHHS's experience in implementation, including problems encountered, successful and or innovative methods adopted to use missing children photographs and information on or in penalty mail, the estimated number of pieces of penalty mail containing such information, and the percentage of total agency penalty mail, domestic mail, and domestic penalty mail directed to members of the public which number represents.

(b) The estimated total cost to implement the program, with supporting detail.

(c) Recommendation for changes in the program which would make it more effective.

V DHHS Notice to Organizational Units of Implementation and Procedures

The DHHS will use inserts to provide information to the public on missing children. DHHS has determined this to be the cost effective way to implement the program. In some of our Organizational Units, an automatic envelope stuffing machine will be used. Other offices within DHHS will be provided with inserts to be inserted in penalty mail prior to pick-up and mailing.

Dated: July 18, 1986.

Edwin M. Sullivan,

Director, Office of Facilities and Management Services.

[FR Doc. 86-16523 Filed 7-23-86; 8:45 am]

BILLING CODE 4150-04-M

Public Health Service

Statement of Organization, Functions, and Delegations of Authority; Centers for Disease Control

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 69296, October 20, 1980, as amended most recently at 51 FR 10117, March 24, 1986, is amended to reflect the following changes within the Center for Infectious Diseases: (1) Establish the AIDS Program, (2) abolish the Biological Products Program, and (3) revise the mission statement for the Office of Scientific Services.

Section HC-B, Organization and Functions, is hereby amended as follows:

1. Under the heading *Office of Scientific Services (HCR15),* delete the statement in its entirety and substitute the following:

(1) Provides animals, animal blood products, glassware, laboratory media, and other laboratory materials in support of research and service activities to CID laboratories and other CDC organizations; (2) installs, fabricates, modifies, services, and maintains laboratory equipment used in the research and service activities of CDC; (3) performs applied research to improve service activities, including animal breeding and holding services; (4) for reagents prepared at CDC maintains a computerized inventory, provides dispensing, lyophilization, capping, and labeling, and retrieves from storage and ships to requesters; (5) provides consultation and liaison with other components of CDC and national and international research and professional organizations; (6) provides technical expertise and assistance in professional intramural and extramural training activities on animal technology, cell cultivation, and media and reagent preparation; (7) provides gross microscopic and clinical veterinary pathology services to CDC users; (8) administratively and technically supports the CDC Animal Policy Board and the Atlanta Area Animal Care and Use Committee.

2. After the heading and statement for the *Office of Scientific Services (HCR15),* insert the following:

AIDS Program (HCRK). (1) Conducts national surveillance of infectious diseases and other illnesses associated with AIDS, and sentinel surveillance of HTLV-III/LAV infection; (2) conducts national and international surveillance, epidemiologic and laboratory investigations, and studies to determine risk factors and transmission patterns; (3) develops recommendations and guidelines on the prevention and control of AIDS; (4) evaluates prevention and control activities in collaboration with the Center for Prevention Services; (5) provides epidemic aid, epidemiologic and surveillance consultations, and financial assistance for surveillance and research to State and local health departments; (6) provides consultation to other PHS agencies, medical institutions, and private physicians; (7) provides information to the scientific community through publications and presentations; (8) conducts laboratory investigations and studies of the syndrome and the retrovirus associated with its cause; (9) develops and evaluates laboratory methods and procedures for the isolation and characterization of HTLV-III/LAV and serodiagnosis and understanding of viral pathogenesis; (10) provides reference viral isolation and serologic testing services, and assists in standardizing and providing reference reagents; (11) provides training to national and international public health laboratorians; (12) serves as the WHO Collaborating Center on AIDS for epidemiology, surveillance, and laboratory consultation.

3. Delete the heading and statement for the *Biological Products Program (HCRL)* in its entirety.

Dated: July 14, 1986.

Robert E. Windom,

Assistant Secretary For Health.

[FR Doc. 86-16616 Filed 7-23-86; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-14015]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(h)(8), will be issued to Sealaska Corporation for approximately 10 acres. The lands involved are within the Tongass National Forest, Alaska.

Copper River Meridian, Alaska

T. 80 S., R. 83 E. (Unsurveyed).

A parcel of land located within sec. 5.

A notice of the decision will be published once a week for four (4) consecutive weeks in the JUNEAU EMPIRE. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until August 25, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-16607 Filed 7-23-86; 8:45 am]

BILLING CODE 4310-JA-M

California Desert District; Desert Training Center (DTC), California-Arizona Maneuver Area (CAMA); Interpretive Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment and implementation of the desert training center, California-Arizona maneuver area interpretive plan.

SUMMARY: During World War II, the War Department realized the necessity for troops well trained under harsh conditions to withstand the rigors of battle over rough terrain and in inhospitable climates. Thus, the Desert Training Center, California-Arizona Maneuver Area (DTC-CAMA) was created in 1942. This simulated theater of operation was the largest military training ground in the history of military maneuvers.

The interpretive plan is being implemented to protect the historic resources of the site, and to interpret the historic value of the site for the public. The authorities for the interpretive plan are 43 CFR 8000.0-6, and subparts 8340, 8341, 8342, 8343, 8351, 8364, and 8365, 18 U.S.C.—641, 18 U.S.C.—1361, the Federal land Policy Act of 1969, the Sikes Act of 1974. The areas affected by the interpretive plan are: Camp Young, Camp Coxcomb, and Camp Granite in Riverside County; Camp Iron Mountain, Camp Clipper, and Camp Ibis in San Bernardino County, and Camp Pilot Knob in Imperial County.

ADDRESS: Send inquiries to Dsitrict Manager, California Desert District, 1659 Spruce Street, Riverside, CA 92507, the Area Manager, Indio Resource Area, 1695 Spruce Street, Riverside, CA 92507, or the Area Manager, Needles Resource Area, 901 Third Street, Needles, California 92363. The interpretive plan will be available at the above addresses from 7:45 a.m. to 4:30 p.m. on regular working days.

FOR FURTHER INFORMATION CONTACT: Bob O'Brien, (714) 351-6663.

SUPPLEMENTARY INFORMATION: The purpose of the regulations in this interpretive plan is to minimize conflicts between visitor use and historic resources, and provide access to the sites.

To protect these resources, vehicle use within all Camps, except Camp Pilot Knob will be limited to designated routes of travel. Designated routes will be signed and identified by their original names. Vehicle use in Camp Pilot Knob will be limited to Sidewinder Road.

Collection of historic resources will be prohibited as described under 43 CFR 8365.1-5(a) at all Camps, with the exception of Camp Pilot Knob.

The discharge or use of firearms will be prohibited at all Camps. The public lands within the Camps will remain open to other resource uses not in conflict with the objectives of the interpretive plan.

Administrative access by vehicle into areas closed to vehicle access for BLM personnel, BLM contractors, licensees, permittees, lessees, and other Federal, State, and county employees is allowed when on official duty and when cleared beforehand by the authorized officer.

Maps showing the restricted areas are available for review at the Indio and Needles Resource Area Office. Copies of maps are available upon request.

Any person who violates or fails to comply with the regulations and restrictions implemented by this interpretive plan may be prosecuted and subject to punishment by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

TABLE 1—DESERT TRAINING CENTER, CALIFORNIA—ARIZONA MANEUVER AREA CAMPSITE LOCATION

Camp	Location	County
Camp Young	T6S R11E (SMB). Sec. 2, 12, 14, T6S R12E (SBM). Sec. 6, 8.	Riverside.
Camp Coxcomb	T2S R16E (SBM). Sec. 35, T3S, R16E (SBM). Sec. 1, 2, 10, 11, 12, 13, 14, 15, 22, 25, 26, and 27.	Riverside.
Camp Granite	T1S R17E (SBM). Sec. 25 T1S R18E (SBM). Sec. 29, 30, 31, 32.	Riverside.
Camp Iron Mtn.	T1S R17E (SBM). Sec. 1, 11, 12, 13, and 14 T1S R18E (SBM). Sec. 6, 7.	San Bernardino.
Camp Clipper	T8N R16E (SBM). Sec. 2, 11, 12, 14, and 23.	San Bernardino.
Camp Ibis	T10N R20E (SBM). Sec. 24 T10N R21E (SBM). Sec. 7, 8, 18, 19, and 20 T11N R20E (SBM). Sec. 32, 33.	San Bernardino.
Camp Pilot Knob.	T16S R21E (SBM). Sec. 9, 10, 15.	Imperial

Dated: July 14, 1986.

[FR Doc. 86-16606 Filed 7-23-86; 8:45 am]

BILLING CODE 4310-40-M

[WY-920-06-4990-14; W-96690]

Oil and Gas Lease; Proposed Reinstatement of Terminated

July 18, 1986.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease W-96690 for lands in Sweetwater County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in

section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–96690 effective November 11, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 86–16692 Filed 7–23–86; 8:45 am]

BILLING CODE 4310–22–M

[AZ–080–06–4220–10; A–21055]

Realty Action; Exchange of Mineral Estates

Notice is hereby given that the mineral estate in the following described land has been transferred out of Federal ownership pursuant to section 206 of the Federal Land Policy and Management Act of 1976 in exchange for State-owned minerals. The exchange was made based on approximately equal values.

The mineral estate transferred to the State underlies the following described State-owned surface:

Gila and Salt River Meridian, Arizona

T. 15 S., R. 9 E.,
- Sec. 13, lots 1–4, incl., W½E½, W½;
- Sec. 14, all;
- Sec. 15, all;
- Sec. 25, lots 1–4, incl., W½E½, W½;
- Sec. 26, all;
- Sec. 27, all;
- Sec. 28, all;
- Sec. 29, all;
- Sec. 31, lots 1–12, incl., NE¼, E½NW¼, N½SE¼;
- Sec. 33, lots 1–8, incl., N½S½, N½;
- Sec. 34, lots 1–4, N½S½, N½;
- Sec. 35, lots 1–4, N½S½, N½.

T. 16 S., R. 9 E.,
- Sec. 1, S½;
- Sec. 3, lots 1–4, incl., S½;
- Sec. 4, lots 1–4, incl., S½NW¼, S½;
- Sec. 6, lots 1–18, incl., S½NE¼, SE¼;
- Sec. 12, all;
- Sec. 13, SW¼NE¼, SE¼NW¼, SW¼, NW¼SE¼;
- Sec. 23, E½;
- Sec. 24, W½;
- Sec. 25, all.

T. 15 S., R. 10 E.,
- Sec. 15, S½;
- Sec. 23, all;
- Sec. 24, NE¼, E½NW¼, SW¼NW¼, S½;
- Sec. 25, NW¼;
- Sec. 26, NE¼, W½SW¼, W½SE¼;
- Sec. 29, W½;
- Sec. 35, W½NW¼.

T. 16 S., R. 10 E.,
- Sec. 6, lots 3, 4;
- Sec. 8, S½;
- Sec. 9, SW¼;
- Sec. 14, all;
- Sec. 17, all;
- Sec. 18, E½E½;
- Sec. 19, E½SW¼, E½;
- Sec. 20, all;
- Sec. 21, all;
- Sec. 25, all;
- Sec. 26, all;
- Sec. 27, NE¼, S½NW¼, S½;
- Sec. 28, all;
- Sec. 31, lots 1–4, incl., E½, E½W½.

T. 17 S., R. 10 E.,
- Sec. 4, lots 1–4, incl., S½N½, S½;
- Sec. 6, lots 1–7, incl., S½NE¼, SE¼NW¼, E½SW¼;
- Sec. 9, all.

T. 18 S., R. 10 E.,
- Sec. 33, lots 1–4, incl., N½, N½S½;
- Sec. 34, lots 1–4, incl., N½, N½S½.

T. 19 S., R. 10 E.,
- Sec. 3, lots 1–4, incl., S½N½, S½;
- Sec. 4, lots 1–4, incl., S½N½, S½.

T. 16 S., R. 11 E.,
- Sec. 5, lots 1–4, incl., S½N½, S½;
- Sec. 6, lots 1, 2, 6, 7, S½NE¼, E½SW¼, SE¼;
- Sec. 7, lots 1–4, incl., E½W½, E½;
- Sec. 8, N½N½, SW¼NW¼, W½SW¼;
- Sec. 9, lots 1–4, incl., NW¼NE¼, N½NW¼;
- Sec. 17, W½W½, SE¼SW¼, S½SE¼;
- Sec. 18, lots 1–4, incl., E½W½, E½;
- Sec. 19, lots 1–4, incl., E½W½, E½;
- Sec. 20, all;
- Sec. 21, lots 1–4, incl., W½E½, W½;
- Sec. 28, lots 1–4, incl., W½E½, W½;
- Sec. 29, E½, E½W½.

T. 8 S., R. 14 E.,
- Sec. 12, N½;
- Sec. 17, all;
- Sec. 18, lots 2–4, incl., SE¼NW¼, E½SW¼, SE¼;
- Sec. 19, lots 3, 4, E½W½, E½;
- Sec. 20, E½;
- Sec. 23, NW¼, N½S½;
- Sec. 26, S½N½, S½;
- Sec. 27, NW¼, S½;
- Sec. 28, all;
- Sec. 29, E½, S½NW¼, SW¼;
- Sec. 30, lots 1–4, incl., NE¼NW¼, E½SW¼, S½SE¼;
- Sec. 31, lots 1–4, E½W½, E½;
- Sec. 33, all;
- Sec. 34, all;
- Sec. 35, all.

T. 6 S., R. 15 E.,
- Sec. 4, lots 1–4, incl., S½N½, S½;
- Sec. 5, lots 1–4, incl., S½N½, S½;
- Sec. 6, lots 1–4, incl.;
- Sec. 9, all;
- Sec. 13, lots 1–4, incl., W½E½, W½;
- Sec. 14, all;
- Sec. 15, all;
- Sec. 17, all;
- Sec. 18, lots 1–4, incl.;
- Sec. 21, E½, NW¼;
- Sec. 22, all;
- Sec. 23, all;
- Sec. 24, lots 1–4, incl., W½E½, W½;
- Sec. 26, all;
- Sec. 27, all;
- Sec. 34, all;
- Sec. 35, all.

Containing 49,159.02 acres.

Sec.

The mineral estate in the following described land has been reconveyed to the United States and is subject to the jurisdiction of the U.S. Fish and Wildlife Service:

Gila and Salt River Meridian, Arizona

Kofa National Wildlife Refuge

T. 1 N., R. 14 W.,
- Sec. 2, lots 1–4, incl., S½N½, SW¼, S½SE¼, NW¼SE¼;
- Sec. 16, All;
- Sec. 32, All;
- Sec. 36, All.

T. 1 N., R. 18 W.,
- Sec. 2, lots 1–4, incl., S½N½, SE¼, N½SW¼, SW¼SW¼;
- Sec. 16, All;
- Sec. 32, All;
- Sec. 36, All.

T. 2 N., R. 15 W.,
- Sec. 2, lots 1–4, incl., S½NW¼, SW¼NE¼;
- Sec. 16, All;
- Sec. 32, All;
- Sec. 36, All.

T. 2 N., R. 18 W.,
- Sec. 2, lots 1–4, incl., S½N½, S½;
- Sec. 32, All;
- Sec. 36, All.

T. 4 S., R. 15 W.,
- Sec. 2, lots 1–4, incl., S½N½, S½;
- Sec. 16, All.
- Sec. 32, N½, N½SE¼;
- Sec. 36, All.

T. 4 S., R. 16 W.,
- Sec. 2, lots 1–4, incl., S½N½, S½;
- Sec. 16, All;
- Sec. 32, All;
- Sec. 36, All.

Comprising 14,045.28 acres.

Cibola National Wildlife Refuge

T. 1 S., R. 23 W.,
- Sec. 32, W½SW¼.

Comprising 60.00 acres.

Cabeza Prieta National Wildlife Refuge

T. 14 S., R. 7 W.,
- Sec. 2, All;
- Sec. 16, All.

Comprising 1,280.00 acres.

The mineral estate in the following described land has been reconveyed to the United States and is subject to the jurisdication of the National Park Service:

Organ Pipe Cactus National Monument

T. 14 S., R. 5 W.,
- Sec. 32, All;
- Sec. 36, All.

T. 14 S., R. 6 W.,
- Sec. 32, All;
- Sec. 36, All.

T. 14 S., R. 7 W.,
Sec. 32, All.
Comprising 3,200.00 acres.

Ft. Bowie National Historical Site

T. 15 S., R. 28 E.,
Sec. 2, S½N½SE¼, S½SE¼.
Comprising 120.00 acres.

The mineral estate in the following described land has been reconveyed to the United States and is under the jurisdiction of the Bureau of Land Management:

T. 6 N., R. 11 W.,
Sec. 3, E½, NE¼NW¼, S½NW¼, SW¼;
Sec. 4, All;
Sec. 6, lots 1–4, incl., E½W½, E½;
Sec. 7, lots 1, 2, E½NW¼;
Sec. 8, All.
T. 6 N., R. 12 W.,
Sec. 2, lots 1–4, incl., S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 10, W½NE¼;
Sec. 24, N½.
T. 7 N., R. 11 W.,
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 15, All;
Sec. 19, lots 1–4, incl., E½W½, E½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, lots 1–4, incl., E½W½, E½;
Sec. 31, lots 1–4, incl., E½W½, E½;
Sec. 33, W½, SE¼, SW¼NE¼.
T. 7 N., R. 12 W.,
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, W½, N½NE¼, SW¼NE¼, SE¼;
Sec. 27, SW¼, N½, N½SE¼;
Sec. 32, All;
Sec. 34, All;
Sec. 35, All.
T. 9 N., R. 11 W.,
Sec. 2, All;
Sec. 16, N½, SW¼, N½SE¼, SW¼SE¼.
T. 9 N., R. 12 W.,
Sec. 2, lots 1–4, S½N½, S½;
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
T. 10 N., R. 11 W.,
Sec. 2, lots 1–4, incl., S½;
Sec. 32, All;
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼, E½NE¼SE¼SE¼, W½NW¼SE¼SE¼, S½SE¼SE¼.
T. 10 N., 12 W.,
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
T. 10 N., R. 13 W.,
Sec. 16, E½, N½NW¼, SW¼NW¼;
Sec. 32, All;
Sec. 36, All.
T. 10 N., R. 14 W.,
Sec. 16, All.
T. 11 N., R. 10 W.,
Sec. 32, All.
T. 11 N., R. 11 W.,
Sec. 32, All;
Sec. 36, All.
T. 12 N., R. 10 W.,
Sec. 32, All.
Comprising 30,446.84 acres.

At 9 a.m. on August 15, 1986, the reconveyed mineral estate, under the jurisdiction of the Bureau of Land Management described above, will be open to location and entry under the United States mining laws. Appropriation under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal laws. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

At 9 a.m. on August 15, 1986, the reconveyed mineral estate under the jurisdiction of the Bureau of Land Management described above, will be open to applications and offers under the mineral leasing laws, subject to existing State-issued leases and permits. All applications and offers received prior to 9 a.m. on August 15, 1986 will be considered as simultaneously filed as of that time and date, and a drawing will be held in accordance with 43 CFR 1821.2–3, if necessary. Those applications and offers received thereafter shall be considered in the order of filing.

John T. Mezes,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86–16688 Filed 7–23–86; 8:45 am]
BILLING CODE 4310-32-M

[CA-060-06-4212-14; CA 18889]

Realty Action; Sale of Public Land in Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—Competitive Sale of Public Land in Riverside County, California.

SUMMARY: The public lands, described below, have been examined and found suitable for disposal by competitive sale at not less than appraised market value under sections 203 and 209 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976. The proposed sale is consistent with the resource management objectives of the Bureau of Land Management's Indio Resource Area-Southern California Metropolitan Project and is in conformance with the project's Escondido Management Framework Plan/Management Action Summary.

Parcel No.	Serial No.	Legal description	Acres	Reserv.	Appraised value
R-1	CA19137	T. 6 S., R. 5 W., SBM, Sec. 4: Lots 1–4	79.88±	A&B-1	$170,000
R-2	CA19138	T. 3 S., R. 1 E., SBM, Sec. 30, SE¼ SE¼ NE¼, S½NE¼SE¼NE¼, E½SW¼SE¼NE¼, SW¼ SW¼ SE¼NE¼, SE¼SE¼SW¼NE¼, SE¼E½ SW¼.	265.00±	A&B-2	159,000
R-3	CA19139	T. 7 S., R. 1 E., SBM, Sec. 4: Lot 3	42.93±	A	47,225
R-4	CA19140	Sec. 4: SE¼SE¼	40.00±	A	52,000
R-5	CA19141	Sec. 10: N½N½, SE¼NE¼, SE¼	360.00±	A	180,000
R-6	CA19142	Sec. 14: NW¼NW¼	40.00±	A	32,000
Total Acres			827.81±		

The purpose of the sale is to dispose of scattered, isolated tracts of public land which are difficult and uneconomic to manage.

Upon publication of this Notice of Realty Action in the **Federal Register** as provided in 43 CFR 2711.1–2(d), the sale parcels will be segregated from appropriation under the public land laws, including the mining laws. The segregative effect of this notice shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the **Federal Register** of a termination of segregation, or 270 days from the date of publication of this announcement, whichever occurs first.

The sale will be conducted pursuant to FLPMA, the regulatory guidelines for land disposal contained in 43 CFR Part 2710 and BLM sale policy. Disposal shall be by competitive sale as provided in 43 CFR 2711.3–1.

The sale will be held at 10:00 a.m., September 24, 1986 in the conference room of the Indio Resource Area Office located at 1900 E. Tahquitz-McCallum Way, Suite B–1, Palm Springs, California 92262. Unsold parcels will remain available pending disposition as cited in this Notice of Realty Action.

Each parcel will be offered for sale by sealed bid only. All sealed bids must be submitted to the Bureau of Land Management's Indio Resource Area Office at no later than 4:30 p.m., September 23, 1986.

Qualified sealed bids will be for not less than the appraised values specified in this Notice with a separate bid submitted for each parcel. Each sealed bid shall be accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Department of the Interior, BLM for not less than 10 percent of the amount bid. The sealed bid envelopes must be marked on the front left corner as shown in the following example:

Bid For Public Land Sale
Parcel No. ——— Serial No. ———
Sale Date: September 24, 1986

If two or more envelopes containing valid bids of the same amount are received for any of the parcels, the determination of which is to be considered the highest bid shall be by drawing.

The Bureau of Land Management may accept or reject any and all bids or withdraw any land from sale at any time, if in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

The successful bidder shall submit the full bid price prior to the expiration of 180 days from the sale date. Failure to submit the balance of the full bid within the above specified time limit shall result in cancellation of the sale and the deposit shall be forfeited and disposed of as other receipts of sale. The next highest bid will then be honored.

A successful bid will also constitute an application for those mineral interests offered for conveyance in the sale. The mineral interests being offered for conveyance have no known mineral value. (Two of the sale parcels do have prospectively valuable leasable/locatable/saleable minerals which will be reserved to the United States. Only those mineral interests specified in this notice, however, will be reserved.) All other mineral interests will be conveyed with the surface estate. The declared high bidder will be required to deposit a $50.00 non-refundable application fee for conveyance of the mineral estate. Failure to deposit this filing fee will result in disqualification as the high bidder.

In the case of Parcel R–2 all minerals will be reserved, no minerals are offered for conveyance in the sale and no $50.00 application fee for conveyance of the mineral estate will be required.

All unsuccessful bids and payments submitted to the Authorized Officer shall be returned to the parties that submitted them within two weeks after the sale date.

Unsold parcels will be available for a final competitive sale offering on October 15, 1986 at 10:00 a.m. at the BLM's Indio Resource Area Office in Palm Springs, California. To be considered, bids must be for not less than the appraised values specified in the Notice and must be received at the Bureau's Palm Springs Office no later than 4:30 p.m. on October 14, 1986. Sealed bid envelopes for the final competitive sale must be marked on the lower lefthand side as shown below:

Bid For Public Land Sale
Final Competitive Sale
Parcel No. ——— Serial No. ———
Sale Date: October 15, 1986

Any parcels not sold on October 15, 1986 will be utilized for public-benefitting land exchanges.

Sale Terms and Conditions: The conveyances made by these land patents are subject to all valid existing rights, including the following:

I. Reservations to the United States, there are hereby excepted from these land patents and reserved to the United States the following:

A. *Right-of-Way*

A right-of-way for ditches or canals constructed by authority of the United States under the Act of August 30, 1890 (26 Stat. 291; 43 U.S.C. 945).

B. *Mineral Reservations*

The mineral interests specified below, where applicable, shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of the above described reservations, which will be incorporated in the patent document, is available for review at this BLM office.

B–1. Geothermal Resources.

B–2. All Mineral Resources.

II. All bidders must be: (1) 18 years of age or older and provide proof of U.S. citizenship; or (2) a state, state instrumentality or political sub-division authorized to hold property; or (3) a corporation authorized to own real estate in the State of California or (4) an entity legally capable of conveying the holding lands or interests therein under the laws of the State of California, and where applicable, the entity shall also meet the requirements of (1) and (3) above.

Detailed information concerning the sale, including the Land Report and Environmental Assessment is available for review at the Indio Resource Area Office at the above address.

For a period of 45 days from the date of publication of this Notice, interested parties may submit comments to the District Manager, California Desert District, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507; (714) 351–6386. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: July 18, 1986.

Bary A. Freet,

Acting District Manager.

[FR Doc. 86–16691 Filed 7–23–86; 8:45 am]

BILLING CODE 4310–40–M

[NV–930–06–4212–11; N–41279]

Realty Action; Lease/Purchase for Recreation and Public Purposes; Clark County, NV

The following described public land in Las Vegas, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purpose Act, as amended (43 U.S.C. 869 et seq.). The lands willl not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the **Federal Register.**

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 16, NW¼, N½NE¼SW¼, SW¼NE¼SW¼, W½SW¼, SE¼SW¼.

This parcel of land contains approximately 310 acres. Clark County intends to use the land for a park site. The lease and/or patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads and

public utilities in accordance with the transportation plan for Clark County/ the City of Las Vegas.

2. Those rights for sewer interceptor purposes which have been granted to Clark County Sanitation District by Permit No. N–42518 under the Act of October 21, 1976; 90 Stat. 2776.

3. Those rights for power and telephone purposes which have been granted to Nevada Power/Central Telephone by Permit No. N–27082 under the Act of October 21, 1976; 90 Stat. 2776.

4. Those rights for water pipeline purposes which have been granted to Las Vegas Valley Water District by Permit No. N–29217 under the Act of October 21, 1976; 90 Stat. 2776.

5. Those rights for powerline purposes which have been granted to Nevada Power by Permit No. Nev-044109 under the Act of February 15, 1901; 31 Stat. 790.

6. Those rights for sand and gravel purposes which have been granted to the City of Las Vegas by Permit No. NV–056–FU5–24 under the Act of July 31, 1947; 30 U.S.C. 601, 602.

7. Oil and Gas Lease N–42697.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Managment, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register.**

Dated: July 17, 1986.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 86–16687 Filed 7–23–86; 8:45 am]

BILLING CODE 4310-HC-M

[NV–930–06–4212–11; N–41568]

Realty Action; Lease/Purchase for Recreation and Public Purposes; Clark County, NV

The following described public land in Las Vegas, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/ purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the **Federal Register.**

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 16, SE¼NE¼SW¼.

This parcel of land contains approximately 10 acres. The Clark County School District intends to use the land for a school site. The lease and/or patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1980, 26 Stat. 391, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County.

2. Oil and Gas Lease N–42697.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register.**

Dated: July 17, 1986.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 86–16686 Filed 7–23–86; 8:45 am]

BILLING CODE 4310-HC-M

[NV–930–06–4212–14; N–42829]

Non-Competitive Sale of Public Lands in Clark County, NV

The following described land in Logandale, Clark County, Nevada has been determined to be suitable for sale utilizing non-competitive procedures, at not less than fair market value. Authority for the sale is section 203 of Pub. L. 94–597, the Federal Land Policy and Management Act of 1976 (FLPMA).

Mount Diablo Meridian

T. 15 S., R. 67 E.,
Sec. 22, SW¼SE¼NE¼.
Aggregating 10 acres (gross).

This parcel of land, situated in Logandale, is being offered as a direct sale to Jack and Susan Jensen to resolve an inadvertent unauthorized occupancy.

This land is not required for any federal purposes. The sale is consistent with the Bureau's planning system. The direct sale of this parcel would be in the public interest.

In the event of a sale, conveyance of the available mineral interests having no known value will occur simultaneously with the sale of the land. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The Jensen's will be required to pay a $50.00 non-returnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservation to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All oil and gas leaseable mineral deposits shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at the Las Vegas District Office, 4765 Vegas Drive, P.O. Box 26569, Las Vegas, NV 89126.

and will be subject to:

1. Those rights for road purposes granted to Glenn H. Jensen and Alice S. Jensen by Permit No. N–38903 under the authority of Pub. L. 94–579, 90 Stat. 2776.

2. An easement for streets, roads and public utilities being 30 feet wide along the west side in favor of Clark County.

Upon publication of this notice in the **Federal Register**, the land will be segregated from all forms of appropriation under the public land laws, including the general mining laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Pub. L. 94–579, or other applicable laws.

Dated: July 17, 1986.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 86–16689 Filed 7–23–86; 8:45 am]

BILLING CODE 4310–HC–M

Bureau of Reclamation

[INT–DES 86–32]

Umatilla Basin Project, OR; Availability of Planning Report/Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a planning report/draft environmental statement on a proposed fish enhancement project that would restore salmon runs and increase steelhead runs in the Umatilla Basin. The principal function of the proposed project would involve pumping water from the Columbia River into the existing Cold Springs Reservoir for distribution to irrigators. This would permit some Umatilla River water now diverted or stored for irrigation use to remain in the river to improve flow conditions for fish in the lower basin. Structural features include a major pumping complex on the Columbia River (Lake Wallula) and new and rehabilitated pumping facilities near the mouth of the Umatilla River.

In addition to the pumping features, the project plan proposes improvements to adult fish passage facilities at several diversion dams, installation of protective fish screens in several existing irrigation canals, and a seasonal fish barrier at the mouth of McKay Creek. A significant aspect of the plan is a post-construction monitoring program that would aid project managers and fishery experts in "fine tuning" operations. Written comments may be submitted to the Regional Director by October 31, 1986.

Copies of the planning report/draft environmental statement are available for inspection at the following locations and at libraries in the project vicinity:

Director, Office of Environmental Affairs, Bureau of Reclamation, Room 7423, C Street between 18th and 19th Streets, NW., Washington, DC 20240, Telephone: (202) 343–4991.

Document Systems Management Branch, Library Section, Code D–823, Engineering and Research Center Library, Room 450, Denver, Colorado 80225, Telephone: (303) 236–6963, Hours: 7:30 a.m.–4:00 p.m.

Office of Environment, Pacific Northwest Regional Office, Bureau of Reclamation, Room 492, P.O. Box 043, 550 West Fort Street, Boise, Idaho 83724, Telephone: (208) 334–1207.

Copies of the document may be obtained on request to the Director, Office of Environmental Affairs, or the Regional Director at the above address.

Dated: July 18, 1986.

C. Dale Duvall,

Commissioner.

[FR Doc. 86–16657 Filed 7–23–86; 8:45 am]

BILLING CODE 4310–09–M

Umatilla Basin Project, OR; Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a planning report/draft environmental statement for the Umatilla Basin Project, Oregon (INT DES 86–32 dated July 21, 1986). The planning report/draft environmental statement covers the plan of development and impacts of implementing a fish enhancement project that would restore salmon runs and increase steelhead runs in the Umatilla Basin. The principal feature of the project is a program wherein water would be pumped from the Columbia River into existing Cold Springs Reservoir for distribution to irrigators. This would permit some Umatilla River water now diverted or stored for irrigation use to remain in the river to improve flow conditions for fish in the lower basin. Structural features include a major pumping complex on the Columbia River (Lake Wallula) and new and rehabilitated pumping facilities near the mouth of the Umatilla River.

In addition to the pumping features, the project plan proposes improvements to adult fish passage facilities at several diversion dams, installation of protective fish screens in several existing irrigation canals, and a seasonal fish barrier at the mouth of McKay Creek. A significant plan feature is a post-construction monitoring program that would aid project managers and fishery experts in "fine tuning" operations.

A public hearing will be held in Pendleton, Oregon, at Red Lion-Indian Hills on September 17, 1986, from 7:00 and will continue until all presentations have been made to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will be encouraged not to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow a speaker to provide additional oral comments after all persons desiring to comment have been heard. The speaking order at the hearing will be determined by the order in which the letter requests are received by the Bureau of Reclamation. Requests for scheduled presentations will be accepted up to 4 p.m., September 15, 1986. Requests for scheduled presentations also will be accepted at the hearing, and persons making those requests will be permitted to speak for 10 minutes on a first-come-first-served basis after person who submitted a letter request has been permitted to make an initial presentation.

Organizations or individuals desiring to present statements at the hearing should write to the Regional Director, Attention: Code 150, Bureau of Reclamation, Pacific Northwest Region, Box 043, 550 West Fort Street, Boise, Idaho 83724, or telephone (208) 334–1926 and announce their intention to participate. Written comments for the hearing record, from those unable to attend and from those wishing to supplement their oral presentation at the hearing, should be received by September 30, 1986, so that they may be included in the hearing record.

Dated: July 18, 1986.

C. Dale Duvall,

Commissioner.

[FR Doc. 86-16656 Filed 7-23-86; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The Proposal for 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 collection of information 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 within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395-7313; with copies to Norman J. Hess; Chief, Rules, Orders, and Standards Branch; Offshore Rules and Operations Division; Mail Stop 646, Room 6A110; Minerals Management Service; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Borehole abandonment, 309 CFR 250.44.

Abstract: Respondents provide the Minerals Management Service (MMS) with a status report that enables MMS to verify that permit requirements are met, estimate completion dates, determine that there is sufficient reason for not abandoning the well immediately, and that the temporary abandonment will not constitute a significant hazard to fishing, navigation, or other uses of the seabed.

Bureau Form Number: None.

Frequency: Semiannual.

Description of Respondents: Federal OCS lessees and operators.

Annual Responses: 10.

Annual Burden Hours: 320.

Bureau Clearance Officer: Dorothy Christopher, (703) 435-6213.

Dated: June 16, 1986.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 86-16612 Filed 7-23-86; 8:45 am]

BILLING CODE 4310-MR-M

Assessment of Charges for Late Royalty Payments Under Federal Oil and Gas Leases Availability of Guidelines

AGENCY: Minerals Management Service, Interior.

ACTION: Notice.

Pursuant to 30 CFR Part 290, the Director, Minerals Management Service (MMS), issues decisions in appeals from final decisions or orders by other MMS personnel under R.S. 463, 25 U.S.C. 2; R.S. 465, 25 U.S.C. 9; the Mineral Lands Leasing Act, as amended, 30 U.S.C. 181 *et seq.*; the Act of February 7, 1927, 30 U.S.C. 285; the Mineral Leasing Act for Acquired Lands, as amended 30 U.S.C. 351 *et seq.*; the Outer Continetal Shelf Lands Act, as amended, 43 U.S.C. 1331 *et seq.*; the Geothermal Steam Act of 1970, 30 U.S.C. 1001 *et seq.*; the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.*; section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262); Secretarial Order No. 3071 of January 19, 1982, as amended; and Secretarial Order No. 087 of December 3, 1982, as amended February 7, 1983.

The assessment of late royalty payment charges arising from Federal oil and gas leases has been the subject of many appeals to the Director of MMS. For this reason, on June 19, 1986, the Director issued guidelines governing the assessment of late payment charges for untimely royalty payments under Federal oil and gas leases. Those guidelines are available upon request.

Requests for a copy of these guidelines should be addressed to Anthony Raspolic, Chief, Branch of Special Studies, Office of Program Review, Minerals Management Service, Department of the Interior, 18th and C Streets NW., Mail Stop 622, Washington, DC 20240. Requests will be limited to a single copy.

FOR FURTHER INFORMATION CONTACT: Anthony Raspolic, at the above address (202/343-4340).

Dated: July 17, 1986.

Donald T. Sant,

Assistant Director for Program Review.

[FR Doc. 86-16614 Filed 7-23-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Chevron U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0786, Block 48, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 17, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Parkway, Room 114, New Orleans, Louisiana 70123 (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Rules and Production, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: July 18, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-16672 Filed 7-23-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Hall-Houston Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Hall-Houston Oil Company has submitted a DOCD describing the activities it proposes to conduct on

Lease OCS–G 5050, Block 50, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on July 14, 1986. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Angie D. Gobert, Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit, Phone (504) 736–2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: July 16, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–16673 Filed 7–23–86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1146, Block 245, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 18, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Field Operations; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: July 18, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–16674 Filed 7–23–86; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Western Gulf of Mexico; Leasing Systems, Sale 105

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the **Federal Register:**

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. *Bidding systems to be used.* In the Outer Continental Shelf (OCS) Sale 105, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): (a) bonus bidding with a fixed 16⅔-percent royalty on all unleased blocks in less than 400 meters of water; and (b) bonus bidding with a fixed 12½-percent royalty on all remaining unleased blocks.

a. *Bonus Bidding with a 16⅔-Percent Royalty.* This system is authorized by section (8)(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b. *Bonus Bidding with a 12½-Percent Royalty.* This system is authorized by section (8)(a)(1)(A) of the OCSLA. It has been chosen for certain deeper water blocks proposed for the Western Gulf of Mexico (Sale 105) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12½-percent royalty system would be less than for the same blocks under a 16⅔-percent royalty system. As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to

encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. *Designation of Blocks.* The selection of blocks to be offered under the two systems was based on the following factors:

a. Lease terms on adjacent, previously leased blocks were considered to enhance orderly development of each field.

b. Blocks in deep water were selected for the 12½-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

The specific blocks to be offered under each system are shown on Map 2 entitled "Western Gulf of Mexico Lease Sale 105—Final, Bidding Systems and Bidding Units." This map is available from the Minerals Management Service, Gulf of Mexico Region, 1420 South Clearview Parkway, New Orleans, Louisiana 70123–2394.

Wm. D. Bettenberg,

Director, Minerals Management Service.

Approved:

Donald Paul Hodel,

Secretary of the Interior.

July 18, 1986.

[FR Doc. 86–16604 Filed 7–23–86; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–240]

Investigation of Certain Laser Inscribed Diamonds and the Method of Inscription; Change of the Commission Investigative Attorney

Before Paul J. Luckern Administrative Law Judge.

Notice is hereby given that, as of this date, Gary Kaplan, Esq., of the Office of Unfair Import Investigations will be the sole Commission investigative attorney in the above-cited investigation instead of both Mr. Kaplan and Robert D. Litowitz, Esq., as previously designated in the Notice of Investigation (Jan. 15, 1986, 51 FR 1860).

The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: July 21, 1986.

Arthur Wineburg,

Director, Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E. Street NW., Washington, DC 20426.

[FR Doc. 86–16575 Filed 7–23–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–237]

Certain Miniature Hacksaws; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Gary Kaplan, Esq., of the Office of Unfair Import Investigations will be the sole Commission investigative attorney in the above-cited investigation instead of both Mr. Kaplan and Robert D. Litowitz, Esq., as previously designated in the Notice of Investigation (Jan. 15, 1986, 51 FR 1860).

The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: July 21, 1986.

Arthur Wineburg,

Director, Office of Unfair Import Investigations, U.S. International Trade Commission.

[FR Doc. 86–16577 Filed 7–23–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–231]

Certain Soft Sculpture Dolls, Popularly Known as "Cabbage Patch Kids," Related Literature and Packaging Therefor; Change of the Commission Investigative Attorney

Before John J. Mathias, Administrative Law Judge.

Notice is hereby given that, as of this date, Deborah S. Strauss, Esq., of the Office of Unfair Import Investigations will be the sole Commission investigative attorney in the above-cited investigation instead of both Ms. Strauss and Robert D. Litowitz, Esq., as previously designated in the Notice of Investigation (Nov. 7, 1985, 50 FR 46368).

The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: July 21, 1986.

Arthur Wineburg,

Office of Unfair Import Investigations, U.S. International Trade Commission.

[FR Doc. 86–16582 Filed 7–23–86; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30860]

Kyle Railroad Co.—Exemption Acquisition and Trackage Rights—Missouri Pacific Railroad Co.

Kyle Railroad Company (Kyle) has filed a notice of exemption to acquire Missouri Pacific Railroad Company's (M.P.'s) line between Hastings Jct (Yuma), KS, Milepost 490.37, and a point north of Scandia, KS, at Milepost 506.00. Kyle will also acquire incidental trackage rights over M.P. trackage from Yuma (Milepost 490.37) to Concordia (Milepost 485.21), KS.

Comments must be filed with the Commission and served on: Victor D. Ryerson, Esq., World Trade Center Room 221, San Francisco, CA 94111 (415) 956–3874.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: July 8, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86–16760 Filed 7–23–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Intermountain Mineral Engineering, Inc.; Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 11, 1986 a proposed consent decree in *United States v. Intermountain Mineral Engineering, Inc., et al.,* Civil Action No. 85–3176 was lodged with the United States District Court for the District of Idaho. The proposed consent decree provides that remedial action shall be taken to correct and cease the discharge of waste water from mining operations at the site known as the Nabob Mine directly into the environment by June 30, 1986, and that a $1,000 civil penalty will be paid in settlement of the government's claims.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land

and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Intermountain Mineral Engineering, Inc., et al.*, D.J. Ref. 90–5–1–1–2311.

The proposed decree may be examined at the office of the United States Attorney, 693 Federal Building, Box 037, 550 W. Fort Street, Boise, Idaho 83724 and at the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, 9th and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86–16613 Filed 7–23–86; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 86–24]

Revocation of Registration; George S. Heath, M.D.

On March 14, 1986, the Administrator of the Drug Enforcement Administration (DEA) directed an Order to Show Cause and Immediate Suspension of Registration to George S. Heath, M.D. (Respondent), 303 Darling Avenue, Waycross, Georgia 31501. The order immediately suspended, pursuant to 21 U.S.C. 824(d), DEA Certificate of Registration AH1198539 previously issued to Respondent, the Administrator preliminary finding that the continued registration of Respondent during the pendency of the proceedings posed an imminent danger to the public safety.

The Order to Show Cause recited two statutory bases for the revocation of Respondent's registration under 21 U.S.C. 824(a)(3) and 824(a)(4). The first basis, pursuant to 21 U.S.C. 824(a)(3), was the summary suspension of Respondent's medical license by the Georgia Composite Board of Medical Examiners on March 10, 1986. This action terminated Respondent's authority to prescribe, administer, dispense, order or possess controlled substances in the State of Georgia. The second basis recited in the Order to Show Cause was that Respondent's continued registration would be inconsistent with the public interest as defined in 21 U.S.C. 823(f). This was evidenced by Respondent's prescribing excessive quantities of controlled substances outside the course of professional practice and for no legitimate medical purpose, and the prescribing of narcotic controlled substances for individuals which the Respondent knew to be narcotic dependent.

The Order to Show Cause was personally served on Respondent's office manager at 303 Darling Avenue, Waycross, Georgia by DEA Diversion Investigators on March 19, 1986. The investigators also informed Respondent's counsel of the service of the Order to Show Cause and Immediate Suspension. In a letter dated April 10, 1936, Respondent, through counsel, requested a hearing. On April 10, 1986, Respondent filed a Motion For More Definitive Statement, Discovery and Disclosure, a Motion To Take Depositions of Expert Witnesses and a Motion to Dismiss with the Office of the Administrative Law Judge. In a Memorandum to Counsel dated April 21, 1986, the Administrative Law Judge deferred action on Respondent's Motion for a More Definite Statement, and provided Government counsel an opportunity to file a Motion for Summary Disposition. Government counsel filed a Motion for Summary Disposition with supporting documents. Respondent filed a Response and Opposition to Government's Motion for Summary Disposition.

On June 10, 1986, the Administrative Law Judge issued his Opinion and Recommended Findings of Fact, Conclusions of Law and Decision. No exceptions were filed, and on July 11, 1986, the Administrative Law Judge transmitted the record to the Administrator. The Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that on March 10, 1986, the Composite State Board of Medical Examiners of Georgia summarily suspended Respondent's license to practice medicine and prescribe, dispense, administer, or possess any drug classified as a controlled substance under Georiga law. The Respondent has remained unlicensed since March 10, 1986. The Administrative Law Judge concluded that the Drug Enforcement Administration does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances. The agency has consistently so held. See *Emerson Emory, M.D.*, Docket No. 85–46, 51 FR 9543 (1986), *Agostino Carlucci, M.D.*, Docket No. 82–20, 49 FR 33184 (1984), *Kenneth K. Birchard, M.D.*, 48 FR 33778 (1983), and *James Waymon Mitchell*, Docket No. 79–16, 44 FR 71466 (1979).

The Administrative Law Judge also found that in instances where the applicant or registrant is not authorized to handle controlled substances in the state in which he practices, a motion for summary disposition is properly entertained and must be granted. It is settled law that when no fact question is involved, or when the facts are agreed, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory, even though a pertinent statute prescribes a hearing. In such situations, it has been concluded that Congress does not intend administrative agencies to perform meaningless tasks. *U.S. v. Consolidated Mines and Smelting Co. Ltd.*, 445 F.2d 432, 453 (9th Cir. 1971).

The Administrative Law Judge notes Respondent's assertion that DEA cannot rely upon a State Order of Suspension that he has not had the opportunity to contest, and that even if DEA is entitled to summarily suspend the DEA registration, Respondent should be entitled to a plenary hearing to contest the action. Respondent also asserts that the action by the Georgia Composite Board of Medical Examiners is based upon mere allegations. DEA accepts as valid and lawful the action of a state regulatory board unless that action is overturned by a state court or otherwise pursuant to state law. The action by the Georgia Board has not been overturned. The Drug Enforcement Administration will not consider a challenge to the lawfulness of a Georgia Board Order. Such a challenge must be made in another forum.

The statutory language is clear. Title 21, U.S.C. 824(a) clearly provides that a registrant's state license need only have been suspended to provide a lawful basis for revocation of a DEA registration. There is no question that Respondent is not currently authorized to handle controlled substances in the State of Georgia. That is all that is required.

The Administrator adopts the findings of fact, conclusions of law and recommendation of the Administrative Law Judge in its entirety.

Accordingly, the Administrator of the Drug Enforcement Administration,

pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 21 CFR 0.100(b) orders that DEA Certificate of Registration AH1198539 previously issued to George S. Heath, M.D. is hereby revoked. Any pending applications for renewal of that registration are denied. This order is effective upon publication.

Dated: July 21, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-16644 Filed 7-23-86; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-34]

Jay B. Sorenson, D.D.S.; Revocation of Registration and Denial of Application

On March 24, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued to Jay B. Sorenson, D.D.S. (Respondent), of 160 South 10th East, Salt Lake City, Utah 84102, and 402 East Oceanfront, Newport Beach, California 92661, an Order to Show Cause proposing to revoke DEA Certificate of Registration AS8259776, and to deny the undated application for DEA registration executed by Jay B. Sorenson and received on December 20, 1985, at the DEA Los Angeles Field Division. The statutory predicate under 21 U.S.C. 824(a)(3), for the revocation of Respondent's DEA Certificate of Registration AS8259776 was the revocation, on April 8, 1984, of Respondent's Utah controlled substances license by the Director of the State of Utah Division of Registration, Department of Business Regulation, terminating Dr. Sorenson's authority to possess, prescribe, dispense or otherwise handle controlled substances in Utah. The statutory predicate for the denial of the application for registration submitted by Respondent at an address in California was that issuance of such registration would be inconsistent with the public interest as defined in 21 U.S.C. 823(f).

A registered mail receipt shows that the Order to Show Cause was received on March 29, 1986. In a letter dated April 25, 1986, Respondent, acting *pro se*, requested a hearing on the issue of denying his California application for registration raised in the Order to Show Cause. Administrative Law Judge Francis L. Young thereafter placed the matter on his docket and various pre-hearing documents were submitted and a hearing was scheduled for June 5 in Los Angeles, California. In a letter dated May 11, 1986, Respondent requested a rescheduling of the hearing from June 5 to June 11, 1986. Administrative Law Judge Francis L. Young found that a rescheduling would require enormous and unreasonable expense to the Government. On May 20, 1986, Dr. Sorenson advised the hearing clerk for the Administrative Law Judge of his intention to withdraw the request for a hearing and to cancel the June 5, 1986, hearing date. Based on the aforementioned conversation, Administrative Law Judge Young issued an order terminating proceedings on June 9, 1986. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file and a written statement submitted by Respondent, dated May 28, 1986. 21 CFR 1301.57.

As for the matter of DEA Certificate of Registration AS8259776, the Administrator is permitted to register a practitioner under 21 U.S.C. 823 only if the practitioner is authorized to handle controlled substances under the law of the state in which he practices. The Administrator cannot lawfully register a practitioner who lacks state authorization to handle controlled substances. This precedent has been consistently followed by this Administrator and his predecessors. See *Avner Kauffman, M.D.*, Docket No. 85-8, 50 CFR 34208 (1985); *Floyd A. Santner, M.D.*, Docket No. 79-23, 47 FR 51831 (1982); *David Sachs, M.D.*, Docket No. 77-2, 44 FR 29112 (1977).

The Administrator finds that effective April 8, 1984, the Utah Division of Registration of the Department of Business Regulation, the regulatory body responsible for licensing dentists in Utah, indefinitely suspended Dr. Sorenson's authority to handle controlled substances under Utah law. Therefore, the Respondent's Certificate of Registration, AS8259776, must be revoked.

The Administrator has reviewed the record before him, including Respondent's written statement. The Administrator finds that the Respondent, in the State of California Board of Dental Examiners' decision No. AGN 1976-6, dated August 4, 1976, stipulated that from approximately July 1975, through December 1975, he did, on numerous occasions, self-administer demerol. The Board ordered, among other things, that Respondent not use, nor have possession of, any controlled substances for a five year period, unless pursuant to a valid prescription, in staying the Order of Revocation of Respondent's License to practice dentistry.

On January 17, 1979, the Utah Division of Registration found that the Respondent had committed an act of unprofessional conduct by having in his possession 17cc of Demerol which had been issued for a patient, not for himself, thereby violating a condition imposed by the California Dental Board's order. The Utah Division of Registration ordered the revocation of Respondent's license to practice dentistry in Utah and stayed that revocation for three years upon certain conditions, including, that Respondent not personally use, nor have in his possession, any controlled substance unless pursuant to a valid prescription and that Respondent only write prescriptions for controlled substances to patients under his care.

On January 22, 1981, the Utah Division of Registration found that Respondent had violated the aforementioned condition of the 1979 probation on his license to practice dentistry. The Utah Division again stayed a revocation of Respondent's license, this time for a period of three years if he complied with certain conditions, among others, that his Schedule II Utah controlled substances license be revoked for five years.

On December 7, 1982, the Utah Division of Registration found that Respondent had again violated conditions of the probation of his dental license by issuing ten prescriptions for various forms and quantities of the drug Demerol. The Administrator finds that the Utah Division of Registration concluded that the prescriptions issued by Respondent contained false names and addresses and that the drugs prescribed were obtained by Respondent by misrepresentation, deception and subterfuge for his own consumption in violation of the rules and regulations of the Division of Registration. The Utah Division of Registration revoked Respondent's Schedule II controlled substance license and suspended his dental license for 90 days, among other conditions.

On April 8, 1984, the Utah Division of Registration found that Respondent had committed the following violations of his probation contrary to the December 7, 1982, Order of the Division of Registration: from about October 1983 to February 1984, the Respondent either prescribed, purchased, or administered quantities of Demerol while his Schedule II substance license was revoked; he issued prescriptions for controlled substances that contained false information, including false names and non-existence addresses; from on or about October 1983 to March 1984,

Respondent failed to maintain records of purchases and administrations of controlled substances; on or about March 1, 1984, Respondent exported quantities of Demerol without having been registered with the United States Drug Enforcement Administration to export controlled substances; from or about October 1983 to March 1984, the Respondent engaged in self-administration of Demerol; and, from about February 1984 to April 1984, Respondent failed to submit to twice weekly urinalysis as required by the Utah Division's Order of December 7, 1982. Subsequently, the Utah Division of Registration revoked Respondent's license to administer and prescribe controlled substances in the State of Utah and stayed a revocation of his license to practice dentistry in Utah upon the compliance of certain probationary conditions, which included that Respondent be subject to random urine and blood testing to detect the presence of controlled substances; that he participate in a Division of Registration Dental Committee-approved drug rehabilitation program, with at least biannual progress reports submitted to the Division's committee; and, that he meet at least two hours monthly with a committee-approved psychiatrist or therapist, with at least quarterly reports submitted to the Division's committee.

On April 12, 1985, the Utah Division of Registration found that the Respondent had violated the aforementioned terms of his probation by not allowing a urine and blood screening, by failing to apprise the Dental Committee of his progress at the treatment facility, and by failing to provide progress reports regarding the meetings with a psychiatrist or therapist. In addition, in a blood test conducted by the Division of Registration, controlled substances were detected in his blood. Consequently, the Utah Division of Registration ordered that the Stay of Revocation as prescribed in the Division Order of April 8, 1984, be lifted, thus revoking Respondent's License to practice as a dentist in the State of Utah, effective April 26, 1985.

In the written statement submitted by Respondent to the Administrator in this matter, Respondent contends that he makes "no excuses for Demerol abuse" and that "it [the abuse] was wrong." To remedy his problem, Dr. Sorenson states that he entered the St. Benedict's Alcoholism and Chemical Dependency Treatment Center in Salt Lake City from January 4, 1985, to January 25, 1985, as an inpatient. After his discharge, he states that he has participated in the outpatient aftercare program at least once per week to the present time, except during a hiatus from January 1, 1986 to April 24, 1986, when he was in California seeking employment. In addition, Respondent contends that during the first nine months of 1985, he had his urine randomly tested by the Utah Adult Probation and Parole Department. The Administrator commends Respondent's efforts to become better able to cope with his previous abuse of controlled substances. However, the Administrator finds it difficult to believe, even if the Respondent were to be issued a DEA Certificate of Registration with restrictive conditions (such as the Utah Division of Registration had formerly imposed), that the Respondent would adhere to any prescribed conditions with diligence, but would be likely to violate them as he had previously done with, to date, four Utah State Orders and one California State Order. Such a record of blatant violative conduct does not proffer convincing evidence of future compliance on the part of the Respondent. Coupled with Dr. Sorenson's long history of Demerol abuse (approximately ten years), the unquestionable evidence of past non-conforming behavior raises serious doubts as to the ability of the Respondent to handle the responsibility to prescribe, administer and dispense controlled substances. The Administrator finds that registration of Respondent to prescribe, administer, or dispense controlled substances would be inconsistent with the public interest due to: (a) Respondent's long history of controlled substance abuse, dating from the first reported incident before the Board of Dental Examiners, State of California, in July of 1975, to at least January of 1985, when a drug test showed that he had meperidine (Demerol) in his body; (b) Respondent's consistent inability to abide by the State of Utah, Division of Registration restrictions, thereby violating the conditions for probation; (c) Respondent's writing of at least 72 prescriptions for Demerol, a Schedule II narcotic, after the Utah authorities revoked his controlled substances license; (d) the aforementioned revocation by the Utah Division of Registration; and, (e) an earlier revocation by the California Dental Board, of Respondent's dental license, which revocation the Dental Board, stayed for five years upon condition that he not personally use, nor have in his possession, any controlled substance, narcotic or dangerous drug except pursuant to a valid prescription.

This administrative decision looks prospectively. The Administrator is charged with protecting the public health and safety from the illicit diversion of controlled substances. The facts of this case, as set forth above, indicate that Dr. Sorenson lacks the requisite ability to handle the responsibility associated with a DEA registration. Even restrictions imposed upon such a registration would not likely be complied with. The evidence which Dr. Sorenson has presented in this matter is insufficient to overcome the foregoing conclusion. Therefore, the Administrator concludes that at this point in time, Dr. Sorenson has not demonstrated that he should be entrusted with a DEA registration and the responsibilities attendant to such registration.

Pursuant to the authority vested in the Attorney General by 21 U.S.C. 823, and redelegated to the Administrator in 21 U.S.C. 871 and 28 CFR 0.100, the Administrator hereby revokes DEA Certification of Registration AS8259776 previously issued to Jay B. Sorenson, D.D.S., and denies any pending applications for renewal of that registration for reason that Dr. Sorenson is without authorization to handle controlled substances in Utah.

The Administrator of the Drug Enforcement Administration, finding that registration of Respondent would be inconsistent with the public interest, orders that the application of Jay B. Sorenson, D.D.S., for registration under the Controlled Substances Act in California, be, and it hereby is, denied.

Dated: July 21, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-16643 Filed 7-23-86; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-20]

Revocation of Registration; Hezekiah K. Heath, M.D.

On March 14, 1986, the Administrator of the Drug Enforcement Administration (DEA) directed an Order to Show Cause and Immediate Suspension of Registration to Hezekiah K. Heath, M.D. (Respondent), 303 Darling Avenue, Waycross, Georgia 31501. The order immediately suspended, pursuant to 21 U.S.C. 8024(d), DEA Certificate of Registration AH1139662 previously issued to Respondent, the Administrator preliminarily finding that the continued registration of Respondent during the pendency of the proceedings posed an imminent danger to the public safety.

The Order to Show Cause recited two statutory bases for the revocation of Respondent's registration under 21 U.S.C. 824(a)(3) and 824(a)(4). The first basis, pursuant to 21 U.S.C. 824(a)(3), was the summary suspension of Respondent's medical license by the Georgia Composite Board of Medical Examiners on March 10, 1986. This action terminated Respondent's authority to prescribe, administer, dispense, order or possess controlled substances in the State of Georgia. The second basis recited in the Order to Show Cause was that Respondent's continued registration would be inconsistent with the public interest as defined in 21 U.S.C. 823(f). This was evidenced by Respondent's prescribing excessive quantities of controlled substances outside the course of professional practice and for no legitimate medical purpose, and the prescribing of narcotics controlled substances for individuals which the Respondent knew to be narcotic dependent.

The Order to Show Cause was personally served on Respondent's office manager at 303 Darling Avenue, Waycross, Georgia by DEA Diversion Investigators on March 19, 1986. The investigators also informed Respondent's counsel of the service of the Order to Show Cause and Immediate Suspension. In a letter dated March 28, 1986, Respondent, through counsel, requested a hearing. On April 8, 1986, Respondent filed a Motion For More Definitive Statement, Discovery and Disclosure, a Motion To Take Depositions of Expert Witnesses and a Motion To Dismiss with the Office of the Administrative Law Judge. The Administrative Law Judge denied Respondent's Motion To Dismiss, deferred action on Respondent's Motion for a More Definite Statement, and provided Government counsel an opportunity to file a Motion for Summary Disposition. Government counsel filed a Motion for Summary Disposition with supporting documents. Respondent filed a Response to Government's Motion for Summary Disposition.

On May 22, 1986, the Administrative Law Judge issued his Opinion and Recommended Findings of Fact, Conclusions of Law and Decision. No exceptions were filed, and on June 24, 1986, the Administrative Law Judge transmitted the record to the Administrator. The Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issued his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that on March 10, 1986, the Composite State Board of Medical Examiners of Georgia summarily suspended Respondent's license to practice medicine and prescribe, dispense, administer, or possess any drug classified as a controlled substance under Georgia law. The Respondent has remained unlicensed since March 10, 1986. The Administrative Law Judge concluded that the Drug Enforcement Administration does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances. The agency has consistently so held. See *Emerson Emory, M.D.*, Docket No. 85–46, 51 FR 9543 (1986), *Agostino Carlucci, M.D.*, Docket No. 82–20, 49 FR 33184 (1984), *Kenneth K. Birchard, M.D.*, 48 FR 33778 (1983), and *James Waymon Mitchell*, Docket No. 79–16, 44 FR 71466 (1979).

The Administrative Law Judge also found that in instances where the applicant or registrant is not authorized to handle controlled substances in the state in which he practices, a motion for summary disposition is properly entertained and must be granted. It is settled law that when no fact question is involved, or when the facts are agreed, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory, even though a pertinent statute prescribes a hearing. In such situations, it has been concluded that Congress does not intend administrative agencies to perform meaningless tasks. *U.S. v. Consolidated Mines and Smelting Co. Ltd.*, 445 F.2d 432, 453 (9th Cir. 1971).

The Administrative Law Judge notes Respondent's assertion that DEA cannot rely upon a State Order of Suspension that he has not had the opportunity to contest, and that even if DEA is entitled to summarily suspend the DEA registration, Respondent should be entitled to a plenary hearing to contest the action. Respondent also asserts that the action by the Georgia Composite Board of Medical Examiners is based upon mere allegations. DEA accepts as valid and lawful the action of a state regulatory board unless that action is overturned by a state court or otherwise pursuant to state law. The action by the Georgia Board has not been overturned. If Respondent desires to contest the validity of the state order, he must do so in another forum.

The statutory language is clear. Title 21, U.S. Code Section 824(a) clearly provides that a registrant's state license need only have been suspended to provide a lawful basis for revocation of a DEA registration. There is no question that Respondent is not currently authorized to handle controlled substances in the State of Georgia. That is all that is required.

The Administrator adopts the findings of fact, conclusions of law and recommendation of the Administrative Law Judge in its entirety.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 21 CFR 0.100(b) orders that DEA Certificate of Registration AH1139662, previously issued to Hezekiah K. Heath, M.D. is hereby revoked. Any pending applications for renewal of that registration are denied. This order is effective upon publication.

Dated: July 21, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–16645 Filed 7–23–86; 8:45 am]

BILLING CODE 4410–09–M

Jerry L. Word, M.D.; Revocation of Registration

On May 27, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Jerry L. Word, M.D. of 1120 Dickerson, Nashville, Tennessee 37207, an Order to Show Cause proposing to revoke his DEA Certificate of Registration AW8038463, and to deny any pending applications for registration as a practitioner under 21 U.S.C. 823(f). The statutory predicate for the proposed action was Dr. Word's controlled substance-related felony convictions. In addition, the Order to Show Cause alleged that Dr. Word is not authorized in the State of Tennessee to handle controlled substances.

The Order to Show Cause was sent to Dr. Word by registered mail. DEA received the return receipt which indicated that the Order to Show Cause was received on June 2, 1986. More than thirty days have passed since the Order to Show Cause was served and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54 (a) and (d), Dr. Word is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing

and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that on January 16, 1986, Dr. Word was convicted in the United States District Court for the Middle District of Tennessee of one count of conspiracy to distribute Dilaudid and to possess Dilaudid with intent to distribute in violation of 21 U.S.C. 846; forty counts of knowingly and intentionally distributing Dilaudid in violation of 21 U.S.C. 841(a)(1); and four counts of knowingly and intentionally attempting to distribute Dilaudid in violation of 21 U.S.C. 841(a)(1) and 21 U.S.C. 846. These are felony convictions relating to controlled substances. Therefore, there is a lawful basis for the revocation of Dr. Word's registration. 21 U.S.C. 824(a)(2).

As a result of Dr. Word's convictions, on March 31, 1986, the State of Tennessee, Department of Health and Environment, Board of Medical Examiners revoked Dr. Word's license to practice medicine in the State of Tennessee. Dr. Word is no longer authorized to prescribe, dispense, administer or otherwise handle controlled substances in the State of Tennessee. DEA has consistently held that when a registrant or applicant is without lawful authority to handle controlled substances under the laws of the state in which he practices or intends to practice, the Drug Enforcement Administration is without lawful authority to issue or maintain such registration. See, *Meyer Liebowitz, M.D.*, 51 FR 11654 (1986); *Rex A. Pittenger, M.D.*, Docket No. 85–52, 51 FR 5422 (1986); *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985); *Sam S. Misasi*, D.O., 50 FR 11469 (1985) and cases cited therein.

Since Dr. Word did not offer evidence of any mitigating circumstances, the Administrator has no choice but to revoke Dr. Word's DEA Certificate of Registration and to deny any pending applications for registration. Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AW8038463, previously issued to Jerry L. Word, M.D., be, and it hereby is revoked. The Administrator further orders that any pending applications of Dr. Word, for registration under the Controlled Substances Act, be, and they hereby are denied. This order is effective August 25, 1986.

Dated: July 21, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–16646 Filed 7–23–86; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 86–21]

John H. Mulvany, M.D., Pawtucket, RI; Hearing

Correction

In FR Doc. 86–16086 appearing on page 25957 in the second column, in the issue of Thrusday, July 17, 1986, the subject heading is corrected to read as set forth above.

BILLING CODE 1505–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Professional Companies Section) to the National Council on the Arts will be held on August 12–14, 1986, from 9:00 a.m.–7:00 p.m. and August 15, 1986, from 9:00 a.m.–5:00 p.m. in room MO–9 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on August 12, from 9:00–9:30 a.m. Topics for discussion will include introductions, announcements and updates.

The remaining sessions of this meeting on August 12, 1986 from 9:30 a.m.–7:00 p.m., August 13–14, 1986 from 9:00 a.m.–7:00 p.m., and on August 15, 1986 from 9:00 a.m.–5:30 p.m. is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: July 18, 1986.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86–16669 Filed 7–23–86; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published June 16, 1986 (51 FR 21813). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 A.M. and Subcommittee meetings usually begin at 8:30 A.M. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the August 1986 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 202/634–3265, ATTN: Barbara Jo White) between 8:15 A.M. and 5:00 P.M., Eastern Time.

ACRS Subcommittee Meetings

Westinghouse Reactor Plants, July 30, 1986, Washington, DC. The Subcommittee will continue discussion and comment on NRC Staff actions taken with respect to the SONGS–1 water hammer/loss of AC power event. This will be a follow-up Subcommittee

meeting to the February 12, 1986 meeting on the same subject.

Scram Systems Reliability, July 31, 1986, Washington, DC. The Subcommittee will review the status of the ATWS Rule implementation effort.

Reactor Operations, August 4, 1986, Washington, DC. The Subcommittee will review recent events at operating reactors.

Metal Components, August 4, 1986, Hanford, WA. The Subcommittee will visit and review the steam generator interity program. In addition, the integrated fracture mechanics/non-destruction examination program will be discussed.

Reliability Assurance, August 5, 1986, Washington, DC. The Subcommittee will review the final resolution of USI A–46, "Seismic Qualification of Equipment in Operating Plants."

Improved LWR Design, August 5, 1986, Washington, DC. The Subcommittee will discuss the standardization policy statement.

Safeguards and Security, August 5, 1986—CANCELLED.

Extreme External Phenomena, August 6, 1986, Washington, DC. The Subcommittee will conduct a workshop to review the importance of seismic risk to nuclear power plants. Seismic hazard will be the principal topic to be discussed.

Maintenance Practices and Procedures, August 13, 1986, Washington, DC. The Subcommittee will review the report on Phase I of the Maintenance Program Plan.

I&E Programs, August 14, 1986, Bethesda, MD. The Subcommittee will review I&E Inspection Programs with focus on the Safety System Functional Inspection (SSFI) Program, and the risk-related inspection methodology.

Nuclear Plant Chemistry, August 26, 1986, Washington, DC. The Subcommittee will discuss various topics relevant to plant chemistry, i.e., NaOH in containment spray, suppression pool scrubbing, H_2 water chemistry, etc.

Thermal Hydraulic Phenomena, August 27, 1986, Washington, DC. The Subcommittee will continue its review of the RES-proposed revision to the ECCS Rule (10 CFR 50.46 and Appendix K).

Decay Heat Removal Systems, September 9, 1986, Washington, DC. The Subcommittee will review NRR's Action Plan to address concerns with the reliability of certain plants' AFW systems.

Containment Performance, September 23, 1986, Washington, DC. The Subcommittee will review a draft position paper on containment performance design objective as an addition to the Safety Goal Policy, and a draft of a proposed generic letter on containment requirements for severe accidents.

Severe (Class 9) Accidents, September 24, 1986, Washington, DC. The Subcommittee will review the NRR Implementation Plan for Severe Accidents and the IDCOR Methodology for Individual Plant Evaluation.

International Operating Experience, September 25, 1986, Washington, DC. The Subcommittee will track and evaluate information on the Soviet nuclear accident at Chernobyl and consider impications for U.S. reactors of similar type.

Decay Heat Removal Systems, September 26, 1986, Washington, DC. The Subcommittee will continue its review of NRR's proposed resolution position for USI A–45, "Shutdown Decay Heat Removal Systems."

Instrumentation and Control Systems, Date to be determined (July), Washington, DC—CANCELLED.

Spent Fuel Storage, Date to be determined (August/September), Washington, DC. The Subcommittee will continue its review of 10 CFR Part 72 and Monitored Retrievable Storage (MRS).

AC/DC Power Systems Reliability, Date to be determined (August/September), Washington, DC. The Subcommittee will review the proposed Station Blackout rule (SECY–85–163).

Regional Operations, Date to be determined (August/September), Chicago, IL. The Subcommittee will begin its review of the activities of the NRC Regional Offices. This meeting will focus on the activities of the Region III Office.

Probabilistic Risk Assessment, Date to be determined (September/October), Washington, DC. The Subcommittee will review the probabilistic risk assessment for Millstone 3.

Seabrook Units 1 and 2, Date to be determined (late summer/early fall), Washington, DC. The Subcommittee will review the application for a full power operating license for Seabrook 1 and 2.

Structural Engineering, Date to be determined (late 1986/early 1987), Albuquerque, NM. The Subcommittee will visit and review containment integrity and Category I structures, facilities, and programs.

ACRS Full Committee Meeting

August 7–9, 1986: Items are *tentatively* scheduled.

*A. *San Onofre Nuclear Generating Station Unit 1—corrective measures following loss of feedwater incident on November 21, 1986.*

*B. *Human Factors Issues*—review proposed NRC policy statement on fitness for duty requirements, proposed NRC rulemaking on educational requirements for senior reactor operators at nuclear power plants, and proposed NRC Regulatory Guide 1.114, Revision 2, Guidance to Operators at the Controls and to Senior Operators in the Control Room of a Nuclear Power Unit.

*C. *Seismic Qualification of Equipment in Operating Plants (USI A–46)*—review proposed resolution of this Unresolved Safety Issue.

*D. *Recent Events at Nuclear Facilities*—discuss recent incidents and accidents at nuclear power plants.

*E. *Advanced Light Water Reactors*—discuss proposed design requirements for advanced light water reactors.

*F. *Long-Range Plan for Regulatory Activities*—discuss proposed ACRS comments regarding a guide for the preparation of a long-range plan for regulatory activities.

*G. *Standardized Nuclear Plants*—review proposed NRC policy statement regarding standard nuclear plants.

*H. *NRC Regulatory Process*—discuss proposed ACRS comments regarding the NRC regulatory process.

*I. *TVA Reorganization*—discuss proposed ACRS comments regarding the reorganization of the Tennessee Valley Authority nuclear activities.

*J. *Aptitude Testing*—discuss proposed ACRS comments regarding the use of aptitude testing in selection of personnel for nuclear power plants.

*K. *Future ACRS Activities*—discuss anticipated ACRS subcommittee meetings, items proposed for consideration by the full Committee, and proposed dates for CY 1987 ACRS meetings.

*L. *Radioactive Waste Management and Disposal*—review proposed limits regarding residual radiation in the disposition of land, buildings, equipment, and metals, including contaminated smelted alloys per NUREG–0518, Final Environmental Statement resulting from decontamination and decommissioning of nuclear power plants and fuel handling facilities.

*M. *ACRS Subcommittee Activities*—discuss the status of designated ACRS subcommittee activities regarding safety related matters such as radwaste handling and disposal, scram system reliability, consideration of degraded primary system piping, management of ACRS activities, and ACRS practices and procedures.

*N. *Activities of NRC Office of Nuclear Materials Safety and Safeguards*—briefing regarding items of

mutual interest regarding the activities of the NRC Office of Nuclear Materials Safety and Safeguards.

O. *Activities of ACRS Members (Closed)*—discuss non-ACRS activities of ACRS members and their impact on committee activities.

September 11–13, 1986—Agenda to be announced.

October 9–11, 1986—Agenda to be announced.

Dated: July 21, 1986.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 86–16704 Filed 7–23–86; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Notice of Tour of Hells Canyon Dam, ID

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice.

DATE: July 30, 1986.

PLACE: Hells Canyon Dam near Boise, Idaho.

SUMMARY: The members of the Northwest Power Planning Council have been invited by the Idaho Power Company to tour Hells Canyon Dam on July 30, 1986. It is anticipated that a quorum of Council members will attend this tour. Because of short lead time, the Council was unable to give earlier public notice of the tour. Also, because of logistical requirements for this tour, interested persons should contact the Council by July 25. There is no agenda for this meeting, nor is it anticipated that agency deliberations will occur.

FOR FURTHER INFORMATION CONTACT: Ms. Beth Heinrich at (208) 334–2956.

Edward Sheets,

Executive Director.

[FR Doc. 86–16617 Filed 7–23–86; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–23447; File No. SR–NASD–86–13]

Self-Regulatory Organizations; Order Approving Proposed Rule Change By National Association of Securities Dealers, Inc. Relating to Schedule G of the NASD By-Laws

The National Association of Securities Dealers, Inc. ("NASD") on May 16, 1986 submitted a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") to amend the definition of "designated reporting member" [1] under section 1(c) of Schedule G of the NASD By-Laws to include all members that are registered as Third Market Makers in eligible securities pursuant to Part III of Schedule D of the NASD By-Laws.[2] The amendments conform the definition of "designated reporting member" under Schedule G with that the NASD provided in a 1980 notice to members by eliminating the designation of reporting members on the basis of a "substantial number" of over-the-counter transactions in eligible securities. The amendments also delete the list of designated reporting members from Schedule G.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 23314 (51 FR 21999; June 17, 1986). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3(a)(12).

Dated: July 17, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–16632 Filed 7–23–86; 8:45 am]

BILLING CODE 8010-01-M

[1] A "designated reporting member" is required to transmit for dissemination on the consolidated tape reports of over-the-counter transactions in eligible securities within 90 seconds after execution. Eligible securities include all stocks listed on the New York ("NYSE") and American ("Amex") Stock Exchanges, and stocks listed on regional exchanges that substantially meet the standards of the NYSE and Amex. NASD members who are not "designated reporting members" need not report trades in eligible securities within 90 seconds if the members' trading volume in eligible securities falls below certain levels.

[2] Schedule D defines a Third Market Maker essentially as any person who makes a market over-the-counter in an eligible security. Schedule D requires all such market makers to be registered.

[Rel. No. 34–23446; File No. SR–NASD–86–17]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.; Providing for Additional Regulation of Short Selling in the Over-the-Counter Market

July 16, 1986.

Pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 11, 1986, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The two proposed amendments will provide for additional regulation of short selling in the over-the-counter market. The first proposal, an amendment to Article III, section 21 of the NASD's Rules of Fair Practice, will require members to mark customer order tickets "long" or "short." The second proposal, an amendment to the Board of Governors' Interpretation on Prompt Receipt and Delivery of Securities, will require a member accepting a "short" sale order from a customer to make an affirmative determination that it will receive delivery of the security from the customer or that it can borrow the security on behalf of the customer for delivery by settlement date.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The two proposed amendments provide for additional regulation of short selling activity in the over-the-counter market. The first proposal, an amendment to Article III, Section 21 of the NASD Rules of Fair Practice, would require members to mark customer order tickets "long" or "short." The second proposal, an amendment to the Board of Governors' Interpretation on Prompt Receipt and Delivery of Securities, would require a member accepting a "short" sale order from a customer to make an affirmative determination that

it will receive delivery of the security from the customer or that it can borrow the security on behalf of the customer for delivery by settlement date.

The proposed amendments are consistent with the provisions of section 15A(b)(6) of the Act, which requires the rules of a registered securities association to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, and to protect public investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed amendments will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In Notice to Member 85–87 (December 24, 1985), the NASD solicited comments on the proposed amendments. Of the seven members that submitted comments, two supported the proposed amendments without elaboration; three suggested clarification of certain aspects of the proposals; and two members opposed the proposed amendments. The Securities Industry Association ("SIA") also submitted a comment letter, in which it expressed objections to the proposed amendments.

The commentators raised three basic objections to the amendments as proposed. The first objection related to a lack of definition of the requirement to make an affirmative determination in connection with a member's acceptance of a customer's "short" sale order under the Interpretation on Prompt Receipt and Delivery of Securities ("Interpretation"). Commentators stated that the type of investigation or documentation required to satisfy the "affirmative determination" standard should be made explicit. One commentator inquired whether a customer's affirmation that the securities will be delivered by settlement date is sufficient or whether verification of the customer's affirmation is required; the commentator also stated that members should be required to indicate on order tickets whether the securities will be delivered or borrowed. Another commentator raised a question concerning the difference, if any, between a member's obligation to obtain a "reasonable assurance" of delivery when accepting a customer's "long" sale order and its obligation to make an "affirmative determination" regarding delivery when accepting a customer's "short" sale order.

In response to these comments, the Board of Governors stated that the requirement to make an affirmative determination does not permit members to make any presumptions with respect to a customer's ability to deliver stock in a "short" sale situation, but requires a member to specifically ask the customer whether the securities will be delivered by settlement in order to determine whether the member will be required to borrow the securities on behalf of the customer for delivery by settlement. The Board chose not to establish a single method for members to demonstate their compliance with the proposed rule, but found it appropriate that the rule provide members the flexibility to design their own recordkeeping and surveillance procedures. At the same time, for purposes of internal consistency, the Board determined to delete the term "reasonable assurance" from existing section (b)(3)(C) of the Interpretation and to substitute the term "affirmative determination."

The second objection involved an apparent inconsistency between the proposed amendment to Article III, Section 21 and existing section (b)(1)(C) of the Interpretation with respect to the definition of "long" sales. Under the amendment to Article III, section 21, as originally proposed, an order could be marked "long" only if the customer owns the security and will deliver it within 5 days. Under existing section (b)(1)(C) of the Interpretation, however, an order may be considered "long" if the member obtains reasonable assurance that the securities will be delievered within five days; ownership is not required. Thus, the Interpretation would appear to permit a "short" sale to be considered "long" if the customer makes assurance of delivery, rather than ownership. In light of this comment, the Board determined to eliminate any inconsistency with respect to the definition of "long" sales by amendment existing section (b)(1)(C) of the Interpretation to require a member to make an affirmative determination that the customer owns the security and will deliver it within five days.

The third objection related to an inconsistency between the proposed amendment to Article III, section 21 and existing exchange requirements with respect to the circumstances under which an order ticket may be marked "long." Under the amendment as originally proposed, unless the customer's account is "long" the security, an order could be marked "long" only if the member is informed that the customer owns the security and will deliver it *within five business days after execution of the order.* A commentator pointed out, however, that under NYSE Rule 440B, unless the customer's account is "long" the security involved, an order may be marked "long" if the member is informed that the seller owns the security and will deliver it *as soon as possible without undue inconvenience or expense.* The commentator found no demonstrated need for the difference between the two requirements and stated that it would create unnecessary disparity between exchange and over-the-counter transactions as well as the potential for confusion on the part of registered representatives and customers. Under these circumstances, the Board determined it appropriate to amend the language of the proposed amendment to Article III, section 21 to provide that an order may be marked "long" if the member is informed that the customer owns the security and agrees to deliver it as soon as possible without undue inconvenience or expense.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Security and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 522, will be available for inspection and copying in the

Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 14, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16633 Filed 7-23-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15209; 811-1730]

Diversified Trust Fund, Inc.; Application for Investment Company Deregistration

July 17, 1986.

Notice is hereby given that Diversified Trust Fund, Inc. ("Applicant"), 27802 Vista Del LaGo, Mission Viejo, CA. 92692, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 (the "Act"), filed an application on May 22, 1986, for an order pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable provisions thereof.

According to the application, Applicant has never made a public offering, has no security-holders and no assets, and has no legal existence under the state law pursuant to which it was created. Applicant further represents that it is not a party to any litigation or administrative proceeding, and does not intend to engage in any business activities other than those necessary to effectuate the winding up of its business and affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 11, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of the interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16635 Filed 7-23-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 35-24151]

Filing Under the Public Utility Holding Company Act of 1935 ("Act")

July 17, 1986.

Notice is hereby given the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by August 11, 1986 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit, or in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Mustang Fuel Corporation (38-815)

Mustang Fuel Corporation ("MFC"), 1100 First National Center East, Oklahoma City, Oklahoma 73102, an Oklahoma corporation, has filed an application with this Commission pursuant to section 2(a)(4) of the Act. MFC and its subsidiaries are engaged in the transportation and processing of natural gas, the exploration of oil and gas properties and related businesses. Pursuant to an agreement and plan of reorganization entered into between MFC and Oklahoma Gas and Electic Company ("OG&E"), MFC will distribute to its shareholders all outstanding shares of Mustang Energy Corporation, a wholly owned subsidiary of MFC. Thereafter, OG&E will acquire all of the shares of MFC.

According to the application, MFC's natural gas transporation business consists primarily of using its pipeline to gather and transport natural gas for an electric utility, a supplier of natural gas to an electric utility, and interstate pipelines. MFC also purchases and resells limited quantities of natural gas to 277 "domestic purchasers", all of whom are farmers or other rural landowners (or their tenants or grantees) who have granted pipeline right-of-way easements to MFC in exchange for the right to obtain gas for domestic use from MFC's pipeline.

MFC does not engage in any distribution to identifiable communities within the geographic areas of its operations and has no franchises for the distribution of gas at retail. MFC states that its sales to domestic purchasers during 1985 represented 0.68% of MFC's combined gas transport fees/sales revenues. MFC requests an order declaring it not to be a "gas utility company" under section 2(a)(4) of the Act due to the small amount of sales to the 277 domestic purchasers for use along its pipleline, coupled with the fact that MFC primarily is engaged in a business other than the business of a gas utility company.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16634 Filed 7-23-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15208; File No. 813-74]

Sheller-Globe Paysub, Inc.; Application To Establish an Employees' Securities Company

July 17, 1986.

Notice is hereby given that Sheller-Globe Paysub, Inc., 1505 Jefferson Avenue, Toledo, Ohio 43624, a Delaware corporation (the "Applicant"), filed an application on June 9, 1986, and an amendment thereto on July 7, 1986, for an order pursuant to section 6(b) and 6(e) of the Investment Company Act of 1940 (the "Act") exempting Applicant from all provisions of the Act, and the

rules and regulations thereunder, other than sections 9, 17, 36 and 37 and all administrative and jurisdictional sections of the Act and the rules and regulations thereunder necessary to enforce compliance with the terms of the order as granted. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules and regulations thereunder for the text of the relevant provisions thereof.

According to the application, Applicant was created in order to provide an investment vehicle which will comply with the requirements of the Sheller-Globe Corporation Payroll Based Employee Stock Ownership Plan (the "SGC Paysop"). Applicant proposes that Sheller-Globe Corporation ("Sheller-Globe"), will purchase 51% of the Applicant's common stock, and that 49% of the Applicant's common stock be offered to National Bank of Detroit, Detroit, Michigan (the "Trustee"), as trustee under the SGC Paysop. Applicant will only have one class of stock all of which will be voting common stock and will not be offered to any purchaser other than Sheller-Globe and the Trustee.

Applicant states that the SGC Paysop is qualified as an employee stock ownership plan and as a defined contribution pension plan under the Employee Retirement Income Security Act of 1974 ("ERISA"). The SGC Paysop is a noncontributory plan the participants of which are all employees of Sheller-Globe. Investment decisions are made by the Trustee, an independent trustee who will be acting subject to the fiduciary responsibility rules of ERISA. Stock contributed to the SGC Paysop by Sheller-Globe is allocated to the respective accounts of, and vests immediately in, the participants. A purchase of stock of the Applicant by the Trustee will qualify as a permitted investment pursuant to the SGC Paysop as the same may be amended and the Internal Revenue Code of 1954, as amended. All of Applicant's shares will be sold at the same price per share whether sold to Sheller-Globe or to the SGC Paysop. If the Trustee does not choose to invest the corpus of the SGC Paysop in stock of the Applicant, the Applicant will be immediately dissolved.

Applicant represents that the SGC Paysop provides that when a participant dies, becomes disabled, retires or is terminated from Sheller-Globe, his interest in the SGC Paysop will terminate and the stock in his account (or, if he so elects, the cash equivalent as determined by the Trustee) will be distributed to him or to his beneficiaires. Applicant anticipates that an insignificant number of participants in the SGC Paysop will elect to receive shares of the Applicant instead of the cash equivalent upon distribution.

Applicant states that it expects to operate as a closed-end, management investment company within the meaning of the Act, and will invest solely in conservative investment mediums, including, but not limited to, government securities, guaranteed insurance contracts and money market instruments. All investment decisions will be made by officers of the Applicant. The Trustee, a registered investment adviser under the Investment Advisers Act of 1940, will be retained by the Applicant as an investment adviser. Applicant represents that the officers of Sheller-Globe who will be making the investment decisions of the Applicant, and the Trustee are experienced professionals in the investment banking, securities or commodities business, or in administrative, financial, accounting, legal or operational activities related thereto.

Applicant states that all of its directors and officers will be directors and/or officers of Sheller-Globe. No compensation will be paid to the directors and officers of the Applicant for their services other than for out-of-pocket expenses incurred during the course of conducting the business of the Applicant. Applicant states that, other than the retention of the Trustee as investment adviser, it will have no dealings with any affiliated persons or companies, Sheller-Globe or the Trustee.

Applicant states that it will declare and pay dividends at such times and in such amounts as may be determined by its Board of Directors. Applicant further states that it will send to its shareholders, Sheller-Globe and the Trustee, annual reports regarding its operations and assets. The reports will contain financial statements of the Applicant audited by independent certified public accountants.

Applicant submits that the broad exemptive relief it is requesting from all but certain enumerated provisions of the Act is consistent with the protection of investors. The sole investors in the Applicant will be Sheller-Globe and the Trustee. The individual officers making the investment decisions on behalf of Sheller-Globe and the Trustee are well educated, successful, highly sophisticated professionals who do not require the protections afforded by the Act. Applicant further notes that the Trustee in purchasing the stock of the Applicant will be acting in a fiduciary capacity as Trustee of the SGC Paysop.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 11, 1986, at 5:30 p.m., do so my 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 in dispute, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16636 Filed 7-23-86: 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15211; File No. 812-6287]

National Westminster Bank PLC; Application Pursuant to Section 6(c) For Exemption From All Provisions Of The Act

July 18, 1986.

Notice is hereby given that National Westminster Bank PLC, a commercial bank incorporated in England ("Applicant"), c/o Bruce W. Nichols, Davis Polk & Wardwell, 1 Chase Manhattan Plaza, New York, New York 10005, filed an application on January 21, 1986 and an amendment thereto on June 25, 1986, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") (1) exempting Applicant from all provisions of the Act in connection with Applicant's sale in the United States of its common shares in the form of American depositary shares represented by American depositary receipts ("ADRs"), and (2) amending an order of the Commission, dated June 11, 1980, pursuant to which Applicant was exempted from all provisions of the Act in connection with the issuance and sale of debt securities (Investment Company Release No. 11210). All interested persons are referred to the application on file with the Commission for a statement of the representations made

therein, which are summarized below, and to the Act for its relevant provisions.

According to the application, Applicant is a full service commercial bank with its principal office located in London. Applicant provides services to the public through over 3,400 branches in the United Kingdom, branches in New York City, Chicago and San Francisco, and some 500 banking offices in 33 other countries. Applicant states that at the end of 1984, Applicant's more than 359,000,000 common shares were held of record by more than 100,000 shareholders. Applicant and its subsidiaries (the "Group") comprise one of the largest international banking groups in the world in terms of assets, deposits and profits. On December 31, 1984, the Group had, on a consolidated basis, assets in excess of £71 billion and deposits in excess of £65 billion.

According to Applicant, in 1984, 87% of the Group's aggregate gross income was earned from retail and wholesale commercial banking. Applicant states that the capital structure of the Group is generally similar to that of large United States banks. Applicant states that the Group's principal business consists of receiving deposits and making loans and operating revenue is derived principally from interest on loans.

According to the application, the Group's principal international activities are in the United States and the Group's presence in the United States is extensive. Applicant has branches in New York, Chicago and San Francisco and representative offices in Atlanta, Dallas, Denver, Houston and Los Angeles. In addition, Applicant states that National Westminster Bank USA ("NatWest USA"), a wholly-owned subsidiary, is a national bank headquartered in New York City. NatWest USA conducts its general banking business through more than 150 branches in the New York metropolitan area. Applicant states that NatWest USA at the end of 1984 had deposits of approximately $7 billion and was ranked as the 26th largest American commercial bank in terms of deposits. Applicant's offices in the United States and NatWest USA's offices, on a combined basis at September 30, 1985, had deposits approximating $12.1 billion (18.4% of the Group's total) and loans to customers of approximately $10.1 billion (17.3% of the Group's total net lendings).

Applicant represents that it is subject to the Bank of England Act of 1946 ("1946 Act") and is a recognized bank for purposes of the Banking Act of 1979 ("1979 Act"). Applicant states that the Bank of England, the central bank of the United Kingdom, has broad power under the 1946 Act to request information from and make recommendations to United Kingdom banks. H.M. Treasury has general statutory power to issue directives to the Bank of England and to authorize the Bank of England to require compliance by banks with its requests and recommendations. The Bank of England's supervisory powers under the 1946 Act were supplemented by the 1979 Act. According to Applicant, the 1979 Act established a licensing and recognition system under which deposit-taking institutions must receive Bank of England authorization and must meet the general statutory criteria of prudential management. Applicant states that the 1979 Act also established a scheme of deposit protection and regulation of bank names, descriptions and advertising. Applicant states that United Kingdom banks file regular, detailed reports and periodic statistical returns as prescribed by the Bank of England, and Applicant's senior executives are in close consultation with the Bank of England.

According to the application, the Group's operations in the United States subject it to supervisory authority of the Board of Governors of the Federal Reserve System ("Fed"), the Office of the Comptroller of the Currency ("Comptroller"), and the banking departments of the states of New York, Illinois and California. As a registered bank holding company, Applicant states that it is fully subject to the Bank Holding Company Act of 1956 ("BHCA"), including its reporting and examination provisions. The BHCA requires Applicant to file, among other reports, an annual report with the Fed on Form F.R. Y–7, together with a Confidential Report of Operations on Form F.R. 2068. Applicant states that under the International Banking Act of 1978, branches and agencies of foreign banks are (1) required to maintain reserves with the local Federal Reserve Banks, (2) required to submit call reports to the Fed in the same manner as member banks, and (3) subject to examination by the Fed. Applicant states that the Comptroller has authority to examine all affiliates of national banks, and that the Applicant is an affiliate of NatWest USA.

Applicant represents that its New York branch, which at the end of 1984 had total assets in excess of $3.35 billion, is subject to supervision and examination by the New York State Banking Department. Applicant states that the New York branch is inspected quarterly by staff of the New York State Banking Department and is also subject to a full examination at least once every two years. Applicant represents that its Chicago and San Francisco branches, although smaller in terms of assets than the New York branch, are supervised in a similar manner and extent by Illinois and California banking authorities.

Applicant undertakes that any offering of ADRs covering Applicant's common shares in the United States will take the form of a public offering registered under the Securities Act of 1933. Applicant will, prior to any offering under the terms of the proposed exemption, file with the Commission a registration statement for the American depositary shares and the common shares, and a registration statement for the ADRs. Applicant will not sell its securities until these registration statements have been declared effective by the Commission.

Applicant also undertakes to submit expressly to the jurisdiction of New York State and United States Federal courts sitting in The City of New York for the purpose of any suit, action or proceeding arising out of the offering of its equity securities, and, in that connection, will appoint a corporation with an office in New York City engaged in providing corporate services for lawyers as agent to accept service of process in any such action. Such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable for as long as any of Applicant's equity securities issued in reliance upon an order of the Commission are outstanding in the United States. No such submission to jurisdiction or appointment of agent for service of process will affect the right of any holder of such securities to bring suit in any court which may have jurisdiction over Applicant by virtue of the offer and sale of its securities or otherwise. Applicant also states that the agent for service of process will not be a trustee for the holders of the ADRs or have any responsibilities or duties to act for such holders.

Applicant also undertakes that it will not make any offering of its equity securities in the United States in reliance upon the proposed order of exemption if either: (1) Applicant ceases to be regulated as a commercial bank in the United Kingdon, or (2) Applicant ceases to be subject to banking regulation in the United States. Applicant also represents that (a) it has no present intention of withdrawing its presence in the United States that subjects it to banking regulation in the United States and (b) it has no present intention of limiting its presence in the United Kingdom that subjects it to regulation as a commercial bank in the

United Kingdom. Applicant consents to any Commission order being expressly conditioned on its compliance with such undertakings.

Applicant asserts that the proposed exemption is appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemption will advance the policies underlying the International Banking Act of 1978 of nondiscriminatory treatment of foreign banks in the United States. Applicant states that access to the United States investment market for equity securities will provide Applicant with a new source of capital which constitutes an important element of any bank's capital structure. Applicant also asserts that the proposed exemption will benefit the general public as well as institutional and other sophisticated investors in the United States by making Applicant's equity securities available to such investors. Applicant submits that the exception from the Act's definition of investment company for domestic banks under section 3(c)(3) of the Act was provided becuase the particular abuses against which the Act was directed, including excessive management fees, investments in companies in which the investment company management had a personal interest and other forms of self-dealing, were not deemed applicable to commercial banking because of the comprehensive regulation and supervision of banks. Applicant asserts that these reasons also apply to Applicant because its operations are controlled and overseen by United Kingdom banking authorities and its United States operations are subject to United States banking laws and various state banking laws.

In addition, Applicant states that purchasers of Applicant's securities in the United States will have the benefit of the United States securities laws that provide for the protection of investors. Applicant specifically states that its securities will be registered under the Securities Act of 1933 and that the antifraud provisions of the Securities Exchange Act of 1934 will also apply to its offering.

Finally, Applicant asserts that the proposed exemption is consistent with the purposes of the Act because commercial banking operations are distinguishable from traditional investment companies. Applicant contends that its substantial presence in the United States and supervision by federal and state banking authorities should result in Applicant being permitted to issue its equity securities in the same manner and on an equal basis with domestic banks.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 11, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16682 Filed 7-23-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 06/06-0293]

Neptune Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, *et seq.*) has been filed by Neptune Capital Corporation (Neptune) 5956 Sherry Lane, Suite 800, Dallas, Texas 75225, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1986).

The proposed officers, directors and shareholders are as follows:

Name	Position	Percent of ownership
Richard C. Strauss, 8935 Douglas, Dallas, Texas 75225.	President/ Treasurer/ Director.	100
Pamela F. Demianczyk, 400 Brooks Lane, Coppell, Texas 75019.	Vice Pres./ Secretary/ Director.	
Robert S. Strauss, 3510 Turtle Creek, #17-D, Dallas, Texas 75219.	Director	

The Applicant, Neptune, a Texas Corporation, will begin operations with $1,027,500 paid in capital and paid in surplus. Neptune will conduct its activities primarily in the State of Texas but will consider investments in businesses in other areas in the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416.

A copy of the Notice will be published in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 18, 1986.

John L. Werner,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 86-16655 Filed 7-23-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application for an All-Cargo Air Service Certificate

In accordance with Part 291 (14 CFR Part 291) of the Department's Regulations, notice is hereby given that the Department of Transportation has received an application, Docket 44112, from International Parcel Express, Inc., 333 Twin Dolphin Drive, Redwood City, California 94065, for an all-cargo air service certificate to provide domestic cargo transportation. Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the **Federal Register**. An executed original and six copies of such answer shall be addressed to the Documentary Services Division, Docket 44112, Department of Transportation, Washington, DC 20590. It shall set forth in detail the reason for the position taken and must relate to the fitness,

willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Department's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Dated: July 18, 1986.

Paul L. Gretch,

Director, Office of Aviation Operations.

[FR Doc. 86-11602 Filed 7-23-86; 8:45 am]

BILLING CODE 4910-62-M

[Order 86-7-15]

Proposed Revocation of the Section 401 Certificates of Northeastern International Airways

Correction

In FR Doc. 86-15619 appearing on page 25283 in the issue of Friday, July 11, 1986, make the following correction:

In the first column in the ACTION caption, in the second line, the first Docket number ("38263") should read "39263".

BILLING CODE 1505-01-M

Coast Guard

[CGD 86-045]

Houston/Galveston Navigation Safety Advisory Committee; Applications For Appointment to Membership

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the Houston/Galveston Navigation Safety Advisory Committee.

The purpose of the Committee is to provide local expertise on such matters as communications, surveillance, traffic control, anchorages, and other related topics dealing with navigation safety in the Houston/Galveston area which are within the purview of Coast Guard regulation.

Two members from the public in the Houston/Galveston area are needed to fill vacancies. Applicants may be from State and local government agencies, the marine industry, environmental groups, academia, and other interested parties. To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The Advisory Committee normally meets three times a year at various locations within the Houston/Galveston area. Members serve voluntarily, without compensation from the Federal Government for salary, travel or per diem. Term of membership will not exceed the expiration date of the present committee charter, September 17, 1988, unless reappointed.

DATE: Requests for applications should be recieved no later than 15 September 1986.

ADDRESS: Persons interested in applying should write to Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396.

FOR FURTHER INFORMATION CONTACT: Commander David F. Withee, USCG, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, Room 1341, 500 Camp Street, New Orleans, LA 70130-3396; (504) 589-6901.

Dated: July 14, 1986.

Peter J. Rots,

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

[FR Doc. 86-16694 Filed 7-23-86; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-86-14]

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 13, 1986.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on July 17, 1986.

Donald P. Byrne,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25005	BMRA/Life One Minnesota	14 CFR 135.213(a) and 135.225(a), (b), and (f)	To allow petitioner's pilots in command to use weather information based on their own observations for both IFR and VFR operations; to conduct instrument approach procedures at airports without approved weather reporting facilities provided the procedure is approved under Part 97; and to take off at airports without approved weather reporting facilities provided the procedure is approved under Part 97.
25020	Tower Air, Inc	14 CFR 121.303 and 121.355 and Appendix G of Part 121.	To allow petitioner to conduct operations in the Gulf of Mexico and between the Eastern Continental United States and the Caribbean, including Bermuda, with one operating Inertial Navigation System, provided all of the functions, indicating lights, pushbuttons, keys, and selector positions are operating at dispatch.
25023	Stunt Wings	14 CFR 103.1(b)	To allow motion picture pilots of petitioner to operate ultralight vehicles over congested areas for purposes other than sport or recreation.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
24952	Metropolitan Dade County Fire Department	14 CFR Part 45	To allow petitioner to operate its Bell 412 helicopter without complying with the 12 inch N number requirement of Part 45.
25008	Melvin M. Aman and 38 other petitioners	14 CFR 121.383(c)	To allow petitioners to serve as pilots in Part 121 operations after reaching their 60th birthday.
25014	Shields Aviation	14 CFR 141.65	To allow the Chief Flight Instructor of petitioner to conduct final course check rides in lieu of the FAA district office's designated pilot examiners.
22473	Ransome Airlines, Inc	14 CFR 93.123, 93.125, 93.129	FAA Exemption 3752B currently permits commuter operators at Washington National Airport to conduct two additional operations per hour above the limits specified in FAR 93.123, on stub ends of runways utilizing short takeoff and landing ("STOL") aircraft. Petitioner seeks amendment of Exemption 3752B to extend the expiration date of the exemption indefinitely and to increase the limit on operations under the exemption to six per hour.
25016	Air National Guard (ANG)	14 CFR 91.70(a)(b)	To permit Air Force low level high speed operational readiness evaluations, inspections at the ANG training site.
009NM	De Havilland Aircraft of Canada	14 CFR 25.807(c)(1)	To permit type certification of the DHC-8 series 100 aircraft configured with a passenger configuration of 40 seats while still retaining one Type II and one Type III emergency exit on each side of the fuselage.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24980	Pan American Inc	14 CFR 121.407, 121.407, 121.439, 121.441 and Appendix H.	To allow petitioner to conduct Phase IIa simulator training in the Aeroformation A300 simulator with a Vital IV visual system located at Pan Am's Training Center in Miami, Florida.
23495	U.S. Army	14 CFR 91.73	To permit petitioner to conduct night military flight training operations without operating aircraft position lights. *GRANTED 6/26/86.*

[FR Doc. 86-16600 Filed 7-23-86; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries Before the Internal Revenue Service

AGENCY: Department of the Treasury.

ACTION: Notice.

SUMMARY: On January 22, 1986, a final rule was published in the **Federal Register** (51 FR 2875) amending the regulations governing practice before the Internal Revenue Service. The amendment requires that those who are enrolled to practice before the Internal Revenue Service (enrolled agents) renew their enrollment on a periodic basis. A condition of eligibility for renewal of enrollment is the satisfaction of continuing professional education requirements set forth in the amendment.

Pursuant to § 10.6(g)(5) of the amendment, this notice contains a listing of those who, through the filing of sponsors agreements, have been approved by the Director of Practice as having programs, qualified for continuing professional education for enrolled agents. Also listed are professional organization and/or society sponsors who have sought and received approval by the Director of Practice as having programs recognized for continuing professional education under the regulations.

DATE: This list of sponsor agreements and qualified professional organization or society sponsors are those approved as of July 24, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, Internal Revenue Service, Washington, DC 20224, (202) 535-6787.

SUPPLEMENTARY INFORMATION: The administration of the program relating to practice before the Internal Revenue Service is the responsibility of the Office of Director of Practice. Regulations governing such practice are contained in 31 CFR Part 10 reprinted as Treasury Department Circular No. 230 (Circular 230). An amendment to Circular 230 was published as a final rule on January 22, 1986. The amendment requires that those enrolled to practice before the Internal Revenue Service renew their enrollment on a periodic basis. A condition of eligibility for renewal is the satisfaction of the continuing professional education requirements delineated in the regulations.

Section 10.6(g)(2) of Circular 230 provides that a qualified program sponsor:

(1) Be an accredited educational institution; or

(2) Be recognized for continuing education purposes by the licensing body of any State, possession, territory, Commonwealth, or the District of Columbia responsible for the issuance of a license in the field of accounting or law; or

(3) Be recognized by the Director of Practice as a professional organization or society whose programs include offering continuing professional education opportunities in subject matter within the scope of the regulations; or

(4) File a sponsor agreement with the Director of Practice to obtain approval of the program as a qualified continuing education program.

As indicated, only those who wish to qualify under paragraph (3) or (4) above are required to submit a request to be a qualified sponsor. However, the programs of all sponsors must satisfy the requirements of the regulations.

Section 10.6(g)(5) of Circular 230 requires that a listing of those whose sponsor agreements have been approved and those qualified professional organization or society sponsors approved by the Director of Practice be published on a periodic basis. The following listing constitutes such publication of those approved as of the date of this notice. It is anticipated that others will be added to the listing in subsequent publications. The listing is valid through January 31, 1990.

Listing of Approved Sponsors for CPE

Prepared by the Office of Director of Practice

Accountants Association of Iowa, Martha L. Wilkinson, 414-414 S. G. S. Bldg. 1222nd Street, SE., Cedar Rapids, IA 52401

Accounting Publications, Inc., Irvin N. Gleim, Post Office Box 12848,

University Station, Gainsville, FL 32604
Amador County Tax Practitioner's Association, Robert C. Devlin, P.O. Box 44, Valcano, CA 95689
American Society of Professional Accountants, Rose B. Wolf, 20750 Ventura Blvd, No. 200 Woodland Hills, CA 91364
Arizona Society of Practicing Accountants, David J. Gordon, 211 E. Osborn, Phoenix, AZ 85012
Arkansas Society of Public Accountants Laverne Long, P.O. Box 758, 908 Highway 67 N, Newport, AR 72112
Black and Skaggs Associates, Frederic W. Devall, 1109 Comerica Building P.O. Box 1130, Battle Creek, MI 49016
Bolle Managements Consultants, Lou Bolle, 9085 E. Mineral Circle, Suite 260, Englewood, CO 80112
Boston Tax Institute, Ltd., Lucien P. Gauthier, 201 Old Farm Road, Milton, MA 02186
Burleigh, Dunger, Cochran, Sorsby & Farrimo, Terry W. Dunger, 5100 Popular, Suite 2408, Memphis, TN 38137
California Society of Enrolled Agents, Wiliam G. Sprague, P.O. Box 60617, Sacramento, CA 95860
Commerce Clearing House, Joseph Gornick, 4025 W. Peterson Avenue, Chicago, IL 60646
Comptrol, Inc., Lionel Chan, 605 Market Street, San Francisco, CA 94105
Easter Chapter Ohio Society of Enrolled Agents, Donald W. Rode, 941 Chatham Lane, Suite 200, Columbus, OH 43221
Empire State Association of Public Accountants, Authur D. Cole, 37–06 30th Avenue, Long Island City, NY 11103
Florida Association of Indpendent Accountants, Robert Rinehart, Jr., P.O. Box 13089, Tallahassee, FL 32317
Foundation for Continuing Education Inc., Richard Solano, P.O. Box 458, Welham, MA 01984
General Business Services, Inc., Andrea S. Rains, 51 Morone Street, Rockville, MD 20850
H&R Block, Inc., Judy C. Keisling, 4410 Main Street, Kansas City, MO 64111
Idaho Association of Public Accountants, Ginger Purdy, 4090 W. State Street, Boise, ID 83703
Income Tax School, Inc., Sam H. Boyett, P.O. Box 1894, Lake Charles, LA 70602
Independent Acountants Society of Missouri, Lester Curless, 1161 North Highway 67 Florissant, MO 63031
Indepenent Preparer Services, Glendola K. Chafin, 3441 Ocean View Blvd, Glendale, CA 91208
Indiana Society of Enrolled Agents, Violet R. White, P.O. Box 1307 Munci, IN 47305
Indiana Society of Public Accountants, James E. Tilford, 825 East 64th Street, Indianapolis, IN 46220
Inland Society of Tax Consultants, Inc., Brian E. Berkely, 2140 W. Chapman Ave., Suite 103, Orange, CA 92668
International Foundation of Employee Plans, Nel Daniels, 18700 West Bluemound Road, P.O. Box 69 Brookfield, WI 53005
Maine Association of Professional Accountants, John P. O'Brien, 449 Forest Avenue, Porland, ME 04101
Manasota Chapter Florida Society of Enrolled Agents, Patricia Longo, 4525 A. Bee Ridge Road, Sarasota, FL 33582
Martin & Associates, Norman Lee Plotkin Suite 440, 200 Galleria Parkway, NW., Atanta, GA 30339
Massachusetts Society of CPA's, Marianne Brush, Three Center Plaza, Boston, MA 02108
Minnesota Association of Public Accountants, Susan Heurung, 2325 North Rice Street, Suite 220, Roseville, MN 55113
Mississippi Chapter National Association Enrolled Agents, Roy D. Caves, 322 North Mart Plaza, Suite 8, Jackson, MS 39206
Missouri Cooperative Extension Service, Ralph Wehrmann, 701 South Brentwood Blvd, 2nd Floor, Clayton, MO 63105
National Society of Accountants for Cooperatives, Kimberly Smith, 6320 Augusta Drive, Suite 802–C, Springfield, VA 22150
National Association of Income Tax Preparers, Steven I. Feiertag, 14 Louisa Drive, West Nyack, NY 10994
National Association of Tax Practitioners, Laverne Forster, 1015 W. Wisconsin Avenue, Kaukauna, WI 54130
National Assocation of Enrolled Agents, Larry N. Fink, 6000 Executive Blvd., Suite 205, Rockville, MD 20852
National Society of Public Accountants Bernice D. Born, 1010 N. Fairfax Street, Alexandria, VA 22314
Wayne A. Nelson, P.A., Wayne A. Nelson, 84 Western Avenue, Augusta, ME 04330
New Mexico Society of Public Accountants, Michael E. Jones, P.O. Box 1868, CLovis, MN 88101
New York Society of Indpendent Accountants, Edward R. Turmer, Sr., 17 Elk Street, Albany, NY 12207
North Carolina Society of Accountants, W. Franklin Brown, 1007 Broad Street Durham, NC 27705
North Dakota Society of Public Accountants, Curtis E. Brekke, 1609–14th Street South, Fargo, ND 58103
Nuts & Bolts Tax Seminars, Cathy McGee, 1519 East Chapman Avenue, Fullerton, CA 92631
Oregon Assocation of Public Accountants, Richard L. Garlock, 1804 N.E. 43rd Avenue, Portland, OR 97213
Portfolio's Inc., Fred Hessinger, 1601 N. Carmen Drive, Suite 211, Camarillo, CA 93010
Practical Tax Preparer's Clinic, Edward Dunn, 13575 Calais Drive, Del Mar, CA 92014
Public Accountants Society of Colorado, E.L. Hanson, 666 Sherman Street, Denver, CO 80203
Public Accountants Society of Ohio, Edward E. Fanning, Jr., 6525 Busch Blvd., Suite 104, Columbus, OH 43229
Public Accountants Association of Kansas, Inc., Patricia M. Parker, P.O. Box 125, Mulvane, KS 67110
Raymond & Dillon, P.C., John J. Raymond, 450 Australian Avenue South, Suite 400, West Palm Beach, FL 33401
Tax Institute of Long Island University, Seymour Goldberg, 666 Old Country Road, Suite 306, Garden City, NY 11530
Tax Practitioner Services, Michael D. Barnes, 101 South Rock Street, Viroqua, WI 54665
Tax Seminars Associates, Victor H. Golletz, 19021 Martin Lane, Country Club Hills, IL 60477
Tax Seminars, Inc., Theresia Wolf-McKenzie, 5151 N. Harlem, Suite 311, Chicago, IL 60656
The Kentucky Association of Accountants, Mark B. Chandler, P.O. Box 86, Campbellsville, KY 42718
The Sobelsohn School, Richard J. Sobelsohn, 1540 Broadway, New York, NY 10036
The University of Arizona, Winifred A. Porcelli, Babcock Bldg., Suite 1201, 1717 E. Speedway Blvd., Tucson, AZ 85719
University of Missouri, Ralph F. Wehrmann, 701 South Brentwood Blvd., Clayton, MO 63105
Virginia Society of Enrolled Agents, Bess B. Messmer, 904 Park Avenue, Colonial Heights, VA 23834
Warren, Gorham & Lamont, Inc., Laurie Bennett, 1633 Broadway, New York, NY 10019
Weinick, Sanders & Co., Elliot L. Hendler, 1515 Broadway, New York, NY 10036
West Virginia Public Accountant Association, Floyd M. Sayree, Jr., P.O. Box 284, Charleston, WV 25322
Wilen & Associates, Joy Wilen, 205 E. McLoughlin Blvd., Vancouver, WA 98663
Wisconsin Association of Accountants, John Aboya, P.O. Box 92361, 1219 North Cass Street, Milwaukee, WI 53202

Wisconsin Society of Enrolled Agents, Michael Barnes, 101 South Rock Street, Viroqua, WI 54665.

Dated: July 21, 1986.

Leslie S. Shapiro,

Director of Practice.

[FR Doc. 86-16601 Filed 7-23-86; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Review of Items Under Multiple Award Federal Supply Schedule

AGENCY: Marketing Center, Veterans Administration.

ACTION: Notice of review of certain items under multiple award Federal Supply Schedule 65 II B for medical and veterinary supplies for conversion to single award.

SUMMARY: The Veterans Administration Marketing Center is conducting a review of certain items under Multiple Award Federal Supply Schedule 65 II B for Medical and Veterinary Supplies. The purpose of this review is the identification of candidate items for conversion to Single Award. Candidate items and procurement documents are as follows: Applicator, Disposable in accordance with Commercial Item Description A-A-30016B; Applicator, Glycerin-Lemon Oil Impregnated in accordance with Commercial Item Description A-A-030034C; Ball Absorbent, Cotton or Rayon in accordance with Commercial Item Description A-A-050813A; Depressor, Tongue, Wood in accordance with Commercial Item Description A-A-30041; and Soap, Antimicrobial, Bar Form in accordance with Commercial Item Description A-A-882.

DATE: Comments must be received on or before August 15, 1986.

ADDRESS: Industry and Agency comments, including any impact on small business, on the proposed conversion of candidate items to single award should be addressed to: Chief, Marketing Division for Medical Supplies (904A), VA Marketing Center, P.O. Box 76, Hines, IL 60141.

FOR FURTHER INFORMATION CONTACT: Steve Bialas, VA Marketing Center, Telephone (312) 681-6785.

Dated: July 16, 1986

Thomas K. Turnage,

Administrator.

[FR Doc. 86-16615 Filed 7-23-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 142
Thursday, July 24, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, July 29, 1986, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to purchase assets and assume liabilities and establish three branches:

The Commercial Bank of Ozark, Alabama, Ozark, Alabama, and insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Ozark Branch located at 958 East Andrews Avenue, Ozark, Alabama, and the East Ozark Branch located at 940 East Broad Street, Ozark, Alabama, of SouthTrust Bank of Dothan, National Association, Dothan, Alabama, and in the South Dale Branch located in Dale County (P.O. Midland City), Alabama, of The Bank of Ozark, Ozark, Alabama, and for consent to establish those offices as branches of The Commercial Bank of Ozark, Alabama, Ozark, Alabama.

Application for consent to assume deposit liabilities:

The Boston Five Cents Savings Bank FSB, Boston, Massachusetts, an insured mutual savings bank, for consent to assume the liability to pay deposits made in four branches of Haymarket Co-operative Bank, Boston, Massachusetts, which branches are located at 26 Central Square, East Boston, Massachusetts; 3720 Washington Street, Jamaica Plain (Boston), Massachusetts; 71 Main Street, Hingham, Massachusetts; and 420 Granite Avenue, Milton, Massachusetts.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,595-L
The First National Bank of Midland, Midland, Texas

Memorandum and resolution re: Amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control," which delegate authority to: (1) The Board of Review to accept or enter into written agreements in connection with sections 8(a) and 8(b) of the Federal Deposit Insurance Act, and (2) the Director of the Division of Bank Supervision, or his designee, to modify, at the request of the respondent, orders issued pursuant to section 8(b) of the Federal Deposit Insurance Act.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or the Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re:
Union Deposit Bank, Union, Kentucky

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: July 22, 1986.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 86-16771 Filed 7-22-86; 3:02 pm]
BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, July 29, 1986, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of

the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: July 22, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–16772 Filed 7–22–86; 3:02 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 1:50 p.m. on Thursday, July 17, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to adopt a resolution making funds available: (1) For the payment of insured deposits made in The Bank of Kiowa, Kiowa, Kansas, which was closed by the State Bank Commissioner for the State of Kansas on Thursday, July 17, 1986, and (2) for an advance payment to uninsured depositors of the closed bank equal to 100 percent of their uninsured claims.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was recessed at 1:53 p.m., and at 4:27 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors:

(A)(1) received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Fillmore County Bank, Geneva, Nebraska, which was closed by the Director of Banking and Finance for the State of Nebraska on Thursday, July 17, 1986; (2) accepted the bid for the transaction submitted by York State Bank and Trust Company, York, Nebraska, an insured State nonmember bank; (3) approved the application of York State Bank and Trust Company, York, Nebraska, for consent to purchase certain assets of and assume the liability to pay deposits made in Fillmore County Bank, Geneva, Nebraska, and for consent to establish the sole office of Fillmore County Bank as a branch of York State Bank and Trust Company; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction;

(B)(1) received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Callao Community Bank, Callao, Missouri, which was closed by the Commissioner of Finance for the State of Missouri on Thursday, July 17, 1986; (2) accepted the bid for the transaction submitted by Lafayette County Bank of Lexington/Wellington, Lexington, Missouri, an insurance State nonmember bank; (3) approved the application of Lafayette County Bank of Lexington/Wellington, Lexington, Missouri, for consent to purchase certain assets of and assume the liability to pay deposits made in Callao Community Bank, Callao, Missouri, and for consent to establish the sole office of Callao Community Bank as a branch of Lafayette County Bank of Lexington/Wellington; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(C) considered a personnel matter.

In reconvening the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) or the "Government in the Sunshine Act" (U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was recessed at 4:32 p.m., and at 9:43 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in New Mexico National Bank, Albuquerque, New Mexico, which was closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, July 17, 1986; (2) accepted the bid for the transaction submitted by First Interstate Bank of Albuquerque, Albuquerque, New Mexico, an insured State nonmember bank; (3) approved the application of First Interstate Bank of Albuquerque, Albuquerque, New Mexico, for consent to purchase certain assets of and assume the liability to pay deposits made in New Mexico National Bank, Albuquerque, New Mexico, and for consent to establish the five offices of New Mexico National Bank as branches of First Interstate Bank of Albuquerque; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

The meeting was recessed at 9:46 p.m., and at 10:00 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors adopted a resolution making funds available (1) for the payment of insured deposits made in The First National Bank of Sheridan, Sheridan, Wyoming, which was closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, July 17, 1986, and (2) for an advance payment to uninsured depositors and other general creditors of the closed bank equal to 50 percent of their uninsured claims.

In reconvening the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Mr. Robert J. Herrmann, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 21, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–16725 Filed 7–22–86; 11:24 am]

BILLING CODE 6714–01–M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, July 29, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

* * * * *

DATE AND TIME: Thursday, July 31, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Draft Advisory Opinion 1986-24—William L. Fallon on behalf of Political Action for Candidate Election
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86-16791 Filed 7-22-86; 3:42 pm]

BILLING CODE 6715-01-M

5

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of July 21, 28, August 4 and 11, 1986.

Place: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of July 21

Monday, July 21

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Hope Creek (Public Meeting)

Wednesday, July 23

9:00 a.m.
Briefing on Status of EEO Program (Public Meeting)
2:00 p.m.
Briefing on Near Term Operating Licenses (NTOL's) (Open/Portion May be Closed—Ex. 5 & 7)

Thursday, July 24

2:00 p.m.
Status Briefing on Davis-Besse Restart (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Commission Review of Shoreham Appeal Bd. Decision on Realism and Immateriality Issues (ALAB 818) (Tentative) (Postponed from July 17)

Week of July 28—Tentative

Wednesday, July 30

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Thursday, July 31

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of August 4—Tentative

Tuesday, August 5

10:00 a.m.
Quarterly Source Term Briefing and Programs Initiated by Other Countries Related to Meltdown and Radiological Releases (Public Meeting)
2:00 p.m.
Briefing on Engineering Research Program (Public Meeting)

Wednesday, August 6

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of August 11—Tentative

Thursday, August 14

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of "Diablo Canyon Reracking and Court Injunction" and "Emergency Planning Medical Services" scheduled for July 17, *postponed.*

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634-1410.

Robert B. McOsker,

Office of the Secretary.

July 17, 1986.

[FR Doc. 86-16703 Filed 7-21-86; 4:43 pm]

BILLING CODE 7590-01-M

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Monday, August 4, 1986.

PLACE: Room 410, 1825 K Street, NW., Washington, DC 20006.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED: Comments submitted pertaining to the Commission's proposed revised Rules of Procedure published on June 25, 1986 at 51 FR 23184.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Mary Ann Miller, (202) 634-4015.

Dated: July 22, 1986.

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 86-16762 Filed 7-22-86; 2:25 pm]

BILLING CODE 7600-01-M

7

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of July 28, 1986:

Open meetings will be held on Tuesday, July 29, 1986, at 10:00 a.m., on Wednesday, July 30, 1986, at 2:00 p.m., and on Thursday, July 31, 1986, at 10:00 a.m. and 2:30 p.m., in Room 1C30.

Closed meetings will be held on Wednesday, July 30, 1986, 10:00 a.m. and on Thursday, July 31, 1986, following the 2:30 p.m. open meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402 (a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Grundfest, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject of the open meeting scheduled for Tuesday, July 29, 1986, at 10:00 a.m., will be:

The Commission will meet with the Public Oversight Board (POB) of the American Institute of Certified Public Accountants to discuss oversight of accounting firms which practice before the Commission. The POB is an independent board that the AICPA has established to oversee the activities of the SEC Practice Section of the AICPA's Division of CPA Firms and to represent the public interest in the performance of its oversight function. Topics of discussion are expected to include the POB and Commission oversight of the peer review and special investigations processes, and the recent proposals by Price Waterhouse and the Seven Firms, specifically those concerning the establishment of a statutory self-regulatory organization, mandatory peer review for accountants

which practice before the SEC, and peer review focus on disagreements with former accountants. For further information, please contact Ed Coulson at (202) 272–2050 or Mike Kigin at (202) 272–2165.

The subject matter of the closed meeting scheduled for Wednesday, July 30, 1986, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Proposed order in administrative proceeding of an enforcement nature.
Opinion.

The subject matter of the Open meeting scheduled for Wednesday, July 30, 1986, at 2:00 p.m., will be:

The Commission will meet with representatives of the Financial Executives Institute (FEI) Committee on corporate reporting to discuss matter of mutual interest on various accounting and reporting matters. The discussion will include FASB matters, the SEC's electronic data gathering, analysis and retrieval system (Edgar), FEI's initiative on summary reporting, the expectations gap initiatives by the AICPA and others. The FEI will also describe a new subcommittee representing corporate pension plan sponsors. For further information, please contact John Albert at (202) 272–2130.

The subject matter of the open meeting scheduled for Thursday, July 31, 1986, at 10:00 a.m., will be:

1. Consideration of whether to grant two rule proposals submitted by the Chicago Board Options Exchange, Inc. ("CBOE") concerning the operation of the CBOE's Retail Automatic Execution System ("RAES"). The first proposal requests authorization for a six-month pilot using RAES for the execution of selected individual equity options. The second proposal requests permanent approval for the use of RAES in connection with the trading of options on the Standard & Poor's 100 Index. For further information, please contact Holly H. Smith at (202) 272–2415.

2. Consideration of whether to grant an exemption from Section 15(b)(8) of the Securities Exchange Act of 1934, which requires that a registered broker-dealer purchasing and selling securities in the over-the-counter market become a member of the National Association of Securities Dealers, Inc. For further information, please contact Robina M. Gumbs at (202) 272–2198.

3. Consideration of whether to issue a release proposing amendments to Industry Guide 3, "Statistical Disclosure by Bank Holding Companies." The proposed amendments would require certain disclosures regarding outstandings to borrowers in certain foreign countries experiencing liquidity problems that are expected to have a material impact on timely repayment of principal or interest, and certain restructurings of those outstandings. For further information, please contact Wayne G. Pentrack at (202) 272–2130.

The subject matter of the open meeting scheduled for Thursday, July 31, 1986, at 2:30 p.m., will be:

The Commission will hear oral argument on an appeal by Blinder, Robinson & Co., Inc., a registered broker-dealer, and Meyer Blinder, its president, from an administrative law judge's initial decision. For further information, please contact Daniel J. Savitsky at (202) 272–7400.

The subject matter of the closed meeting scheduled for Thursday, July 31, 1986, following the 2:30 p.m. open meeting, will be:

Post oral argument discussion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ronald A. Schy at (202) 272–2468.

Jonathan G. Katz,

Secretary.

July 21, 1986.

[FR Doc. 86–16680 Filed 7–21–86; 4:19 pm]
BILLING CODE 8010–01–M

federal register

Thursday
July 24, 1986

Part II

Environmental Protection Agency

40 CFR Parts 264 and 270

Hazardous Waste Management System; Ground-Water Monitoring; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264 and 270

[SW-FRL-3018-5]

Hazardous Waste Management System; Ground-Water Monitoring

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule and Request for Comments.

SUMMARY: The Environmental Protection Agency is today proposing to amend its regulations concerning ground-water monitoring with regard to analyzing suspected contamination from regulated units at land-based hazardous waste treatment, storage, and disposal facilities. The amendments would replace current requirements to analyze for the general list of all constituents on Appendix VIII to Part 261 with new requirements to analyze for a specific ground-water monitoring list of chemicals (Appendix IX to Part 264), plus additional chemicals designated by the Regional Administrator on a site-specific basis.

DATES: Comments must be submitted on or before September 22, 1986.

ADDRESSES: Comments should be submitted to the RCRA Docket Section (WH-562), U.S. EPA, 401 M Street, SW., Washington, DC 20460 [Attention: Docket No. F-86-GWAP-FFFFF]. The public docket, including the background documents cited in this preamble, is located in Room S-212 and is available for viewing from 9:30 A.M. to 3:30 P.M., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline, Office of Solid Waste (WH-562), U.S. EPA, 401 M Street, SW., Washington, DC 20460, (800) 424-9346 or (202) 382-3000.

For information on specific aspects of this proposed rule contact: Dr. Robert April, Office of Solid Waste (WH-565A), U.S. EPA, 401 M Street, SW., Washington, DC 20460, (202) 382-7917.

SUPPLEMENTARY INFORMATION:

I. Authority

These regulations are being proposed under the authority of Sections 2002(a), 3001, 3004, and 3006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912, 6921, 6925, and 6926.

II. Background

On May 19, 1980, the Environmental Protection Agency (EPA) promulgated comprehensive regulations implementing the Resource Conservation and Recovery Act (RCRA). A major issue concerning these regulations was how to identify "hazardous" waste. To assist in this identification process, EPA developed a list of chemicals ". . . that have been shown in reputable scientific studies to have toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms . . ." 45 FR 33107, (May 19, 1980). This list was published as Appendix VIII to Part 261 of the regulations.

The Appendix VIII list is actually a composite of several other lists. It includes chemicals such as those identified as priority pollutants under the Clean Water Act, chemicals identified by the Department of Transportation as hazardous to transport, chemicals for which EPA's Carcinogen Assessment Group (CAG) had laboratory evidence of carcinogenicity, and chemicals which the NIOSH Registry of Toxic Effects of Chemical Substances listed as having high acute toxicity (numerically low LD_{50}).

The principal purpose of the list was to define a universe of chemicals of concern. Wastes would be matched against the list to see if they contained any chemicals from this universe. If so, they would be considered for listing as "hazardous".

Appendix VIII deliberately included many listings that are large categories of chemicals. Many of the Appendix VIII listings, especially from the CAG and NIOSH lists, were laboratory curiosities, as opposed to commercial products. Chemicals were listed on Appendix VIII as they would exist in a pure state, as opposed to the forms they would be expected to take after being dispersed in the environment. For waste identification purposes these characteristics of Appendix VIII do not present a problem. In looking for hazardous waste EPA emphasized breadth of coverage. No attempt was made to examine factors such as amount of production or environmental fate in compiling Appendix VIII, although the hazardous waste listing regulations require EPA to consider such factors before listing a waste because it contains an Appendix VIII chemical (see 40 CFR 261.11(a) (3)). As a result, Appendix VIII contains both prevalent, mobile, and toxic chemicals that present major risks in ground water at hazardous waste sites (e.g., trichloroethene), and chemicals which do not present such risks (e.g., aflatoxins), because of factors such as low prevalence or instability in water.

On July 26, 1982, EPA promulgated RCRA regulations that implemented a strategy for ground-water protection for land-based hazardous waste management units operating under RCRA permits. Once ground-water contamination is suspected, the strategy requires an analysis to determine the nature of the contamination. This information is used to assess the problem, determine the appropriate remedy, determine when the remedy is effective, and insure that no new problems arise during the time the remedy is being applied. These regulations are described in greater detail in Section IV of this preamble. In an attempt to be totally comprehensive, the regulations provided that contaminated ground water be analyzed for all constitutents contained in Appendix VIII to Part 261.

Reexamination of that decision now seems necessary. While appropriate for hazardous waste listing purposes, the Appendix VIII list has presented a host of problems when used for purposes of ground-water monitoring. These include practical analytical problems such as listings which are large categories of chemicals, the dissociation or actual decomposition of many Appendix VIII constituents when placed in water, and the lack of analytical standards or suitable analytical methods for many constituents.

EPA has been aware of potential analytical problems with "Appendix VIII analysis" for some time, although the magnitude of the difficulties was not apparent until the analyses were actually attempted. At the time of promulgation of the 1982 regulations EPA acknowledged that it lacked analytical methods for nine of the Appendix VIII constituents. See 47 FR 32296 (July 26, 1982). When owners and operators of hazardous waste facilities began to attempt Appendix VIII analyses, however, EPA learned that analysis would be extremely difficult or impossible for a larger number of contituents.

EPA took several actions intended to mitigate the problems. For example, EPA recommended the use of enforcement discretion for some of the most intractable problems it had identified at the time. See the August 16, 1984 memorandum from Courtney Price and Lee Thomas on "Enforcing Ground-Water Monitoring Requirements in RCRA Part B Permit Applications" (background document 10). Also, in

1984, EPA proposed to eliminate 22 Appendix VIII constituents from the ground-water analysis requirements. 49 FR 38786 (October 1, 1984).

Comments on the October, 1984 proposal raised questions about a number of additional analytical problems. Also, EPA gathered further information from interactions between RCRA permitting authorities, owner/operators, and analytical laboratories. EPA's own experience with conducting ground-water screening analyses for its ground-water monitoring task force and analytical methods development confirmed many of these problems. These experiences demonstrated to EPA that analytical problems with Appendix VIII were far more serious than previously believed. It became clear that previous attempts at solutions had been almost totally inadequate and that a major change was required.

In response to this need, EPA convened a meeting on December 10–13, 1985, of some 30 technical experts. These experts came from EPA offices in Washington and elsewhere, from EPA laboratories, and from State offices and laboratories. The list of meeting participants is contained in background document 24. Many had advanced degrees and/or substantial laboratory experience. Over four days, they evaluated all of Appendix VIII with regard to the feasibility of analysis of the various constituents. They utilized the information contained in background documents 1–23 of this rulemaking and their own extensive experience. They identified a list of specific chemicals, derived from Appendix VIII, which they considered generally suitable for ground-water analyses at all facilities. They recommended that 25 additional chemicals, routinely analyzed in ground water by the Superfund office, also be analyzed.

The results of the December meeting have been summarized in a document entitled "Guidance on Issuing Permits to Facilities Required to Analyze Ground Water for Appendix VIII Constitutents". This document included the core list of chemicals proposed today. A notice of availability and request for comments on this guidance was placed in the Federal Register (51 FR 5561 (February 14, 1986)). The comment period closed on March 17, 1986. Comments received were generally favorable to EPA's approach, although some specific concerns were raised. A summary of comments received and EPA's responses follows. The complete comments are contained in background documents 26–41 of this rulemaking.

Comment: The changes to the monitoring requirement are appropriate but should go farther. Monitoring should be limited to those chemicals expected to be present at a given site.

Response: This concept will be evaluated in EPA's next phase of rulemaking involving ground-water monitoring. (See the discussion immediately below these comments, which describes the phases in detail.) In this proposal only analytical feasibility is being addressed. However, EPA generally believes that past waste disposal practices were not sufficiently controlled to allow certain knowledge of what was disposed of at a site.

Comment: The general technical principles used to develop the list are sound, and we agree that High Performance Liquid Chromatography (HPLC) is not currently feasible for unknown chemicals in ground water. However, there are a number of chemicals on the list recommended for analysis for which no standards are available, or, for which the standard analytical methods will not work.

Response: EPA agrees that there are still questions as to the analytical feasibility for some Appendix VIII chemicals. A number of these chemicals are specifically identified below. (See Section VII.A.) EPA is seeking public comment on this issue and will continue to evaluate the feasibility of analysis of chemicals on the core list before promulgation.

Comments: The new list is a reasonable starting point. However, some Appendix VIII chemicals which do not appear can, in fact, be analyzed. Also, some additional representatives of the categories should be added to bring the list closer to that used by the Superfund program.

Response: EPA is requesting comment on additional chemicals which it now believes may be analyzed. (See Section VII.A.) EPA agrees that some additions to the proposed ground-water monitoring list may be appropriate.

Comment: Dioxins should not be included on the core list. At many facilities the hazards of analysis pose a greater threat than the possibility of dioxin presence. Analysis for dioxins should, therefore, be targeted to specific facilities where their presence is suspected.

Response: Generally EPA believes that risks of site contamination outweight any risks of analysis. However, dioxins may be a special case. See Section VII.B., below, requesting comment on this issue.

Comment: The additional chemicals from the Superfund program include several metals which are non-toxic and ubiquitous in ground water. Analysis for these should not be required.

Response: EPA believes that analyses will aid in analyzing ground-water contamination by providing important information on the basic ground-water chemistry. See Section VII.C., below, for details.

Comment: The additional chemicals from the Superfund list are not appropriate for RCRA and should not be included in the RCRA list.

Response: Some Superfund chemicals are useful in characterizing ground-water chemistry, as discussed above. Others are important commercial chemicals frequently found at hazardous waste sites, either Superfund or RCRA and, therefore, useful in the ground-water monitoring program. See Section VII.C., below, for details. As a long range goal, EPA plans to harmonize ground-water monitoring in the Superfund and RCRA programs.

Comment: EPA should set levels of concern for each chemical and not require reporting of values below these levels.

Response: EPA's present regulations are based on the premise that any leakage of hazardous waste from a site may be of concern. If, in a particular situation, an owner/operator feels that the level of chemical that is leaking is small enough to be protective of human health and the environment he may apply for an alternate concentration limit (see 40 CFR 264.94(b)). EPA is gathering information on levels of concern for a variety of purposes and may, at some point, set general levels of concern on a chemical-by-chemical basis. This issue is outside of the scope of this rulemaking.

Comment: EPA needs to provide more detailed information on analytical methodology for these chemicals than presently exists in SW–846. Additionally, EPA should allow the use of the methods developed under section 304(h) of the Clean Water Act.

Response: EPA agrees with this comment and is engaged in a major effort to revise SW–846. A recent list of potential SW–846 methods for the proposed Appendix IX is given in background document 48. Additional information about possible methods is given in background documents 20, 42, and 43. At the present time the specific methods in SW–846 are not mandatory for the ground-water monitoring requirements in the RCRA regulations. Laboratories who wish to use the 304(h) methods, including the quality assurance and quality control procedures, to analyze appropriate

chemicals on the ground-water monitoring list, should generally find the results acceptable to permitting authorities. However, data must be provided for all RCRA chemicals, not merely those on the Clean Water Act priority pollutant list.

Comment: EPA should specify which chemicals on the ground-water monitoring list came from which categories on the Appendix VIII list.

Response: This information is available in background document 24 and the Index to the background documents for this rulemaking. See also section VII.A. and VII.F., below.

Today's proposal represents the first phase of a two-phase project on ground-water monitoring under RCRA. Based on EPA's examination of the analytical problems with Appendix VIII, we are proposing to replace ground-water monitoring of Appendix VIII with monitoring of a ground-water monitoring list of 250 specific chemicals (proposed Appendix IX to Part 264). The Regional Administrator also has the authority to require monitoring of other chemicals as needed on a site-specific basis. The Regional Administrator may impose these requirements by using the new "omnibus" authority for permit conditions needed to protect human health and the environment codified at 40 CFR 270.32(b)(2).

In addition to changes required by analytical problems, a strong case can be made that environmental protection would be enhanced by focusing on a priority list of chemicals. These two factors (analytical problems and environmental effectiveness) caused EPA's National Pollutant Discharge Elimination System (NPDES) program to reduce a list of thousands of "toxic" chemicals to a core list of 129 specific priority pollutants in implementing the NPDES toxic controls. A later proposal will address the issue of increasing the effectiveness of RCRA monitoring by focusing on a set of priority pollutants.

The core list was generated for purposes of general ground-water screening analyses only. It does not affect the use of Appendix VIII for other purposes such as listing hazardous wastes or conducting corrective action for releases to any other environmental medium.

III. Summary of Proposal

Today's proposal resolves the practical problems of conducting a broad ground-water screening by replacing the requirement to monitor for all Appendix VIII constituents with a requirement to monitor for all chemicals on a core list (proposed Appendix IX to Part 264) plus additional chemicals as required by the Regional Administrator on a site-specific basis. The core list was developed at the December 1985 meeting described above. It was derived by adding to Appendix VIII 25 chemicals routinely monitored in ground-water by the Superfund program, by deleting from Appendix VIII chemicals that are unstable in water, not amenable to EPA's standard analytical methods for screening (gas chromatography (GC) or gas chromatography/mass spectrometry (GC/MS) for organics, atomic absorption (AA) or inductively coupled plasma spectroscopy (ICAP) for metals), and by selecting appropriate representatives for ionic compounds and categories. Section V, below, details this process.

The Regional Administrator should consider several factors in deciding whether to require monitoring for additional chemicals. For on-site facilities these factors include whether a particular chemical is a known product or a known or suspected byproduct produced at the site. For off-site facilities they include whether the chemical is known or suspected to have been disposed at the site. In all cases the magnitude of any analytical problems should be considered. Background document 25, EPA's interim guidance on this issue (available through the RCRA Hotline, (800) 429–9346 or (202) 382–3000) will be useful in this regard. It lists the analytical problems identified in the December meeting for each Appendix VIII constituent not on the new Appendix IX to Part 264 list.

IV. Present Requirements for Monitoring Ground Water for Appendix VIII constituents

Regulations in Parts 264 and 270 establish a progressive sequence of ground-water monitoring requirements for land-based hazardous waste treatment storage, or disposal facilities. At specified points in the sequence, the owner or operator of any facility known or suspected to be leaking must analyze ground water for all Appendix VIII constituents to determine the nature and extent of the contamination. Two of those requirements appear in the regulations applying to units operating under RCRA permits. Where no ground-water contamination has been detected prior to permit issuance, the operating standards of Subpart F of Part 264 require the owner/operator to sample for selected indicator parameters under a detection monitoring program. If the owner/operator observes an increase in any indicator parameter, he must analyze immediately for all hazardous constituents listed in Appendix VIII to Part 261. 40 CFR 264.98(h))(2). The EPA Regional Administrator will then set "ground-water protection standards" based on the hazardous constituents found in this analysis. 40 CFR 264.92, 264.93, 264.99(a). The owner/operator must change to a compliance monitoring program focused on measuring increases in constituents for which ground-water protection standards were set. A separate provision in the compliance monitoring program, however, also requires the owner/operator to sample each monitoring well annually for all constituents on the Appendix VIII list. 40 CFR 264.99(f). The purpose of this annual scan is to allow EPA to consider setting additional ground-water protection standards for any new hazardous constituents found. Finally, if the level of a constituent exceeds a ground-water protection standard, the owner or operator must undertake corrective action. 40 CFR 264.100.

The third requirement for a complete Appendix VIII scan appears in the permit application requirements. If a plume of contamination has entered ground water prior to permit issuance, the permit application rules for land-based hazardous waste units require the owner or operator to conduct a full scan for "each" Appendix VIII constituent. 40 CFR 270.14(c)(4). If the scan detects hazardous constituents, the owner or operator must submit all data needed to establish a compliance monitoring or corrective action program. 40 CFR 270.14 (c)(7), (c)(8).

The standards for corrective action in § 264.100 also require owners and operators to implement a ground-water monitoring program that "may be based on the requirements for compliance monitoring under § 264.99 and must be as effective as that program in determining compliance with the ground-water protection standard . . . and in determining the success of the corrective action program . . .". 40 CFR 264.100(d). This provision does not explicity call for analysis of Appendix VIII constituents. It does, however, refer to the compliance monitoring program, which includes a requirement for an annual Appendix VIII scan. That annual Appendix VIII scan, however, is not directed at measuring compliance with the ground-water monitoring standard. Since corrective action monitoring is oriented toward determining compliance with the ground-water protection standard, EPA did not intend to incorporate the Appendix VIII scan from compliance monitoring into corrective action monitoring.

The Regional Administrator, however, may find it necessary in some cases to

require an owner or operator to test for all Appendix VIII constituents to determine the success of the corrective action program. For example, a corrective action program might consist of treatment directed at specific constituents rather than removal of an entire contaminated plume. Under those circumstances, the Regional Administrator might decide it would be necessary to analyze periodically for additional constituents to ensure that constituents which the treatment program did not address had not also started escaping from the hazardous waste unit.

V. Technical Problems and Proposed Solutions

Analyzing ground water for all Appendix VIII constituents is impossible for several reasons. Appendix VIII is ill-defined; some listings are ambiguous and others are indefinitely large classes of compounds. When placed in water some Appendix VIII constituents separate into ions which must be measured as such, while others actually react with water and decompose. Many Appendix VIII constituents are so rare that analytical standards are unavailable. While experience with analysis of many constituents is sparse, preliminary results indicate that many constituents are not measured adequately or even detected at all by EPA's standard analytical methods.

A. Ambiguous listings and categories

Ambiguous listings on Appendix VIII have been clarified with the addition of systematic names which specify the exact chemical structure. These names generally utilize the nomenclature of the Ninth Collective Index of Chemical Abstracts, and are generally known as "9CI" names. Chemical Abstracts Service Registry Numbers have been added.

Each of the categories of compounds was carefully examined. In most cases, some or all members of the category were already listed separately on Appendix VIII, and those separate listings have been chosen to represent the category. In other cases, it was possible to identify a single analyte, generally a metal, that adequately represented the category. In several instances EPA has decided to list as representatives chemicals that EPA earlier identified as priority pollutants under the Clean Water Act or for ground-water analysis under Superfund. EPA feels that such chemicals would make appropriate representatives of Appendix VIII categories because EPA has found that chemicals on these lists generally pose significant environmental threats. The priority pollutant list, for example, was based on production volumes and environmental risks. In a few cases there are no members of a category listed separately on Appendix VIII or on the other two lists. To avoid leaving these categories unrepresented, EPA has selected a common commercial chemical from the category as a representative.

B. Constituents Reactive with Water

Since ionic compounds dissociate in water, Appendix VIII analysis must focus on the inorganic anions and cations that are significant in ground water. Action is based on total levels of, for example, cadmium or cyanide, without regard for what compound was their source. Appendix VIII ionic constituents have, therefore, been replaced by listings of individual ions or elements. Constituents that decompose in water within approximately two days have been excluded from the proposed list.

C. Organometallic constituents

EPA has not found generally applicable and reliable analytical methods for detecting organometallic compounds. Methods EPA normally uses to identify organic compounds do not produce reliable data for chemicals that contain both organic and metallic components. Methods that identify metals can detect the metallic components of these compounds, but they cannot distinguish between these components and metallic ions from inorganic compounds or pure metals. Thus, a positive test for a metal would not allow EPA to conclude that it had identified an organometallic compound and the listing on Appendix VIII was based on the hazards of the compound, not the metal. Consequently, EPA is proposing not to include organometallic constituents on the new ground water monitoring list. All the metals included in these compounds are proposed for inclusion in this list for other reasons, so releases of organometallic compounds will still trigger monitoring and corrective action requirements.

D. Unavailable standards

Constituents without commercially available standards have also been excluded. It is possible to analyze for such constituents using similar chemicals as surrogate standards, but such data are inherently less reliable. For the purpose of this proposal, "unavailability" means that reasonably pure samples of a chemical are not generally available to analytical laboratories. While this decision was based on the difficulty of producing reliable analytical data without standards, EPA believes there will be serendipitous environmental benefits. The absence of commercially available standards means there is no market for the pure chemical. Also, most of the chemicals in this group are so complex as to be unlikely to be accidental byproducts. Consequently, the chemical is unlikely to be sent to hazardous waste facilities for disposal. Were EPA to require widespread analysis of such a chemical, it would create an incentive for a specialty chemical manufacturer to start production of the chemical for laboratory use—clearly an undesirable result.

E. Lack of standardizd test methods

Standard methods used in a variety of EPA programs for analysis of large groups of compounds in water are atomic absorption (AA) or inductively coupled plasma (ICP) for metals, gas chromatography/mass spectroscopy (GC/MS) for most organics, and gas chromatography (GC) for high sensitivity pesticide analysis. For some Appendix VIII constituents which are not amenable to these methods, high performance liquid chromatography (HPLC) has been proposed. Single-column HPLC, however, does not positively identify compounds and, therefore, is inappropriate for complex samples containing unknown constituents. These are precisely the conditions that apply when the regulations call for Appendix VIII analyses. This problem limits the usefulness of HPLC in this situation. EPA is actively pursuing research into multiple column HPLC systems or coupling HPLC with mass spectroscopy to address this problem. Until this is accomplished, HPLC analysis of complex ground water samples containing unknown chemicals is not feasible.

Some constituents that EPA preliminarily identified as analyzable by EPA's GC/MS methods have proven not to yield reliable results, so these constituents have been excluded from the new list. EPA is pursuing research into improved GC/MS methods to address this problem. However, EPA has decided not to exclude a number of compounds of limited volatility that do not respond to a conventional GC/MS analysis using conventional purge and trap sample preparation. EPA decided to recommend these compounds for routine analysis because they can be detected by using a heated purge and trap method to prepare for GC/MS. Heated purge and trap occurs in conjunction with GC in the RCRA methods and in

conjunction with GC/MS in other EPA methods. Background document 49 contains a list of Appendix IX chemicals EPA believes might be best analyzed by heated purge and trap. Background documents 20, 42, and 43 also contain some information on this topic.

EPA has received additional laboratory data since the core list was first drafted in December 1985. In the majority of cases this new data has confirmed the December list. In some cases the new data differs from the December list. This is not surprising since there is not much experience with analysis of these chemicals in ground water and laboratories may achieve different results due to subtle differences in analytical methods. Those chemicals for which there are conflicting data are listed in Section VII.A. below.

A series of background documents comprise the material that EPA used to develop the core list. They are available for examination as part of the public docket for this rulemaking. Documents 1–23 were distributed to the participants at the December meeting, and documents 24–49 were obtained after this meeting.

VI. Environmental Impacts

Environmental impacts were not specifically considered in the process which led to the derivation of the new list from Appendix VIII, with the exception of choosing representatives for ionic compounds or for categories. Only analytical feasibility was explicitly considered. However, EPA has recognized a number of environmental implications in the development of the new list.

In order to understand the environmental impacts of today's proposal, it is useful to consider the purpose of monitoring lists in pollution control programs and the nature of the monitoring lists used in other EPA programs. There are more than 70,000 chemicals in production in the U.S. (The Toxic Substances Control Act Inventory lists over 60,000, with several exclusions, such as non-commercial byproducts, pesticides, and drugs.) Many of these "chemicals" are actually complex combinations of individual chemical species (e.g., coal tar, which is a complex combination of hundreds of organic chemicals), so the actual number of unique chemical species produced is probably 2–10 times larger. Any potential monitoring list obviously represents a tiny subset, perhaps .0001 of the total. Therefore, a monitoring list does not attempt to exhaustively analyze pollution but rather seeks to provide an indication of pollution. The implied assumption is that by cleaning up these indicators we will adequately control other toxic chemicals.

This purpose implies a number of desirable characteristics of chemicals placed on monitoring lists. Since it is impractical to search exhaustively, they should be the most important chemicals, i.e., those produced in large volumes and likely to be found at many sites. Since they will be measured and actions will be based upon the results obtained over a period of time they should be able to be measured reliably and reproducibly. They should cover a range of environmental fate and transport characteristics since they will serve as surrogates for the fate and transport of a large number of chemicals. Finally, the list must be long enough to adequately reduce the possibility of a false negative result, where pollution exists that is not indicated by any of the indicators on the monitoring list.

There are insufficient data to quantify the last criteria and specify how long is long enough. However, the practices and experiences of other EPA offices are useful in forming an opinion. The Office of Water routinely monitors a list of 126 priority pollutants. In monitoring industry effluents, the Office generally only finds a fraction of these and has found it necessary to regulate only a smaller fraction, since those regulated also effectively regulate others on the list of 126. The Superfund office has routinely monitored 150 chemicals (the priority pollutants plus 24 additional high volume commercial chemicals) and has found that some of the list of 150 are found at many sites, while others are rarely, if ever, seen. The Offices of Air and Drinking Water routinely regulate fewer than 100 chemicals. At the December meeting, the experts agreed that some of the chemicals listed on the core list would be present at any site contaminated by any Appendix VIII chemical. Based on the experience of other EPA offices and the opinion of the technical experts at the December meeting, EPA has confidence that the new list is long enough to reduce the possibility of false negatives to a negligible level.

EPA did not explicitly consider production or prevalence in waste or ground water in developing the new list. Nevertheless, the new list tends to contain a higher proportion of prevalent chemicals than Appendix VIII does since there is a correlation between increasing availability of analytical methods and increasing occurrence of chemicals in the environment. This is due to a number of factors. The Clean Water Act and Superfund lists, for which analytical methods are available and which are included in toto in the new list, did take production into account when they were generated. Other common chemicals would tend to have analytical methods developed for commercial reasons other than specific EPA requirements. Those chemicals are enough for deletion as having no standard are generally uncommon.

In a few cases (formaldehyde is the most notable example), common chemicals do not appear on the new list because they present major analytical problems. EPA is focusing on these chemicals in its analytical methods research and will consider amending the list as soon as reliable analytical methods become available.

There are environmental benefits to a shorter list. Monitoring for more chemicals, especially with methods of poor reliability, increases the possibility of false positives, results that indicate contamination where there is none. The increased probability of false positives may cause pollution control agencies to take actions, such as providing a larger statistical range of "no action" results, or requiring resampling, which make control programs less effective or delay action. Laboratories, faced with analyzing a list of chemicals that contains some chemicals very difficult to analyze will tend to focus efforts on these chemicals, rather than on providing high quality data on the more easily analyzed (and generally more common) chemicals, such as the priority pollutants. This is because a small error on a common chemical is considerably less embarrassing than a major error on a rare one. However, from an environmental perspective, it may be considerably more important to have more precise data on the more common chemical, since a small change of the common chemical may be the most effective indicator of potential problems. Laboratory resources in this country have already expended considerable effort on trying to analyze some of the very difficult Appendix VIII analytes, when such efforts would be better spent on obtaining better quality results on common chemicals.

The core list proposed today also contains some parameters with very low toxicity (e.g., sodium). These parameters are intended to characterize the ground-water industry chemistry. See Section VII.C. below for details.

The new list was developed on the basis of analytical feasibility. As stated above (Section II. Background), EPA is continuing to evaluate the ground-water monitoring requirements and intends to propose further revisions based on other desirable monitoring characteristics such as those noted in the beginning of

this section. It is quite likely that an optimal monitoring list would be shorter than the 250 compounds proposed today.

VII. Specific Issues for Comment

A. Borderline Chemicals

For the following chemicals, EPA has received conflicting data with regard to analytical feasibility. This information is provided in the background documents. EPA specifically requests laboratory data on appropriate methods, availability of standards, recovery, and precision and accuracy of analysis of these chemicals. Data involving analysis in ground water at ppb levels would be particularly useful, since certain analytical problems arise specifically in such cases. EPA is proposing to include most of these chemicals on the new Appendix IX list, but is concerned because it has data indicating that analysis may be difficult. At the end of the list are approximately ten chemicals identified with asterisks which EPA is proposing to exclude from the new list, but which are being considered for inclusion if additional information indicates they are possible to analyze.

3-Chloropropionitrile	542-76-7
Propanenitrile, 3-chloro-	
Acetonitrile	75-05-8
Acetonitrile	
N-Nitrosomethylethylamine	10595-95-6
Ethanamine, N-methyl-nitroso-	
p-Benzoquinone	106-51-4
2,5-Cyclohexadiene-1,4-dione	
Resorcinol	108-46-3
1,3-Benzenediol	
Tris(2,3-dibromopropyl)phosphate	126-72-7
1-Propanol, 2,3-dibromo-, phosphate (3:1)	
Dibenzo(a,e)pyrene	192-65-4
Naphtho[1,2,3,4-def]chrysene	
Dibenzo(a,h)pyrene	189-64-0
Dibenzo[b,def]chrysene	
Dibenzo(a,i)pyrene	189-55-9
Benzo[rst]pentaphene	
Tetraethyldithiopyrophosphate	3689-24-5
Thiodiphosphoric acid ($[(HO)_2P(S)]_2O$), tetraethyl ester	
Malononitrile	109-77-3
Propanedinitrile	
Allyl alcohol	107-18-6
2-Propen-1-ol	
1,4-Dioxane	123-91-1
1,4-Dioxane	
Ethylene oxide	75-21-8
Oxirane	
2-Propyn-1-ol	107-19-7
2-Propyn-1-ol	
Isosafrole	120-58-1
1,3-Benzodioxole, 5-(1-propenyl)-	
Aniline	62-53-3
Benzenamine	
2-Acetylaminofluorene	53-96-3
Acetamide, N-9H-fluoren-2-yl-	
Benzenethiol	108-98-5
Benzenethiol	
Benzidine	92-87-5
[1,1'-Biphenyl]-4,4'-diamine	
2-Chloro-1,3-butadiene	126-99-8
1,3-Butadiene, 2-chloro-	
3-Chloropropene	107-05-1
1-Propene, 3-chloro-	
Dibromomethane	74-95-3
Methane, dibromo-	
Dichlorodifluoromethane	75-71-8
Methane, dichlorodifluoro-	
Diphenylamine	122-39-4
Benzenamine, N-phenyl-	
Ethyl cyanide	107-12-0
Propanenitrile	
Hexachlorophene	1888-71-7
1-Propene, 1,1,2,3,3,3-hexachloro-	
Iodomethane	74-88-4
Methane, iodo-	
Isobutyl alcohol	78-83-1
1-Propanol, 2-methyl-	
Kepone	143-50-0
1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
alpha, alpha-Dimethylphenethylamine	122-09-8
Benzeneethanamine, α,α-dimethyl-	
2-sec-Butyl-4,6-dinitrophenol	88-85-7
Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
Methacrylonitrile	126-98-7
2-Propenenitrile, 2-methyl-	
Methyl methacrylate	80-62-6
2-Propenoic acid, 2-methyl-, methyl ester	
N-Nitrosodimethylamine	62-75-9
Methanamine, N-methyl-N-nitroso-	
2-Picoline	109-06-8
Pyridine, 2-methyl-	
2-Propyn-1-ol	107-19-7
2-Propyn-1-ol	
2,4-Dichlorophenoxyacetic acid	94-75-7
Acetic acid, (2,4-dichlorophenoxy)-	
Isodrin	465-73-6
1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a,-hexahydro-, ($1\alpha,4\alpha,4a\beta,5\beta,8\beta,8a\beta$)-	
Dimethoate [1]	60-51-5
Phosphorodithioic acid, 0,0-dimethyl S-[2-methylamino)-2-oxoethyl]ester	
Diallate [1]	2303-16-4
Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
Crotonaldehyde [1]	4170-30-3
2-Butenal	
Paraldehyde [1]	123-63-7
1,3,5-Trioxane, 2,4,6-trimethyl-	
o-Toluidine [1]	95-53-4
Benzenamine, 2-methyl-	
meta-Cresol [2]	108-39-4
Phenol, 3-methyl-	
Endrin ketone [2]	53494-70-5
2,5,7-Metheno-3H-cyclopenta[a]pentalen-3-one, 3b,4,5,6,6,6a-hexachlorodecahydro-, (2α, $3a\beta$, $3b\beta$, 4β, 5β, $6a\beta$, 7α, $7a\beta$, 8R [1])-	
Endosulfan sulfate [2]	1031-07-8
6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3,3-dioxide	
Strontium (total) [2]	7440-24-6
Strontium	
1,3-Dichloro-2-propanol [2]	96-23-1
2-Propanol, 1-3-dichloro-	

[1] Not presently on core list because of analytical problems.
[2] Not presently on core list—inorganic ion or part of a category.

B. Dioxin Analysis

Requiring analysis of dioxins may present an environmental risk. To perform these analyses, dioxin standards must be manufactured, handled in the laboratory, and disposed. EPA has published analytical methods for dioxin (49 FR 136 (October 26, 1984)). In these methods, EPA has provided special safety measures for performing these analyses and recommends that only specially equipped laboratories do these analyses. It is possible that overall environmental protection would best be served by limiting these analyses to specific sites. These sites would include all commercial sites that accept off-site wastes and all on-site disposal units that accept wastes from processes known or suspected to create dioxins or dibenzofurans, such as the manufacture of 2,4,5-trichlorophenol. EPA is proposing to include these chemicals on the core list but requests comments on whether they should remain on the core list.

C. Monitoring, Ground-Water Protection Standards, and Corrective Action

Under the existing regulations, the detection of an Appendix VIII constituent in ground water will generally trigger requirements for ground-water protection standards and, if necessary, corrective action (see section IV, above, for details). In proposing Appendix IX as a ground-water monitoring list, EPA envisions a broader use. Some chemicals on Appendix IX (e.g., sodium) are generally not toxic and may be present naturally in high concentrations. The principal purpose of analyzing for these chemicals is to provide valuable information about ground-water chemistry and movement.

The strategy EPA is proposing would generally limit setting ground-water protection standards and requiring corrective action to chemicals listed on Appendix VIII. EPA considers all members of categories on Appendix VIII, including those listed individually on Appendix IX, to be subject to these requirements.

The Appendix IX chemicals not generally subject to these requirements are the 25 additional chemicals routinely analyzed by the Superfund program. EPA has not yet evaluated these chemicals and determined that they are "hazardous", as it has for Appendix VIII. See 47 FR 32296 (July 26, 1982). However, if one of these chemicals is detected and the Regional Administrator can document a threat to human health or the environment he may use the "omnibus" authority of 40 CFR 270.32(b)(2) and section 3005(c)(3) of RCRA, as amended, to set ground-water protection standards and require corrective action.

EPA is also considering including certain common ground-water anions to Appendix IX, to further characterize ground-water chemistry. The anions currently under consideration are chloride, sulfate, nitrate, and bicarbonate.

EPA requests comments on the concept of including chemicals on Appendix IX for purposes of characterizing ground-water chemistry and movement, the addition of the 25 Superfund chemicals, and the list of anions.

D. Discretionary Additions

In today's proposal, EPA is proposing to require monitoring of all constituents

on the new Appendix IX list. This is done with the understanding that the Regional Administrator (RA) may require analysis of chemicals outside Appendix IX under the authority of 40 CFR 270.32(b)(2) and section 3005(c)(3) of RCRA, as amended by the 1984 amendments. Other options under consideration would be to give the RA's explicit discretion in the regulation to add constituents from the Appendix VIII list or to add constituents in or derived from the waste. EPA solicits comments on these options.

E. Ordering of Appendix IX

In the interim guidance document the core list was ordered in the same manner as Appendix VIII. That was approximately by common name, except that representatives of categories were listed in the place where the category was listed on Appendix VIII. In today's proposal, Appendix IX is ordered alphabetically by systematic name. This has the virtues of being easier to search for a specific chemical and of grouping chemicals of similar structure together (e.g., pesticides based on phosphorothioic acid). Another conceivable ordering would be by CAS number, which has the virtue of being the easiest to search, if the CAS number of a chemical is available. EPA requests comments on which of these three ordering schemes to use for the final Appendix IX list.

F. Representatives of Categories

As detailed above in Section V.A., EPA has selected representatives of the categories of chemicals on Appendix VIII. Section VII.A. above lists some additional representatives of categories under consideration for addition to the core list (those chemicals identified by a double asterisk). A detailed account of which chemicals on Appendix IX of Part 264 represent which categories from Appendix VIII of Part 261 is available in background document 24 and the Index to the background documents for this rulemaking. EPA requests comment on its choices of representatives for the categories.

VIII. Regulatory Analysis

A. State Authority

Under Section 3006 of RCRA, EPA may authorize qualified States to administer and enforce their State hazardous waste management programs in lieu of EPA operating the Federal program in those States. Authorization, either interim or final, may be granted to State programs that regulate the identification, generation, transportation, or operation of facilities that treat, store, or dispose of hazardous waste. Upon authorization of the State program, EPA suspends operation within the States of those parts to the ground-water monitoring requirements for land-based hazardous waste management facilities applying for and operating under permits. Since the ground-water monitoring requirements are not imposed under any of the amendments made by the Hazardous and Solid Waste Amendments of 1984, final rules modifying the constituent list would not take effect directly in all States under section 3006(g). Rather, if EPA promulgates this proposal, States that have been granted final authorization will have to revise their programs to cover the additional requirements in today's announcement. Generally, these authorized State programs must be revised within one year of the date of promulgation of such standards, or within two years if the State must amend or enact a statute in order to make the required revision. See 40 CFR 271.21. Since States may always impose requirements which are more stringent or have greater coverage than EPA's programs, States will not be required to revise their regulations to reflect any deletions of constituents from the current monitoring requirements after promulgation, although they may choose to do so. Regulations which are broader in scope, however, may not be enforced as part of the federally-authorized RCRA program.

B. Executive Order 12291—Regulatory Impact

Executive Order 12291 (46 FR 13191, February 9, 1981) requires that a regulatory agency determine whether a new regulation will be "major" and if so, that a Regulatory Impact Analysis be conducted. A major rule is defined as a regulation that is likely to result in:

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

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

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator has determined that today's proposal is not a major rule. It should produce a net decrease in the total number of chemicals analyzed at each facility and, thus, imposes no increased costs.

C. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., 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 business, small organizations, and small governmental jurisdiction). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities. As stated above, this proposal will have no adverse impacts on businesses of any size. Accordingly, I hereby certify that this proposed 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

40 CFR Part 264

Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water supply, Ground water, Environmental monitoring.

40 CFR Part 270

Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water supply, Administrative practice and procedure, Ground water, Environmental monitoring.

Dated: July 14, 1986.

Lee M. Thomas,

Administrator.

For the reasons set out in the preamble it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 264—[AMENDED]

1. The authority citation for Part 264 continues to read as follows:

Authority: Secs. 1006, 2002(a), and 3004 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), and 6924).

2. Section 264.98 is amended by revising paragraphs (h)(2), (h)(3) introductory text and (h)(4)(i) to read as follows:

§ 264.98 Detection monitoring program.

* * * * *

(h) * * *

(2) Immediately sample the ground water in all monitoring wells and determine whether constituents

identified in the list in Appendix IX of Part 264 are present and, if so, at what concentration.

* * * * *

(3) Establish a background value for each constituent that has been found at the compliance point under paragraph (h)(2) of this section, as follows:

* * * * *

(4) * * *

(i) An identification of the concentration of any constituent from Appendix IX to Part 264 found in the ground water at each monitoring well at the compliance point;

* * * * *

3. Section 264.99 is amended by revising paragraph (f) to read as follows:

§ 264.99 Compliance monitoring program.

* * * * *

(f) The owner or operator must analyze samples from all monitoring wells at the compliance point to determine whether constituents identified in the list in Appendix IX to Part 264 of this chapter are present and, if so, at what concentration. The analysis must be conducted at least annually to determine whether additional Appendix IX constituents are present in the uppermost aquifer. If the owner or operator finds constituents from Appendix IX in the ground water that are not already identified in the permit as monitoring constituents, the owner or operator must report the concentration of these additional constituents to the Regional Administrator within seven days after completion of the analysis.

* * * * *

4. A new Appendix VII and Appendix VIII are added to Part 264 and reserved as follows:

Appendix VII [Reserved]

Appendix VIII [Reserved]

5. A new Appendix IX is added to Part 264 as follows:

APPENDIX IX.—GROUND-WATER MONITORING LIST

Systematic name	CAS RN	Common name
Acenaphthylene	208-96-8	Acenaphthalene.
Acenaphthylene, 1,2-dihydro-	83-32-9	Acenaphthene.
Acetamide, N-(4-ethoxyphenyl)-H	62-44-2	Phenacetin.
Acetamide, N-9H-fluoren-2-yl	53-96-3	2-Acetylaminofluorene.
Acetic acid ethenyl ester	108-05-4	Vinyl acetate.
Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	2,4,5-T.
Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	2,4-Dichlorophenoxyacetic acid.
Acetonitrile	75-05-8	Acetonitrile.
Aluminum	7429-90-5	Aluminum (total).
Anthracene	120-12-7	Anthracene.
Antimony	7440-36-0	Antimony (total).
Aroclor 1016	12674-11-2	Aroclor 1016.
Arcolor 1221	11104-28-2	Aroclor 1221.
Aroclor 1232	11141-16-5	Aroclor 1232.
Aroclor 1242	53469-21-9	Aroclor 1242.
Aroclor 1248	12672-29-6	Aroclor 1248.
Aroclor 1254	11097-69-1	Aroclor 1254.
Aroclor 1260	11096-82-5	Aroclor 1260.
Arsenic	7440-38-2	Arsenic (total).
Barium	7440-39-3	Barium (total).
Benz[a]anthracene, 7,12-dimethyl-	57-97-6	7,12-Dimethylbenz[a]anthracene.
Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	56-49-5	3-Methylcholanthrene.
Benz[e]acephenanthrylene	205-99-2	Benzo[b]fluoranthene.
Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950-58-5	Pronamide.
Benz[a]anthracene	56-55-3	Benz[a]anthracene.
Benzenamine	62-53-3	Aniline.
Benzenamine, 2-methyl-5-nitro	99-55-8	5-Nitro-o-toluidine.
Benzenamine, 2-nitro	88-74-4	2-Nitroaniline.
Benzenamine, 3-nitro	99-09-2	3-Nitroaniline.
Benzenamine, 4-chloro-	106-47-8	p-Chloroaniline.
Benzenamine, 4-nitro-	100-01-6	p-nitroaniline.
Benzenamine, 4,4'-methylenebis[2-chloro	101-14-4	4,4'-Methylenebis(2-chloroaniline).
Benzenamine, N-nitroso-N-phenyl-	86-30-6	N-Nitrosodiphenylamine.
Benzenamine, N-phenyl-	122-39-4	Diphenylamine.
Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7	p-Dimethylaminoazobenzene.
Benzene	71-43-2	Benzene.
Benzene, 1-bromo-4-phenoxy-	101-55-3	4-Bromophenyl phenyl ether.
Benzene, 1-chloro-4-phenoxy-	7005-72-3	4-Chlorophenyl phenyl ether.
Benzene, 1-methyl-2,4-dinitro-	121-14-2	2,4-Dinitrotoluene.
Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-	50-29-3	DDT.
Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-	72-43-5	Methoxychlor.
Benzene 1,1'-(2,2-dichloroethylidene)bis[4-chloro-	72-54-8	DDD.
Benzene, 1,1'-(dichloroethenylidene)bis[4-chloro-	72-55-9	DDE.
Benzene, 1,2-dichloro-	95-50-1	o-Dichlorobenzene.
Benzene, 1,2,4-trichloro-	120-82-1	1,2,4-trichlorobenzene.
Benzene, 1,2,4,5-tetrachloro	95-94-3	1,2,4,5-Tetrachlorobenzene.
Benzene, 1,3-Dichloro-	541-73-1	M-Dichlorobenzene.
Benzene, 1,4-dichloro-	106-46-7	p-Dichlorobenzene.
Benzene, 1,4-dinitro-	100-25-4	meta-Dinitrobenzene.
Benzene, 2-methyl-1,3-dinitro-	606-20-2	2,6-Dinitrotoluene.
Benzene, chloro-	108-90-7	Chlorobenzene.
Benzene, dimethyl-	1330-20-7	Xylene (total).
Benzene, ethenyl-	100-42-5	Styrene.
Benzene, ethyl-	100-41-4	Ethyl benzene.
Benzene, hexachloro-	118-74-1	Hexachlorobenzene.
Benzene, methyl	108-88-3	Toluene.
Benzene, nitro-	98-95-3	Nitrobenzene.
Benzene, pentachloro-	608-93-5	Pentachlorobenzene.
Benzene, pentachloronitro-	82-68-8	Pentachloronitrobenzene.
Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	510-15-6	Chlorobenzilate.
1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester	117-81-7	Bis(2-ethylhexyl) phthalate.
1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	Butyl benzyl phthalate.
1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	Di-n-butyl phthalate.
1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2	Diethyl phthalate.
1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	Dimethyl phthalate.
1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	Di-n-octyl phthalate.

APPENDIX IX.—GROUND-WATER MONITORING LIST—Continued

Systematic name	CAS RN	Common name
1,3-Benzenediol	108-46-3	Resorcinol.
Benzeneethanamine, α, α-dimethyl-	122-09-8	alpha, alpha-Dimethylphenethylamine.
Benzenemethanol	100-51-6	Benzyl alcohol.
Benzenethiol	108-98-5	Benzenethiol.
1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	Isosafrole.
1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7	Safrole.
Benzo[k]fluoranthene	207-08-9	Benzo(k)fluoranthene.
Benzoic acid	65-85-0	Benzoic acid.
Benzo[rst]pentaphene	189-55-9	Dibenzo[a,i]pyrene.
Benzo[ghi]perylene	191-24-2	Benzo(ghi)perylene.
Benzo[a]pyrene	50-32-8	Benzo[a]pyrene.
Beryllium	7440-41-7	Beryllium (total).
1,1'-Biphen[yl]-4,4'-diamine, 3,3'-dichloro-	91-94-1	3,3'-Dichlorobenzidine.
1,1'-Biphen[yl]-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	3,3'-Dimethoxybenzidine.
1,1'-Biphen[yl]-4,4'-diamine, 3,3'-dimethyl-	119-93-7	3,3'-Dimethylbenzidine.
1,1'-Bipenyl[-4-amine	92-67-1	4-Aminobiphenyl.
1,1'-Bipenyl[-4-4-diamine	92-87-5	Benzidine.
1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3	Hexachlorobutadiene.
1,3-Butadiene, 2-chloro-	126-99-8	2-Chloro-1,3-butadiene.
1-Butanamine, N-butyl-N-nitroso-	924-16-3	N-Nitrosodi-n-butylamine.
2-Butanone	78-93-3	Methyl ethyl ketone.
2-Butene, 1,4-dichloro-, (E)-	110-57-6	trans-1,4-Dichloro-2-butene.
Cadmium	7440-43-9	Cadmium (total).
Calcium	7440-70-2	Calcium (total).
Carbon disulfide	75-15-0	Carbon disulfide.
Chromium	7440-47-3	Chromium (total).
Chrysene	218-01-9	Chrysene.
Cobalt	7440-48-4	Cobalt (total).
Copper	7440-50-8	Copper (total).
Cyanide	57-12-5	Cyanide.
2,5-Cyclohexadiene-1,4-dione	106-51-4	p-Benzoquinone.
Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5β,6β)-	319-84-6	alpha-BHC.
Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2β,3α,4β,5α,6β)-	319-85-7	beta-BHC.
Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3α,4β,5α,6β)-	319-86-8	delta-BHC.
Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	58-89-9	gamma-BHC.
2-Cyclohexen-1-one, 3,5,5-trimethyl	78-59-1	Isophorone.
1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	Hexachlorocyclopentadiene.
Dibenz[a,h]anthracene	53-70-3	Dibenz[a,h]anthracene.
Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin.
		Hexachlorodibenzo-p-dioxins.
		Pentachlorodibenzo-p-dioxins.
		Tetrachlorodibenzo-p-dioxins.
Dibenzo[b,def]chrysene	189-64-0	Dibenzo[a,h]pyrene.
Dibenzofuran	132-64-9	Dibenzofuran.
		Hexachlorodibenzofurans.
		Pentachlorodibenzofurans.
		Tetrachlorodibenzofurans.
2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, 1aα,2β,2aα,3β,6β,6aα,7β,7aα)-	60-57-1	Dieldrin.
2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, 1aα,,2β,2aβ,3α,6α,6aβ,7β,7aα)-	72-20-8	Endrin.
1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, 1aα,4α,4aβ,5α,8α,8aβ)-	309-00-2	Aldrin.
1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, 1aα,4α,4aβ,5β,8β,8aβ)-	465-73-6	Isodrin.
1,4-Dioxane	123-91-1	1,4-Dioxane.
Ethanamine, N-ethyl-N-nitroso-	55-18-5	N-Nitrosodiethylamine.
Ethanamine, N-methyl-N-nitroso-	10595-95-6	N-Nitrosomethylethylamine.
Ethane, 1,1-dichloro-	75-34-3	1,1-Dichloroethane.
Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-	111-91-1	Bis(2-chloroethoxy)methane.
Ethane, 1,1'-oxybis[2-chloro-	111-44-4	Bis(2-chloroethyl) ether.
Ethane, 1,1'-trichloro-	71-55-6	1,1,1-Trichloroethane.
Ethane, 1,1,1,2-tetrachloro-	630-20-6	1,1,1,2-Tetrachloroethane.
Ethane, 1,1,2-trichloro-	79-00-5	1,1,2-Trichloroethane.
Ethane, 1,1,2,2-tetrachloro-	79-34-5	1,1,2,2-Tetrachloroethane.
Ethane, 1,2-dibromo-	106-93-4	1,2-Dibromoethane.
Ethane, 1,2-dichloro-	107-06-2	1,2-Dichloroethane.
Ethane, chloro-	75-00-3	Chloroethane.
Ethane, hexachloro-	67-72-1	Hexachloroethane.
Ethane, pentachloro-	76-01-7	Pentachloroethane.
1,2,-Ethanediamine, N,N-dimethyl-N'-'-2-pyridinyl-N'-(2-thienylmethyl)-	91-80-5	Methapyrilene.
Ethanone, 1-phenyl-	98-86-2	Acetophenone.
Ethene, (2-chloroethoxy)-	110-75-8	2-Chloroethyl vinyl ether.
Ethene, 1,1-dichloro-	75-35-4	1,1-Dichloroethylene.
Ethene, 1,2-dichloro-, (E)-	156-60-5	trans-1,2-Dichloroethene.
Ethene, chloro-	75-01-4	Vinyl chloride.
Ethene, tetrachloro-	127-18-4	Tetrachloroethene.
Ethene, trichloro-	79-01-6	Trichloroethene.
Fluoranthene	206-44-0	Fluoranthene.
Fluoride	16984-48-8	Fluoride.
9H-Fluorene	86-73-7	Fluorene.
2-Hexanone	591-78-6	2-Hexanone.
Hydrazine, 1,2-diphenyl-	122-66-7	1,2-Diphenylhydrazine.
Indeno[1,2,3-cd]pyrene	193-39-5	Indeno(1,2,3-cd)pyrene.
Iron	7439-89-6	Iron (total).
Lead	7439-92-1	Lead (total).
Manesium	7439-94-4	Magnesium (total).
Manganese	7439-96-5	Manganese (total).
Mercury	7439-97-6	Mercury (total).
Methanamine, N-methyl-N-nitroso-	62-75-9	N-Nitrosodimethylamine.
Methane, bromo-	74-83-9	Bromomethane.
Methane, bromodichloro-	75-27-4	Bromodichloromethane.
Methane, chloro-	74-87-3	Chloromethane.
Methane, dibromo-	74-95-3	Dibromomethane.

APPENDIX IX.—GROUND-WATER MONITORING LIST—Continued

Systematic name	CAS RN	Common name
Methane, dibromochloro-	124-48-1	Chorodibromomethane.
Methane, dichloro-	75-09-2	Dichloromethane.
Methane, dichlorodifluoro-	75-71-8	Dichlorodifluoromethane.
Methane, iodo-	74-88-4	Iodomethane.
Methane, tetrachloro-	56-23-5	Carbon tetrachloride.
Methane, tribromo-	75-25-2	Tribromomethane.
Methane, trichloro-	67-66-3	Chloroform.
Methane, trichlorofluoro-	75-69-4	Trichloromonofluoromethane.
Methanesulfonic acid, methyl ester	66-27-3	Methyl methanesulfonate.
Methanethiol, trichloro-	75-70-7	Trichloromethanethiol.
4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro	57-74-9	Chlordane.
4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8	Heptachlor.
2,5-Methano-2H-indeno[1,2-b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1aα,1bβ,2α,5α,5aβ,6β,6aα)	1024-57-3	Heptachlor epoxide.
6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3α,5aβ,6α,9α,9aβ)	959-98-8	Endosulfan I.
6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3α,5aα,6β,9β,9aα)	33213-65-9	Endosulfan II.
1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	143-50-0	Kepone.
1,2,4-Methenocyclopenta[cd]pentalene-5-carboxaldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (1α,2β,2aβ,4β,4aβ,5β,6aβ, 6bβ,7R*).	7421-93-4	Endrin aldehyde.
Morpholine, 4-nitroso-	59-89-2	N-Nitrosomorpholine.
1-Naphthalenamine	134-32-7	1-Naphthylamine.
2-Naphthalenamine	91-59-8	2-Naphthylamine.
Naphthalene	91-20-3	Naphthalene.
Naphthalene, 2-chloro-	91-58-7	2-Chloronaphthalene.
Naphthalene, 2-methyl-	91-57-6	2-Methylnaphthalene.
1,4-Naphthalenedione	130-15-4	1,4-Naphthoquinone.
Naphtho[1,2,3,4-def]chrysene	192-65-4	Dibenzo[a,e]pyrene.
Nickel	7440-02-0	Nickel (total).
Osmium	7440-04-2	Osmium (total).
Oxirane	75-21-8	Ethylene oxide.
2-Pentanone, 4-methyl-	108-10-1	4-Methyl-2-pentanone.
Phenanthrene	85-01-8	Phenanthrene.
Phenol	108-95-2	Phenol.
Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	2-sec-Butyl-4,6-dinitrophenol.
Phenol, 2-chloro-	95-57-8	2-Chlorophenol.
Phenol, 2-methyl-	95-48-7	ortho-Cresol.
Phenol, 2-methyl-4,6-dinitro-	534-52-1	4,6-Dinitro-o-cresol.
Phenol, 2-nitro-	88-75-5	2-Nitrophenol.
Phenol, 2,2¹-methylenebis[3,4,6-trichloro-	70-30-4	Hexachlorophene.
Phenol, 2,3,4,6-tetrachloro-	58-90-2	2,3,4,6-Tetrachlorophenol.
Phenol, 2,4-dichloro-	120-83-2	2,4-Dichlorophenol.
Phenol, 2,4-dimethyl-	105-67-9	2,4-Dimethylphenol.
Phenol, 2,4-dimethyl-	105-67-9	2,4-Dimethylphenol.
Phenol, 2,4-dinitro-	51-28-5	2,4-Dinitrophenol.
Phenol, 2,4,5-trichloro-	95-95-4	2,4,5-Trichlorophenol.
Phenol, 2,4,6-trichloro-	88-06-2	2,4,6-Trichlorophenol.
Phenol, 2,6-dichloro-	87-65-0	2,6-Dichlorophenol.
Phenol, 4-chloro-3-methyl-	59-50-7	p-Chloro-m-cresol.
Phenol, 4-methyl-	106-44-5	para-Cresol.
Phenol, 4-nitro-	100-02-7	4-Nitrophenol.
Phenol, pentachloro-	87-86-5	Pentachlorophenol.
Phosphorodithioic acid, 0,0-diethyl S-[(ethylthio)methyl] ester	298-02-2	Phorate.
Phosphorodithioic acid, 0,0-diethyl S-[2-(ethylthio)ethyl] ester	298-04-4	Disulfoton.
Phosphorothioic acid, 0-[4-[(dimethylamino)sulfonyl]phenyl] 0,0-dimethyl ester	52-85-7	Famphur.
Phosphorothioic acid, 0,0-diethyl 0-(4-nitrophenyl) ester	56-38-2	Parathion.
Phosphorothioic acid, 0,0-diethyl 0-pyrazinyl ester	297-97-2	0,0-Diethyl 0-2-pyrazinyl phosphorothioate.
Phosphorothioic acid, 0,0-dimethyl 0-(4-nitrophenyl) ester	298-00-0	Methyl parathion.
Piperidine, 1-nitroso-	100-75-4	N-Nitrosopiperidine
Potassium	7440-09-7	Potassium (total)
1-Propanamine, N-nitroso-N-propyl-	621-64-7	Di-n-propylnitrosamine
Propane, 1,2-dibromo-3-chloro-	96-12-8	1,2-Dibromo-3-chloropropane
Propane, 1,2-dichloro-	78-87-5	1,2-Dichloropropane
Propane, 1,2,3,-trichloro-	96-18-4	1,2,3-Trichloropropane
Propane, 2,2'-oxybis[1-chloro-	108-60-1	Bis(2-chloroisopropyl) ether.
Propanedinitrile	109-77-3	Malononitrile.
Propanenitrile	107-12-0	Ethyl cyanide.
Propanenitrile, 3-chloro-	542-76-7	3-Chloropropionitrile.
Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	Silvex.
1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	Tris(2,3-dibromopropyl) phosphate.
1-Propanol, 2-methyl-	78-83-1	Isobutyl alcohol.
2-propanone	67-64-1	Acetone.
2-Propenal	107-02-8	Acrolein.
1-Propene, 1,1,2,3,3,3-hexachloro-	1888-71-7	Hexachloropropene.
1-Propene, 1,3-dichloro-, (E)-	10061-02-6	trans-1,3-Dichloropropene.
1-Propene, 1,3-dichloro-, (Z)	10061-01-5	cis-1,3-Dichloropropene.
1-Propene, 3-chloro-	107-05-1	3-Chloropropene.
2-Propenenitrile, 2-methyl-	126-98-7	Methacrylonitrile.
2-Propenenitrile	107-13-1	Acrylonitrile.
2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	Ethyl methacrylate.
2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	Methyl methacrylate.
2-Propen-1-ol	107-18-6	Allyl alcohol.
2-Propyn-1-ol	107-19-7	2-Propyn-1-ol.
Pyrene	129-00-0	Pyrene.
Pyridine	110-86-1	Pyridine.
Pyridine, 2-methyl-	109-06-8	2-Picoline.
Pyrrolidine, 1-nitroso-	930-55-2	N-Nitrosopyrrolidine.
Selenium	7782-49-2	Selenium (total).
Silver	7440-22-4	Silver (total).
Sodium	7440-23-5	Sodium (total).
Sulfide	18496-25-8	Sulfied.
Sulfurous acid, 2-chloroethyl 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester	140-57-8	Aramite.
Thallium	7440-28-0	Thallium (total).
Thiodiphosphoric acid ([HO)$_2$P(S)]$_2$O), tetraethyl ester	3689-24-5	Tetraethyldithiopyrophosphate.

APPENDIX IX.—GROUND-WATER MONITORING LIST—Continued

Systematic name	CAS RN	Common name
Tin	7440-31-5	Tin (total).
Toxaphene	8001-35-2	Toxaphene.
Vanadium	7440-62-2	Vanadium (total).
Zinc	7440-66-6	Zinc (total).

PART 270—[AMENDED]

6. Section 270.14(c) is amended by revising paragraph (c)(4)(ii) to read as follows:

§ 270.14(c) Contents of Part B: General Requirements.

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(c) * * *

(4) * * *

(ii) Identifies the concentration of each Appendix IX, of Part 264 of this chapter, constituent throughout the plume, or identifies the maximum concentrations of each Appendix IX constituent in the plume.

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federal register

Thursday
July 24, 1986

Part III

Department of the Interior

Minerals Management Service

Outer Continental Shelf Operations in the Western Gulf of Mexico; Lease Sale; Notice

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Western Gulf of Mexico
Oil and Gas Lease Sale 105

1. Authority. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356 (1982)), as amended by the OCS Lands Act Amendments of 1985 (100 Stat. 147), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), at the new address of the Gulf of Mexico Region, Minerals Management Service (MMS), 1420 South Clearview Parkway, New Orleans, Louisiana 70123-2394. Bids may be delivered in person to that address during normal business hours (8:00 a.m. to 4:00 p.m., c.s.t.) until the Bid Submission Deadline at 10:00 a.m., August 26, 1986. Hereinafter, all times cited in this Notice refer to Central Standard Time (c.s.t.) unless otherwise stated. Bids will not be accepted on the day of Bid Opening, August 27, 1986. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RD prior to 10:00 a.m., August 26, 1986. Bids may not be withdrawn unless written withdrawal is received by the RD prior to 8:30 a.m., August 27, 1986. Bid Opening Time will be 9:00 a.m., August 27, 1986, at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 51 FR 11984 on April 8, 1986.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 105, (map number, map name, and block number(s)), not to be opened until 9:00 a.m., c.s.t., August 27, 1986," must be submitted for each block or prescribed bidding unit bid upon. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale 105, NG 15-1, East Breaks, Block 701, not to be opened until 9:00 a.m., c.s.t., August 27, 1986." For those blocks which must be bid upon together as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit as described in paragraph 12 will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing.

All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Gulf of Mexico Regional Office a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point; e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $150 or more per acre or fraction thereof. All leases resulting from this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. All leases awarded will provide for a minimum royalty of $3 per acre or fraction thereof. The bidding systems to be utilized for this sale apply to blocks or bidding units as shown on map 2 (see paragraph 12). The following bidding systems will be used:

(a) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Representation Form, Form MMS-2032 (June 1985). See "Information to Lessees," paragraph 14(f).

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block or bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $150 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I.

Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment, for each lease issued, by electronic funds transfer utilizing the Federal Reserve Communications System and the Treasury Financial Communications System, payable to the Department of the Interior--MMS. Bidders are referred to 30 CFR 218.155.

11. Leasing Maps and Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps or Official Protraction Diagrams which may be purchased from the Gulf of Mexico Regional Office. See paragraph 14(a).

(a) Outer Continental Shelf Leasing Maps - South Texas Set. This set of maps sells for $5.00

Map 1 South Padre Island Area
Map 1A South Padre Island Area, East Addition
Map 2 North Padre Island Area
Map 2A North Padre Island Area, East Addition
Map 3 Mustang Island Area
Map 3A Mustang Island Area, East Addition
Map 4 Matagorda Island Area

(b) Outer Continental Shelf Leasing Maps - East Texas Set. The following set of maps sells for $7.00.

Map 5 Brazos Area
Map 5B Brazos Area, South Addition
Map 6 Galveston Area
Map 6A Galveston Area, South Addition
Map 7 High Island Area
Map 7A High Island Area, East Addition
Map 7B High Island Area, South Addition
Map 7C High Island Area, East Addition, South Extension
Map 8 Sabine Pass Area

(c) Outer Continental Shelf Official Protraction Diagrams. These diagrams sell for $2.00 each.

NG 14-3 Corpus Christi (approved 1/27/76)
NG 14-6 Port Isabel (approved 1/27/76)
NG 15-1 East Breaks (approved 1/27/76)
NG 15-2 Garden Banks (approved 12/2/76)
NG 15-4 Alaminos Canyon (approved 3/26/76)
NG 15-5 Keathley Canyon (approved 12/2/76)

12. Description of the Areas Offered for Bids.

(a) Acreages of blocks are shown on Leasing Maps and Official Protraction Diagrams. Some of these blocks, however, may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. In these cases, the following supplemental documents to this Notice are available from the Gulf of Mexico Regional Office. See paragraph 14(a):

(1) Western Gulf of Mexico Lease Sale 105 - Final. Unleased Split Blocks

(2) Western Gulf of Mexico Lease Sale 105 - Final. Unleased Acreage of Blocks with Aliquots Under Lease.

(b) References to maps 1, 2, and 3 in this Notice refer to the following maps which are available on request from the Gulf of Mexico Regional Office:

Map 1 entitled "Western Gulf of Mexico Lease Sale 105, Final. Stipulations, Lease Terms, and Warning Areas."

Map 2 entitled "Western Gulf of Mexico Lease Sale 105, Final. Bidding Systems and Bidding Units" refers largely to Royalty Rates and Bidding Units.

Map 3 entitled "Western Gulf of Mexico Lease Sale 105, Final. Detailed Maps of Biologically Sensitive Areas" pertains to areas referenced in Stipulation No. 2.

(c) In several instances two or more blocks have been joined together into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having two or more blocks must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units with their acreages appears on map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11 (a), (b), and (c), except for those blocks or partial blocks described as follows:

(1) A list of leased blocks representing all Federal acreage under lease, and therefore not a part of this sale, appeared in the proposed Notice of Sale 105 published in the Federal Register at 51 FR 11503 on April 3, 1986. This list is available on request from the Gulf of Mexico Regional Office.

(2) Although currently unleased and shown on Texas Leasing Map No. 7C, High Island Area, East Addition, South Extension, dated October 19, 1981, no bids will be accepted on the following blocks:

Blocks A-375 and A-398.

(3) Although currently unleased and shown on Official Protraction Diagrams or Leasing Maps as indicated, no bids will be accepted on the following blocks:

(a) South Padre Island Area, Texas Map No. 1 (approved July 16, 1954)

Block 1163;

(b) South Padre Island Area, East Addition, Texas Map No. 1A (approved May 6, 1965)

Blocks, 1159 through 1162 and Blocks A-84 through A-90;

(c) Port Isabel - NG 14-6 (approved January 27, 1976)

Blocks 948 through 968 and
Blocks 991 through 1012;

(d) Alaminos Canyon - NG 15-4 (approved March 26, 1976)

Blocks 925 through 942 and
Blocks 969 through 1009; and

(e) Keathley Canyon - NG 15-5 (approved December 2, 1976)

Blocks 969 through 978.

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms as shown on map 1 and will be on Form MMS-2005 (March 1986). Copies of this revised lease form are available from the Gulf of Mexico Regional Office. See "Information to Lessees," paragraph 14(a).

(b) The applicability of the stipulations which follow is as shown on maps 1, 2, and 3 and supplemented by references in this Notice.

Stipulation No. 1--Protection of Archaeological Resources.

(This stipulation will apply to all blocks offered for lease in this sale.)

(a) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object. (Section 301(5), National Historic Preservation Act, as amended, 16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Director (RD) believes an archaeological resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RD for review.

(2) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RD that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(3) If the RD determines that an archaeological resource is likely to the present in the lease area and may be adversely affected by operations, the RD will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RD has told the lessee how to protect it.

(c) If the lessee discovers any archaeological resource while conducting operations in the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the archaeological resource until the RD has told the lessee how to protect it.

Stipulation No. 2--Protection of Topographic Features.

(This stipulation will be included in leases located in the areas so indicated on maps 1 and 3 described in paragraph 12. The topographic features with their appropriate "no activity" isobaths are listed below.)

Bank Name	Isobath (meters)	Bank Name	Isobath (meters)
Mysterious Bank[1]	74, 76, 78, 80, 84	Coffee Lump[1]	Various
Blackfish Ridge[1]	70	West Flower Garden Bank[4] (defined by 1/4, 1/4, 1/4 system)	100
Dream Bank[2]	78, 82	East Flower Garden Bank[4] (defined by 1/4, 1/4, 1/4 system)	100
Southern Bank[2]	80	MacNeil Bank	82
Hospital Bank[2]	70	29 Fathom Bank	64
North Hospital Bank[2]	68	Rankin Bank	85
Aransas Bank[2]	70	Geyer Bank	85
South Baker Bank[2]	70	Elvers Bank[3]	85
Baker Bank[2]	70	Bright Bank[3]	85
Big Dunn Bar[1]	65	McGrail Bank[3]	85
Small Dunn Bar[1]	65	Rezak Bank[3]	85
32 Fathom Bank[1]	52	Sidner Bank[3]	85
Stetson Bank[1]	62	Parker Bank[3]	85
Claypile Bank[1]	50		
Applebaum Bank	85		

[1]Low Relief Banks - only paragraph (a) of the stipulation applies.
[2]Other South Texas Banks - paragraphs (a) and (b) of the stipulation apply; in addition, paragraph (c)(1) shall apply for production and development operations only.
[3]Central Gulf of Mexico bank with a portion of its "1 Mile Zone" and/or "3 Mile Zone" in the Western Gulf of Mexico.
[4]Flower Garden Banks - has a "4 Mile Zone" rather than a "3 Mile Zone"; in the "1 Mile Zone," paragraph (c)(2) of the stipulation shall apply in addition to paragraph (b); in the "4 Mile Zone," only paragraph (b) shall apply.

(a) No structures, drilling rigs, pipelines, or anchoring will be allowed within the listed isobath ("No Activity Zone") of the banks as listed above.

(b) Operations within the area shown as "1 Mile Zone" shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the Regional Director (RD) on a schedule established by the RD, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings present no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the RD shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation No. 3--Military Warning Areas.

(This stipulation will be included in leases located within the following warning areas as shown on map 1 described in paragraph 12.)

Warning Areas' Command Headquarters
Western Planning Area

Warning Areas	Command Headquarters
W-228	Chief, Naval Air Training Naval Air Station Attn: Lt. Col. T.M. Afton or Lt. J.L. Keith Corpus Christi, Texas 78419-5100 Telephone: (512) 939-3927 or 939-3902

W-602	Director of Training Deputy Chief of Staff, Operations Headquarters Strategic Air Command Attn: Major Buck or Mr. Cantrell Offutt AFB, Nebraska 68113-5001 Telephone: (402) 294-3103/3450 or (Scheduling) (402) 294-2334

(a) Hold Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf (OCS), to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, his agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the United States Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the command headquarters listed in the table above.

Notwithstanding any limitation of the lessee's liability in Section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, his agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the previous table to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within individual designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors,

will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, his agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on his behalf, boat or aircraft traffic in the designated warning areas, shall enter into an agreement with the commander of the individual command headquarters listed in the above table, upon utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating in the warning areas at all time.

14. Information to Lessees

(a) Information on Supplemental Documents. For copies of the various documents identified as available from the Gulf of Mexico Regional Office, prospective bidders should contact the Public Information Unit, Minerals Management Service, 1420 South Clearview Parkway, New Orleans, Louisiana 70123-2394, either in writing or by telephone (504) 736-2519. For additional information, contact the Regional Supervisor for Leasing and Environment at that address or by telephone at 736-2755.

(b) Information on Navigation Safety. Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended. U.S. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf (OCS) in accordance with section 4(e) of the OCS Lands Act, as amended.

Prospective bidders should be aware of a Coast Guard study of port access routes in the Gulf of Mexico. Notice of this study was published in the Federal Register on March 19, 1984, at 49 FR 10127, with additional references on April 12, 1984, at 49 FR 14538, and on July 10, 1984, at 49 FR 28074. The purpose of this study was to

evaluate alternative routing measures for the Galveston Approach Area. The following blocks in the High Island Area, Maps 7 and 7A of the East Texas Set were affected:

A-40 to A-48; A-52 to A-59; A-61; A-67; A-68; A-70 to A-80; A-212 to A-214; and A-219 to A-223.

The results of this Coast Guard study were published as a Notice in the Federal Register on March 11, 1985, at 50 FR 9682.

For additional information, prospective bidders should contact Lt. Commander F. V. Newman, Assistant Marine Port Safety Officer, 8th Coast Guard District, Hale Boggs Federal Building, New Orleans, Louisiana 70130 (Phone: (504) 589-6901).

(c) Information on Memorandum of Understanding (MOU) with Department of Transportation (DOT) on Pipelines. Bidders are advised that the Department of the Interior and DOT have entered into a MOU dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Information on Unitization. Bidders are advised that, in accordance with section 16 of each lease offered, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with a different royalty rate or a net profit share payment.

(e) Information on 10-Year Leases. For those blocks identified as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.43-1(a)(3), the lessee shall submit to the MMS either an exploration plan or a general statement of exploration intention prior to the end of the ninth lease year.

(f) Information on Affirmative Action. Revision of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, March 1986) would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised

regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(g) Information on Disposal Areas. Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Corpus Christi and East Breaks areas, shown on map 1 described in paragraph 12. These areas were used to dispose of ordnance of unknown composition and quantity. These areas have not been used since about 1970. Water depths in the Corpus Christi disposal area range from approximately 600 to 900 meters. Water depths in the East Breaks disposal area range from approximately 300 to 700 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards. Lessees are advised of an Environmental Protection Agency (EPA) dumping site located in portions of Alaminos Canyon, East Breaks, Garden Banks, and Keathley Canyon.

(h) Information on Shallow Hazards. Federal regulation (30 CFR 250.34) requires a lessee to conduct shallow hazards and other geological and geophysical surveys that are necessary for the evaluation of activities to be carried out under a proposed exploration or development/production plan or activities being carried out under an approved plan.

Data collection by the lessee on a lease, and when necessary, off a lease, will be analyzed and submitted by the lessee and then reviewed and, when necessary, reanalyzed by the Regional Director (RD) to ensure that drilling, development, and production activities can be conducted in an acceptable manner with minimum risk or damage to human, marine, and coastal environments. Based on the review and analysis of the data received and other available data and information, the RD either approves or requires modification to an exploration or development/production plan or application for permit to drill, or recommends that the Director, MMS, temporarily prohibit or suspend the conduct of exploration or development/production activities, according to provisions of the OCS Lands Act, as amended, and appropriate regulations. Existing regulations authorize the RD to take whatever steps are necessary to assure safe operations offshore, whether shallow hazards are delineated before or after the lease sale.

(i) Information on 8-Year Leases. Bidders are advised that any lease issued for a term of 8 years will be cancelled after 5 years, following notice pursuant to the OCS Lands Act, as amended, if, within the initial 5-year period of the lease, the drilling of an exploratory well has not been initiated, or if initiated, the well has not been drilled in conformance with the approved exploration plan criteria, or if there is not a suspension of operations in effect, etc. For further

information see the Federal Register Notice published November 29, 1985 (50 FR 49043) amending 30 CFR 256.37.

(j) Information on the Gulf Ocean Incineration Site. Bidders are advised of the existence of the Gulf Ocean Incineration Site located in the East Breaks, Garden Banks, Alaminos Canyon, and Keathley Canyon leasing areas. This site is designated for the incineration of organohalogen wastes, including polychlorinated biphenyls and ethylene dichloride. Lessees are advised to contact the EPA (Director, Office of Marine and Estuary Protection, WH-585, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460), when formulating plans for undertaking oil and gas activity in the designated incineration site area so that potential conflicts can be mitigated through coordination of activities. The following blocks are affected by the Gulf Ocean Incineration Site:

East Breaks	Garden Banks
1008 1009	969-980

Alaminos Canyon			Keathley Canyon	
40	260	480	1-12	353-364
41	261	481	45-56	397-408
84	304	524	89-100	441-452
85	305	525	133-144	485-496
128	348	568	177-188	529-540
129	349	569	221-232	573-584
172	392	612	265-276	617-628
173	393	613	309-320	
216	436	656		
217	437	657		

(k) Information on Deepwater Chemosynthetic Seep Communities. Bidders are advised of the existence of recently discovered chemosynthetic communities, in water depths greater than 400 meters, which are apparently associated with hydrocarbon seeps. Until further data on the extent and structure of the communities are gathered, lessees in these areas may be required as a condition of plan approval to implement measures to identify and/or protect such communities in the vicinity of the proposed activity. These measures may include photographic surveys.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

Director, Minerals Management Service
Wm. D. Bettenberg

Approved:

Secretary of the Interior
Donald Paul Hodel

JUL 18 1986
Date

15

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federal register

Thursday
July 24, 1986

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 23

Standardization of Cockpit Controls for Small Airplanes, Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 24191; Amendment No. 23-33]

Standardization of Cockpit Controls for Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the airworthiness standards for small airplanes to require standardization of aerodynamic, powerplant, fuel systems, and auxiliary cockpit controls. This action to standardize cockpit controls is taken to minimize accidents caused by random location, operation, and arrangement of cockpit controls. This amendment establishes a level of safety for cockpit controls of small airplanes consistent with that established for larger airplanes.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: David M. Warner, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Background

The National Transportation Safety Board (NTSB) has issued several safety recommendations on standardization of cockpit controls. Data from accident reports indicate that the lack of standardization in the location, operation, and arrangement of cockpit controls has been a causal factor in an unacceptable number of accidents. The General Aviation Manufacturer's Association (GAMA) has indicated they support many of these recommendations and has proposed revisions to §§ 23.777 through 23.781 to standardize powerplant and fuel controls. The GAMA proposals are substantively equivalent to §§ 25.777 through 25.781.

Selection of the proper cockpit control, and when and how to operate it, is a matter of pilot training. Control location, identification, arrangement, and direction of motion are a matter of design. The effectiveness of pilot training, relative to selection and operation of a control and how to operate it, is significantly affected by cockpit design. When a pilot operates airplanes with more than one cockpit design, regardless of pilot experience and training level, the pilot's effectiveness is less than it would be were all of the operations in a single cockpit design. An effective and practical means of enhancing both the effectiveness of pilot training and enhancing safety is to require standardization of location, shape, and direction of movement of cockpit controls. This should have minimal adverse effect on design advancement.

As a result of the above considerations, the FAA issued Notice No. 84-12 (49 FR 32300; August 13, 1984) to amend and revise §§ 23.777, 23.779, 23.781, and 23.1147.

Discussion of Comments

Twelve commenters representing the views of associations, individuals, manufacturers, and pilots submitted responses to Notice No. 84-12. All commenters support standardization of cockpit controls, and some commenters suggest changes to the proposals.

One commenter recommends that § 23.777(c)(3) include the phrase, "the approximate centerline of" before "instrument panel". To ensure that all controls are near the center line, § 23.777(c)(3) has been revised. The general statements of § 23.777 (a) and (b) also restrict controls to a convenient location for the pilot.

One commenter suggests that § 23.777(c) be revised to read: "The direction of movement of cockpit controls must meet the requirements of § 23.779. Controls of a variable nature using a rotary motion must move clockwise from the off position, through an increasing range, to the full-on position." Proposed § 23.779(b)(1) requires rotary controls to move in a manner equivalent to the commenter's proposal. The FAA does not agree that § 23.779 needs to be referenced in § 23.777 and notes that the requirements of § 23.779 stand alone. Therefore, § 23.777(c) is not revised as suggested.

Two commenters state that proposed § 23.777 prevents design of side-by-side trainer airplanes with two sets of power controls, one on each side of the cockpit. The FAA did not intend to preclude such control arrangements and is clarifying this intent in § 23.777.

A commenter suggests that the phrase "height or length not less than that allowing movement without interference with any adjacent control," be added to § 23.777(d). Another commenter suggests "higher or longer" is vague. In response to these recommendations, and to be consistent with § 25.1149, the phrase "at least one inch" has been inserted before "higher or longer" in § 23.777(d).

One commenter suggests that in § 23.777(d), the phrase "or alternate air control" be added after "carburetor heat" in two places to accommodate fuel injection engines. The FAA agrees and § 23.777(d) is revised accordingly.

Four commenters suggest that supercharger controls be located in a standardized position. The FAA stated its intent to standardize supercharger control positions in Notice No. 84-12 and concurrently proposed § 23.777(d). Section 23.777(d) is therefore adopted as proposed.

One commenter states that Notice No. 84-12 does not recognize floor-positioned flap mechanical controls and suggests that § 23.777(f) read: "Unless a floor-position mechanical flap control is used, wing flap and auxiliary lift device controls must be located:" The current rule does not exclude floor-positioned flap mechanical controls and the proposed change is not needed.

One commenter suggests that § 23.777(h)(1) should read: "The indication of the selected fuel valve position must provide positive identification of the selected position." Since proposed § 23.777(h)(1)(i) would require positive identification of the selected position, it is adopted as proposed.

One commenter suggests that § 23.777(i) should read: "Control knob shape must be in accordance with § 23.781." Section 23.781 is a stand-alone requirement and does not need to be cross referenced in § 23.777.

Three commenters suggest use of words like "clockwise when viewed from the right" for pitch trim, and the insertion of the word "similar" between "produce a" and "rotation" in § 23.779. Most of the discussion on cockpit controls at the Part 23 Regulatory Review Conference was on trim control standardization. The word "similar" offers improvement, is consistent with § 25.779(a)(2), and is adopted as suggested. On the other hand, "clockwise when viewed from the right" is not clarifying and is not adopted. For instance, small, single-engine airplanes that have no pedestal for mounting rudder trim controls present a special problem. With the proposed wording of § 23.779, a wheel or crank overhead can produce airplane rotation in similar direction to the wheel or crank rotation, but if just the edge of a wheel protrudes from a panel, it requires right motion of the pilot's hand to trim left. Since directional trim for small, single-engine airplanes is not critical for safety of flight an exception for such airplanes to allow motion of the airplane to be similar to the direction of hand movement is adopted in § 23.779(a)(2).

One commenter suggests that cowl flaps be listed under auxiliary controls

in § 23.779. One commenter, representing aviation manufacturers, states that cowl flap controls should not be regulated in a specific manner and suggests that their motion and effect to be as placarded. The FAA does not consider cowl flap control standardization a safety of flight problem and wants to allow design flexibility where safety is not at issue. Therefore, § 23.779(b)(1) is adopted as proposed.

One commenter suggests elimination of the color requirement in proposed § 23.781. The FAA agrees that color of control knobs is not a safety issue and will not adopt the proposed color requirement.

One commenter suggests additional cockpit control knob shapes for § 23.781. Also, one commenter suggests that spherical knobs should be admissible as well as cylindrical knobs for power (thrust control). The purpose of control standardization is to enhance pilot effectiveness. The FAA has concluded that these recommendations do not achieve that purpose. Such thrust control shapes would not enhance tactile identification of controls from one airplane model to another. Therefore, § 23.781 is adopted as proposed.

Two commenters suggest that § 23.1147 should require a positive locking device for the mixture control to prevent inadvertent loss of power when carburetor heat is desired. The wording in Notice No. 84–12 requires crew action separate from control movement before the mixture control can be moved toward the lean or cut-off position. The FAA finds that the proposed wording will accomplish the commenter's objective and § 23.1147 is adopted as proposed.

One commenter suggests requiring either carburetor heat or mixture control to have quadrant motion like a throttle to prevent confusion. The FAA does not agree. The rules do not require throttles to have "quadrant motion" and the FAA has determined that the distance specification and separate and distinct motion required in proposed § 23.1147(b) provides an acceptable level of safety. Therefore, § 23.1147(b) is adopted as proposed.

One commenter suggests that a separate and distinct operation be required to move any powerplant control in a direction that would reduce power by inadvertent action. The FAA does not agree. Rejected takeoff and other emergency conditions occur that require quick reduction of power for safety reasons. Therefore, this suggestion is not incorporated in this rulemaking action.

One commenter suggests inclusion of the primer or choke in this rulemaking action. The FAA does not agree. Primer or choke are not used during flight. Therefore, this suggestion is not incorporated in this rulemaking.

One commenter addresses inadvertent landing gear retraction, but does not make a recommendation. The FAA did not propose any substantive change to landing gear or flap control requirements in Notice No. 84–12. Since this comment is beyond the scope of the notice, no action is taken on this suggestion.

Two commenters suggest a specification for motion and effect of the fuel selector handle. A recent amendment to § 23.995 (Amendment 23–29, 49 FR 6832; February 23, 1984) addresses concerns about separate and distinct action required to place the fuel selector handle in the "off" position and to preclude passing through the "off" position when changing from one tank to another. Redesignated § 23.777(h) is amended to include a reference to § 23.995 in this rulemaking action. Although fuel tank selectors were not addressed in the proposal to amend § 23.779(b)(2), the FAA agrees that motion and effect of the fuel tank selector should be standardized with other auxiliary cockpit controls to reduce the incidence of inadvertent selection of the wrong fuel tank. Therefore, § 23.779(b)(2), as adopted, requires motion of the fuel tank selector to the right to select right tanks and to the left to select left tanks.

One commenter suggests reviewing indication systems (warning, caution, and advisory lights), with a view toward developing improved advisory material. Such action is beyond the scope of Notice No. 84–12. Therefore, no action is taken on this suggestion in this rulemaking action.

One commenter suggests that Notice No. 84–12 should not apply to rotary wing aircraft and particularly small gyrocopters. The FAA agrees and points out that this Notice No. 84–12 applies only to airplanes certificated to the requirements of Part 23. There was no intent to address rotary wing aircraft in this notice. This commenter also recommends that this rulemaking action be consistent with military standards and specifications. The FAA does not agree and points out that the military procurement process is mission oriented and totally independent of the FAA rulemaking process.

One commenter recommended that FAA issue a new NPRM, apart from or as part of the Part 23 Airworthiness Review, taking into account the Part 23 Review Conference proposals, conference transcript, and the comments submitted to the docket for NPRM No. 84–12. Review conference proposals 277, 278, 279, and 280 addressed issues raised in Notice No. 84–12.

Notice No. 84–12's comment period was scheduled to close October 12, 1984, but was extended by Notice No. 84–12A (49 FR 40186; October 15, 1984) to November 12, 1984, to permit commenters the opportunity to submit more comprehensive comments to the docket resulting from conference proposals 277, 278, 279, and 280.

The conference chairman directed that the transcript of the conference discussions on these proposals be placed in Docket No. 24191 for Notice No. 84–12 and asked that everybody who commented at the conference reduce their comments to writing and submit them to the FAA docket for Notice No. 84–12.

A review of this commenter's comments to the docket and the conference transcript reveals that all issues raised in the conference discussion are addressed in this action. The comments received in the docket and the conference discussions support the finding that a significant increase in the level of safety with little or no increase in cost will result from adopting these standards and do not support a finding that a new NPRM should be issued as suggested. Therefore, this final action is being taken. This action also completes action on review conference proposals 277, 278, 279, and 280.

Economic Evaluation

In determining compliance with Executive Order 12291 (46 FR 13193; February 19, 1981), the FAA has concluded that the amendment will not require any additional cockpit controls or equipment in the airplane design. It only requires standardization of the relative location and motion of the affected controls in new designs. Because such standardization will result in minimal cost impact, the FAA has determined that it will not be a major rule since it will not have an annual effect on the economy of 100 million dollars or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Determination

In addition to the reasons discussed earlier, the regulatory impact of showing compliance with this requirement is minimal in that it does not require any additional cockpit controls. It only requires standardized relative location and motion-and-effect of control movement for those controls affected in newly designed airplanes. The cost is no greater to design and manufacture standardized cockpit controls for a new airplane design. For these reasons, this final rule is not expected to have a significant economic impact on a substantial number of small entities, and a Regulatory Flexibility Analysis has not been prepared.

Conclusion.

The FAA has determined that this amendment is not a major rule under the provisions of Executive Order 12291, and is not significant under the provisions of the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For the reasons discussed earlier, the FAA certifies that the amendment will not have a significant economic impact on a substantial number of small entities under provisions of the Regulatory Flexibility Act. In addition, this amendment will have little or no impact on trade opportunities for U.S. firms doing business overseas, or for foreign firms doing business in the United States. The draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subject in 14 CFR Part 23

Aircraft, Aviation safety, Air transportation, Safety, Tires.

Adoption of the Amendment

PART 23—[AMENDED]

Accordingly, Part 23 of the Federal Aviation Regulations (14 CFR Part 23) is amended as follows:

1. The Authority Citation for Part 23 is revised to read as follows and the authority citations following all sections in Part 23 are removed:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. Section 23.777 is amended by redesignating paragraph (c) as (e) and adding paragraphs (1) and (2); by redesignating (d) as (f), (e) as (g), and (f) as (h), by adding new paragraphs (c) and (d); and by amending redesignated paragraph (h) introductory text by inserting the phrase "comply with § 23.995 and" between "must" and "be", and adding new paragraphs (1), (2), (3), and (4) to read as follows:

§ 23.777 Cockpit controls.

* * * * *

(c) Powerplant controls must be located—

(1) For multiengine airplanes, on the pedestal or overhead at or near the center of the cockpit;

(2) For tandem seated single-engine airplanes, on the left side console or instrument panel;

(3) For other single-engine airplanes at or near the center of the cockpit, on the pedestal, instrument panel, or overhead; and

(4) For airplanes, with side-by-side pilot seats and with two sets of powerplant controls, on left and right consoles.

(d) The control location order from left to right must be power (thrust) lever, propeller (rpm control), and mixture control (condition lever and fuel cutoff for turbine-powered airplanes). Power (thrust) levers must be at least one inch higher or longer to make them more prominent than propeller (rpm control) or mixture controls. Carburetor heat or alternate air control must be to the left of the throttle or at least eight inches from the mixture control when located other than on a pedestal. Carburetor heat or alternate air control, when located on a pedestal must be aft or below the power (thrust) lever. Supercharger controls must be located below or aft of the propeller controls. Airplanes with tandem seating or single-place airplanes may utilize control locations on the left side of the cabin compartment; however, location order from left to right must be power (thrust) lever, propeller (rpm control) and mixture control.

(e) * * *

(1) Conventional multiengine powerplant controls must be located so that the left control(s) operates the left engines(s) and the right control(s) operates the right engine(s).

(2) On twin-engine airplanes with front and rear engine locations (tandem), the left powerplant controls must operate the front engine and the right powerplant controls must operate the rear engine.

* * * * *

(h) * * *

(1) For a mechanical fuel selector:

(i) The indication of the selected fuel valve position must be by means of a pointer and must provide positive identification and feel (detent, etc.) of the selected position.

(ii) The position indicator pointer must be located at the part of the handle that is the maximum dimension of the handle measured from the center of rotation.

(2) For electrical or electronic fuel selector:

(i) Digital controls or electrical switches must be properly labelled.

(ii) Means must be provided to indicate to the flight crew the tank or function selected. Selector switch position is not acceptable as a means of indication. The "off" or "closed" position must be indicated in red.

(3) If the fuel valve selector handle or electrical or digital selection is also a fuel shut-off selector, the off position marking must be colored red. If a separate emergency shut-off means is provided, it also must be colored red.

3. Section 23.779 is revised to read as follows:

§ 23.779 Motion and effect of cockpit controls.

Cockpit controls must be designed so that they operate in accordance with the following movement and actuation:

(a) Aerodynamic controls:

	Motion and effect
(1) *Primary controls:*	
Aileron	Right (clockwise) for right wing down.
Elevator	Rearward for nose up.
Rudder	Right pedal forward for nose right.
(2) *Secondary controls:*	
Flaps (or auxiliary lift devices).	Forward or up for flaps up or auxiliary device stowed; rearward or down for flaps down or auxiliary device deployed.
Trim tabs (or equivalent).	Switch motion or mechanical rotation of control to produce similar rotation of the airplane about an axis parallel to the axis control. Axis of roll trim control may be displaced to accommodate comfortable actuation by the pilot. For single-engine airplanes, direction of pilot's hand movement must be in the same sense as airplane response for rudder trim if only a portion of a rotational element is accessible.

(b) Powerplant and auxiliary controls:

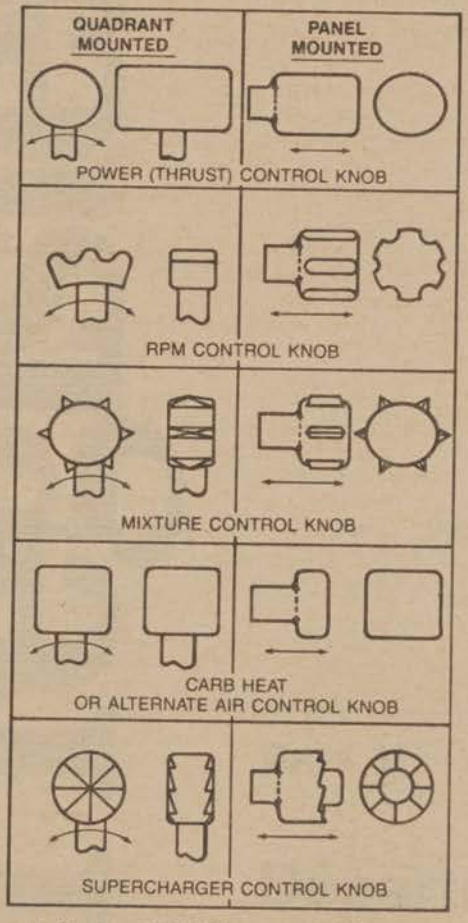
	Motion and effect
(1) *Powerplant controls:*	
Power (thrust) lever.	Forward to increase forward thrust and rearward to increase rearward thrust.
Propellers	Forward to increase rpm.
Mixture	Forward or upward for rich.
Carburetor, air heat or alternate air.	Forward or upward for cold.
Supercharger.	Forward or upward for low blower.
Turbosuperchargers.	Forward, upward, or clockwise to increase pressure.
Rotary controls.	Clockwise from off to full on.
(2) *Auxiliary controls:*	
Fuel tank selector.	Right for right tanks, left for left tanks.
Landing gear.	Down to extend.
Speed brakes.	Aft to extend.

4. Section 23.781 is amended by designating the existing requirement as paragraph (a) and changing "Cockpit" in paragraph (a) to "Flap and landing gear"; and by adding a new paragraph (b) to read:

§ 23.781 Cockpit control knob shape.

* * * * *

(b) Powerplant control knobs must conform to the general shapes (but not necessarily the exact sizes or specific proportions) in the following figure:



5. Section 23.1147 is amended by redesignating the last sentence of the first paragraph as (a); redesignating (a) and (b) as paragraphs (1) and (2) under new paragraph (a); and by adding a new (b) to read as follows:

§ 23.1147 Mixture controls.

* * * * *

(b) The controls must require a separate and distinct operation to move the control toward lean or shut-off position.

Issued in Washington, DC on July 7, 1986.

Donald D. Engen,

Administrator.

[FR Doc. 86-15567 Filed 7-23-86; 8:45 am]

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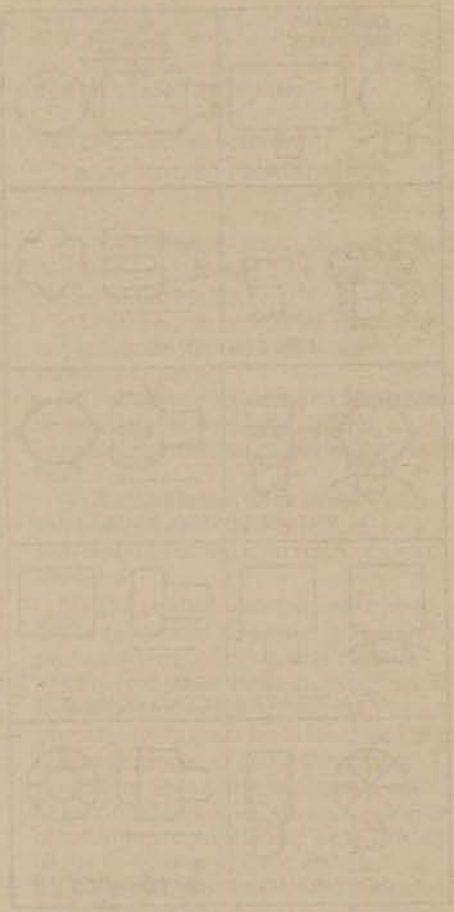

federal register

Thursday
July 24, 1986

Part V

Department of Labor

Occupational Safety and Health Administration

29 CFR Part 1910

Health and Safety Standards; Occupational Exposures to Toxic Substances in Laboratories; Proposed Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-150]

Occupational Exposures to Toxic Substances in Laboratories

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

ACTION: Proposed rule.

SUMMARY: By this notice the Occupational Safety and Health Administration (OSHA) proposes that laboratories in which toxic substances are used be subject to the provisions of the proposed standard in lieu of the various substance-specific and air contaminants standards of 29 CFR Part 1910, Subpart Z. In addition, the proposed standard will apply to the laboratory use of other toxic substances, as defined herein, which are not currently regulated by OSHA. The proposed standard is a performance standard that requires continued compliance with permissible exposure limits (PELS) specified by the Subpart Z standards, but eliminates most other requirements of those standards. The proposed standard does not result from any newly—discovered evidence of unusual or dramatic risk in laboratories, but rather from the need to address existing risks in a more appropriate manner than has been done in the past. The proposed standard provides a more cost effective and rational approach for achieving worker protection. It removes requirements which are inappropriate to laboratories, requiring instead the formulation and implementation of a Chemical Hygiene Plan which is reasonably designed to avoid overexposures to toxic substances, thus ensuring the use of safe work practices and procedures. OSHA believes that promulgation of this standard will result in substantial cost savings with no diminution of laboratory employee health protection. Employers are not required either explicitly or implicitly to conduct toxicological testing or extensive literature searches to determine the toxicity of substances covered by this standard. The objective of the standard is to provide uniform requirements for the use of toxic substances in the laboratory workplace which, because of its unique characteristics, requires special regulatory treatment. The proposed standard has been developed in part on the basis of the Request for Comments and Information of April 14, 1981 (46 FR 21785).

DATE: Comments and requests for a hearing must be postmarked on or before October 22, 1986.

ADDRESSES: Written comments should be submitted in quadruplicate to the Docket Officer, Occupational Safety and Health Administration, Docket No. H-150, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Requests for a hearing should be sent to Mr. Tom Hall, Division of Consumer Affairs, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number: (202) 523-8615.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Department of Labor, OSHA, Office of Public Affairs, Room N-3641, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number: (202) 523-8151.

SUPPLEMENTARY INFORMATION:

I. General

This preamble discusses the events leading to the proposal, the unique characteristics of the laboratory workplace, the application of current OSHA regulations to laboratories, health effects from laboratory exposure to toxic substances, comments in response to the Request for Comments and Information, technological and economic feasibility and the rationale behind the specific provisions set forth in the proposed standard.

This proposed standard would apply to all employment in laboratory workplaces as defined herein. The 25 States with their own OSHA-approved occupational safety and health plans must adopt a comparable standard within six months of publication of a final rule. The States are: Alaska, Arizona, California, Connecticut, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New York, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, Wyoming. For New York and Connecticut, plans cover only state and local government employees. Until such time as a State standard is promulgated, Federal OSHA will provide interim enforcement assistance, as appropriate, in these States.

Public comment on the data discussed in this Notice and other relevant issues is requested for the purpose of assisting OSHA in its development of the final laboratory standard. OSHA also requests that interested parties submit any pertinent health data not discussed in this Notice.

II. Pertinent Legal Authority

Authority for issuance of this standard is found primarily in sections 6(b), 8(c), and 8(g)(2) of the OSH Act, 29 U.S.C. 655(b), 657(c), and 657(g)(2). Section 6(b)(5) governs the issuance of occupational safety and health standards dealing with toxic materials or harmful physical agents. Section 3(8) of the Act, 29 U.S.C. 652(8), defines an occupational safety and health standard as:

> [A] standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

This proposed standard is also issued pursuant to section 6(b)(8) of the Act. This section provides as follows:

> Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall, at the same time, publish in the **Federal Register** a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

This proposal better effectuates the purposes of the Act because it acknowledges the unique characteristics of the laboratory workplace and reflects a more reasonable approach to regulating toxic substances in the laboratory than the approach taken in the General Industry standards in 29 CFR Part 1910, Subpart Z. This proposal does not eliminate the requirement to maintain exposures below the applicable PELs and, therefore, does not reduce worker protection but only changes the methods of achieving it.

Authority to issue this standard is also found in section 8(c) of the Act. In general, this section empowers the Secretary to require employers to make, keep, and preserve records regarding activities related to the Act. Provisions of OSHA standards which require the making and maintenance of records of medical examinations and the like are issued pursuant to section 8(c) of the Act.

The Secretary's authority to issue this proposed standard is further supported by the general rulemaking authority granted in section 8(g)(2) of the Act. This section empowers the Secretary to "prescribe such rules and regulations as he may deem necessary to carry out [his] responsibilities under [the] Act," in this case as part of, or ancillary to, a section 6(b) standard. The Secretary's responsibilities under the Act are

defined largely by its enumerated purposes, which include:

encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions (29 U.S.C. 651(b)(1));
authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act (29 U.S.C. 651(b)(3));
building upon advances already made through employer and employee initiative for providing safe and healthful working conditions (29 U.S.C. 651(b)(4);
providing for the development and promulgation of occupational safety and health standards (29 U.S.C. 651(b)(9));
providing for appropriate reporting procedures . . . which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem (29 U.S.C. 651(b)(12));
exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions . . . (29 U.S.C. 651(b)(6));
encouraging joint labor-management efforts to reduce injuries and diseases arising out of employment (29 U.S.C. 651(b)(13)); and
developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems (29 U.S.C. 651(b)(5)).

Because the laboratory standard is reasonably related to these statutory goals the Secretary finds this standard necessary to carry out his responsibilities under the Act.

III. Current Standards and Their Application to Laboratories

OSHA presently regulates employee exposure to toxic substances under the General Industry health standards which are codified in 29 CFR Part 1910, Subpart Z. These standards include: The air contaminants (§1910.1000, Tables Z–1, Z–2, and Z–3); single substance standards for which there are permissible exposure limits (§§ 1910.1001 and 1910.1017 *et seq.*); and single substance standards for which there are no PELs (§§1910.1003–1910.1016).

The tables in the air contaminants standard, §1910.1000, set PEL for approximately 400 substances. The standard specifies that compliance with the PELs is to be achieved by administrative or engineering controls whenever feasible. If such controls are not feasible, protective equipment or other measures must be used.

The single substance standards include detailed provisions covering such practices as monitoring, medical surveillance, recordkeeping, and training. All of these standards, except for §§1910.1003–1910.1016, apply to laboratory workplaces as well as other occupational environments. The 13 standards in §§1910.1003–1910.1016 are not applicable to laboratories by virtue of the decision by the United States Court of Appeals for the Third Circuit in *Synthetic Organic Chemical Manufacturers Association v. Brennan*, 506 F.2d 385 (3d Cir. 1974), *cert, denied* 423 U.S. 830. In that case, the court ruled that laboratories to which special provisions of those standards were to apply, were not given adequate notice of OSHA's rulemaking proceedings.

Other standards which currently apply to laboratories are those covering access to employee exposure and medical records (§1910.20) and hazard communication (§1910.1200). The latter standard applies only to those laboratories included under SIC codes 20–39 (manufacturing). Moreover, it applies to laboratories mainly with respect to its training requirements.

In the OSHA Hazard Communication Standard, the question was raised as to whether laboratories should be included in its scope. The final Hazard Communication Standard exempts laboratories from its labeling and MSDS requirements (except that labels cannot be removed or defaced and Material Safety Data Sheets (MSDS's) are to be maintained and kept accessible to employees). Laboratories were, however, kept subject to the training and education requirements. Because the scope of the Hazard Communication Standard is limited to those establishments which are in manufacturing (SIC codes 20–39), fewer than half of the laboratories which will be covered by this proposed standard would also be covered by the Hazard Communication Standard, based on the industrial profile obtained for the laboratory standard from OSHA's contractor (Ex. 7–11). With respect to those that are covered, it is proposed that they be subject to the training and education provisions of this proposed standard rather than to those of the Hazard Communication Standard. (However, the hazard communication requirements that incoming labels not be removed or defaced and that incoming MSDS's be retained will continue to stand.) The training and education requirements of both standards are similar in intent but the provisions of this standard are generally more relevant and specific to laboratories.

The Hazard Communication Standard's training and education requirements include provisions for methods and observations used to detect the presence or release of a hazardous chemical. Also included is the requirement to provide employees with details of the employer's hazard communication program. These provisions are considered irrelevant to the situations in laboratories covered by this proposal. In particular, since the Hazard Communication Standard was written to pertain to laboratories only in respect to training itself, there are no other program elements to inform workers about. Other differences in the training provisions of the two standards further reinforce the stronger appropriateness of those of this proposed standard. The Hazard Communication Standard requires training on the physical and health hazards of chemicals in the work area whereas this laboratory proposal requires only that the employee be informed of available reference material on the hazards, a more appropriate provision in view of the number of chemicals likely to be used and the qualifications of the personnel. Both standards contain provisions regarding training in the use of protective equipment and engineering procedures. However, only the laboratory standard makes specific training reference to the Chemical Hygiene Plan; to the standard itself with its appendices; to employer policies and other information which are relevant to employee protection but are not included in the Chemical Hygiene Plan; and to PELs for OSHA-regulated substances. The number and nature of the foregoing differences provide the basis upon which OSHA proposes precedence of this standard. OSHA is, however, interested in comments on the appropriateness of this approach. Specifically, OSHA solicits comment on the question of whether the training and education sections of this standard should more closely mirror the provisions of the Hazard Communication Standard.

IV. Background for This Action

Since 1973, when the Agency began rulemaking for 14 carcinogens, (one standard was subsequently vacated) laboratories have sought different regulatory treatment based on the unique characteristics of their workplaces. In the preamble to the standard which regulated those 14 substances, it was noted that "[n]umerous objections, have been made to the proposal for the identical treatment of industrial use and

laboratory use of the carcinogens." (39 FR 3787 January 29, 1974). Essentially, the objections were that: Laboratories use very small amounts of the substances; laboratory work is done by, or under the direction of, highly trained personnel; and in the absence of an exemption or other special consideration, the standard would obstruct, and possibly prevent much research including cancer research.

In view of these objections, OSHA wrote special provisions with respect to laboratory activities. The provisions were derived from the Minimum Safety Guidelines for Research in Cancer (Part 1, For Research Involving Chemical Carcinogens), prepared in draft form by the Cancer Research Safety Committee of the National Cancer Institute and were to apply to research and quality control laboratories. As noted above, however, these provisions were vacated because the affected parties were not given sufficient notice and opportunity to comment on them.

In 1977, when OSHA began rulemaking proceedings for a proposed Cancer Policy the issue of different treatment for laboratories was raised again. At the time, OSHA received comments from academic institutions and scientific organizations which expressed concern about the potential impact of the Cancer Policy on the conduct of instructional and research activities, especially for cancer research. The commenters urged OSHA to either exclude laboratories from the requirements of the proposed policy or develop a different approach for the protection of laboratory workers. Arguments for different treatment or an exemption from the Cancer Policy included some of the same arguments raised in 1973: Research laboratories use very small quantities of carcinogens at any one time; exposures are brief and infrequent; the need to use particular substances is often difficult to predict in advance; generally, research laboratories are staffed by highly trained personnel; the requirements would impede cancer research; and compliance would be unreasonably expensive. (45 FR 5201, January 22, 1980).

At the time, OSHA decided to include laboratories within the scope of the proposed Cancer Policy. The Agency noted, however, that the approach of protecting laboratory workers with good procedures and practices may be preferable to monitoring each substance. OSHA also stated that the procedures for regulating potential carcinogens for laboratories may be modified or waived as circumstances may warrant for a specific potential occupational carcinogen. (45 FR 5202).

Following publication of the Cancer Policy, representatives of the laboratory community indicated concern about the impact that the provisions of the Cancer Policy could have on laboratory operations. Informal groups of laboratory experts were formed to study the problems posed by the Cancer Policy as it applied to laboratories. OSHA was made aware of these informal group discussions. On several occasions, OSHA met with members of one such group which included representatives of a cross section of various types of laboratory disciplines in industry, government and academia. Participants included representatives from the National Research Council, National Science Foundation and other government agencies, professional scientific organizations, chemical companies and universities.

OSHA welcomed the opportunity to meet with this group of interested scientists since it had stated in the Cancer Policy preamble its intention to pursue further the question of the appropriateness of the Cancer Policy provisions for laboratories.

After careful consideration of the input received from this group and others (OSHA also met with professional organizations representing clinical laboratories), OSHA decided that it was appropriate to take further action.

On April 14, 1981, OSHA published a request for comments and information about occupational health hazards of toxic chemicals in laboratories (46 FR 21785). This Notice solicited opinions on major issues which OSHA needed to address in deciding whether to develop a mandatory laboratory standard or non-mandatory guidelines. OSHA requested comments on the need for: monitoring exposure levels; medical surveillance; recordkeeping; handling waste; ventilation specifications; labeling; safety plans; training; maintenance; and other necessary work practices. OSHA received over 200 comments in response to its request for information. The affected parties who submitted comments included: corporations; academic institutions; professional societies; trade associations; concerned individuals; hospitals; medical centers; clinical laboratories; state, local and federal agencies; and labor unions.

Approximately one-third of the respondents recommended that OSHA publish a statement of desirable laboratory work practices as non-mandatory guidelines. A frequently expressed reason for this recommendation was that the great variation among laboratories and laboratory processes and the frequency with which these processes change would make it impossible to write a laboratory standard that would be generally applicable and would remain appropriate with the passage of time. For example, The Adhesive and Sealant Council, Inc. stated: "Standards . . . cannot accommodate situations that may arise after promulgation. Guidelines, on the other hand, provide every facility with the flexibility to handle employee exposure according to its own unique situation." (Ex 3–86).

There was substantial support for the approach taken in "Prudent Practices for Handling Hazardous Chemicals in Laboratories" or the "HHS Guidelines for the Laboratory Use of Chemical Carcinogens" as reasonable models to be used for any OSHA guidelines.

A significant number of comments referred to the professional expertise of laboratory employees as a reason for a non-mandatory approach. For example, the Weyerhaeuser Company commented:

> We must be willing to give the laboratory worker credit for his education, experience and judgment. There is no way the employer can effectively assume this responsibility. The company must be accountable for providing suitable management and facilities including engineering controls. (Ex. 3–57).

Approximately one-third of the respondents recommended that the work practices statement should be a mandatory standard, either for work with all toxic chemicals in laboratories or only for work with certain classes of chemicals such as carcinogens or those substances for which an OSHA standard is in effect. Some of these respondents pointed out that guidelines have been available from various sources for years but that many laboratories do not follow them and any OSHA action relying on voluntary compliance would have little effect. The California Association of Cytotechnologists commented as follows: "Non-mandatory regulations do not work. Laboratories have regulations currently available and do not implement them. Past practice strongly suggests the need for a mandatory approach." (Ex. 3–14).

The remaining one-third of the respondents recommended a variety of other actions including continuation of the standards as they currently exist.

There was general agreement that regardless of regulatory requirements, protection of laboratory workers must rely primarily on careful work practices

rather than on detailed procedures and equipment specifications for individual substances. In addition, a widely held view was that any standard issued by OSHA should emphasize the desired end results, allowing a large measure of flexibility as to how these results are achieved. The National Academy of Science represented this viewpoint in saying:

> Since it is impossible to design suitable regulations to cover all possible hazards and occurrences, we recommend general practices for the handling of almost all chemicals, rather than substance-specific procedures for each chemical. Further, we recommend a standard which is also general, specifying as mandatory only the end results to be achieved . . . (Ex. 3–32).

Some respondents acknowledged that insufficient care is now taken to prevent toxic exposures in many laboratories. The National Science Foundation stated: "There is widespread recognition in the scientific community of room for substantial improvement in laboratory safety practices." (Ex. 3–117).

Most of the respondents maintained that the special characteristics of the laboratory workplace justify special regulatory accommodations. For example, the American Council on Education stated: "Colleges and Universities . . . are not . . . asking to be exempted from the prevailing health and safety laws of this country, but are instead requesting that the regulations . . . recognize the diversity of laboratory situations and the unique aspects of colleges and universities." (Ex. 3–164).

In addition to OSHA, other government agencies and professional groups have considered the issue of exposures to toxic substances in laboratories. In December 1975, a planning group of the National Academy of Sciences concluded that there was a need for the National Research Council (NRC) to recommend procedures for safe handling and disposal of toxic substances in laboratories. The report that resulted from this decision, "Prudent Practices for Handling Hazardous Chemicals in Laboratories" (referred to below as "Prudent Practices") was published in 1981. It presents consensus recommendations by an expert committee which includes academic, industrial and government scientists. It includes both general guidelines for chemical health and safety and special recommendations for work substances of high chronic toxicity (including carcinogens).

In 1980, the Department of Health and Human Services (HHS) recognized the need for a Department policy for laboratory work with carcinogens. This recognition was based, in part, on the fact that use of hazardous carcinogenic substances was increasing rapidly in HHS laboratories which, in turn, reflected the increasing use of such substances in many important research areas both inside and outside the Department. As a result, a committee of laboratory experts affiliated with government, academic and private institutions was assembled and drafted recommendations entitled "Guidelines for the Laboratory Use of Chemical Carcinogens," (referred to below as "HHS guidelines"). Concurrently, and for the same reasons cited above, the National Institutes of Health (NIH) developed and published chemical hygiene recommendations (Ex. 7–1) entitled "NIH Guidelines for the Laboratory Use of Chemical Carcinogens." These guidelines are now being implemented for work with carcinogens in NIH laboratories.

As a consequence of the foregoing information, OSHA identified four alternatives. The first was to take no action and continue to require compliance with all provisions of the General Industry Standards. For reasons previously discussed, it was felt that this option provided neither a reasonable degree of flexibility appropriate to laboratories nor the most effective means of protection for laboratory workers.

The second alternative was to exempt laboratories from all requirements except to maintain exposure levels for toxic substances to or below those allowed in any OSHA standard. This option would certainly provide flexibility. However, without some sort of structure to assure that health considerations were accountably addressed, there was ample evidence in the record to demonstrate that a necessary level of protection would not likely be achieved. (Exs. 3–16, 3–35, 3–41, 3–71. 3–83 and 3–107). The third alternative was to exempt laboratories from all regulatory requirements, relying on voluntary compliance with recommended guidelines. Although laboratories have special workplace conditions which distinguish them from most industrial establishments, there is no reason to believe that they are so unusual that no occupational health hazards exist or that existing hazards will be successfully addressed on a purely voluntary basis. Indeed, the contrary is true as documented in the previous paragraph and in the section of this preamble which follows. Therefore, OSHA believes that neither the second nor the third alternative would adequately effectuate the purposes of the Act.

The fourth alternative was to design a special standard for laboratories which would be mandatory but which would be highly performance oriented and contain sufficient flexibility to provide a high degree of protection in a way appropriate to the laboratory workplace. This last alternative was the one selected by OSHA.

In arriving at its current proposal, OSHA again engaged in extensive communications with the informal working groups of laboratory experts previously mentioned. Members of these groups, along with representatives of employee unions and others were asked to review and comment on a preliminary draft of the proposal. The substance of these comments which were received informally was taken into account and incorporated to the extent feasible into this proposed standard. Comments are invited as to the appropriateness of this proposal and on the issue of whether one of the other specific alternatives listed above would be more appropriate.

V. The Need for a Separate Laboratory Standard

The proposed laboratory standard is designed to respond to the inherent differences between the industrial workplace and the laboratory setting. It is aimed at maintaining an equivalent or higher level of protection than would be achieved under the General Industry Standards, while allowing for more flexible and less burdensome compliance methods.

Employee exposure to toxic substances in the laboratory universe is currently regulated under Subpart Z of 29 CFR Part 1910 as part of the General Industry Standards. Subpart Z is directed primarily toward providing protection for employees engaged in activities involving exposure to a few toxic chemicals during relatively standardized, continuous, or repetitive processes. In laboratories, on the other hand, workers use many chemicals in a variety of procedures. The types and classes of toxic substances are more numerous and are used in smaller amounts. For example, Dr. Robert M. Coates, a Chemistry Professor and Safety Committee Chairman from the University of Illinois, estimates that the average laboratory worker is exposed to 50–200 chemicals, solvents, and solutions per day in the synthetic organic chemistry laboratory. (Ex. 3–27).

In laboratories, unlike in the industrial setting, both the chemicals and procedures used tend to change frequently and it is sometimes difficult to predict which chemicals and processes will be used in the near

future. The report from an American Chemical Society (ACS) survey (Ex. 7–2) entitled, "Survey of Laboratory Practices and Policies for Employee Protection from Exposure to Chemicals", indicates that 240 out of 525 laboratories could not determine their chemical needs even one month in advance. In addition, comments have noted that experimental laboratories engage in work which is unpredictable. For example, Princeton University commented: "the hazardous nature of certain compounds in the research laboratory, especially in a laboratory that is synthesizing new anti-tumor agents . . . cannot be known beforehand." (Ex. 3–72). Therefore, the imposition of rigid specification oriented standards may impede laboratory work when there is a change in the processes or substances used.

Another important distinction between laboratory and industrial workplaces is that laboratory workers and their supervisors are usually highly trained and have knowledge about the substances with which they work. Statistics from the ACS survey indicate that with respect to the highest education level achieved, 31.9% of all laboratory workers have bachelors degrees; 20.6% have masters degrees; and 20.9% have doctorates. By virtue of this professional training, it is clear that laboratory workers, as a group, have the knowledge and education to make themselves aware of the health and safety problems related to the substances with which they work. Furthermore, the laboratory employee is often in a better position than the employer to evaluate the hazard and to decide on protective measures to be taken. OSHA acknowledges, however, that this may not always be the case. As discussed in the preamble to the Hazard Communication Standard, there is some question as to whether laboratory workers actually make themselves as knowledgeable as they should be and some laboratory employees are not professionally trained. (48 FR 53287–9, Nov. 25, 1983)

The OSHA rulemaking record for benzene presents a specific example of the objections from the laboratory community regarding the identical regulatory treatment of laboratory and industrial use of benzene. For example, Mr. Thomas A. Yoder, of Eli Lilly and Company, commented:

> The nature of chemical research and other laboratory work implies the use of toxic materials. We believe that the same precautions taken with all toxic materials will adequately protect laboratory personnel from benzene.
>
> If laboratories must be regulated, then a single standard should be developed that applies to all toxic chemicals including carcinogens. (Ex. 6–28, OSHA Docket H–059).

The above comment and others (Exs. 218–12, 218–13) submitted to the benzene record suggest not only that laboratories are unique in their use of benzene but are sufficiently unique in the way that they use and handle all toxic substances to warrant separate regulations which are more appropriate to the laboratory situation.

For these and other reasons mentioned previously, OSHA accepts the view that the unique characteristics of the laboratory workplace require special regulatory treatment.

Despite the existence of the unique characteristics of laboratory workplaces, in actual practice incidents of acute adverse health effects resulting from exposures to toxic substances in laboratories do occur. Furthermore, some studies, discussed later in the preamble, have shown increased risks of certain types of disease for laboratory workers. In addition, although laboratory workers are, in general, a well educated workforce, there is evidence that many laboratories do not have health and safety programs. For example, the ACS survey indicated that 33.3% of academic laboratory workers are not involved in any safety training program. Moreover, because of the laboratory worker's exposure to numerous substances, albeit in small quantities, the combined effect of such exposures may have significant consequences.

The comment of Mr. Harold L. Althouse, an occupational safety and health consultant, indicates that substantial problems exist in the laboratory workplace. Mr. Althouse noted that he has observed the "blatant misuse of those same hazardous substances by individuals who were, by license or education, publicly perceived to know better!" (Ex. 3–35). Furthermore, he stated: "Engineering surveillance, particularly of hospital and related laboratories—whether research or clinical—indicates a general lack of knowledge regarding the safe practices applicable to the storage, usage, exposures and disposal of toxic . . . substances."

In view of the aforementioned considerations, a total exemption from OSHA regulations does not presently appear to OSHA, on the basis of information now before it, to be justified. A different regulatory approach, however, is justified by the unique characteristics of laboratories. The need recognized by authoritative bodies (such as the American Chemical Society, the National Research Council and the National Institutes of Health) for workplace practice programs in laboratories, specifically including special procedures for handling carcinogens, has led OSHA to propose a highly performance oriented mandatory standard. However, as indicated above, OSHA remains open to comments on other regulatory approaches.

OSHA believes, in addition, that it is important for standards to be cost-effective while maintaining a safe level of protection. Where an equivalent level of protection can be maintained in two ways, one of which is more clearly cost-effective than the other, OSHA feels that it is important to follow the most cost-effective approach. In the case of laboratories, OSHA believes that a performance standard which allows employers to develop and implement a chemical hygiene plan based on the characteristics of the specific laboratory is a more protective as well as a more cost-effective approach to controlling toxic substance exposures.

(Differences in the general approach between the proposed standard and typical provisions of OSHA's Subpart Z standards are detailed later in this preamble using the provisions of the acrylonitrile standard (§ 1910.1045) as an example.)

VI. Significance of Risk

The Supreme Court has said that section 3(8) applies to all permanent standards promulgated under the Act and requires the Secretary, before issuing any standard, to determine that it is reasonably necessary and appropriate to remedy a significant risk of material health impairment. *Industrial Union Department* v. *American Petroleum Institute*, 448 U.S. 607 (1980).

The "significant risk" determination constitutes a finding that, absent the change in practices mandated by the standard, the workplaces in question would be "unsafe" in the sense that workers would be threatened with a significant risk of harm. *Id.* at 642. This finding is not unlike the threshold finding that a substance is toxic or a physical agent is harmful. *Id.* at 643, n. 48. A significant risk finding, however, does not require mathematical precision or anything approaching scientific certainty if the "best available evidence" does not warrant that degree of proof. *Id.* at 655–656; 29 U.S.C. 655 (b)(5). Rather, the Agency may base its finding largely on policy considerations and has considerable leeway with the kinds of assumptions it applies in interpreting the data supporting it. *Id.*

After OSHA has determined that a significant risk exists and that such risk

can be reduced or eliminated by the proposed standard, it must set the standard "which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer a material impairment of health . . . ." section 6(b)(5) of the Act. The Supreme Court has interpreted this section to mean that OSHA must enact the most protective standard possible to eliminate a significant risk of material health impairment, subject to the constraints of technological and economic feasibility. *American Textile Manufacturers Institute, Inc.* v. Donovan, 452 U.S. 490 (1981). The Court held that "cost-benefit analysis is not required by the statute because feasibility analysis is." *Id* at 509.

OSHA has begun to develop a systematic approach to significant risk determination. This approach was introduced in the publication of the significant risk determination for arsenic (48 FR 1864, January 14, 1983). OSHA identified, in the arsenic case, five factors that comprised the basis of a significant risk determination. Those factors, however, were relevant to evaluating risks associated with specific substances. This proposal concerns risks in the laboratory workplace which could result from a large variety of substances and/or work conditions. Therefore, the methodology used in the arsenic risk determination may not be fully applicable for this proposal. OSHA is interested in any comments and information related to the arguments regarding risk determination presented in this proposal.

In the benzene decision, the Supreme Court indicated that a significant risk determination is not a "mathematical straitjacket." 448 U.S. at 655. The Court stated that although OSHA does not have to calculate the exact possibility of harm, it must find that a significant risk exists before it can characterize a place of employment as unsafe. *Id.* Furthermore, the Court recognized that OSHA's determination that a certain level of risk is significant will be based largely on policy considerations. OSHA need not support its significant risk finding with anything approaching scientific certainty. *Id.* at 656. The Court noted that there are several ways in which the Agency could judge the relative significance of risks associated with exposure to a particular carcinogen. It indicated that animal studies such as those in the record on the vinyl chloride standard and the 1974 standard regulating 14 carcinogens would be a sufficient basis for demonstrating significant risk, *Id.* at 657, n. 64.

This is a generic laboratory standard. Laboratories generally have many toxic substances present to which exposures are intermittent rather than a few substances to which there are regular exposures. Therefore the appropriate consideration is whether a significant risk would be present in laboratories without good laboratory practices rather than that of risk assessments for hundreds of chemicals present, an exercise likely to be impossible to perform. As discussed in detail below, OSHA's significant risk finding for this proposal is based on the following factors: Epidemiological information relating to disease and mortality rates among chemists; evidence from other OSHA rulemaking proceedings which show significant risks for specific substances which are used in the laboratory workplace; the general recognition by the regulated community that safe work practices are necessary to prevent adverse health effects; case report information about adverse health affects resulting from exposures to substances commonly used in laboratories; and relevant policy considerations. Having demonstrated that risk, the proposal focuses on safe work practices and procedures designed to ensure the safe handling and usage of toxic substances in laboratories. Such practices are reasonable and necessary to reduce the health risk of working with these substances.

In the absence of safe work practices, exposure to toxic substances in the laboratory presents a significant risk of material health impairment. None of the comments indicate that toxic substances do not pose a risk to laboratory workers. In fact, even with current standards in place, the very presence of such substances poses some risk. If standards that now apply to laboratories were withdrawn it is clear that the risk would increase. OSHA's intent in this proposal is to reduce significant risk by at least as much as current standards do, while regulating in a manner more appropriate to laboratories. Because the working conditions and exposures are of a different nature, the hazard should be regulated in a different way.

OSHA determined in the Hazard Communication Standard that it was appropriate to require certain procedural provisions for substances for which OSHA had not set an exposure limit. The basis for this determination was that this type of provision was much lesser in scope than setting an exposure limit, and that the appropriate legal analysis was the discussion by the Supreme Court of "backstop" provisions in *Industrial Union Dept. v. American Petroleum Institute.* (See the discussion at 48 FR 53296–9, 53321 and at 448 U.S. 697, 658.) This reasoning is equally appropriate for the inclusion of certain substances determined to be carcinogenic by IARC and NTP as a basis for coverage of laboratories by this standard. This standard sets no exposure limits for such substances and does not require the use of engineering controls. Its provisions are performance oriented and the basis for the standard is the existence of many chemicals in small quantities in laboratories.

The fact that many employers have implemented some type of work practices to control exposure to toxic substances, and carcinogens in particular, indicates the recognition of a potentially unsafe work environment. As discussed above, many corporations, academic institutions and government agencies have devised detailed guidelines for the handling of toxic substances. In particular, they have given carcinogens and suspected carcinogens special treatment. Thus, when commenters with active programs (eg., Exs. 3–79, 3–85, 3–108) argue that the safety and health records in their laboratories attest to the absence of risk, OSHA believes that these records really attest to the effectiveness of programs such as proposed in this standard in reducing the risks due to inherent existing hazards. It is precisely because these organizations implement strong safety and health programs that their records are as good as they are. This argument is heavily supported in the record by other industrial commenters (Exs. 3–29, 3–64, 3–145, 3–174). Moreover, among organizations without such programs, evidence in the record indicates that there may indeed be significant, if undocumented, risk (Exs. 3–35, 3–36, 3–83, 3–133, 3–146, 3–193).

There are five studies cited below on long-term effects of exposure to toxic substances in the laboratory. A study by Li *et al.* (Ex. 7–3), "Cancer Mortality Among Chemists," was based on data from 3,637 members of the American Chemical Society who died between 1948 and 1967. Li found a significantly higher proportion of deaths from cancer among male chemists ages 20–64, and age 64 and older, as compared to professional men in general. Li stated: "though not conclusive, [the study] raises the possibility that occupational exposure of chemists increases their risk of lymphoma and pancreatic cancer."

Robert Olin, of the Royal School of Technology, Stockholm, has done

several studies of disease and mortality among Swedish chemists. In a 1976 study (Ex. 7–4), "Leukemia and Hodgkin's Disease Among Swedish Chemistry Graduates," he traced 517 graduates; 58 had died, 22 from cancer, which were nine more than expected. Six cancer deaths were due to malignant lymphomas or leukemias, a significant increase over the 1.7 deaths expected from this cause. Olin noted a somewhat lower than expected incidence of lung cancer. Olin tried to investigate the type and extent of chemical exposure in the cohort by asking a senior professor to distinguish between persons who had done any type of laboratory work ("chemists") and those who had not ("non-chemists"). All but one of the 22 cancer deaths occurred in the "chemist" group and Olin concluded: "[it] strongly suggests that the difference in the neoplasm death rates of the two groups is at least partly attributable to work in chemical laboratories."

Another study by Olin (Ex. 7–5), "The Hazards of a Chemical Laboratory Environment: A Study of the Mortality in Two Cohorts of Swedish Chemists," indicated a tendency toward a lower overall death among chemists, but a higher mortality rate due to tumors. An increase in mortality due to leukemia, malignant lymphomas or urogenital tumors and possibly brain tumors was observed. Olin stated: "It is probable that employment in a chemical laboratory, and particularly in organic chemistry, is associated to some extent with the increase." A follow-up study by Olin published in 1980 revealed similar findings. (Ex. 7–6).

A study by Sheila K. Hoar (Ex. 7–7), "A Retrospective Cohort Study of Mortality and Cancer Incidence Among Chemists," was based on data from employees of the DuPont Company from 1964–1977. This study indicated that male chemists experienced a lower overall mortality rate than other salaried employees at DuPont. Chemists appeared to have a higher risk of death from malignancies of the colon, cerebrovascular disease and a higher incidence of melanoma and prostate cancer than non-chemists. Chemists, however, had a lower rate of lung cancer than non-chemists. Hoar noted that anticipated excesses of certain types of cancers shown in other studies were not observed "possibly because of the use of absolute mortality rates [rather than proportional rates], inadequate length of follow-up, exposure to hazardous chemicals by the referent group, or restriction of case identification to active employees."

The Hoar study indicated, in general, less of a risk associated with working in laboratories than did the other studies. The Hoar study further pointed out that if the results of the other studies, expressed as proportional rates, were adjusted to show standardized mortality rates apparent differences would be smaller but still present. Another explanation for the difference could be that DuPont followed better laboratory practices than did the laboratories covered by the first three studies. OSHA believes, based on the known existence of hazardous substances in laboratories; the probability of risk associated with the results of the foregoing studies; and evidence from other OSHA rulemaking proceedings, that there is sufficient evidence of significant risk of material health impairment to workers not protected by an appropriate standard to justify this standard under the OSH Act.

Although OSHA does not believe it is necessary to demonstrate significant risk on a substance by substance basis, it is useful to focus on some of the substances currently regulated by OSHA for which a significant risk determination has been or could be made. The fact that many laboratory workers are exposed to these substances supports the general significant risk showing for laboratories. In the benzene decision, the Supreme Court noted that: "in other proceedings, the Agency has had a good deal of data from animal experiments on which it could base a conclusion on the significance of risk." 448 U.S. at 657, n. 64. The Court then referred to findings in the rulemaking record for vinyl chloride, and bis chloromethyl ether. An extension of the Court's reasoning indicates that findings for some of the other substances regulated in the 1974 carcinogen standard also form a sufficient basis for a significant risk determination. For example, benzidine was demonstrated to be a carcinogen in experimental animals and, by virtue of epidemiologic investigations, carcinogenic in humans. Epidemiological studies conducted by Melick *et al.* and Koss *et al.* have established the potential of 4-aminodiphenyl to induce bladder cancer in humans. Recent studies on ethylene oxide indicate significant risk at levels as low as 1 part per million parts of air. (Final standard for Ethylene Oxide, (49 FR 25734, June 22, 1984).) The fact that there is a significant risk of material health impairment in the event of overexposure to many of the specific substances which OSHA regulates, and that these substances exist in the laboratory workplace, further supports a general finding of significant risk to laboratory workers not protected by an appropriate OSHA standard.

Another aspect of the significant risk argument is case report evidence of toxic exposures in laboratories. For example, the comment on behalf of the California Association of Cytotechnologists (CAC) indicates that xylene exposure is a substantial problem among laboratory workers. In a 1979 survey investigating xylene exposure among its members, out of 70 responses, 59% felt that their ventilation was inadequate, 22.6% had no exhaust system, and 43% stated that their system had never been inspected. (Ex. 3–41). Also included with the CAC comment was an article by Roberta N. Hipolito which documents five case studies of xylene poisoning in laboratory workers. A xylene study of 71 workers in 15 laboratories indicated that there were 170 health complaints among the group. In addition, 45.5% thought they experienced significant xylene exposure and 14% considered changing jobs due to xylene exposure.

The potential for, and effects of, exposure to xylene, as well as formaldehyde, chloroform, toluene, and methyl methacrylate, among employees in histocytology, cytology and surgical pathology laboratories has recently been the subject of several National Institute for Occupational Safety and Health (NIOSH) health hazard evaluations. NIOSH responded to requests from concerned institutions to evaluate exposure to these substances following employee complaints including respiratory and behavioral symptoms which were believed to be associated with workplace exposures. Both environmental and medical data were obtained during these investigations. Under the conditions observed, NIOSH, in several instances, determined that a health hazard did exist to employees exposed to certain of these substances. Major contributors to the hazardous conditions included ineffective exhaust ventilation and poor work practices. (Ex. 7–8).

An article in *International Laboratory* cites examples of injury from toxic chemical exposure in the laboratory which range from dermatitis to fatal pulmonary edema. The author, a research chemist with the Centers for Disease Control, U.S. Department of Health and Human Services, explains that these examples demonstrate at least three important points:

First, exposure to toxic agents in the laboratory can have severe consequences, including death; second, these injuries can occur in any type of laboratory where toxic

chemicals are handled; and third and most important, most of all the injuries are preventable. If these people had had the proper equipment, if they had been using the proper techniques and if they had had adequate knowledge, these exposures probably would not have occurred. (Ex. 7–9).

In addition, the risk posed by exposure to toxic substances in the laboratory is that workers are often exposed to a mixture of hazardous substances which may produce a variety of toxic reactions. In particular, such reactions may be additive or synergistic. This situation was recognized by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1963 when it adopted its formula to compute exposure to chemical mixtures. OSHA incorporated this formula into its air contaminants standard, 29 CFR 1910.1000(d)(2)(i) in 1971.

Because such mixed exposures may be more common in laboratories than in most other workplaces (see, for example, Exs. 3–27, 3–29, 3–107), any possible synergistic effects could pose a greater risk to laboratory workers than the risk posed to workers exposed to the same substances singly.

Based on the factors discussed above, OSHA feels that exposure to toxic substances in laboratories poses a significant risk of material health impairment, in the absence of the safe work practices and other provisions of this proposal. Therefore, the provisions of this proposed standard are reasonably necessary to reduce or eliminate that significant risk. OSHA requests additional information in the form of documented studies or case reports which relate to the foregoing argument.

VII. Summary of the Regulatory Impact Assessment, Regulatory Flexibility Assessment, and Paperwork Reduction Act Clearance Introduction

OSHA has determined that this proposed standard will provide a more cost-effective alternative for the regulation of toxic substances in laboratories than the current single substance General Industry Standards. A significant cost savings can be achieved through the use of work practices and administrative controls appropriate to individual laboratory settings. This in turn is expected to result in both enhanced worker health and removal of potential obstacles to beneficial research.

Executive Order 12291 (46 FR 13197, February 19, 1981) requires that a regulatory analysis be conducted for any rule having major economic consequences on the national economy, individual industries, geographical regions, or levels of government. In addition, the Regulatory Flexibility Act of 1980 (Pub. L. 96–353, 94 Stat. 1164 (5 U.S.C. 601 *et seq.*)) requires the Occupational Safety and Health Administration (OSHA) to determine whether the proposed regulation will have a significant economic impact on a substantial number of small entities.

Consistent with these requirements, OSHA has prepared a Preliminary Regulatory Impact and Regulatory Flexibility Assessment for the proposed laboratory standard. (Ex. 7–10). This analysis includes a profile of the universe to be covered by the standard, the cost of compliance with the present General Industry Standards, the cost of compliance with the proposed standard, the technological flexibility of the proposed standard, and an estimate of some of the potential benefits that are expected to accrue to laboratory employees. The complete analysis, as summarized in this section, is based on data and information provided by Booz-Allen & Hamilton Inc. in the *Profile of Laboratories with the Potential for Exposure to Toxic Substances* (Ex. 7–11) and the *Draft Laboratory Impact Analysis.* (Ex. 7–12).

The Secretary has determined that this action would not be a "major rule" as defined by Section 1(b) of Executive Order 12291 as it will not have an annual effect on the economy of $100 million or more, cause major increases in costs or prices, or have any other significant adverse effects. OSHA has determined that this action will not have a significant adverse impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. Due to a lack of published disaggregate data on small laboratories. OSHA seeks additional information and comments on the extent of any burdens which small firms can expect as a result of the proposal. The Preliminary Regulatory Impact Assessment and Regulatory Flexibility document are available for inspection and copying in the rulemaking docket.

Paperwork Reduction Act Clearance

On March 31, 1983, the Office of Management and Budget (OMB) published a new 5 CFR Part 1320, implementing the information collection provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* (48 FR 13666). Part 1320, which became effective on April 30, 1983, sets forth procedures for agencies to follow in obtaining OMB clearance for collection of information requirements in proposed and final rules. In particular, § 1320.13 requires agencies to submit information requirements contained in proposed rules to OMB not later than the date of publication of the proposal in the **Federal Register.** It also requires agencies to include a statement in the notice of proposed rulemaking, indicating that such information requirements have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act.

The provisions of the proposed standard requiring Paperwork Reduction Act clearance are part of the overall chemical hygiene plan and include development of the plan, emergency procedures, exposure evaluations, medical consultations/examinations, and the creation of the associated records. In addition, the non-mandatory appendix provides an example of an acceptable chemical hygiene plan that includes items which would also fall under the purview of the Paperwork Reduction Act such as inventory and procurement records, signs and labels, and a waste disposal plan.

In accordance with the provisions of the Paperwork Reduction Act and the regulations issued pursuant thereto, OSHA certifies that it has submitted the information collection requirements contained in its proposed rule on employee exposure to toxic substances in laboratories to OMB for review under section 3504(h) of that Act. Comments on these information collection requirements may be submitted by interested persons to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for OSHA.

Summary of Industry Profile and Costs

OSHA's information indicates that the proposed laboratory standard could potentially affect approximately one million employees in over 74,000 laboratories. Laboratories that would fall within the scope of this standard can be classified generally as industrial, clinical, and academic. Within these major categories, subcategories have been established for the purposes of determining potential impacts. There are approximately 40,000 quality control labs, 10,000 captive R&D and testing labs, and 2,500 independent labs in the industrial category. Of the clinical labs, there are 7,100 in hospitals and 7,600 independent labs. In the academic sector it is estimated that there are 1,200 labs in private post secondary schools, 5,600 in private secondary schools, and 214 in private professional schools.

It should be noted that this standard would ultimately have an effect on certain laboratories in public institutions in those states with public employee programs; however, OSHA does not have data available as to the actual

number of these laboratories at this time.

OSHA has examined the annualized costs (in 1982 dollars) of compliance under the existing General Industry Standards and for the proposed standard. These costs were determined for all affected laboratory categories and were based on an estimate of the current level of compliance. Costs are broken down in the regulatory analysis by individual provision, such as development of chemical hygiene plans, employee training, personal monitoring, medical surveillance or consultation and protective clothing. Since the standard will not require the installation of any new engineering controls beyond those presently in existence in most laboratories, a cost factor is not anticipated for any engineering controls.

OSHA estimates that the total annualized costs to achieve full compliance would be $95.9 million under the current General Industry Standards compared to $6.3 million for the proposed standard resulting in a net savings of $89.6 million through the adoption of this standard. A large portion of the most costly items required in the proposal are currently in place in laboratories. For example, fume hoods and protective clothing are commonly found in use in nearly all laboratories. In the Preliminary Regulatory Impact Analysis (Ex. 7–10), it is shown that more than 80 percent of the laboratories likely to be covered by the proposed standard are currently in compliance with the major requirements of the Chemical Hygiene Plan included in this proposal. The exception are smaller laboratories such as certain quality control laboratories. The group medical practice, dental and veterinary laboratories that are being excluded from coverage under the proposed standard did not generally have a high rate of current compliance with the proposal and thus would have incurred higher costs under the proposed standard than under the General Industry Standards. Therefore, for these types of establishments, development of a Chemical Hygiene Plan will result in a modest cost increase. The proposed standard will in general result in significant cost savings for larger laboratories with health and safety programs currently in place. The total annualized costs by laboratory category are:

TABLE 1.—TOTAL ANNUALIZED COSTS BY LABORATORY CATEGORY

Laboratory	General industry		Proposed standard		
	Per employee	Total (000)	Per employee	Total (000)	Cost savings total (000)
Industrial					
Independent Test	$ 82	$ 4,077	$ 12	$ 600	$ 3,477
R&D	72	35,860	<1	200	35,660
Quality Control	2	360	4	595	(235)
Subtotal		40,297		1,395	38,902
Clinical					
Hospital	153	23,494	1	199	23,295
Independent Clinic	188	19,388	2	219	19,169
Subtotal		42,882		418	42,464
Academic					
Post Secondary	99	5,341	22	1,213	4,128
Secondary	334	4,340	251	3,258	1,082
Professional	51	3,086	<1	11	3,075
Subtotal		12,767		4,482	8,285
Total[1]		$95,946		$6,296	89,650

SOURCE: U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis, May 1983. (Ex. 7-10)
( ) denotes a cost increase.
[1] Totals do not add due to rounding.

Under the General Industry Standards the average cost is $1293 per laboratory and $88 per worker at risk; whereas, under the proposed standard the average costs are $85 and $6, respectively. Even if benefits were not to increase, a constant level of health benefits would make the proposed standard 15 times more cost-effective than the current standards.

It is not expected that the costs of the proposed standard would have a negative impact on the viability of the entities in any of the laboratory categories, or on employment, balance of payments, inflation, or any geographical area.

Summary of Benefits

The proposed laboratory standard differs from many OSHA regulations in that it does not establish new exposure limits but is instead a performance standard which is designed to protect laboratory workers from potential hazards in their work environment. At the same time, it will permit a greater degree of flexibility to laboratories in developing and implementing the most cost-effective safety and health programs. Benefits of the proposed standard are expected to result from: Improved actions by workers as a result of increased awareness of potential risks, reduction in the incidence and level of exposures to toxic substances due to use of good work practices, reduction in hazards presented by non-regulated substances due to these improved work practices, improved protection against substances of known carcinogenic potential, and reduction in the incidence and level of toxic exposures due to the appropriate use of existing personal protective equipment and engineering controls. In addition, there will be an annual cost savings of $89.6 million.

Employers given the flexibility to design and implement innovative measures to reduce employee exposure to toxic substances should also reap rewards in terms of lower insurance premiums, lower property damage costs, lower turnover costs, less absenteeism, and in general increased productivity. Finally, the potential reduction in acute and chronic health problems could result in overall benefits to society through the associated reductions in medical and productivity costs.

These expected benefits can not be directly quantified because of the limited data specific to laboratory-related incidence of injuries and illnesses and consisting only of individual companies' experiences related to risk reduction following implementation of improved work practices. Quantification of these expected benefits is complicated by the manner in which laboratories are classified for SIC purposes. The laboratories that would be affected by this proposal tend to be classified within the SIC category of the larger organization of which they are a part. A large portion of the industrial laboratories would most likely be classified under SIC 28 (chemicals and allied products) with the remainder classified under SIC 7391 (research and development laboratories). Laboratories will also be classified in the services sector with clinical laboratories classified in SIC 80 (health services) and academic laboratories in SIC 82 (educational services). The BLS injury and illness incidence data are likewise collected by these basic industry groupings and the data for chemical source illnesses tends to be collected only at a highly aggregated level making it extremely difficult to isolate that

portion which can be attributed to the laboratory population. Although the public record does contain some data from individual firms on the injury and illness rates for their laboratory operations this is not representative of the entire laboratory population as these laboratories have established exemplary safety and health programs for their employees. Along with the data from specific firms, a number of case studies and anecdotal accounts of hazardous conditions found in a variety of laboratory situations are presented in detail in chapter IV of the Regulatory Analysis Assessment. In addition, at the time that the Hazard Communication Standard was promulgated there was testimony in that record indicating that laboratories may be just as hazardous environments as manufacturing in general. Therefore, although the incidence of illness in laboratories versus other operations cannot be isolated, the case accounts and other rulemaking testimony indicates that laboratory workers are at risk and the evidence from individual companies with good work practice programs in effect provides evidence of the magnitude of benefits to be attained from this proposal. However, because of the aforementioned difficulties OSHA seeks additional information on the actual incidence of chemically related injury and illnesses in laboratories in order to refine these estimates.

To provide an illustration of the magnitude of these benefits, we have used a methodology to monetize potential benefits as described in detail in chapter IV of the Regulatory Analysis Assessment. (Ex. 7–10). In general, this method is based on a combination of chemically related injury and illness rates for SIC 28 and SIC 79 as a proxy for risks in laboratories. These rates are in turn reduced by the proportion of cases estimated to result from a chemical source.

Some of the potential economic benefits resulting from this proposal could be measured as the discounted present value of reductions in lost earnings and medical expenses for various categories of chemical source illnesses and injuries. These categories include non-lost workdays with lost production, non-lost workdays with first aid treatment, lost workdays with lost production, lost workdays with medical treatment, chronic disabling illness, and chemical source workplace cancers.

An estimate was made of the current number of cases associated with each category, along with a projection of the reduction of cases resulting from the proposed standard over a 40-year-period (the period necessary for a complete turnover of the current labor force). To estimate the number of these injuries and illnesses that could result from exposure to chemicals the chemical source rates of injuries and illnesses for the manufacturing sector were used as an approximation of the rate for laboratory employees.

While improved work practices are expected to reduce the incidence of all types of injuries and illnesses, the estimate of benefits is based solely on chemical source incidence data. Additional nonquantifiable benefits may be realized since a portion of the total injuries in laboratories may result from accidents or other incidents not directly attributable to a chemical source.

A further serious defect in this data is the known underreporting of occupational illnesses. Studies by Discher and others have shown an underreporting of occupational illnesses by as much as a factor of 50 due to long latency periods which obscure the connection between occupational exposures and the onset of chronic disability. Therefore OSHA has conservatively assumed that the illness rate is 10 times higher due to underreporting.

Similarly, there is a wide range in the proportion of cancers that are estimated to be attributable to occupational causes. Various studies have produced estimates of occupational cancers ranging from as low as 1 percent to as high as 40 percent. In view of the methodological difficulties with these studies, this analysis selected 5 percent at the low end of the range as a conservative estimate.

The benefits that can be attributed to this proposal are those associated with reductions in such injury and illness incidences and are measured by the effectiveness of the proposal in achieving this reduction. These is little comparative data available regarding health status before and after implementation of safe laboratory work practices. To arrive at a plausible analysis, data that was submitted by three companies in response to the Request for Comment and Information was used (Exs. 3–16, 3–24, 3–197). These companies have all had excellent laboratory work practice programs in effect for a number of years. The incidence rates for their laboratories ranged from 30 to 60 percent lower than the BLS rates for SIC 7391 (research and development labs) and also lower than for the chemical industry as a whole. These examples of the effectiveness of work practice approaches, while admittedly limited, can provide an indication of the potential impact of this proposal. OSHA seeks additional comments on the effectiveness of work practices programs currently in place for use in further refining the benefit estimates. Based on these examples, it has been assumed for purposes of this analysis that implementation of laboratory chemical hygiene programs will result in a 50 percent reduction in non-lost workday and lost workday illnesses and injuries. Disabling illnesses are assumed to decline by 2 percent per year leveling off at 20 percent by year 10 and cancer cases are assumed to decline by 2 percent annually between the 10th and 20th years and remain at the 20 percent level to account for latency periods. The reductions in each year were then multiplied by the appropriate average economic cost measure (e.g., average hourly wage rate for laboratory employees plus fringe benefits as an estimated value of lost production or average medical payment per lost workday case). Finally, all benefits were discounted to the present using the OMB mandated 10 percent discount rate and a 5 percent combined annual growth in earnings, productivity and medical costs.

Based on the above assumptions regarding reductions in injury and illness rates, the present discounted value of the 40-year stream of benefits would be $236.4 million.

TABLE 2.—SUMMARY OF SOME OF THE MONETIZABLE BENEFITS FOR THE PROPOSED LABORATORY STANDARD [1] ($ MILLIONS)

Type of benefit	1st year	Discounted benefits 40 year
Non-lost workday cases		
Lost production	0.23	4.37
First aid costs	0.22	4.00
Lost workday cases		
Lost production	6.50	120.80
Medical costs	.95	17.70
Disabling illness		
Lost production	.15	21.60
Medical costs	.05	7.90
Cancer illness		
Lost earnings		43.40
Medical costs		16.60
Total	8.10	236.37

Source: U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis.
[1] These figures are based on the following assumptions:
All values are in 1982 dollars consistent with compliance cost estimates.
A discount rate of 10 percent.
Annual combined increase in wages, productivity and number of chemicals of 5 percent.
Annual medical cost increase of 5 percent.

The monetized health benefits using the human capital approach do not represent total benefits, but simply the portion of the benefits that could be quantified in dollar terms. A more appropriate measure of the benefits of

health risk reduction is the workers' willingness to pay for the reduction in risk. Willingness to pay values invariably exceed the monetized human capital value by roughly a factor of 10. Workers have a much stronger stake in their individual health than would be reflected simply in foregone earnings or medical bills.

To correct for this shortcoming of the human capital approach, the cost per case of health improvement that would likely result from the implementation of the OSHA standard has been estimated. The cost per case avoided is calculated using effectiveness assumptions of the same percentages as used previously. To arrive at a lost workday equivalent it assigned a weight of ½ to non-lost workday cases to account for their less severe nature, and 5 and 20 to disabling and cancers respectively to account for their greater severity. Looking solely at the reduction in health impairments as a consequence of the OSHA standard, the discounted cost per case is $717.

Technological Feasibility

OSHA has determined that the proposed laboratory standard is technologically feasible. Its primary emphasis is on administrative controls necessary to protect workers from overexposure to toxic substances in laboratories. Engineering controls such as fume hoods, vacuum systems and glove boxes which are necessary to limit chemical exposures are considered conventional technology. This technology is commonly known and currently can be found in nearly all laboratories.

Regulatory Flexibility Analysis

OSHA has evaluated the expected cost of compliance for small entities. For the purpose of this analysis, a small laboratory has been defined as one that employs fewer than 20 people. Approximately 35,000 laboratory facilities or 47 percent of the affected population are small entities. Nearly half of all small laboratories are captive facilities of larger operations.

The estimated costs of compliance with the proposed standard arise primarily from labor time expended in training and planning functions. OSHA estimates total first-year costs of compliance for small entities to be about $85 with a range from $0 to $582 depending upon their present practices.

Since almost all of the compliance costs associated with this proposed standard do not require capital expenditures, this proposal would not have any measurable impact on capital markets, alter small firms investment plans, or be more burdensome to small firms. Small firms are expected to realize the same cost savings as larger firms relative to the size of their operations.

OSHA has determined that this proposed standard will not have a significant adverse economic impact on a substantial number of small entities. However, OSHA is open to public comment on the extent of any small entity burdens which may result from this proposal and on any other regulatory alternatives such as special regulatory treatment of small entities.

VIII. Environmental Assessment—Finding of No Significant Impact

This proposed rule and its major alternatives have been reviewed in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the Guidelines of the Council on Environmental Quality (CEQ) (40 CFR Part 1500), and DOL NEPA Compliance Procedures (29 CFR Part 11). As a result of this review, the Assistant Secretary for OSHA has determined that the proposed rule will have no significant environmental impact. Impacts on the workplace environment are discussed in other portions of this Notice.

Under the proposed standard to limit occupational exposure to toxic substances in laboratories, there are no revised permissible exposure limits (PELs). The PELs remain as specified under the requirements of 29 CFR Part 1910, Subpart Z. The proposed standard for laboratories focuses on reducing worker risk by means of work practices and procedures. The proposal requires a Chemical Hygiene Plan with performance-oriented procedures which will not impact on air, water or soil quality, plant or animal life, the use of land, or other aspects of the environment.

To the extent that the proposed standard results in an increased use of existing controls such as fume hoods, glove boxes, etc., more contaminants would be removed from the worker's breathing zone. This does not mean, however, that there will be a significant increase in the amount of emissions vented to the outside atmosphere. That fraction of the air in laboratories which is exhausted to the outside is frequently processed to reduce the contaminant levels and is always diluted with additional air so that any possible contaminant level released to the outside is far below levels which are accepted to be safe. The OSHA proposal is not anticipated to change the amount of emissions exhausted or to significantly impact on ambient air quality.

The OSHA proposal is not anticipated to impact significantly on solid or liquid waste disposal. To the extent that work practices and procedures are implemented in the laboratories there may be a potential for improvement to the environment by eliminating the potential for improperly disposing of liquid or solid toxic materials, where applicable. Similarly, the proposed procedures for the safe removal of contaminated wastes from the laboratory workplace should not have a significant impact on the amount of waste generated for disposal to the outside environment. Laboratories already dispose of solid wastes and containerized liquid wastes. Furthermore, the storing, dumping, and transporting of these materials are regulated by EPA under the Resource Conservation and Recovery Act of 1976 (RCRA) (Pub. L. 94–580, 42 U.S.C. 6901). Water quality is regulated by the Clean Water Act of 1977 (Pub. L. 95–217, 33 U.S.C. 1251) and EPA effluent guideline limitations of 1974. The regulations require wastewater effluents to be treated by the best practicable treatment (BPT) and best available technology (BAT) economically achievable by 1982 and establish limits on the direct discharge of effluents that are not pretreated, particularly suspended solids, into the environment.

Based on this discussion and other information presented in this Notice, OSHA believes that there will be no significant impact on the general quality of the human environment external to the workplace particularly in terms of ambient air quality, water quality, or solid waste disposal. OSHA, of course, reserves the right to perform additional analyses based on the information and comments received in response to this Notice.

IX. Description of the Proposed Standard

The proposed requirements set forth in this Notice are those which, based on currently available evidence, OSHA believes are necessary and appropriate to provide adequate protection to employees exposed to toxic substances in laboratory workplaces. In the development of this proposal, OSHA has considered all recommendations received in response to its request for information and comments, reference works, journal articles, and other data accumulated by the Agency as part of this rulemaking.

As discussed above, OSHA feels that the unique characteristics of the laboratory workplace provide a sufficient basis for special regulatory

treatment. The goal of the proposed standard is to provide laboratory employees with protection from the significant risk of material health impairment posed by exposure to toxic substances. Because laboratory practices, procedures and chemical use vary so much, OSHA believes that a performance oriented approach is appropriate for the laboratory workplace. A performance standard allows each laboratory to tailor its Chemical Hygiene Plan to the particular circumstances of its operations in lieu of the specific requirements of Subpart Z. In addition, this proposal will allow employers to use various parts of plans which they already have in effect, and aspects of other recognized hygiene plans such as the one described in Appendix A of the proposed standard.

The proposed standard does not diminish health protection for laboratory workers because employers are still required to maintain exposures below existing PELs. Furthermore, implementation of an effective chemical hygiene plan will provide protection from all toxic substances, not just those which are actually regulated. Therefore, protection for laboratory workers will be expanded and the proposal will better effectuate the purposes of the Act. The requirement on the part of employers to develop and implement a Chemical Hygiene Plan is intended to assure that measures are planned to prevent incidents that may result in excessive exposures and to provide appropriate action should such exposures occur. In addition, training requirements in the proposed standard should result in employees being more fully informed of chemical hazards and thus better able to implement protective measures. Finally, the proposed laboratory standard specifies that medical consultations be given whenever laboratory exposures become excessive. As a result, the proposed laboratory standard not only provides for the dissemination of sufficient information so that laboratory personnel are fully aware of the hazards of toxic substances, and what work practice to use to reduce the probability of dangerous exposures but would also provide for the internalization by laboratories of many of the costs incurred as a result of chemical hazards.

The proposal contains no explicit requirements concerning engineering controls. However, as a practical matter virtually all laboratories use fume hoods to control exposure to toxic materials. (Ex. 7–11 p. V1–2). Because of the wide variety of chemicals and/or procedures typically used in laboratories, OSHA believes that laboratory employers should have some flexibility in selecting the most effective methods to protect employees from overexposure to toxic substances. The proposal does require that existing fume hoods and other protective devices selected to control employee exposure function properly at all times. OSHA requests comments on the appropriateness of this approach.

The proposed standard does not include requirements for face velocities of laboratory type hoods. It requires only that hoods be properly functioning at all times. The reason for this is twofold: first, considerable controversy exists regarding what the optimum velocities should be considering differences in the design of general ventilation systems and the concern for energy conservation. Recommendations for minium face velocities for effective containment have ranged from linear velocities of 60 feet per minute (fpm) to 125 fpm. OSHA has insufficient data at this time to establish that one recommendation is superior to another. The second part of the rationale for not specifying face velocities is because this standard has adopted a performance oriented approach which leaves many of the decisions to the employer regarding how to best protect employees in a particular laboratory. OSHA, however, solicits comments and information regarding whether it should specify face velocities for laboratory type hoods and, if so, what the specifications should be.

To illustrate the differences in approach between the proposed standard and the typical substance-specific requirements of OSHA's Subpart Z standards, provisions of the acrylonitrile standard (§ 1910.1045) are used as an example. The following provisions of the acrylonitrile standard which are appropriate for industrial applications but not for laboratory operations would not be required by this proposal: (1) Exposure monitoring and establishment and maintenance of attendant records; (2) employee observation of monitoring; (3) reports to OSHA regarding the establishment a regulated area and occurrence of emergencies; (4) compliance with permissible exposure limits primarily through engineering and work practice controls; (5) written description of each operation resulting in employee exposure; (6) written report of the technology considered in meeting the PEL; (7) leaks and spills detection program; (8) change rooms; and (9) shower facilities.

Paragraph (a). Scope and Application.

The proposed standard applies to employers and employees engaged in the laboratory use of toxic substances on a laboratory scale. The terms "laboratory use" and "laboratory scale" are defined so as to limit the scope of this standard to non-production operations which usually use small quantities of many substances. Since the justification for this standard rests on the special conditions of such laboratories, OSHA feels that large operations which do use large quantities of toxic substances and which do not otherwise fit the "laboratory scale" and "laboratory use" definitions should remain under OSHA's regular General Industry Standards in 29 CFR Part 1910, Subpart Z.

The definition of a toxic substance as stated in the proposal is fairly narrow in scope in that it covers only substances which are: (1) regulated by OSHA in 29 CFR Part 1910, Subpart Z or (2) determined to be carcinogens or potential carcinogens by OSHA, NTP, or IARC. However, the impact of the standard is potentially broad since most laboratories would handle at least one substance which falls under one of the two categories and would therefore be required to implement work practices which would serve as effective protection against substances not explicitly covered by the standard but which may be potentially hazardous. Therefore, this standard, with its emphasis on safe handling and use of toxic substances rather than on substance specific provisions, lends itself to protection against hazards which go beyond the toxic substance definition with no cost attendant to the added protection. Employers are required by the proposed standard to ensure that employees are protected from undue exposures to toxic substances by developing and implementing a written Chemical Hygiene Plan tailored to the specific circumstances of the individual workplace. The conditions under which an employer is required to institute a Chemical Hygiene Plan are dictated by the use of toxic substances as defined in the standard and whether such use conforms to laboratory scale.

This standard only covers protection against the adverse health effects of exposure to toxic substances. Standards for safety hazards such as fires and explosions are not within Subpart Z and would not be affected by this standard. The question has been raised as to whether or not this proposed standard should include both health and safety provisions for laboratories. For example, "Prudent Practices for Handling Hazardous Chemicals in Laboratories," also addresses fire and explosion

hazards commonly associated with laboratory work. Although that approach has not been chosen for this proposal. OSHA invites opinions and suggestions on the subject of a vertical laboratory standard which would include both safety and health considerations.

Some commenters (Exs. 3–6, 3–13, 3–82, 3–134, 3–137) requested that hospital laboratories be exempt from any OSHA standard on the grounds that accreditation programs such as those of the Joint Committee on Accreditation of Hospitals (JCAH), the College of American Pathologists (CAP) and the American Osteopathic Association (AOA) provide sufficient protection for employees in these laboratories. All such programs, however, are voluntary. Legal operation of hospitals is subject only to state licensing requirements. Hospital accreditation is not mandatory in any state and in no state do licensing requirements for hospitals include protective provisions for laboratory employees equivalent to those in this proposal. Although some states recognize accreditation as sufficient for licensing, others do not. Moreover, voluntary hospital accreditation programs are primarily for the purpose of assuring proper care for patients and, in the case of laboratories, providing quality assurance in terms of analytical procedures and reliability of analytical results. Although there is in each accreditation program some provision for employee safety and health, the extent of coverage varies considerably among programs and no program includes all the components of the OSHA proposal. The CAP program which, among accreditation programs, has the most extensive provisions for employee protection, accredits laboratories in approximately 2500 hospitals, only about 35 percent of the hospitals in operation, and even this program omits several important elements of the proposed OSHA standard. In particular, the CAP program does not include the following: Specific subjects to be addressed in a chemical hygiene plan or similar plan expressly designed for employee protection; measures to ensure proper functioning of fume hoods and other protective equipment; a requirement that employees be informed of pertinent reference material related to hazards and safe handling of toxic substance; provisions for employee exposure evaluation in case of suspected overexposure and medical consultation where indicated; and a requirement that work involving carcinogens or potential carcinogens be conducted in a properly functioning hood or equivalent protective device.

For the foregoing reasons, OSHA has decided not to exempt hospital laboratories from this proposal. Comments are invited on this issue as well as on the need for exemptions by any group which believes that equivalent protection is already provided in its laboratories as a result of other mandatory or voluntary programs or regulations and that this proposed standard would require an additional and unreasonable burden. The nature of such programs should be specified in detail by commenters.

OSHA, however, is proposing to exempt a subset of small laboratories from coverage under the proposed standard, specifically laboratories in group medical practice, dental and veterinary facilities. OSHA's available information suggests that these types of laboratories use relatively few toxic substances in fairly repetitive procedures. Consequently, OSHA feels that these characteristics more closely resemble conditions which are better addressed by the General Industry Standards. In addition, OSHA's preliminary analysis indicates that these particular types of laboratories may incur at least modest compliance costs under the proposed standard as compared to the General Industry Standards. Based on the foregoing consideration, OSHA is proposing that laboratories of the type identified above remain subject to the General Industry Standards including all specific provisions such as exposure monitoring and medical surveillance. OSHA invites comments on the appropriateness of this decision.

The proposal supersedes most of the detailed requirements of the General Industry Standards in Subpart Z. It retains, however, the requirements to maintain exposures below applicable permissible exposure limits including any ceiling value, eight-hour time weighted average, acceptable ceiling concentration, acceptable maximum peak and short-term exposure limit in § 1910.1000 *et seq.* Furthermore, in the case of a mixture of air contaminants, the employer must still comply with the chemical mixture formula in § 1910.1000(d)(2)(i). Retaining applicable PELs ensures that there is no dimunition in health protection for laboratory workers. Compliance with the formula for a mixture of air contaminants is particularly important because laboratory employees are routinely exposed to many toxic substances.

The proposed standard is meant to apply to the laboratory use of any substance which OSHA regulates in the future. Therefore, this proposed standard will supersede the specific requirements of any future standard (unless the standard specifically states that it will cover laboratories), except that laboratory employers must comply with any applicable exposure limits set by the new OSHA regulation.

Paragraph (b). Definitions.

Several of the definitions included in the proposed standard warrant further explanation since they are not widely recognized terms and some are unique with respect to this proposal.

OSHA recognizes that considerable controversy exists regarding the evaluation of carcinogenic potential. The International Agency for Research on Cancer (IARC) and the National Toxicology Program (NTP) lists of carcinogens and potential carcinogens as presented include many substances which would not be considered hazardous in the context of laboratory use and would therefore not require the same type of rigorous controls usually reserved for high potency carcinogens. However, it is difficult to establish a definition which is appropriate and prescribes work practices pertinent to all substances with carcinogenic potential.

It has been suggested by some in the scientific community that OSHA follow more closely the recommendations detailed in "Prudent Practices for Handling Hazardous Chemicals in Laboratories" with respect to prescribing work practices for potential carcinogens (Ex. 7–14). "Prudent Practices" recommends that in general additional precautions should be exercised when handling substances which are known to cause cancer in humans or have shown high carcinogenic potency in test animals. According to the report, a substance is considered to have moderate to high carcinogenic potency in test animals if it is found to cause statistically significant tumor incidence under one of the following conditions: (1) After inhalation exposure of 6–7 hours per day for 5 days per week for a significant portion of a lifetime to dosages less than 10 mg/m^3; (2) after repeated skin application of less than 300 mg/kg body weight per week or; (3) after oral dosages of less than 50 mg/kg of body weight per day.

OSHA believes that to ascertain whether a substance exhibits moderate or high carcinogenic potency according to these criteria might require extensive literature searches and/or specified laboratory experiments. OSHA believes that such a requirement might be

unreasonable where very small amounts of materials are used sporadically—especially in the case of very small laboratories.

Therefore, for purposes of this proposed standard the terms "carcinogen" and "potential carcinogen" are defined on the basis of whether a substance has been evaluated by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP) and found to be a carcinogen or potential carcinogen or whether it is regulated by OSHA as a carcinogen. The specific definition is identical to that used in OSHA's Hazard Communication Standard (§ 1910.1200). Further justification for this definition is provided in the discussion of the "toxic substance" definition presented later in this paragraph. However, recognizing that the present definition may pose problems in the case of carcinogens of very low potency, OSHA requests comments on this issue and, in particular, suggestions for a more appropriate working definition of "carcinogen."

A major provision of the proposed standard would require that each employer develop and implement a "Chemical Hygiene Plan." As defined, the "Chemical Hygiene Plan" refers to a written program, appropriately tailored for the individual workplace, which sets forth procedures and work practices necessary to minimize employee exposure to toxic substances in use in that particular workplace.

The proposed standard specifies certain elements that must be addressed by the "Chemical Hygiene Plan" but the details of the plan would be left to the employer's discretion. However, non-mandatory recommendations concerning chemical hygiene in general and the Chemical Hygiene Plan specifically are contained in Appendix A.

Although it is anticipated that the "Chemical Hygiene Plan" will normally be only a part of a larger plan for the facility, which also includes safety provisions, only the chemical hygiene portion, directed toward control of exposures to toxic substances, would be mandated by the proposed standard. Employers are not precluded by the requirement of this provision from implementing a more comprehensive approach incorporating both safety and health plans.

"Chemical Hygiene Officer" is another definition which is unique to the proposed standard. The term is not intended to place limitations on the job title or position description which the designated individual shall hold within the employer's organization. Consequently, the term "Chemical Hygiene Officer" may apply to an individual with another job title provided that the designated employee is technically competent to fulfill the responsibilities of developing and administering the employer's Chemical Hygiene Plan.

The definition of "exposure evaluation" is another term that is unique to the proposed standard. As stated, the term refers to an assessment by the employer or the employer's designee of whether or not an employee has been overexposed to a toxic substance. The definition does not require monitoring concentrations of the toxic substances involved. An informal assessment which considers, among other factors, the quantity of substance used, the chemical and physical properties of the substance, the overexposure potential associated with the particular operation involved and the estimated duration of exposure may be sufficient to estimate the probability of overexposure. In cases where the employer utilizes continuous monitoring, resulting exposure data should, of course, be included in the exposure evaluation. (Air monitoring, however, provides information only for inhalation exposure. Other means would be required to determine whether overexposure could have occurred as a result of ingestion, dermal or eye contact.)

An exposure evaluation may be requested by employees who reasonably believe that they have been overexposed to a toxic substance. The standard also states that the employer shall consider providing an exposure evaluation in the case of a suspected exposure in excess of an ACGIH TLV. The employer is not required automatically to provide an exposure evaluation in this case but to consider whether, in his or her judgment, an evaluation would be useful. The reason for this is that such substances may pose a definite hazard when exposure is in excess of the TLV, and OSHA feels that the employer should make a specific decision for himself or herself on whether an exposure evaluation and subsequent medical consultation are necessary.

For purposes of the proposed standard, the term "laboratory" is broadly defined. It should be remembered that the arguments for special regulatory treatment are based on the unique conditions of chemical usage that are commonly found in laboratories and not on the particular type of laboratory (clinical, research or quality control, for example). However, there is a clear need to distinguish between the characteristics of laboratories as described earlier in this preamble and characteristics of production-oriented operations. Consequently, the workplaces covered by this proposal will depend on whether or not the special conditions described in the "laboratory use of toxic substances" definition exist, rather than whether or not the workplace is devoted to a particular function.

"Laboratory use of toxic substances," as defined by the proposal refers to those unique characteristics that distinguish work with toxic substances in the laboratory from work in the industrial workplace. Since a broad approach has been used in defining the criteria which constitute laboratory use, OSHA is interested in comments and information on the appropriateness of using this approach.

A definition of "laboratory scale" is included in the proposed standard. The purpose of this definition is to focus on the magnitude of the operations which are covered. OSHA rejected the option to specify quantity limits as criteria for "laboratory scale," realizing that any limit specified would be arbitrary. However, the concept of quantity is certainly relevant. Therefore, the most reasonable approach is to define laboratory scale in relation to the size of containers used in reactions, transfers and other operations and, in general terms, to the quantity of materials handled. Consequently, "laboratory scale" refers to work in which the containers used are designed to be easily and safely manipulated by a single individual. The definition is not intended to exclude the use of facilitative mechanical aids such as dollies which are often used in the transfer of gas cylinders. However, the intent is to exclude those reactions, transfers and other operations which normally can only be accomplished through the use of mechanical aids. Moreover, quantities which are clearly related to production processes should place the workplace under the General Industry Standards.

For purposes of this proposal, "medical consultation" does not itself imply medical examinations or medical surveillance. Rather, it refers to a conference between a licensed physician and an employee who has, or is suspected to have, sustained an overexposure to a toxic substance for the purpose of determining what medical follow-up, if any, is appropriate. A medical consultation is not intended to imply that an in-office or face to face consultation is required. A telephone conversation between the affected

employee and the physician may be sufficient as long as the employee has an opportunity to relay information concerning the suspected overexposure and receive medical advice as to any needed follow-up.

A definition of the term "overexposure" is included in the proposed standard. In the context of this standard, overexposure means exposure in excess of PELs for OSHA regulated substances. The term "overexposure" is being used only to trigger an exposure evaluation or medical consultation. It is not meant to impose exposure limits for substances not regulated by OSHA. OSHA invites comment on whether any other exposure limits recommended by other organizations should be included in the definition of overexposure.

The definition of "toxic substance" includes substances which are regulated by OSHA in 29 CFR Part 1910, Subpart Z or are listed as confirmed or suspected carcinogens in the latest edition(s) of the National Toxicology Program (NTP) *Annual Report on Carcinogens* and/or the International Agency for Research on Cancer (IARC) *Monographs*. The justification for this definition is twofold. First, OSHA recognizes that the proposed definition is not all-inclusive and that many other substances commonly used in laboratories may also be toxic. OSHA believes, however, that, in the context of this standard, any reference to a specific substance should be on the basis of a recognized and generally agreed-upon hazard. OSHA feels that the existence of an OSHA standard for a substance or the appearance of a substance on the NTP or IARC lists is a clear and well-established basis for regarding it as hazardous under certain conditions and/or at certain exposure levels. Second, by using established sources such as the above, the definition provides guidance in evaluating possible overexposures and thus serves as a reasonable basis for determining need for any possible follow-up procedure. It also provides for safeguards against substances which are acknowledged carcinogens. An important rationale for this standard has been that the existing General Industry Standards themselves were in many respects not appropriate for laboratories. One of the arguments has been that to confine health consideration in laboratories to inappropriate procedures based on a limited set of substances did not address the real solution to laboratory safety. One reason for this was that many unregulated substances which could still pose a threat would not be addressed because it was unlikely that rulemaking would be undertaken for these substances. In was therefore suggested that a set of general procedures and practices should be employed which, by their nature, would serve to protect laboratory workers from health hazards whether or not such hazards were addressed by other OSHA standards.

Under this proposed standard the use of substances for which there is an ACGIH TLV would not in itself cause a laboratory to be covered. This raises the question of whether substances for which there is a TLV but not an OSHA PEL should also trigger coverage by this standard. OSHA invites comments on this issue. In addition, OSHA is asking for comments on whether certain specific substances that fall into this latter category should be included even if the entire list of TLV substances is not. It must be emphasized, that inclusion of the NTP and IARC lists as well as any other substance which could be included as a result of information received does not confer regulatory status on them. The only impact they have on this proposed standard is to (1) help define what establishments are subject to the standard; (2) clarify when an exposure evaluation is to be made; and (3) define when procedures set forth by the Chemical Hygiene Plan are to be used. No OSHA citation will be issued under this standard for violation of exposure limits to any substance for which there is not an explicit OSHA standard.

Paragraph (c). Permissible Exposure limits.

OSHA proposes to maintain the requirement to comply with the permissible exposure limits in effect for general industry. Continued compliance with existing PELs is necessary to ensure that there is no diminution in the health protection of laboratory workers. Retention of the requirement for compliance with PELs, while minimizing the detailed specification as to how such compliance must be achieved, is consistent with many of the comments received.

Compliance with existing PELs includes compliance with all exposure limits in § 1910.1000 and with the formula for a mixture of air contaminants, § 1910.1000(d)(2)(i), and with any PEL for a single substance in § 1910.1001 *et seq.* Prohibition of eye and skin contact where indicated is also retained.

Paragraph (d). Chemical Hygiene Plan.

The basic requirement of the proposed standard is the development and implementation of a written Chemical Hygiene Plan which is designed to protect laboratory employees from the health hazards associated with exposure to toxic substances. In addition, the written Plan must be available to employees, employee representatives and the Secretary.

The Plan must include several specific elements which are deemed necessary to ensure laboratory employee protection. Although specific elements are required, they are general enough to allow a performance approach. Furthermore, in view of the fact that most laboratory employers already have health and safety programs which include some or most of these elements the specification does not impose a significant regulatory burden on employers.

The employers' Chemical Hygiene Plan must incorporate standard operating procedures which are appropriate for the particular laboratory workplace for all work involving toxic substances. OSHA believes that such procedures are essential to assure uniformity of work practices that the employer deems necessary to protect all employees from undue exposure to toxic substances.

The employer must also include in the plan criteria which would invoke the use of specific exposure control measures. Such criteria may be based on the degree of toxicity of the substances to be used, the exposure potential of the chemical procedures to be performed and the capacity of the engineering controls, administrative practices or protective equipment to control employee exposures effectively.

In addition, the employer's Chemical Hygiene Plan must identify those procedures, activities or operations which the employer believes to be of a sufficiently hazardous nature to warrant prior approval from the employer or the employer's designee before implementation.

Based on the evidence currently before it, OSHA believes that the arguments presented by various sources that the laboratory use of toxic substances generally involves small quantities are valid and, where safe work practices are followed, the risk of overexposure can be greatly reduced. The Agency, however, believes that the potential for overexposure still exists and measures to respond appropriately to incidents of overexposure are necessary. Therefore, the proposal requires that employers include in their Chemical Hygiene Plan provisions for an exposure evaluation and medical consultation for employees who reasonably believe that they have been

overexposed to a toxic substance. OSHA believes that an effective training program which is also required as part of the Chemical Hygiene Plan will enable employees to recognize and make informed decisions regarding overexposure incidents.

If an exposure evaluation indicates that an employee may have been overexposed, a medical consultation with a licensed physician shall be provided without cost to the affected employee. The consulting physician shall receive the results of the employee's exposure evaluation and shall have an opportunity to confer as necessary with the employee to obtain additional information that may be relevant to the physician's decision regarding what medical action, if any, is appropriate. The employer shall obtain a written opinion from the consulting physician as to the appropriateness of medical action including a medical examination and any following-up medical surveillance for the affected employee. The consulting physician shall make recommendations regarding the specifics of any medical action where such action is appropriate.

The employer is required in paragraph (d)(2)(viii) to provide the employee an opportunity to receive any medical attention recommended by the consulting physician.

OSHA's rationale for this system of exposure evaluations and medical consultations where appropriate is based in part on comments which expressed doubt about the usefulness of medical surveillance for routine laboratory exposures. Some commenters were concerned that a requirement for medical examinations for all employees, in the absence of any indication of medical need or usefulness of such examinations would be prohibitively expensive and of insignificant benefit.

For example Mr. Thomas A. Robinson, Vulcan Materials Company, commented: "Since the implementation of safe working practices and . . . equipment results in minimal exposure of the laboratory employee to toxic chemicals, specific medical programs are generally not necessary." (Ex. 3–62).

Other commenters asserted that medical programs are called for in certain circumstances but that the nature of the program should be determined by each laboratory. Mr. John Polhemus, Miles Laboratories, expressed a representative viewpoint: "Because of the wide variety of possible exposures and the difficulty in determining harm . . . this matter should be left to the judgment of each employer's medical personnel/advisor." (Ex. 3–109).

Along the lines of the above comment, Yale University agreed that medical surveillance was appropriate in some cases but raised the question of what circumstances should trigger such action. Mr. Charles K. Bockelman, Yale University, commented: [I]n our view monitoring, is an inappropriate basis . . . Medical surveillance in the laboratory setting should be triggered by some other form of "Action level" . . . such as accidental exposure or by a suspicion of high level of exposure based on periodic and ongoing use of a substance." (Ex. 3–127).

OSHA has been unable to find workable criteria upon which to defined routine medical surveillance for laboratory workers. For example, a general baseline examination cannot be define because (1) the many substances to which a worker might be exposed give rise to different pathologies, and (2) some substances, such as most known carcinogens, have no identifiable indicators. OSHA therefore regards the best approach to medical action to be one in which each event can be evaluated carefully and any medical follow-up which appears to be appropriate can be recommended. This approach gives rise to the exposure evaluation/medical consultation format proposed.

In this context, it has come to OSHA's attention that benzene may be a carcinogen for which specific medical surveillance may be appropriate. The causal association of chronic benzene exposure to leukemia and aplastic anemia is well documented in the scientific literature. Medical references including Cecil's *Textbook of Medicine*, Harrison's *Principles of International Medicine*, Wintrobe's *Clinical Hematology* and the 1982 edition of *Cancer Medicine* provide evidence which suggests that clinical indicators which may represent precursors to the development of leukemia may be detected in individuals who are exposed to benzene.

Specifically, clinical findings in cases of benzene exposure may include a combination of abnormal depression of red blood cells anemia), white blood cells (leukopenia), and platelets (thrombocytopenia). When an abnormal depression of all three types of cells exists, the condition is called pancytopenia. The clinical manifestations of bone marrow depression and/or pancytopenia have been detected in patients who were later diagnosed as having leukemia. Wintrobe points out that although a variety of chemicals and drugs have been thought to be leukemogens only benzol, which is synonymous to benzene, is unequivocally implicated. This reference also points out that pancytopenia is indicative of a severe form of benzene poisoning. However, the more common abnormalities presented by workers exposed to benzene are as follows: anemia (48%), macrocytosis (47%), thrombocytopenia (33%) and leukopenia (15%). OSHA cannot point to unambiguous effects associated with benzene exposures under 10 ppm, however, due to the variability in individual susceptibility to benzene toxicity, evidence of toxicity may vary from a few months to years after the exposure.

It can be argued, then, that periodic laboratory screening consisting of a complete blood count with differential and quantitative thrombocyte determinations may be warranted for early detection of abnormal conditions which are reversible but are indicative of an adverse effect on bone marrow which could eventually lead to leukemia.

If a medical surveillance program for benzene exposed laboratory workers is justified, the following options may be considered:

(1) Institute a program of medical surveillance for all employees who are exposed to benzene.

(2) Institute a program of medical surveillance only for employees who have been determined to be overexposed to benzene. OSHA is interested in comments and information regarding the appropriateness of a medical program specifically for benzene exposed workers and how, if warranted, such a program should be implemented.

OSHA feels that practices to prevent or reduce exposure to substances that pose carcinogenic risks to laboratory personnel are an important aspect of laboratory safety. Carcinogenicity obviously poses a different problem from acute toxic effects since there is a long period of time between exposure and the appearance of cancer. In many instances, a carcinogen may induce the disease without manifestation of other toxic effects. While the risk of cancer may be low from a single exposure to a carcinogen, repeated exposures obviously increase the risk. Moreover, exposure to several different carcinogens, as would likely be the case with laboratory workers, particularly those involved in research activities, results in a risk that is at lease additive and perhaps synergistic. Concern for the protection of laboratory workers who may be exposed to carcinogenic substances is evidenced by the publication of guidelines for the safe

handling of these substances by major corporations (see, for example, Ex. 3–50B), the Department of Health and Human Services, the National Institutes of Health and others. The NRC publication, "Prudent Practices for Handling Hazardous Chemicals in Laboratories," also provides special recommendations for handling substances that exhibit moderate to high chronic toxicity, including carcinogens. These guidelines are consistent with each other and, in this respect, form a consensus of industrial, government and academic laboratories regarding how substances which pose a carcinogenic risk should be handled.

OSHA is therefore requiring that employers provide an additional measure of protection for employees handling substances with carcinogenic potential. The requirements, which OSHA believes to constitute minimum precautions to be taken for work with potential carcinogens, have been adopted from the sources mentioned above. OSHA feels that these provisions are accepted practice. The provisions are intended to ensure at least minimal protection of the laboratory worker as well as avoid contamination of the laboratory, equipment and the environment.

The proposal requires that for work with carcinogenic substances the employer shall: (1) Establish a regulated area, access for which is restricted to personnel who are aware of the hazards of the substances in use and the precautions which are necessary; (2) ensure that work is conducted in a properly operating fume hood, glove box or equivalent containment device; (3) specify procedures for safe removal of contaminated waste; (4) specify personal hygiene practices to be exercised within and immediately upon exiting a regulated area; (5) specify procedures to ensure that vacuum lines and vacuum pumps are protected from contamination, and (6) specify appropriate protective apparel to be worn during work within the regulated area.

With the exception of the requirements to (1) establish a regulated area and (2) to assure that work is conducted in a fume hood, glove box or equivalent containment device, all other requirements allow the employer to implement a performance approach. Moreover, fume hoods and other containment devices are already in widespread use according to the Booz-Allen & Hamilton Report (Ex. 7–11. p. VI–2), and requiring their use adds little, if any, cost burden to the affected laboratories.

The proposed standard requires that all laboratory employers provide a training program for their employees who are exposed to toxic substances in the laboratory. OSHA has determined for other regulations that an information and training program is essential to inform employees of the hazards to which they are exposed. Although it is recognized that many laboratory employees by virtue of their professional training have specific knowledge about the substances with which they work, it is also true that significant numbers of laboratory workers do not receive any formal health and safety training. Therefore, OSHA believes that an information and training program is an integral and necessary part of the employer's Chemical Hygiene Plan. OSHA however, is especially interested in the adequacy and effectiveness of training and education provisions relative to laboratory employees who have less than a college education and no special instructions in the safe handling of toxic substances. An example would be persons who are employed to conduct routine clean-up in labs. In particular, OSHA is interested in receiving comments as to whether or not the elements of the training program prescribed by this proposed standard are sufficient for laboratory employees of this educational level.

The content of the training program is intended to inform employees of: (1) Appropriate precautions to be taken in the event of an emergency; (2) the limitations and proper use of protective equipment; (3) the content and availability of the Chemical Hygiene Plan; (4) the contents of this standard and its appendices; (5) PELs for OSHA regulated substances and (6) the availability of reference material on the hazards and safe handling of toxic substances. Section 6(b)(7) of the Act makes it clear that these are appropriate elements of an employee training program and the proposed standard includes such provisions.

At this time, OSHA is not incorporating any signs or labeling requirements into the proposal. However, OSHA recognizes the importance, as pointed out in the Hazard Communication Standard, of maintaining existing labels on chemical products. OSHA invites comments on whether that specific provision, or some variant of it, should be incorporated into this standard.

Paragraph (e). Use of Respirators.

This provision requires that any use of respirators which is necessary to maintain exposures below PELs must comply with the requirements in the respiratory protection standard, 29 CFR 1910.134. Furthermore, any necessary respiratory equipment must be provided without cost to employees.

Paragraph (f). Recordkeeping.

Section 8(c) of the Act authorizes the promulgation of regulations to make, keep and preserve such records regarding the employer's activities relating to the Act as are necessary or appropriate for the enforcement of the Act or for the development of information regarding the causes and prevention of occupational illnesses. The information currently before OSHA indicates that exposure evaluation and medical records are necessary and appropriate to both the enforcement of the standard and the development of information regarding the causes and prevention of workplace illnesses. Therefore, the proposed standard requires that the employer keep records of medical consultation (which includes exposure evaluation information) and any follow-up medical treatment or tests recommended as a result of a medical consultation. Information regarding the cause and prevention of occupational disease among laboratory workers may be based upon these records. OSHA solicits comments on this recordkeeping provision.

In addition, the proposal specifies that the keeping of, and access to medical records shall be in accordance with 29 CFR 1910.20. Section 1910.20 is the generic standard for access to employee medical and exposure records. Section 1910.20 provides that records should be kept for the duration of employment plus 30 years and has detailed provisions for the transfer of records. OSHA has unrestricted access to both medical and exposure records, subject to the Agency rules at 29 CFR 1913.10. An extensive discussion of the provisions and rationale for § 1910.20 can be found in the **Federal Register** of May 23, 1980 (45 FR 34212). It is noted that revisions to the access to records standard are being developed in an ongoing rulemaking proceeding (47 FR 30420, July 13, 1982) and changes in that regulation may affect this standard.

Paragraph (g). Effective date. The final rule becomes effective 90 days following publication in the **Federal Register**, as required by the OSH Act.

The standard provides start-up dates. The completion of preparation and implementation of the Chemical Hygiene Plan is not required until one year after the publication date. OSHA requests comment on whether additional time should be provided.

Paragraph (h). Appendices. Two appendices have been included in the proposed standard. The primary purpose of these appendices is to provide guidance to the employer in developing and implementing an appropriate Chemical Hygiene Plan. Appendix A is a distillation of pertinent parts of "Prudent Practices." None of the statements in the appendices should be construed as establishing any mandatory requirements which are not otherwise imposed by the standard. Appendix B is a list of references which may be helpful to the employer in developing a Chemical Hygiene Plan.

X. References

The studies and other data listed below as well as the additional material referred to in this document represent the primary sources upon which the proposal is based. A complete set of the references is available for examination and copying at the OSHA Docket Office, Room N-3670, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, between 8:30 am. and 4:30 pm, Monday through Friday, legal holidays excepted.

Following is a list of documents cited in this Notice as Exhibit 7-1—7-13 of OSHA Docket number H-150.

1. U.S. Department of Health and Human Services, *NIH Guidelines for the Laboratory use of Chemical Carcinogens*, Washington, DC: Government Printing Office, May, 1981.

2. American Chemical Society Task Force on Occupational Health and Safety, *Survey of Laboratory Practices for Employee Protection from Exposure to Chemicals*, Department of Public Affairs: Washington, DC, July, 1981.

3. Li, Frederick et al., "Cancer Mortality Among Chemists" *J. Nat. Cancer Inst.*, Vol. 43, pp. 1159-64, 1969.

4. Olin, Robert, "Leukemia and Hodgkin's Disease Among Swedish Chemistry Graduates," *Lancet* (ii) p. 916, 1976.

5. Olin, Robert, "The Hazards of a Chemical Laboratory Environment: A study of the Mortality in Two Cohorts of Swedish Chemists." *Amer. Ind. Hygiene Assn. J.* Vol. 39 pp. 557-62, 1978.

6. Olin, Robert and Anlbom, Anders "The Cancer Mortality Among Swedish Chemists Graduated during Three Decades" *Environ Res, Vol.* 22, pp. 154-61, 1980.

7. Hoar, Sheila K. and Pell, Sidney, "A Retrospective Cohort Study of Mortality and Cancer Incidence Among Chemists: *J. Occup Med.*, Vol. 23, pp. 485-495, 1981.

8. U.S. Department of Health and Human Services, Centers for Disease Control, National Institute for Occupational Safety and Health, Health Hazard Evaluation Reports, HETA 83-048-1347, HETA 83-076-1414, HETA 81-422-1387, Cincinnati, Ohio.

9. Hill, Robert H. Jr. "Control of hazardous and highly toxic materials in the laboratory "*International Laboratory*, pp. 12-22, September 1981.

10. U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis. *Preliminary Regulatory Impact Analysis* and *Regulatory Flexibility Analysis for the Proposed Laboratory Standard.* October 1985.

11. Draft Final Report, Phase I Study. *Profile of Laboratories with the Potential for Exposure to Toxic Substances.* Prepared for the Occupational Safety and Health Administration by Booz, Allen and Hamilton, Inc., Bethesda, Maryland. March 1983.

12. *Draft Laboratory Impact Analysis*, Prepared for the Occupational Safety and Health Administration by Booz, Allen and Hamilton, Inc., Bethesda, Maryland, April 1983.

13. National Research Council, *Prudent Practices for Handling Hazardous Chemicals in Laboratories* National Academy Press, Washington, D.C., 1981.

XI. Public Participation

Interested persons are invited to submit written data, views, and arguments on this proposed standard. These comments must be received on or before October 22, 1986, and submitted in quadruplicate to the Docket Officer, Docket No. H-150, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N-3670, Washington, DC 20210, (202) 523-7894. Written submissions must clearly identify the provisions of the proposal which are addressed, and the position taken on each issue.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions will be part of the record of the proceeding.

Requests for Hearing

Under section 6(b)(3) of the OSH Act and 29 CFR § 1911.11, interested persons who desire that OSHA hold an oral hearing on the proposal may file objections to the proposal and request an informal hearing. The objections and hearing requests should be submitted in quadruplicate and must comply with the following conditions:

1. The objection must include the name and address of the objector;

2. The objections must specify with particularity the provisions of the proposed rule to which objection is taken and must state the grounds therefor;

3. Each objection must be separately stated and numbered; and

4. The objections must be accompanied by a detailed summary of the evidence proposed to be introduced at the requested hearing.

Interested persons who have objections to various provisions or have changes to recommend may, of course, make those objections or recommendations in their comments and OSHA will fully consider them. There is only need to file formal "objections" if the interested persons desire to request an oral hearing.

Requests for a hearing should be submitted in quadruplicate, postmarked on or before October 22, 1986 and addressed to Mr. Tom Hall, OSHA Division of Consumer Affairs, Docket No. H-150, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8615.

XII. Authority and Signature

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Pursuant to sections 6(b) and 8(c) and 8(g)(2) of the Act, it is hereby proposed to amend 29 CFR by adding a new § 1910.1450 as set forth below.

List of Subjects in 29 CFR Part 1910

Laboratories, Occupational safety and health.

Signed at Washington, DC, this 18th day of July, 1986.

John A. Pendergrass,

Assistant Secretary for Occupational Safety and Health.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

It is proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations (CFR) as follows:

1. The authority citation for Part 1910, Subpart Z is amended by adding the following citation. (Citation which precede asterisk indicate general rulemaking authority).

Authority: Secs. 6 and 8, Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Orders Nos. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable; and 29 CFR Part 1911.

* * * * *

Section 1910.1450 also issued under sec. 6(b), 8(c) and 8(g)(2), Pub. L. 91-596, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657.

* * * * *

2. Section 1910.1450 is added to Subpart Z, Part 1910 to read as follows:

§ 1910.1450 Occupational exposure to toxic substances in laboratories.

(a) *Scope and application.* (1) This section shall apply to all employers engaged in the laboratory use of toxic substances as defined below.

(2) Where this section applies, it shall supersede, for laboratories, the requirements of all other OSHA health standards in 29 CFR Part 1910, Subpart Z, except the requirement to limit employee exposure to the specified permissible exposure limits.

(3) For any OSHA health standard which is promulgated after the effective date of this section, only the requirement to limit employee exposure to the specific permissible exposure limit shall apply for laboratories, unless that particular standard states otherwise.

(4) This section shall not apply to uses of toxic substances which do not meet the definition of laboratory use, and in such cases, the employer shall comply with the relevant standard in 29 CFR Part 1910, Subpart Z, even if such use occurs in a laboratory.

(b) *Definitions.* "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Carcinogen" or "potential carcinogen" means any substance which meets one of the following criteria: (1) Is regulated by OSHA as a carcinogen; or (2) is identified by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP) as a carcinogen or potential carcinogen.

"Chemical Hygiene Officer" means an employee who is designated by the employer, and who is qualified by training and experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.

"Chemical Hygiene Plan" means a reasonable written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that are capable of protecting employees from the health hazards presented by toxic substances used in that particular workplace and which meets the requirements of Paragraph (d) of this section.

"Closed system" means a device such as a glove box or other system which physically encloses an operation or procedure involving the laboratory use of toxic substances; is constructed and maintained to provide a physical separation between the employee and the substances used in the workplace; is designed to prevent vapors from escaping from the closed system into the laboratory environment; and allows manipulation of chemicals to be conducted in the enclosure by the use of remote controls or gloves which are physically attached and sealed to the enclosure.

"Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of hazardous amounts of a toxic substance into the workplace.

"Exposure evaluation" means an assessment of the conditions present during a laboratory operation, procedure or activity for the purpose of determining if an employee has or may have been overexposed to a toxic substance.

"Laboratory" means a facility where the "laboratory use of toxic substances" occurs. It is a workplace where relatively small quantities of toxic substances are used on a non-production basis.

"Laboratory scale" means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed for manual use, being small enough to be easily and safely manipulated by one person. "Laboratory scale" excludes those worplaces whose function is to produce commercial quantities of materials.

"Laboratory-type hood" means a device located in a laboratory, enclosed on five sides with a moveable sash or fixed partial enclosure on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hand and arms.

Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne toxic substances.

"Laboratory use of toxic substances" means handling or use of such substances in which all of the following conditions are met: (1) chemical manipulations are carried out on a "Laboratory scale"; (2) multiple chemical procedures and/or chemicals are in use in a single room; and (3) protective laboratory practices which may include the use of appropriate equipment are available and in common use to minimize the potential for employee overexposure to toxic substances.

"Medical consultation" means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where an "exposure evaluation" has determined that an "overexposure" may have taken place.

"Overexposure" means an employee exposure in excess of the permissible exposure limits (PELs) for an OSHA-regulated substance.

"Protective laboratory practices and equipment" means those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to toxic substances.

"Regulated area" means a laboratory, an area of a laboratory or device such as a laboratory hood for which access is limited to persons who are aware of the hazards of the substances in use and the precautions that are necessary.

"Toxic substance" means any substance which is: (1) Regulated by OSHA in 29 CFR Part 1910, Subpart Z or (2) is found to be a carcinogen or potential carcinogen as defined in this paragraph.

(c) *Permissible exposure limits.* For laboratory uses of OSHA-regulated substances, the employer shall assure that laboratory employees' exposures to such substances do not exceed the permissible exposure limits specified in 29 CFR Part 1910, Subpart Z. In addition, prohibition of eye and skin contact where specified by any standard in this Subpart shall be observed.

(d) *Chemical hygiene plan.* (1) The employer shall develop and carry out the provisions of a reasonable written Chemical Hygiene Plan which is capable of protecting employees from health hazards associated with toxic substances in that laboratory and is capable of keeping exposures below the limits specified in paragraph (c) of this section. (Appendix A provides guidance to assist employers in the development of the Chemical Hygiene Plan.) The Chemical Hygiene Plan shall be readily available to employees and upon request to the Assistant Secretary.

(2) The Chemical Hygiene Plan shall include each of the following elements and shall indicate specific measures to ensure laboratory employee protection:

(i) Standard operating procedures to be followed when laboratory work involves the use of toxic substances;

(ii) Criteria that the employer will use to determine and implement control measures to reduce employee exposure to toxic substances including engineering controls, the use of personal protective equipment and hygiene practices;

(iii) A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performance of such equipment; and

(iv) Information and training procedures to ensure that employees are apprised of the potential health hazards in their workplace and the measures to be taken with regard to employee protection. The employer shall ensure that each employee is informed of the following:

(A) The existence, location and availability of the employer's Chemical Hygiene plan;

(B) This standard and its appendices;

(C) The selection, proper use and limitations of protective equipment and clothing to effectively minimize employee exposure during the laboratory use of toxic substances, where such equipment and clothing are appropriate;

(D) The permissible exposure limits for OSHA-regulated substances, or the threshold limit values recommended by the American Conference of Governmental Industrial Hygienists where there is no applicable OSHA standard;

(E) Procedures which shall be followed in the event of an emergency, including the location and proper use of available emergency equipment; and

(F) The availability of reference material on the hazards and safe handling of toxic substances including, but not limited to, any information such as material safety data sheets that may be available from the chemical supplier.

(v) The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;

(vi) Provisions for an exposure evaluation for employees who, as a consequence of a laboratory operation, procedure or activity, reasonably suspect or believe they have sustained an overexposure to a toxic substance. The exposure evaluation shall be conducted by the Chemical Hygiene Officer or other person qualified by training and experience.

The employer shall also consider whether it is appropriate to provide an exposure evaluation in the case of a possible exposure in excess of an ACGIH TLV for a substnce which has no associated OSHA PEL.

(vii) Provisions for a medical consultation for any employee whenever an exposure evaluation indicates that the employee is likely to have sustained an overexposure to a toxic substance. The employer shall ensure that the medicial consultation is provided without cost to the employee and includes a review by the consulting physician of the employee's exposure evaluation and an opportunity for the physician to confer wih the employee as necessary to determine if medical examinations and/or medical surveillance are appropriate.

(viii) An opportunity for the employee to receive without cost any medical examinations and/or medical surveillance recommended by the consulting physician as a result of the medical consultation in accordance with the prescribed time interval. The physician shall furnish the employer and employee with a written opinion. The written opinion obtained by the employer shall not reveal specific findings and diagnoses unrelated to occupational exposure.

(ix) Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene Officer and, if appropriate, establishment of Chemical Hygiene Committee; and

(x) Provisions for additional employee protection for work with carcinogens or potential carcinogens as defined herein. Such provisions shall include, as a minimum, the following elements:

(A) Establishment of a regulated area;

(B) Requirement that such work be conducted in a properly functioning laboratory type hood, closed system or other device which provides equivalent employee protection;

(C) Specification of procedures for the safe removal of contaminated waste;

(D) Specification of personal hygiene practices to be exercised within and immediately upon exiting a regulated area;

(E) Specification of appropriate procedures to be employed to protect vacuum lines and vacuum pumps from contamination; and

(F) Appropriate protective apparel to be worn while working within the regulated area.

(3) The employer shall review and evaluate the effectiveness of the Chemical Hygiene Plan at least annually and update it as necessary.

(e) *Use of Respirators.* Where the use of respirators is necessary to maintain exposure below permissible exposure limits, the employer shall provide, at no cost to the employee, the proper respiratory equipment. Respirators shall be selected and used in accordance with the requirements of 29 CFR 1910.134.

(f) *Recordkeeping.* (1) The employer shall establish and maintain for each employee an accurate record of any medical consultation and examinations including tests and written opinions conducted in accordance with paragraphs (d)(2)(vii) and (d)(2)(viii) of this section. This record shall also contain the results of the exposure evaluation including an estimate of the possible extent of overexposure.

(2) The employer shall assure that such records are kept, transferred, and made available in accordance with 29 CFR 1910.20.

(g) *Dates.*

(1) *Effective date.* This section shall become effective 90 days after publication.

(2) *Startup dates.*

(i) Employers shall have completed development of a reasonable written Chemical Hygiene Plan and commenced carrying out its provisions as specified by paragraph (d) of this section no later than one year from the publication date of the standard.

(ii) the provisions of paragraph (a)(2) of this section shall not take effect until the employer has completed the development of a reasonable written Chemical Hygiene Plan as specified by paragraph (d) of this section.

(h) *Appendices.* The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

Appendix A to § 1910.1450—National Research Council Recommendations Concerning Chemical Hygiene in Laboratories (Non-Mandatory)

Table of Contents

Foreword

As guidance for each employer's development of an appropriate laboratory Chemical Hygiene Plan, the following non-mandatory recommendations are provided. They were extracted from "Prudent Practices for Handling Hazardous Chemicals in Laboratories" (referred to below as "Prudent Practices"), which was published in 1981 by the National Research Council and is available from the National Academy Press, 2101 Constitution Ave., NW., Washington, DC 20418.

"Prudent Practices" is cited because of its wide distribution and acceptance and because of its preparation by members of the laboratory community through the sponsorship of the National Research Council. However, none of the recommendations given here will modify any of requirements of the laboratory standard. This Appendix merely presents pertinent recommendations from "Prudent Practices", organized into a form convenient for quick reference during operation of a laboratory facility and during development and application of a Chemical Hygiene Plan. Users of this appendix should consult "Prudent Practices" for a more extended presentation and justification for each recommendation.

"Prudent Practices" deals with both safety and chemical hazards while the proposed laboratory standard is concerned only with toxic hazards. Therefore, only those recommendations directed primarily toward control of toxic exposures are cited in this appendix, with the term "chemical hygiene" being substituted for the word "safety". However, since conditions producing or threatening physical injury often pose toxic risks as well, page references concerning major categories of safety hazards in the laboratory are given in section F.

The recommendations from "Prudent Practices" have been paraphrased, combined, or otherwise reorganized, and headings have been added. However, their sense has not been changed.

Corresponding Sections of the Proposed Standard and This Appendix

The following table is given for the convenience of those who are developing a Chemical Hygiene Plan which will satisfy the requirements of paragraph (d) of the standard. It indicates those sections of this appendix which are most pertinent to each of the sections of paragraph (d).

Paragraph and topic in proposed laboratory standard	Relevant appendix section
(d)(2)(i) Standard operating procedures for handling toxic chemicals.	C, D, E
(d)(2)(ii) Criteria to be used for implementation of measures to reduce exposures.	D
(d)(2)(iii) Fume hood performance	C4b
(d)(2)(iv) Provision of training and information (including emergency procedures).	D10, D9
(d)(2)(v) Requirements for prior approval of laboratory activities.	E2b, E4b
(d)(2)(vi) Exposure evaluation	D3, C4h
(d)(2)(vii) Medical consultation	D5, E4f
(d)(2)(viii) Provision for medical follow-up	D5
(d)(2)(ix) Chemical hygiene responsibilities.	B
(d)(2)(x) Special precautions for work with carcinogens.	E3, E4
(A) Establishment of a regulated area	E3c, E4a
(B) Use of hoods or closed systems	E4a
(C) Waste removal	E3g, E41, E5e
(D) Personal hygiene practices	E3d, E4d
(E) Protection of vacuum lines and pumps.	E4c
(F) Use of protective apparel	E3d

In this appendix, those recommendations directed primarily at administrators and supervisors are given in Sections A–D. Those recommendations of primary concern to employees who are actually handling laboratory chemicals are given in section E. (Reference to page numbers in "Prudent Practices" are given in parentheses.)

A. General Principles for Work With Laboratory Chemicals

In addition to the more detailed recommendations listed below in sections B–E, "Prudent Practices" expresses certain general principles, including the following:

1. *It is Prudent to Minimize all Chemical Exposures.* Because few laboratory chemicals are without hazards, general precautions for handling all laboratory chemicals should be adopted, rather than specific guidelines for particular chemicals (2, 10). Skin contact with chemicals should be avoided as a cardinal rule (198).

2. *Avoid Underestimation of Risk.* Even for substances of no known significant hazard, exposure should be minimized; for work with substances which present special hazards, special precautions should be taken (10, 37, 38). One should assume that any mixture will be more toxic than its most toxic component (30, 103) and that all substances of unknown toxicity are toxic (3, 34).

3. *Provide Adequate Ventilation.* The best way to prevent exposure to airborne substances is to prevent their escape into the working atmosphere by use of hoods and other ventilation devices. (32, 198).

4. *Institute a Chemical Hygiene Program.* A mandatory chemical hygiene program designed to minimize exposures is needed; it should be a regular, continuing effort, not merely a standby or short-term activity (6, 11). Its recommendations should be followed in academic teaching laboratories as well as by full-time laboratory workers (13).

5. *Observe the PELs, TLVs.* The Permissible Exposure Limits of OSHA and the Threshold Limit Values of the American Conference of Governmental Industrial Hygienists should not be exceeded (13).

B. Chemical Hygiene Responsibilities

Responsibility for chemical hygiene rests at all levels (6, 11, 21) including the:

1. *Chief Executive Officer,* who has ultimate responsibility for chemical hygiene within the institution and must, with other administrators, provide continuing support for institutional chemical hygiene (7, 11).

2. *Supervisor of the Department or other Administrative Unit,* who is responsible for chemical hygiene in that unit (7).

3. *Chemical Hygiene Officer(s),* whose appointment is essential (7) and who must:

(a) work with administrators and other employees to develop and implement appropriate chemical hygiene policies and practices (7);

(b) monitor procurement, use, and disposal of chemicals used in the lab (8);

(c) see that appropriate audits are maintained (8);

(d) help project directors develop precautions and adequate facilities (10);

(e) know the current legal requirements concerning regulated substances (50); and

(f) seek ways to improve the chemical hygiene program (8, 11).

4. *Laboratory Supervisor,* who has overall responsibility for chemical hygiene in the laboratory (21) including responsibility to:

(a) ensure that workers know and follow the chemical hygiene rules, that protective equipment is available and in working order, and that appropriate training has been provided (21, 22);

(b) provide regular, formal chemical hygiene and housekeeping inspections including routine inspections of emergency equipment (21, 171);

(c) know the current legal requirements concerning regulated subtances (50, 231);

(d) determine the required levels of protective apparel and equipment (156, 160, 162); and

(e) ensure that facilities and training for use of any material being ordered are adequate (215).

5. *Project Director or Director of other Specific Operation,* who has primary responsibility for chemical hygiene procedures for that operation (7).

6. *Laboratory Worker,* who is responsible for:

(a) planning and conducting each operation in accordance with the institutional chemical hygiene procedures (7, 21, 22, 230); and

(b) developing good personal chemical hygiene habits (22).

C. The Laboratory Facility

1. *Design.* The laboratory facility should have:

(a) two exits for each laboratory (225);

(b) an appropriate general ventilation system (see C4 below) with air intakes and

exhausts located so as to avoid intake of contaminated air (194);

(c) adequate, well-ventilated stockrooms/storerooms (218, 219);

(d) laboratory hoods and sinks (12, 162);

(e) other safety equipment including eyewash fountains and drench showers (162, 169); and

(f) arrangements for waste disposal (12, 240).

2. *Maintenance.* Chemical-hygiene-related equipment (hoods, incinerator, etc.) should undergo continuing appraisal and be modified if inadequate (11, 12).

3. *Usage.* The work conducted (10) and its scale (12) must be appropriate to the physical facilities available and, especially, to the quality of ventilation (13).

4. *Ventilation.*

(a) General laboratory ventilation. This system should: provide a source of air for breathing and for input to local ventilation devices (199); it should not be relied on for protection from toxic substances released into the laboratory (198); ensure that laboratory air is continually replaced, preventing increase of air concentrations of toxic substances during the working day (194); Direct air flow into the laboratory from non-laboratory areas and out to the exterior of the building (194).

(b) Hoods. A laboratory hood with 2.5 feet of hood space per person should be provided for every 2 workers if they spend most of their time working with chemicals (199); each hood should have a continuous monitoring device to allow convenient confirmation of adequate hood performance before use (200, 209). If this is not possible, work with substance of unknown toxicity should be avoided (13) or other types of local ventilation devices should be provide (199). See pp. 201–206 for a discussion of hood design, construction and evaluation.

(c) Other local ventilation devices. Ventilated storage cabinets, canopy hoods snorkels, etc. should be provided as needed (199). Each canopy hood and snorkel should have a separate exhaust duct (207).

(d) Special ventilation areas. Exhaust air from glove boxes and isolation rooms should be passed through scrubbers or other treatment before release into the regular exhaust system (208). Cold rooms and warm rooms should have provisions for rapid escape and for escape in the event of electrical failure (209).

(e) Modifications. Any alteration of the ventilation system should be made only if thorough testing indicates that worker protection from airborne toxic substances will continue to be adequate (12, 193, 204).

(f) Performance. Rate: 4–12 room air changes/hour is normally adequate general ventilation if local exhaust systems such as hoods are used as the primary method of control (194).

(g) Quality. General air flow should not be turbulent and should be relatively uniform throughout the laboratory, with no high velocity or static areas (194, 195); airflow into and within the hood should not be excessively turbulent (200); hood face velocity should be adequate (typically 60–100 lfm) (200, 204).

(h) Evaluation. Quality and quantity of ventilation should be evaluated on installation (202), regularly monitored at least every 3 months) (6, 12, 14, 195), and reevaluated whenever a change in local ventilation devices is made (12, 195, 207). See pp. 195–198 for methods of evaluation and for calculation of estimated airborne contaminant concentrations.

D. Components of the Chemical Hygiene Plan

1. *Basic Rules and Procedures.* (Recommendations for these are given in section E, below).

2. *Chemical Procurement, Distribution, and Storage.*

(a) Procurement. Before a substance is received, information on proper handling, storage, and disposal should be known to those who will be involved (215, 216). No container should be accepted without an adequate identifying label (216). All substances should be preferably received in a central location (216).

(b) Stockrooms/storerooms. Toxic substances should be segregated in a well-identified area with local exhaust ventilation (221). Chemicals which are highly toxic (227) or other chemicals whose containers have been opened should be in unbreakable secondary containers (219). Stored chemicals should be examined periodically (at least annually) for replacement, deterioration, and container integrity (218–19).

Stockrooms/storerooms should not be used as preparation or repackaging areas, should be open during normal working hours, and should be controlled by one person (219).

(c) Distribution. When chemicals are hand carried, the container should be placed in an outside container or bucket. Freight-only elevators should be used if possible (223).

(d) Laboratory storage. Amounts permitted should be as small as practical. Storage on bench tops and in hoods is inadvisable. Exposure to heat or direct sunlight should be avoided. Periodic inventories should be conducted, with unneeded items being discarded or returned to the storeroom/stockroom (225–6, 229).

3. *Environmental Monitoring.* Regular instrumental monitoring of airborne concentrations is not usually justified or practical in laboratories but may be appropriate when testing or redesigning hoods or other ventilation devices (12) or when a highly toxic substance is stored or used regularly (e.g., 3 times/week) (13).

4. *Housekeeping, Maintenance, and Inspection.*

(a) Cleaning. Floors should be cleaned regularly (24).

(b) Inspections. Formal housekeeping and chemical hygiene inspections should be held at least quarterly (6, 21) for units which have frequent personnel changes and semiannually for others; informal inspections should be continual (21).

(c) Maintenance. Eye wash fountains should be inspected at intervals of not less than 3 months (6). Respirators for routine use should be inspected periodically by the laboratory supervisor (169). Safety showers should be tested routinely (169). Other safety equipment should be inspected regularly. (e.g., every 3–6 months) (6, 24, 171). Procedures to prevent restarting of out-of-service equipment should be established (25).

(d) Passageways. Stairways and hallways should not be used as storage areas (24). Access to exits, emergency equipment, and utility controls should never be blocked (24).

5. *Medical Program.*

(a) Compliance with regulations. Regular medical surveillance should be established to the extent required by regulations (12).

(b) Routine surveillance. Anyone whose work involves regular and frequent handling of toxicologically significant quantities of a chemical should consult a qualified physician to determine on an individual basis whether a regular schedule of medical surveillance is desirable (11, 50).

(c) First aid. Personnel trained in first aid should be available during working hours and an emergency room with medical personnel should be nearby (173). See pp. 176–178 for description of some emergency first aid procedures.

6. *Protective Apparel and Equipment.* These should include for each laboratory:

(a) protective apparel compatible with the required level of performance for substances being handled (158–161);

(b) an easily accessible drench-type safety shower (162, 169);

(c) an eyewash fountain (162);

(d) a fire extinguisher (162–164);

(e) access to a nearby respirator (164–9), fire alarm and telephone for emergency use (162); and

(f) other items designated by the laboratory supervisor (156, 160).

7. *Records.*

(a) Accident records should be written and retained (174).

(b) Chemical Hygiene Plan records should document that the facilities and precautions were compatible with current knowledge and regulations (7).

(c) Inventory and usage records for high-risk substances should be kept as specified in sections E3e below.

(d) Medical records should be retained by the institution in accordance with the requirements of state and federal regulations (12).

8. *Signs and labels.* Prominent signs and labels of the following types should be posted:

(a) emergency telephone numbers of emergency personnel/facilities, supervisors, and laboratory workers (28);

(b) identity labels, showing contents of containers (including waste receptacles) and associated hazards (27, 48);

(c) location signs for safety showers, eyewash stations, other safety and first aid equipment, exits (27) and areas where food and beverage consumption and storage are permitted (24); and

(d) warnings at areas or equipment where special or unusual hazards exist (27).

9. *Spills and Accidents.*

(a) A written emergency plan should be established and communicated to all personnel; it should include procedures for ventilation failure (200), evacuation, medical care, reporting, and drills (172).

(b) There should be an alarm system to alert people in all parts of the facility including isolation areas such as cold rooms (172).

(c) A spill control policy should be developed and should include consideration of prevention, containment, cleanup, and reporting (175).

(d) All accidents or near accidents should be carefully analyzed with the results distributed to all who might benefit (8, 28).

10. *Training and Information Program.*

(a) Aim: To assure that all individuals at risk are adequately informed about the work in the laboratory, its risks, and what to do if an accident occurs (5, 15).

(b) Emergency and Personal Protection Training: Every laboratory worker should know the location and proper use of available protective apparel and equipment (154, 169).

Some of the full-time personnel of the laboratory should be trained in the proper use of emergency equipment and procedures (6).

Such training as well as first aid instruction should be available to (154) and encouraged for (176) everyone who might need it.

(c) Receiving and stockroom/storeroom personnel should know about hazards, handling equipment, protective apparel, and relevant regulations (217).

(d) Frequency of Training: The training and education program should be a regular, continuing activity—not simply an annual presentation (15).

(e) Literature/Consultation: Literature and consulting advice concerning chemical hygiene should be readily available to laboratory personnel, who should be encouraged to use these information resources (14).

11. *Waste Disposal Program.*

(a) Aim: To assure that minimal harm to people, other organisms, and the environment will result from the disposal of waste laboratory chemicals (5).

(b) Content (14, 232, 233, 240): The waste disposal program should specify how waste is to be collected, segregated, stored, and transported and include consideration of what materials can be incinerated. Transport from the institution must be in accordance with DOT regulations (244).

(c) Discarding Chemical Stocks: Unlabeled containers of chemicals and solutions should undergo prompt disposal; if partially used, they should not be opened (24, 27).

Before a worker's employment in the laboratory ends, chemicals for which that person was responsible should be discarded or returned to storage (226).

(d) Frequency of Disposal: Waste should be removed from laboratories to a central waste storage area at least once per week and from the central waste storage area at regular intervals (14).

(e) Method of Disposal: Incineration in an environmentally acceptable manner is the most practical disposal method for combustible laboratory waste (14, 238, 241).

Indiscriminate disposal by pouring waste chemicals down the drain (14, 231, 242) or adding them to mixed refuse for landfill burial is unacceptable (14).

Hoods should not be used as a means of disposal for volatile chemicals (40, 200).

Disposal by recycling (233, 243) or chemical decontamination (40, 230) should be used when possible.

E. Basic Rules and Procedures for Working With Chemicals

The Chemical Hygiene Plan should require that laboratory workers know and follow its rules and procedures. In addition to the procedures of the sub programs mentioned above, these should include the rules listed below.

1. *General Rules.* The following are to be used for essentially all laboratory work with chemicals:

(a) Accidents and Spills:

Eye Contact: Promptly flush eyes with water for a prolonged period (15 minutes) and seek medical attention (33, 172).

Ingestion: Encourage the victim to drink large amounts of water (178).

Skin Contact: Promptly flush the affected area with water (33, 172, 178) and remove any contaminated clothing (172, 178). If symptoms persist after washing, seek medical attention (33).

Clean-up: Promptly clean up spills, using appropriate protective apparel and equipment and proper disposal (24, 33). See pp. 233–237 for specific clean-up recommendations.

(b) Avoidance of "Routine" Exposure: Develop and encourage safe habits (23); avoid unnecessary exposure to chemicals by any route (23);

Do not smell or taste chemicals (32). Vent apparatus which may discharge toxic chemicals (vacuum pumps, distillation columns, etc) into local exhaust devices (199).

Inspect gloves (157) and test gloves boxes (208) before use.

Do not allow release of toxic substances in cold rooms and warm rooms, since these have contained recirculated atmospheres (209).

(c) Choice of chemicals: Use only those chemicals for which the quality of the available ventilation system is appropriate (13).

(d) Eating, smoking, etc.: Avoid eating, drinking, smoking, gum chewing, or application of cosmetics in areas where laboratory chemicals are present (22, 24, 32, 40); wash hands before conducting these activities (23, 24).

Avoid storage, handling or consumption of food or beverages in storage areas, refrigerators, glassware or utensils which are also used for laboratory operations (23, 24, 226).

(e) Equipment and Glassware: Handle and store laboratory glassware with care to avoid damage; do not use damaged glassware (25). Use extra care with Dewar flasks and other evacuated glass apparatus; shield or wrap them to contain chemicals and fragments should implosion occur (25). Use equipment only for its designed purpose (23, 26).

(f) Exiting: Wash areas of exposed skin well before leaving the laboratory (23).

(g) Horseplay: Avoid practical jokes or other behavior which might confuse, startle or distract another worker (23).

(h) Mouth Suction: Do not use mouth suction for pipeting or starting a siphon (23, 32).

(i) Personal Apparel: Confine long hair and loose clothing (23, 158). Wear shoes at all times in the laboratory but do not wear sandals, perforated shoes, or sneakers (158).

(j) Personal Housekeeping: Keep the work area clean and uncluttered, with chemicals and equipment being properly labeled and stored; clean up the work area on completion of an operation or at the end of each day (24).

(k) Personal Protection: Assure that appropriate eye protection (154–156) is worn by all persons, including visitors, where chemicals are stored or handled (22, 23, 33, 154).

Wear appropriate gloves when the potential for contact with toxic materials exists (157); inspect the gloves before each use, wash them before removal, and replace them periodically (157). (A table of resistance to chemicals of common glove materials is given p. 159).

Use appropriate (164–168) respiratory equipment when air contaminant concentrations are not sufficiently restricted by engineering controls (164–5), inspecting the respirator before use (169).

Use any other protective and emergency apparel and equipment as appropriate (22, 157–162).

Avoid use of contact lenses in the laboratory unless necessary; if they are used, inform supervisor so special precautions can be taken (155).

Remove laboratory coats immediately on significant contamination (161).

(l) Planning: Seek information and advice about hazards (7), plan appropriate protective procedures, and plan positioning of equipment before beginning any new operation (22, 23).

(m) Unattended Operations: Leave lights on, place an appropriate sign on the door, and provide for containment of toxic substances in the event of failure of a utility service (such as cooling water) to an unattended operation (27, 128).

(n) Use of Hood: Use the hood for operations which might result in release of toxic chemical vapors or dust (198–9).

As a rule of thumb, use a hood or other local ventilation device when working with any appreciably volatile substance with a TLV of less than 50 ppm (13).

Confirm adequate hood performance before use; keep hood closed at all times except when adjustments within the hood are being made (200); keep materials stored in hoods to a minimum and do not allow them to block vents or air flow (200).

Leave the hood "on" when it is not in active use if toxic substances are stored in it or if it is uncertain whether adequate general laboratory ventilation will be maintained when it is "off" (200).

(o) Vigilance: Be alert to unsafe conditions and see that they are corrected when detected (22).

(p) Waste Disposal: Assure that the plan for each laboratory operation includes plans and training for waste disposal (230).

Deposit chemical waste in appropriately labeled receptacles and follow all other waste disposal procedures of the Chemical Hygiene Plan (22, 24).

Do not discharge the sewer concentrated acids or bases (231); highly toxic, malodorous, or lachrymatory substances (231); or any substances which might interfere with the biological activity of waste

water treatment plants, create fire or explosion hazards, cause structural damage or obstruct flow (242).

(q) Working Alone: Avoid working alone in a building; do not work alone in a laboratory if the procedures being conducted are hazardous (28).

2. *Working with Allergens and Embryotoxins.*

(a) Allergens (examples: diazomethane, isocyanates, bichromates): Wear suitable gloves to prevent hand contact with allergens or substances of unknown allergenic activity (35).

(b) Embryotoxins (34–5) (examples: organomercurials, lead compounds, formamide): If you are a woman of childbearing age, handle these substances only in a hood whose satisfactory performance has been confirmed, using appropriate protective apparel (especially gloves) to prevent skin contact.

Review each use of these materials with the research supervisor and review continuing uses annually or whenever a procedural change is made.

Store these substances, properly labeled, in an adequately ventilated area in an unbreakable secondary container.

Notify supervisors of all incidents of exposure or spills; consult a qualified physician when appropriate.

3. *Work with Chemicals of Moderate Chronic or High Acute Toxicity* (examples: diisopropylfluorophosphate (41), hydrofluoric acid (43), hydrogen cyanide (45)):

Supplemental rules to be followed in addition to those mentioned above (Procedure B of "Prudent Practices", pp. 39–41):

(a) Aim: To minimize exposure to these toxic substances by any route using all reasonable precautions (39).

(b) Applicability: These precautions are appropriate for substances with moderate chronic or high acute toxicity used in significant quantities (39).

(c) Location: Use and store these substances only in areas of restricted access with special warning signs (40, 229).

Always use a hood (previously evaluated to confirm adequate performance with a face velocity of at least 60 linear feet per minute) (40) or other containment device for procedures which may result in the generation of aerosols or vapors containing the substance (39); trap released vapors to prevent their discharge with the hood exhaust (40).

(d) Personal Protection: Always avoid skin contact by use of gloves and long sleeves (and other protective apparel as appropriate) (39). Always wash hands and arms immediately after working with these materials (40).

(e) Records: Maintain records of the amounts of these materials on hand, amounts used, and the names of the workers involved (40, 229).

(f) Prevention of Spills and Accidents: Be prepared for accidents and spills (41).

Assure that at least 2 people are present at all times if a compound in use is highly toxic or of unknown toxicity (39).

Store breakable containers of these substances in chemically resistant trays; also work and mount apparatus above such trays or cover work and storage surfaces with removable, absorbent, plastic backed paper (40).

If a major spill occurs outside the hood, evacuate the area; assure that cleanup personnel wear suitable protective apparel and equipment (41).

(g) Waste: Thoroughly decontaminate or incinerate contaminated clothing or shoes (41). If possible, chemically decontaminate by chemical conversion (40).

Store contaminated waste in closed, suitably labeled, impervious containers (for liquids, in glass or plastic bottles half-filled with vermiculite) (40).

4. Work with Chemicals of High Chronic Toxicity (examples: dimethylmercury and nickel carbonyl (48), benzo-a-pyrene (51), N-nitrosodiethylamine (54), other human carcinogens or substances with high carcinogenic potency in animals (38).)

Further supplemental rules to be followed, in addition to all these mentioned above, for work with substances of known high chronic toxicity (in quantities above a few milligrams to a few grams, depending on the substance) (47). (Procedure A of "Prudent Practices" pp. 47–50).

(a) Access: Conduct all transfers and work with these substances in a "controlled area": a restricted access hood, glove box, or portion of a lab, designated for use of highly toxic substances, for which all people with access are aware of the substances being used and necessary precautions (48).

(b) Approvals: Prepare a plan for use and disposal of these materials and obtain the approval of the laboratory supervisor (48).

(c) Non-contamination/Decontamination: Protect vacuum pumps against contamination by scrubbers or HEPA filters and vent them into the hood (49). Decontaminate vacuum pumps or other contaminated equipment, including glassware, in the hood before removing them from the controlled area (49, 50).

Decontaminate the controlled area before normal work is resumed there (50).

(d) Exiting: On leaving a controlled area, remove any protective apparel (placing it in an appropriate, labeled container) and thoroughly wash hands, forearms, face, and neck (49).

(e) Housekeeping: Use a wet mop or a vacuum cleaner equipped with a HEPA filter instead of dry sweeping if the toxic substance was a dry powder (50).

(f) Medical Surveillance: If using toxicologically significant quantities of such a substance on a regular basis (e.g., 3 times per week), consult a qualified physician concerning desirability of regular medical surveillance (50).

(g) Records: Keep accurate records of the amounts of these substances stored (229) and used, the dates of use, and names of users (48).

(h) Signs and Labels: Assure that the controlled area is conspicuously marked with warning and restricted access signs (49) and that all containers of these substances are appropriately labeled with identity and warning labels (48).

(i) Spills: Assure that contingency plans, equipment, and materials to minimize exposures of people and property in case of accident are available (233–4).

(j) Storage: Store containers of these chemicals only in a ventilated, limited access (48, 227, 229) area in appropriately labeled, unbreakable, chemically resistant, secondary containers (48, 229).

(k) Glove Boxes: For a negative pressure glove box, ventilation rate must be at least 2 volume changes/hour and pressure at least 0.5 inches of water (48). For a positive pressure glovebox, thoroughly check for leaks before each use (49). In either case, trap the exit gases or filter them through a HEPA filter and then release them into the hood (49).

(l) Waste: Use chemical decontamination whenever possible; ensure that containers of contaminated waste (including washings from contaminated flasks) are transferred from the controlled area in a secondary container under the supervision of authorized personnel (49, 50, 223).

5. Animal Work with Chemicals of High Chronic Toxicity.

(a) Access: For large scale studies, special facilities with restricted access are preferable (56).

(b) Administration of the Toxic Substance: When possible, administer the substance by injection or gavage instead of in the diet. If administration is in the diet, use a caging system under negative pressure or under laminar air flow directed toward HEPA filters (56).

(c) Aerosol Suppression: Devise procedures which minimize formation and dispersal of contaminated aerosols, including those from food, urine, and feces (e.g., use HEPA filtered vacuum equipment for cleaning, moisten contaminated bedding before removal from the cage, mix diets in closed containers in a hood) 55, 56).

(d) Personal Protection: When working in the animal room, wear plastic or rubber gloves, fully buttoned laboratory coat or jumpsuit and, if needed because of incomplete suppression of aerosols, other apparel and equipment (shoe and head coverings, respirator, etc.) (56).

(e) Waste Disposal: Dispose of contaminated animal tissues and excreta by incineration if the available incinerator can convert the contaminant to non-toxic products (238); otherwise, package the waste appropriately for burial in an EPA-approved site (239).

F. Safety Recommendations

The above recommendations from "Prudent Practices" do not include those which are directed primarily toward prevention of physical injury rather than toxic exposure. However, failure of precautions against injury will often have the secondary effect of causing toxic exposures. Therefore, we list below page references for recommendations concerning some of the major categories of safety hazards which also have implications for chemical hygiene:

1. Corrosive agents: (35–6)

2. Electrically powered laboratory apparauts: (179–92)

3. Fires, explosions: (26, 57–74, 162–4, 174–5, 219–20, 226–7)

4. Low temperature procedures: (26, 88)

5. Pressurized and vacuum operations (including use of compressed gas cylinders): (27, 75–101)

G. Material Safety Data Sheets

Material safety data sheets are presented in "Prudent Practices" for the chemicals listed below. (Asterisks denote that comprehensive material safety data sheets are provided).

*Acetyl peroxide (105)
*Acrolein (106)
*Acrylonitrile (107)
(Ammonia (anhydrous) (91)
*Aniline (109)
*Benzene (110)
*Benzo[a]pyrene (112)
*Bis(chloromethyl)ether (113)
Boron trichloride (91)
Boron trifluoride (92)
Bromine (114)
*Tert-butyl hydroperoxide (148)
*Carbon disulfide (116)
Carbon monoxide (92)
*Carbon Tetrachloride (118)
*Chlorine (119)
Chlorine trifluoride (94)
*Chloroform (121)
*Chloromethane (93)
*Diethyl ether (122)
Diisopropyl fluorophosphate (41)
*Dimethylformamide (123)
*Dimethyl sulfate (125)
*Dioxane (126)
*Ethylene dibromide (128)
*Fluorine (95)
*Formaldehyde (130)
*Hydrazine and salts (132)
Hydrofluoric acid (43)
Hydrogen bromide (98)
Hydrogen chloride (98)
*Hydrogen cyanide (133)
*Hydrogen sulfide (135)
Mercury and compounds (52)
*Methanol (137)
*Morpholine (138)
*Nickel carbonyl (99)
*Nitrobenzene (139)
Nitrogen dioxide (100)
N-nitrosodiethylamine (54)
*Peracertic acid (141)
*Pehnol (142)
*Phosgene (143)
*Pyridine (144)
*Sodium azide (145)
*Sodium cyanide (147)
Sulfur dioxide (101)
*Trichloroethylene (149)
*Vinyl chloride (150)

Appendix B to § 1910.1450—References (Non-Mandatory)

The following references are provided to assist the employer in the development of a Chemical Hygiene Plan. The materials listed below are offered as non-mandatory guidance. References listed here do not imply specific endorsement of a book, opinion, technique, policy or a specific solution for a safety or health problem. Other references not listed here may better meet the needs of a specific laboratory.

(a) Materials for the development of the Chemical Hygiene Plan:

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6. National Institutes of Health, NIH Guidelines for the Laboratory use of Chemical Carcinogens, NIH Pub. No. 81–2385, GPO, Washington, DC, 20402 1981.

7. National Research Council, Prudent Practices for Disposal of Chemicals from Laboratories, National Academy Press, Washington, DC, 1983.

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9. Renfrew, Malcolm, Ed., Safety in the Chemical Laboratory, Vol. IV, *J. Chem. Ed.*, American Chemical Society, Easton, PA, 1981.

10. Steere, Norman V., Ed., Safety in the Chemical Laboratory, *J. Chem. Ed.*, American Chemical Society, Easton, PA 18042, Vol. I,. 1967, Vol. II, 1971, Vol. III, 1974.

11. Steere, Norman V., Handbook of Laboratory Safety, the Chemical Rubber Company, Cleveland, OH, 1971.

(b) Hazardous Substances Information:

1. American Conference of Governmental Industrial Hygienists, Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes, P.O. Box 1937, Cincinnati, OH 45201 (latest edition).

2. Annual Report on Carcinogens, National Toxicology Program, U.S. Department of Health and Human Services, Public Health Service, U.S. Government Printing Office, Washington, DC (latest edition).

3. Best Company, Best Safety Directory, Vols I and II, Oldwick, NJ, 1981.

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8. NIOSH/OSHA Pocket Guide to Chemical Hazards. NIOSH Pub. No. 78–210, U.S. Government Printing Office, Washington, DC, 1978.

9. Occupational Health Guidelines, NIOSH/OSHA NIOSH Pub. No. 81–123, U.S. Government Printing Office, Washington, DC, 1981.

10. Patty, F.A., Industrial Hygiene and Toxicology, John Wiley & Sons, Inc., New York, NY (Five Volumes).

11. Registry of Toxic Effects of Chemical Substances. U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health, Revised Annually, for sale from Superintendent of Documents. U.S. Govt. Printing Office, Washington, DC 20402.

12. The Merck Index: An Encyclopedia of Chemicals and Drugs. Merck and Company Inc. Rahway, NJ, 1976 (or latest edition).

13. Sax, N.I. Dangerous Properties of Industrial Materials, 5th edition, Van Nostrand Reinhold, NY, 1979.

14. Sittig, Marshall, Handbook of Toxic and Hazardous Chemicals, Noyes Publications, Park Ridge, NJ, 1981.

(c) Information on Ventilation:

1. American Conference of Governmental Industrial Hygienists Industrial Ventilation, 16th edition, Lansing, MI, 1980.

2. American National Standards Institute, Inc., American National Standards Fundamentals Governing the Design and Operation of Local Exhaust Systems ANSI Z 9.2—1979 American National Standards Institute, NY 1979.

3. Imad, A.P. and Watson, C.L. Ventilation Index: An Easy Way to Decide about Hazardous Liquids, *Professional Safety* pp. 15–18, April 1980.

4. National Fire Protection Association:

• Fire Protection for Laboratories Using Chemicals NFPA–45, 1982

• Safety Standard for Laboratories in Health Related Institutions, NFPA, 56c, 1980.

• Fire Protection Guide on Hazardous Materials, 7th edition, 1978.

National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

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FEDERAL REGISTER PAGES AND DATES, JULY

23719-24132.....1
24133-24294.....2
24295-24506.....3
24507-24640.....7
24641-24798.....8
24799-25026.....9
25027-25186.....10
25187-25356.....11
25357-25520.....14
25521-25640.....15
25641-25844.....16
25845-25990.....17
25991-26146.....18
26147-26222.....21
26223-26372.....22
26373-26534.....23
26535-26684.....24

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

305.....25641

3 CFR

Proclamations:

5507.....24295
5508.....24297
5509.....24507
5510.....24509
5511.....24641
5512.....26373

Executive Orders:

10621 (Amended by EO 12561).....24299
11294 (Revoked by EO 12561).....24299
12561.....24299
12562.....25845

5 CFR

352.....25187
737.....25645
870.....25849
871.....25849
872.....25849
873.....25849
950.....24133
1201.....25146
1701.....24799
1702.....24799
1703.....24799
1720.....24799

Proposed Rules:

532.....25531
870.....25532
871.....25532
872.....25532
873.....25532
890.....23782, 25533

7 CFR

2.....24806
29.....25027
70.....26223
250.....23719
354.....24511
614.....26535
781.....25993
908.....24643, 25189, 25991
911.....25991
915.....25991
917.....24807
921.....25991
922.....25991
923.....25991
924.....25991
925.....25850
945.....25991
947.....25991
948.....25850, 25991
953.....25991
967.....25991
981.....24808, 24809
984.....25991
985.....25991
1006.....26224
1007.....26224
1011.....26224
1012.....26224
1013.....26224
1046.....26224
1093.....26224
1094.....26224
1096.....26224
1098.....26224
1099.....26224
1240.....26147
1260.....26132
1434.....25851
1493.....26538
1788.....25854
1901.....24301
1910.....25028

Proposed Rules:

51.....26390
68.....26161
250.....25534
251.....25534
400.....23782, 24677
735.....25705
800.....26162
810.....24532
910.....24355
967.....26253
1006.....26254
1007.....26254
1011.....26254
1012.....26254
1013.....26254
1030.....24677, 25896, 26254
1032.....24677, 25896, 26254
1033.....24677, 25896, 26254
1036.....24677, 25896, 26254
1040.....26254
1046.....26254
1049.....24677, 25896, 26254
1050.....24677, 25896, 26254
1064.....25539, 26254
1065.....26254
1068.....26254
1076.....26254
1079.....26254
1093.....26254
1094.....26254
1096.....26254
1097.....26254
1098.....26254
1099.....26254
1102.....25539, 26254
1106.....25539, 26254
1108.....25539, 26254
1120.....26254

1124 26254
1125 26254
1126 ..... 25539, 26254
1131 26254
1132 26254
1134 26254
1135 26254
1136 26254
1137 26254
1138 ..... 25539, 26254
1139 26254
1496 26164
1864 24356
1900 24356
1903 24356
1944 ..... 24356, 26256
1951 24356
1955 24356
1956 24356
1962 24356
1965 24356

8 CFR

238 26375
245 25357
Proposed Rules:
212 24533
214 24533

9 CFR

77 25994
78 24133
91 25029
94 ..... 23730, 25994, 25995
113 23731
Proposed Rules:
92 24154
327 26258

10 CFR

50 24643
300 ..... 24643, 24810
Proposed Rules:
2 24365
40 24697
50 ..... 24715, 26013, 26393
51 24078
55 24715
171 24078
205 26399
904 26555

12 CFR

5 25861
7 25866
21 25866
201 26542
211 25358
346 24302
563 26228
Proposed Rules:
204 25069
611 ..... 25069, 26014
615 26402

13 CFR

121 25189
302 ..... 24302, 24512
304 24512
305 24512
309 24303
310 24516

14 CFR

23 26654
25 26206
39 ..... 23731–23733, 24134, 24648, 24811, 24812, 25191, 25192, 25521, 25682, 25871, 25872, 26228, 26229, 26231, 26232, 26376, 26377
71 ..... 23734, 24104, 24516, 24649, 24813, 25193, 25521, 26233, 26234
73 24649
75 23735
93 25030
97 ..... 24650, 26234
121 26206
1204 24652
Proposed Rules:
Ch. I 26260
21 ..... 25500, 26261
23 26261
25 ..... 25982, 26166, 26261
36 25500
39 ..... 23786, 23787, 24715, 24716, 24844, 25208, 25567–25570, 25896
43 ..... 24845, 25174
45 25174
71 ..... 23789, 25209, 25571–25573, 26116
73 26263
75 ..... 26264, 26265
91 ..... 24845, 24851, 25174, 25708
121 ..... 24845, 26166
127 24845
135 24845

15 CFR

70 24653
371 ..... 25359, 25683, 26154
373 24135
377 25359
399 ..... 25360, 25522
Proposed Rules:
376 24533
385 24533

16 CFR

13 ..... 24136, 24653, 25996
305 24137
444 24304
Proposed Rules:
13 26014
307 24375

17 CFR

1 26236
16 26236
200 ..... 25684, 25873
211 25194
230 25360
240 ..... 25360, 25873, 25996
249 25360
260 25360
Proposed Rules:
Ch. II 24155
3 25897
30 24852
240 ..... 25369, 26018
249 25369

18 CFR

11 ..... 24308, 25362
13 ..... 24308, 25362
37 26237
270 ..... 25998, 26242
375 ..... 24308, 25362
389 25998
410 25030
430 25030

19 CFR

4 24322
24 24323
134 24814
142 23736
143 26243
201 25194
213 25999
353 25195
Proposed Rules:
19 24535
134 25574
141 26266
144 24535
151 26021
178 26021
191 24536

20 CFR

655 24138
Proposed Rules:
404 26268
416 ..... 26026, 26268
654 26555

21 CFR

5 25883
16 26342
73 24815
74 ..... 24517, 24519
81 24519
82 ..... 24517, 24519
101 25012
160 25362
182 ..... 25012, 25198
193 25685
211 24476
310 ..... 24476, 26112
314 24476
433 25523
520 ..... 24524, 26001
522 ..... 24141, 24524, 25031, 25198, 25686
558 ..... 23736, 26378
730 25687
814 26342
1304 26154
Proposed Rules:
2 25708
60 25338
155 26268
335 26170
357 25899
369 26170
630 ..... 25710, 26557

22 CFR

22 26246
52 26246
53 26246
213 26543

23 CFR

420 26378
450 26378
669 25363

24 CFR

200 25687
215 24324
236 ..... 24324, 25687
812 ..... 24324, 25687
813 24324
882 ..... 24324, 25687
886 24324
912 25687
Proposed Rules:
35 24112
115 24852
200 ..... 24112, 26409
203 26409
204 26409
213 26409
220 26409
221 26409
222 26409
226 26409
227 26409
234 26409
235 26409
237 26409
240 26409
881 24112
882 24112
886 24112
904 26504
905 26504
913 26504
960 26504
966 26504

26 CFR

1 ..... 23737, 25032, 25033
602 ..... 23737, 25033
Proposed Rules:
1 ..... 23790, 24162, 25070
3 24162
5f 24162
6a 24162
25 24162
514 24162
602 25070

27 CFR

9 ..... 24142, 25366
Proposed Rules:
24 24719
170 24719
200 24383
231 24719
240 24719

28 CFR

0 25049
2 25050
45 25052
511 26126
540 26126
550 26128
Proposed Rules:
64 24163

29 CFR

Ch. XVII 24525
102 23744
697 25525
1450 24816
1910 ..... 24324, 25053
1926 25294
2615 24145
2676 25689
Proposed Rules:
553 25710
1910 26660
2200 24386
2670 24536
2675 24536

30 CFR

761.....25818, 26385
906.....23750
917.....26002
935.....25883

Proposed Rules:

75.....24387
256.....26268
773.....25822, 25900
800.....23790, 24547
843.....25822
901.....24719
913.....25575
914.....24387, 24388
917.....24390

31 CFR

315.....23752
332.....23752
352.....23752
353.....23752
550.....25634, 25635

32 CFR

54.....23754
155.....23757
199.....24008
728.....23972

33 CFR

1.....25366
100.....24528, 25886, 26154, 26155
117.....24655, 25053
140.....25054
142.....25054
165.....24655, 26155
203.....25690
207.....25198

Proposed Rules:

117.....24720, 24721

34 CFR

30.....24095
200.....25061
400.....25492
401.....25492
415.....25492

Proposed Rules:

30.....24092
624.....24796

35 CFR

253.....25693

36 CFR

8.....24655

Proposed Rules:

2.....25576

37 CFR

401.....25508

38 CFR

13.....26157
17.....25061
19.....26247
21.....25525, 26158

Proposed Rules:

17.....26027

39 CFR

111.....25525
262.....26385
265.....26385
266.....26385
3001.....24529

Proposed Rules:

10.....24391
111.....25371

40 CFR

10.....25832
14.....25832
16.....24145
52.....23758, 25198-25200, 25366
60.....26546
65.....24656, 25693
81.....24825, 25200, 25202, 26386
86.....24325, 24606
141.....24328
180.....25695-25697
154.....26387
162.....26387
172.....26387
260.....25422
261.....24496, 25422, 25699, 25887, 25889
262.....25422
264.....25350, 25422, 26008
265.....25350, 25422, 26008
270.....25422
271.....25422
403.....23759
405.....24974
406.....24974
407.....24974
408.....24974
409.....24974
411.....24974
412.....24974
418.....24974
422.....24974
424.....24974
426.....24974
432.....24974
799.....24657

Proposed Rules:

50.....24392,
52.....24163, 24393, 24853, 25210, 25211, 25371, 25715, 25718, 25720, 25900-25902, 26269
60.....24164, 24170, 25212, 26271
81.....24854, 24855, 26272
86.....24614
131.....25372
153.....24393
166.....24393
180.....25721
260.....24856
261.....24856, 25372, 26417-26438
262.....24856, 25487
264.....24856, 26632
265.....24856
268.....24856
270.....24856, 26632
271.....24549, 24856, 26438
302.....26438
403.....25722
704.....26273
721.....24551, 24555, 26273 26557
799.....25070, 25577, 26028, 26170

41 CFR

101-40.....24329
101-47.....23760
114-60.....26388

42 CFR

57.....25891
405.....24484
420.....24484
442.....24484
447.....24484
489.....24484

Proposed Rules:

405.....23792, 24857
420.....24857
455.....24857
474.....24857

43 CFR

431.....23960, 24531
1820.....26248
3500.....25204
3510.....25204
3520.....25204
3530.....25204
3540.....25204
3560.....25204
3570.....25204
3580.....25204

Public Land Orders:

6616.....25205
6618.....25205

Proposed Rules:

11.....25903

44 CFR

14.....24346
64.....25701
65.....26547, 26549
67.....26550

Proposed Rules:

67.....24396, 25373
302.....26171

45 CFR

302.....25526
1600.....24826
1611.....24151
1631.....24826

Proposed Rules:

96.....24402
1385.....25904
1386.....25904
1387.....25904
1388.....25904

46 CFR

Proposed Rules:

31.....26439

47 CFR

0.....25527
64.....24350
73.....23761-23764, 24151, 24351, 24352, 24827, 25527, 25528, 26009, 26248, 26553
74.....26248
76.....26248

Proposed Rules:

Ch. I.....25723
0.....25792
1.....25792, 26278, 26562
2.....24409
18.....24872
21.....25792
22.....25792
23.....25792
62.....25792
64.....24410
73.....23795-23798, 24171-24173, 24409-24413, 24872-24877, 25580-25586, 25792, 26282-26284, 26563
74.....25586, 25792
95.....24174

48 CFR

508.....24667
513.....25703
525.....24667
532.....26251
552.....25703
1527.....25367
1552.....25367
1822.....23765
1852.....23765

Proposed Rules:

30.....24788, 24971
32.....25976
52.....25976
235.....26172
252.....26172

49 CFR

172.....25639
218.....25180
221.....25180
571.....24152
1085.....25206
1105.....25206, 26251
1150.....25206
1180.....24668, 25206

Proposed Rules:

Ch. X.....24723
192.....24174, 24722
391.....24722
393.....24413
395.....24722
571.....24176, 24877
1150.....26563
1063.....26439

50 CFR

17.....23765, 23769, 24669, 24672
215.....24828
611.....25704
642.....26010
650.....24841
653.....26554
658.....24675
661.....24352, 24353, 24842, 26159, 26388, 26389
672.....24353
674.....25528, 26159
675.....25529

Proposed Rules:

14.....24559
17.....24178, 24723, 24727, 25219, 25914, 26564, 26569
20.....24415, 26029
26.....25377
32.....24179, 25587
36.....25377
96.....25377
246.....24559
611.....25724
655.....24880
662.....26440

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List July 16, 1986

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Expiration Date Month / Year

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Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday–Friday (except holidays).

(Rev. 1-1-86)