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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEM PROTECTION BOARD

5 CFR Part 1201

Practice and Procedure

Correction

In FR Doc. 86-15280 beginning on page 25146 in the issue of Thursday, July 10, 1986, make the following corrections:

§ 1201.27 [Corrected]

1. On page 25151, in the second column, in § 1201.27(a), in the second line, "and" should read "an".

§ 1201.56 [Corrected]

2. On page 25154, in the second column, in § 1201.56(c)(3), in the fourth line, "have likely" should read "have been likely".

§ 1201.121 [Corrected]

3. On page 25159, in the second column, in § 1201.121(b), in the last line, "ro" should read "or".

§ 1201.126 [Corrected]

4. On page 25160, in the first column, in § 1201.126(e)(3), in the first line, "disciplines the" should read "discipline as".

§ 1201.157 [Corrected]

5. On page 25162, in the second column, in § 1201.157, in the third line, "by the" should read "by an".

§ 1201.165 [Corrected]

6. On page 25163, in the first column, in § 1201.165(b), in the sixth line, "applicant" should read "appellant"; and in § 1201.165(c)(2), in the fifth line, "complete" should read "completed".

§ 1201.173 [Corrected]

7. On page 25163, in the third column, in § 1201.173(f)(3), in the third line, "8:14" should read "8:15".

§ 1201.183 [Corrected]

8. On page 25164, in the third column, in the first line, the section number should read "1201.183".

9. On page 25165, in the first column, in § 1201.183(c), in the last line, "confirmation" was misspelled.

10. On page 25166, in the third column, in § 1201.212, the second line should end with "fact."; and the rest of the line, "§ 1201.213 Official notice." should be set out as a section heading.

§ 1201.214 [Corrected]

11. On page 25166, in the third column, in § 1201.214, in the second line, "sanction" should read "sanctions".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1427

[Amdt. 7]

CCC Cotton Loan Program Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the Commodity Credit Corporation (CCC) Cotton Loan Program Regulations governing the 1980 and subsequent crops of cotton concerning the packaging of cotton which is pledged to CCC as collateral for price support loans. The specifications for bale packaging materials used in wrapping cotton for 1985 that were approved and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC) are acceptable to CCC. Therefore, CCC is incorporating these specifications by reference and will require that 1986-crop cotton pledged to CCC as collateral for price support loan be wrapped to comply with these specifications.

EFFECTIVE DATE: August 6, 1986. The Director of the Federal Register approved the incorporation by reference of the specifications effective on August 6, 1986.

ADDRESS: Harold Jamison, Cotton Grain, and Rice Price Support Division USDA-ASCS, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Grady Bilberry, Cotton, Grain, and Rice Price Support Division, USDA-ASCS, P.O. Box 2415, Washington, DC 20013, (202) 447-7987. The Final Impact Statement describing the options considered in developing the rule that eliminated the publishing in the **Federal Register** of packaging specifications and the impact of implementing each option is available upon request from the above-named individual.

Supplementary Information

This final action has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major". It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) Major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) Significant adverse effect on competition, employment, investment, productivity innovation, or on the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this rule applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

An Environmental Evaluation has been completed. It has been determined that this action is not expected to have any significant impact on the quality of the human environment. In addition, it has been determined this action will not adversely affect environmental factors such as wildlife habitat, water quality, and air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

A final rule was published in the **Federal Register** on July 1, 1982, that amended the cotton loan program regulations to provide that CCC would no longer publish in the **Federal Register**

the packaging specifications acceptable to CCC for packaging cotton pledged to CCC for Price Support loans. Instead, CCC determined that the specifications for cotton bales packaging materials approved and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC) were acceptable to CCC for packaging cotton pledged to CCC for price support loans and incorporated by reference, in accordance with 1 CFR Part 51, the specifications approved and published by the JCIBPC for 1982-crop cotton.

Since the only purpose of this final rule is to amend the cotton loan program regulations to incorporate by reference the specifications approved and published by the JCIBPC for 1986-crop cotton which are generally available and accepted by the cotton industry, it has been determined that no further public rulemaking is required.

Accordingly, the regulations governing the cotton loan program set forth at 7 CFR 1427.1 through 1427.26 are amended as stated herein in order to incorporate by reference, in accordance with 1 CFR Part 51, the packaging specifications approved and published by the JCIBPC for 1986-crop cotton.

Copies of the specifications published by the JCIBPC will be made available to the public upon request by that Committee and by county ASCS offices.

List of Subjects in 7 CFR Part 1427

Cotton, Loan programs—agriculture, Packaging and containers, Price support programs, Surety bonds, Warehouse.

Accordingly 7 CFR Part 1427 is amended as follows:

PART 1427—(AMENDED)

1. The authority citation for 7 CFR 1427.1–1427.25 reads as follows:

Authority: Secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070 as amended, 1072 (15 U.S.C. 714b and 714c); secs. 101, 401 and 403 of the Agricultural Act of 1949, as amended, 63 Stat. 1051, as amended, 1054, as amended (7 U.S.C. 1444, 1421 and 1423); sec. 501 of Pub. L. 99–198.

2. In § 1427.5, paragraph (l) is revised to read as follows:

§ 1427.5 Eligible cotton.

* * * * *

(l) Each bale must be packaged in materials which meet specifications adopted and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC), sponsored by the National Cotton Council of America, for bale coverings and bale ties which are identified and approved by the JCIBPC as experimental packaging material. Heads of bales must be completely covered. Copies of the 1986 Specifications for Cotton Bale Packaging Materials published by the JCIBPC which are incorporated by reference are available to the public upon request at the county ASCS office and at the following address: Joint Cotton Industry Bale Packaging Committee, National Cotton Council of America, P.O. Box 12285, Memphis, Tennessee 38112. Information with respect to experimental packaging material may be obtained from JCIBPC. This incorporation by reference was approved by the Director of the Federal Register on August 6, 1986.

Signed at Washington, DC, on July 31, 1986.

Milton J. Hertz,

Acting Executive Vice-President, Commodity Credit Corporation.

[FR Doc. 86–17652 Filed 8–6–86; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

[Docket No. 24594, Amdt., Nos. 25-61 and 121-189]

Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule; Request for additional comments; Correction.

SUMMARY: On Monday, July 21, 1986, the Federal Aviation Administration published a Final Rule (51 FR 26206) to upgrade the fire safety standards for cabin interior materials in transport category airplanes. This document is issued to amend the closing date for comments which is incorrect as stated and to correct a formula which appears in the amendatory language.

FOR FURTHER INFORMATION CONTACT: Gary L. Killion, Manager, Regulations Branch (ANM–112), Transport Standards Staff, Aircraft Certification Division, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168; Telephone (206) 431–2112.

SUPPLEMENTARY INFORMATION: In FR Doc. 86–16045 beginning on page 26206 in the issue published on July 21, 1986, first column, 36th line from the top should read "**DATES:** Effective Date: August 20, 1986. The closing date for comments is January 21, 1987." At lines 42 and 43, delete the sentence "Comments due on or before September 19, 1986."

At page 26215, the formula in Appendix F to Part 25, Part IV (f) which appears in the center of the page should read as follows:

$$K_h = \frac{(F_1-F_0)}{(V_1-V_0)} \times \frac{(210.8-22)k_{cal}}{mole} \times \frac{273}{T_a} \times \frac{P-P_v}{760} \times \frac{mole\ CH4STP}{22.41} \times \frac{WATT.min}{.01433kcal} \times \frac{kw}{1000w}$$

Issued in Washington, DC, on July 31, 1986.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 86–17705 Filed 8–6–86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-CE-24-AD; Amendment 39-5383]

Airworthiness Directive; British Aerospace Model 3101 Jetstream Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to certain British Aerospace Model 3101 Jetstream airplanes modified in accordance with Arkansas Modification Center, Inc. (AMC) baggage pod Supplementary Type Certificate (STC) No. SA5900SW. The AD requires a one-time inspection of the flap torque shaft for scoring, repair or replacement of scored shafts, and rework of the baggage pod modification by relocating and adding fasteners to the installation. This action is the result of reports of scoring of the flap torque shaft caused by interference with a fastener. The AD will prevent possible scoring and failure of flap torque tube, which will prevent asymmetric

retraction of the flaps and loss of control of the airplane.

EFFECTIVE DATE: August 13, 1986.

Compliance: Required within the next 50 landings after the effective date of this AD unless already accomplished.

ADDRESSES: Arkansas Modification Center, Inc., (AMC) Mandatory Service Bulletin (MSB) 25-0001(-1) dated May 13, 1986, applicable to this AD may be obtained from AMC, Post Office Box 3356, Adams Field, Little Rock, Arkansas 72203; Telephone (501) 372-1501 and BAe Alert Service Bulletin (ASB) 27-JA850949 dated January 8, 1986, from BAe Engineering Department, Post Office Box 17414, Dulles International Airport, Washington, DC 20041; Telephone (703) 435-9100. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. William Simmons, FAA, ASW-190, 4400 Blue Mound Road, Forth Worth, Texas 76101; Telephone (512) 824-2556 or Mr. John P. Dow., Sr., FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: It has been reported on a British Aerospace Model 3101 Jetstream airplane that "Camloc" studs on the left and right hand F21 and F22 panels at fuselage station 253.3, used in the AMC STC No. SA5900SW Baggage Pod Modification can cause scoring of the flap torque shafts over their arc of movement due to interference. Scoring of the shaft results in a reduction of strength and possible failure. This can result in asymmetric retraction of flaps and subsequent loss of control of the aircraft. As a result BAe issued ASB No. 27-JA850949 dated January 8, 1986, to introduce an inspection and repair of the flap torque shafts. AMC issued Service Bulletin (S/B) No. 25-0001(-1) dated May 13, 1986, which describes rework of the baggage pod modification to prevent scoring the flap torque shaft by relocating the interfering "Camloc" fasteners and adding two additional fasteners to each of the F21 and F22 panels to eliminate drooping of these modified panels. Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring inspection of the flap torque shaft for scoring, repair or replacement of the flap torque shaft if required, and rework of the baggage pod by relocation of two (2) "Camloc" fasteners, and addition of four (4) "Camloc" fasteners on certain BAe Model 3101 airplanes modified with AMC Baggage Pod in accordance with STC No. SA5900SW. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1969). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"** at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

2. By adding the following new AD:

British Aerospace

Applies to Model 3101 (Serial Numbers 003 through 026, 028, 034, 035, 037, and 038) airplanes certified in any category which have incorporated AMC Baggage Pod Modification STC No. SA5900SW.

Compliance: Required within the next 50 landings after the effective date of this AD, unless already accomplished.

Note: If landings are not recorded, one hour time-in-service (TIS) equals two landings.

To prevent possible scoring and failure of the two flap torque tubes, and subsequent loss of control of the aircraft, accomplish the following:

(a) Inspect the flap torque shaft in accordance with BAe Alert Service Bulletin (ASB) No. 27-JA850949 dated January 8, 1986, section 2B, "Inspection/Repair", Subparagraph (1)

(1) If scored in excess of 0.030 inches in depth, before further flight replace torque shaft with a serviceable shaft.

(2) If scoring does not exceed 0.030 inches in depth:

(i) Before further flight repair in accordance within BAe ASB No. 27-JA850949 dated January 8, 1986, section 2B, "Inspection/Repair", Subparagrpah (3), and

(ii) Inspect for cracks using a dye penetrant inspection to establish integrity of the shaft. If cracks are found, before further flight, replace torque shaft with a serviceable shaft.

(b) Rework panels F21 and F22 in accordance with Arkansas Modification Center, Inc. (AMC) Mandatory Service Bulletin (MSB) No. 25-0001(-1) dated May 13, 1986, section 2A, "ACCOMPLISHMENT INSTRUCTIONS".

(c) Airplanes may be flown with the flap system rendered inoperative in accordance with FAR 21.197 to a location where this AD may be accomplished.

(d) An equivalent means of compliance with this AD may be used if approved by the Manager, FAA, Southwest Region, Special Programs Branch, ASW-190, 4400 Blue Mound Road, Post Office Box 1689, Fort Worth, Texas 76101.

All persons affected by this proposed AD may obtain copies of Arkansas Modification Center, Inc., (AMC) Mandatory Service Bulletin (MSB) No. 25-0001(-1) dated May 13, 1986, referred to herein upon request to the Arkansas Modification Center, Inc., Post Office Box 3356, Adams Field, Little Rock, Arkansas 72203, and Alert Service Bulletin No. 27-JA85-0949 dated January 8, 1986, referred to herein upon request to the British Aerospace, Engineering Department, Post Office Box 17414, Dulles International Airport, Washington, DC 20041 or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on August 13, 1986.

Issued in Kansas City, Missouri, on July 29, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-17707 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-CE-23-AD; Amendment 39-5382]

Airworthiness Directives; Pilatus Britten-Norman LTD, BN-2A Mark III Trislander Series and BN-2 Islander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD

86-07-02, applicable to all Pilatus Britten-Norman LTD, BN-2A Mark III Trislander series and BN-2 Islander series airplanes and codifies the corresponding emergency AD letter dated March 28, 1986, into the **Federal Register**. This AD requires an inspection to detect cracks in the main landing gear at the junction of the torque link lug and upper case, and the replacement of cracked parts with airworthy units. There have been numerous occurrences reported of main landing gears exhibiting fatigue cracks. Cracks in the main landing gear may cause failures of the landing gear, loss of control and possible catastrophic secondary failures to the airplane.

EFFECTIVE DATES: August 13, 1986, to all persons except those to whom it has already been made effective by priority letter from the FAA dated March 28, 1986.

Compliance: As prescribed in the body of the AD.

ADDRESSES: The Mandatory Service Bulletin (MSB) BN-2/SB.170 Issue 2 dated April 14, 1986, and MSB BN-2/SB.173 Issue 1 dated June 2, 1986, applicable to this AD may be obtained from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, England. A copy of the information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Ebina, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone (322) 513.38.30; or Mr. Harvey Chimerine, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: This AD, applicable to Pilatus Britten-Norman LTD, BN-2A Mark III Trislander Series and BN-2 Islander Series airplanes, is necessary to detect cracks in the main landing gear (regardless of the manufacturer of the gear) at the junction of the torque link lug and upper case, by visual means using a 10-power magnifying glass or by a dye penetrant inspection and the replacement of cracked parts with airworthy units. There have been numerous occurrences reported of main landing gears exhibiting fatigue cracks which are believed on some aircraft to have resulted in detachment of torque links under landings and taxiing loads. Cracks in the main landing gear may cause failures of the landing gear, loss of control and possible catastrophic secondary failures to the airplane.

The FAA determined that this was an unsafe condition that may exist in other airplanes of the same type design, thereby necessitating the AD. It was also determined that an emergency condition existed, that immediate corresponding action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by priority letter dated March 28, 1986. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as AD 86-07-02. Since the unsafe conditions described therein may still exist on other Pilatus Britten-Norman Limited, BN-2A Mark III Trislander series (all models and serial numbers) and BN-2 Islander series (all models and serial numbers) airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification. Because a situation still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed may be obtained by contacting the Rules Docket at the location under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

2. By adding the following new AD:

Britten-Norman Limited

Applies to all BN-2A Mark III Trislander Series (all Models and Serial Numbers) and BN-2 Islander Series (all Models and Serial Numbers) airplanes.

Compliance: Required prior to further flight after the effective date of this AD, unless already accomplished within the last 100 hours time-in-service (TIS), and thereafter at intervals not to exceed 100 hours TIS from the last inspection.

To preclude possible failure of the main gear, loss of control and possible catastrophic secondary failures to the airplane, accomplish the following:

(a) Inspect the junction of the torque link lug and upper case for cracks by visual means with 10-power magnifying glass or by dye penetrant.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where the inspection specified in paragraph (a) above can be accomplished.

(c) If cracked parts are found as a result of the inspection in paragraph (a) of this AD, prior to further flight replace the cracked parts with airworthy units.

(d) If the landing gear is replaced, only equal pairs of the same manufacturer are approved as replacement parts. Mixing of different manufacturer landing gears is not authorized.

(e) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishment of these inspections concurrent with the other scheduled maintenance on the airplane.

(f) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Office, AEU-100, Europe, Africa and Middle East, FAA, c/o American Embassy, B-1000 Brussels, Belgium.

CAA-UK Airworthiness Directive No. 005-03-86 issued March 14, 1986, which uses Britten-Norman Campaign Wire BN-2/SB173 as its Mandatory Service Bulletin dated March 14, 1986, pertains to the subject of this AD.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to Pilatus Britten-Norman LTD Bembridge, Isle of Wight, England, or the FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on August 13, 1986, to all person except those to whom it has already been made effective by priority letter from the FAA

dated March 28, 1986, and is identified as AD 86-07-02.

Issued in Kansas City, Missouri, on July 29, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-177076 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ASO-21]

Designation of Transition Area, Falmouth, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates the Falmouth, Kentucky, transition area to accommodate Instrument Flight Rule (IFR) operations at Gene Snyder Airport. This action lowers the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure has been developed to serve the airport and the controlled airspace is required for IFR aeronautical activities.

EFFECTIVE DATE: 0901 UTC, October 23, 1986.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Supervisor, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, May 27, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating the Falmouth, Kentucky, transition area (51 FR 19067). This action will provide controlled airspace for aircraft executing a new instrument approach procedure to Gene Snyder Airport. The operating status of the airport is changed to IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposed were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Falmouth, Kentucky, transition area and lowers the base of controlled airspace in the vicinity of Gene Snyder Airport from 1,200 to 700 feet above the surface.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

2. By amending § 71.181 as follows:

Falmouth, KY—[New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Gene Snyder Airport (Lat. 38°42'12"N., Long. 84°23'33"W.); excluding that portion which coincides with the Cincinnati, KY, transition area.

Issued in East Point, Georgia, on July 29, 1986.

James L. Wright,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 86-17709 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AWP-8]

Amendment to the Battle Mountain, Nevada, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: 0901 UTC, October 23, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On May 20, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Battle Mountain, Nevada, transition area (51 FR 18461). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B, dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations enlarges the 1,200 foot transition area at Battle Mountain, Nevada. This action will provide the necessary controlled airspace for aircraft holding southwest of the Battle Mountain VORTAC.

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

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

2. Section 71.181 is amended as follows:

Battle Mountain, NV—[Amended]

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

Issued in Los Angeles, California, on July 29, 1986.

Wayne C. Newcomb,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 86–17711 Filed 8–6–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 86–ANM–17]

Amend Eagle, CO, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Eagle, Colorado, Transition Area. The amendment is necessary to provide controlled airspace for aircraft in a holding pattern associated with a new instrument approach procedure.

EFFECTIVE DATE: 0901 UTC, September 12, 1986.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM–533, Federal Aviation Administration, Docket No. 86–ANM–17, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, Telephone: (206) 431–2533.

SUPPLEMENTARY INFORMATION:

History

On June 9, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Eagle, Colorado, Transition Area (51 FR 20834).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will provide controlled airspace for aircraft in a holding pattern associated with a new instrument approach procedure at the Eagle County Airport, Colorado. The existing 1,200 foot transition area for the present holding pattern is no longer needed and will be eliminated by this section.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

2. Section 71.181 is amended as follows:

Eagle, Colorado (Amended)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Eagle County Airport (lat. 39°38'42" N, long. 106°54'43" W); within 3.5 miles each side of the 072° bearing from the Eagle County Airport extending from the 9-mile radius area to 19 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 39°11'00" N, long. 106°42'00" W; to lat. 39°11'00" N, long. 107°14'00" W; to lat. 40°21'00" W, long. 107°14'00" W; to lat. 40°21'00" N, long. 106°42'00" W; to the point of beginning excluding all controlled airspace which overlaps this airspace.

Issued in Seattle, Washington, on July 31, 1986.

William E. O'Neill,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86–17710 Filed 8–6–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 25048; Amdt. No. 1326]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the **Federal Register** on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows.

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on July 25, 1986.

John S. Kern,

Director of Flight Standards.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b)(2)).

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective October 23, 1986

Iron Mountain/Kingsford, MI—Ford, VOR RWY 1, Amdt. 10
Iron Mountain/Kingsford, MI—Ford, VOR RWY 19, Amdt. 5
Iron Mountain/Kingsford, MI—Ford, VOR RWY 31, Amdt. 12
Iron Mountain/Kingsford, MI—Ford, VOR/DME RWY 1, Orig.
Iron Mountain/Kingsford, MI—Ford, VOR/DME RWY 19, Orig.
Iron Mountain/Kingsford, MI—Ford, VOR/DME RWY 31, Orig.
Iron Mountain/Kingsford, MI—Ford, LOC/DME BC RWY 19, Amdt. 8
Iron Mountain/Kingsford, MI—Ford, ILS RWY 1, Amdt. 7

. . . Effective September 25, 1986

Fort Wayne, IN—Smith Field, VOR RWY 13, Amdt. 6
Goshen, IN—Goshen Muni, VOR RWY 9, Amdt. 10
Goshen, IN—Goshen Muni, VOR RWY 27, Amdt. 4
Goshen, IN—Goshen Muni, LOC BC RWY 9, Orig.
Goshen, IN—Goshen Muni, LOC RWY 27, Amdt. 2
Kentland, IN—Kentland Muni, VOR-A, Amdt. 3
Kentland, IN—Kentland Muni, RNAV RWY 27, Orig.
Terre Haute, IN—Sky King, VOR-A, Amdt. 4
Marshall, MN—Marshall Muni-Ryan Field, VOR RWY 12, Amdt. 5
Marshall, MN—Marshall Muni-Ryan Field, VOR/DME RWY 30, Amdt. 1
Minneapolis, MN—Flying Cloud, MLS RWY 9R (Interim), Amdt. 3, CANCELLED
Winona, MN—Winona Muni-Max Conrad Field, VOR RWY 29, Amdt. 12
Winona, MN—Winona Muni-Max Conrad Field, VOR-A, Amdt. 10

. . . Effective August 28, 1986

Gulf Shores, AL—Jack Edwards, VOR-A, Amdt. 1
Hanford, CA—Hanford Muni, VOR-A, Amdt. 6
Merced, CA—Merced Muni, VOR RWY 30, Amdt. 12
Merced, CA—Merced Muni, ILS RWY 30, Amdt. 7
Visalia, CA—Visalia Municipal, VOR RWY 12, Amdt. 4
Deland, FL—Deland Muni-Sidney H. Taylor Fld, NDB RWY 30, Orig.
Miami, FL—Tamiami, NDB RWY 9R, Amdt. 6
Miami, FL—Tamiami, ILS RWY 9R, Amdt. 4
Atlanta, GA—DeKalb-Peachtree, NDB RWY 9, Orig
Hazlehurst, GA—Hazlehurst, VOR/DME RWY 32, Amdt. 5, CANCELLED
Hazlehurst, GA—Hazlehurst, NDB RWY 14, Amdt. 1
Richmond, KY—Madison, VOR/DME RWY 18, Amdt. 3
Richmond, KY—Madison, RNAV RWY 36, Amdt. 3
Bogalusa, LA—George R. Carr Memorial Air Fld, VOR/DME-A, Amdt. 2
Bogalusa, LA—George R. Carr Memorial Air Fld, NDB RWY 18, Amdt. 1
Cumberland, MD—Cumberland Muni, LOC-A, Amdt. 1
Cumberland, MD—Cumberland Muni, LOC/DME RWY 23, Amdt. 3
Cumberland, MD—Cumberland Muni, NDB-A, Amdt. 6
Easton, MD—Easton Muni, NDB RWY 22, Amdt. 6
Picayune, MS—Picayune Pearl River County, VOR-A, Amdt. 10
Keene, NH—Dillant-Hopkins, VOR RWY 2, Amdt. 9
Keene, NH—Dillant-Hopkins, ILS RWY 2, Amdt. 12
Rochester, NH—Skyhaven, VOR-A, Amdt. 4
Rochester, NH—Skyhaven, NDB RWY 32, Amdt. 1
Elmira, NY—Elmira/Corning Regional, ILS RWY 6, Amdt. 1
Jacksonville, NC—Albert J Ellis, NDB RWY 5, Amdt. 4
Jacksonville, NC—Albert J Ellis, ILS RWY 5, Amdt. 4
Maxton, NC—Laurinburg-Maxton, VOR/DME-A, Orig.
Southern Pines, NC—Moore County, VOR-A, Orig.
Florence, SC—Florence City-County, VOR or TACAN-A, Amdt. 4
Greenwood, SC—Greenwood County, NDB RWY 27, Orig.
Kingstree, SC—Williamsburg County, NDB RWY 14, Amdt. 3
Fayetteville, TN—Fayetteville Muni, SDF RWY 19, Amdt. 1
Fayetteville, TN—Fayetteville Muni, NDB RWY 19, Amdt. 1
Winchester, TN—Winchester Muni, NDB RWY 18, Amdt. 3
Roanoke, VA—Roanoke Regional/Woodrum Field, NDB RWY 33, Amdt. 6
Winchester, VA—Winchester Muni, VOR/DME-A, Amdt. 2
Martinsburg, WV—Eastern WV Regional Airport/Shepherd Field, VOR-A, Amdt. 6
Martinsburg, WV—Eastern WV Regional Airport/Shepherd Field, ILS RWY 26, Amdt. 4

. . . Effective July 18, 1986

Albert Lea, MN—Albert Lea Muni, VOR RWY 16, Amdt. 8
Albert Lea, MN—Albert Lea Muni, VOR/DME RWY 34, Amdt. 1

. . . Effective July 11, 1986

Fort Worth, TX—Bourland Field, VOR RWY 35, Amdt. 1

[FR Doc. 86-17708 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 444

Trade Regulation Rule; Credit Practices

AGENCY: Federal Trade Commission.

ACTION: Request for exemption from trade regulation rule by the State of New York Banking Department.

SUMMARY: The Federal Trade Commission hereby publishes its decision to grant a request from the State of New York for an exemption from that portion of the Commission's trade regulation rule on Credit Practices that pertains to cosigners, 16 CFR Part 444.3 (1984) (Credit Practices Rule) as to transactions covered by the New York General Obligations Law.

EFFECTIVE DATE: August 7, 1986.

FOR FURTHER INFORMATION CONTACT: Sandra M. Wilmore or Ruth R. Amberg, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580 (202) 724-1100 or (202) 724-1187.

List of Subjects in 16 CFR Part 444

Consumer credit, Trade practices.

SUPPLEMENTARY INFORMATION: The Credit Practices Rule states that it is deceptive for a creditor in a transaction subject to the Rule [1] to misrepresent a cosigner's liability and unfair for a creditor to fail to disclose the cosigner's liability. The Rule requires that a particular notice be provided to potential cosigners and states that a creditor complying with that disclosure provision does not violate the prohibition against unfair and deceptive statements concerning the cosigner's liability. [2]

The Credit Practices Rule provides (Rule § 444.5, 16 CFR 444.5) that if an appropriate state agency applies for an exemption from a provision of the Rule, such exemption will be granted if the Commission determined that: (1) There is in effect a state requirement or prohibition that applies to any transaction to which a provision of the Credit Practices Rule applies; and (2) The state requirement or prohibition affords a level of protection to consumers that is substantially equivalent to, or greater than, the protection afforded by the Rule's provision. Such an exemption will continue for so long as the state effectively administers and enforces its law. The result of the exemption is that the exempted provision of the Credit Practices Rule is not in effect in that state. [3]

The State of New York asserts that the New York General Obligations Law section 15-702, the General Business Law section 349, and the state enforcement scheme meet the standards for exemption contained in the Rule and requests an exemption from § 444.3 of the Rule, the section pertaining to unfair or deceptive cosigner practices, on that basis.

Pursuant to § 1.16 of the Commission's Rules of Practice, the Commission published the exemption request for public comment for 60 days to receive information from the public on whether the state requirements meet the Rule's criteria for exemption. [4]

As set forth in 16 CFR 444.5, the Commission evaluated New York State's petition for exemption to determine whether the level of protection afforded to consumers under the state law is substantially equivalent to the Credit Practices Rule and whether the state law is administered and enforced effectively. As explained in the staff guidelines, the exemption proceeding has been conducted pursuant to § 1.16 of the Commission's Rules of Practice.

[1] The Federal Trade Commission does not have jurisdiction over banks or federally-chartered or insured savings and loan associations, so transactions by those creditors are not subject to the Rule. However, the Federal Reserve Board and the Federal Home Loan Bank Board have adopted substantially similar rules for those institutions. The FRB's rule and the FHLBB's rule may be found at 50 FR 11695 (April 29, 1985) and 50 FR 19325 (May 8, 1985), respectively. The New York Banking Department has requested an exemption from the cosigner provisions of these rules as well.

[2] In addition to the cosigner regulations described, the Credit Practices Rule also states that it is unfair for a creditor in a transaction subject to the Rule to include in a contract a provision that constitutes or contains a confession of judgment or similar waiver; a waiver of exemptions; an assignment of wages (with certain limited exceptions); or a non-purchase money security interest in household goods. The Rule states finally that it is an unfair practice for a creditor to assess multiple late fees when the only delinquency is the failure to pay a previously assessed late fee.

[3] To assist the states in applying for exemptions, the FTC has published staff guidelines for exemption proceedings under the Credit Practices Rule at 50 FR 19335, May 8, 1985.

[4] 50 FR 50178, December 9, 1985.

As indicated by the Commission in the Rule's' Statement of Basis and Purpose,

the requirement in [16 CFR 444.5] § 444.5 that a comparable state requirement be substantially equivalent" to the Commission rule provision does not, in our view, require that the state requirement mirror exactly the Commission provison. Any differences that exist, however, should be so minor as not to deprive consumers of the level of protection guaranteed by the Commission Rule nor to complicate significantly compliance by interstate creditors. [footnote omitted] Other factors that will be considerd by the Commission in determining whether an exemption is warranted include the resources committed by the state to enforce its provisions, and the extent of any private rights of action available to aggrieved consumers, 49 FR 7740, 7783.

Contents of the New York Submission

New York has provided a copy of the relevant state statutes and a narrative statement comparing and explaining how state law and the Rule would apply to the same transaction. The submission is signed by the Deputy Superintendent of Banks for New York State.

Comments

The Commission received ten comments during the public comment period on the New York exemption petition. Six of the comments came from creditors, one comment came from a company that provides financial forms to creditors, one came from the Business Law Committee of the Banking, Corporation and Business Section of the New York State Bar Association, and one from the New York Bankers Association. The remaining comment came from the New York State Attorney General's Office.

All eight of the comments from creditors and their representatives and the comment from the Business Law Committee favored granting the exemption, on the bases that the New York Law covers most of the same transactions covered by the Rule, is substantially equivalent to the Rule, and affords greater protection to consumers because the state cosigner law is "self enforcing" and provides a private right of action. Creditors also stated that having to provide both the cosigner notice required by the Rule and the notice required by New York law is confusing to consumers and imposes an unnecessary burden on creditors.

The remaining comment came from the New York State Attorney General's office. The Attorney General expressed a preference for seeing how the Rule and the New York law would work together before an exemption was considered. This preference was based on his belief that the Rule presented no unduly burdensome compliance obligation for creditors. The Attorney General stated that the FTC-required cosigner notice is stronger and more clearly written than that required by New York, making it more effective in alerting cosigners to the nature of the liability they assume. The Attorney General stated that the federal and state requirements are not in conflict, and will supplement each other to the public's benefit.

The New York Law and the Rule

A. General

1. Coverage

New York General Business Law § 349 prohibits deceptive practices generally, and case law interpreting this provison states that the determination as to what constitutes a deceptive practice is to be made with direct reference to the rules and interpretations of the Federal Trade Commission. The New York law does not specifically prohibit unfair practices, as the Rule does. The New York General Obligations Law section 15–702 provides for written notices to be given to cosigners for consumer credit transactions and accounts. Under the New York law, a consumer credit transaction means a loan or sale pursuant to which credit is extended to a consumer primarily for personal, family, or household use. A consumer credit account means an account established pursuant to an agreement under which the creditor may permit the consumer to make purchases or obtain loans, for personal, family, or household purposes, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device as the agreement may provide. The New York law applies only to transactions where the amount financed will not exceed $25,000 or to accounts with a credit limit of no more than $25,000.

The Rule, issued pursuant to the Commission's authority under the Federal Trade Commission Act, prohibits specified unfair and deceptive practices with respect to cosigners and requires written notices to cosigners by lenders and retail installment sellers. Under the Rule, a lender is a person who engages in the business of lending money to consumers within the jurisdiction of the Federal Trade Commission. A retail installment seller is a person who sells goods or services to consumers on a deferred payment basis or pursuant to a lease-purchase arrangement within the jurisdiction of the Federal Trade Commission. The Rule sets no dollar limit on covered transactions.

2. Enforcement and Remedies

The penalty provided for violating the cosigner provisions of the New York General Obligations Law is that the creditor may not proceed directly against the cosigner as a guarantor of payment, but must exhaust all remedies, including judgment and execution, against the primary debtor first. The cosigner thus assumes the status of a guarantor for collection if the notice is not given. The petition states that the New York Banking Department considers this law to be self-enforcing. The Commission understands that to mean that a cosigner who is sued before remedies are exhausted against the primary debtor may raise the fact that the notice was not provided as an affirmative defense and that the New York Banking Department does not independently enforce this provision.

With respect to deceptive practices generally, the New York law provides a private right of action to an aggrieved consumer and provides for the state Attorney General to sue on the public's behalf. The Attorney General may obtain an injunction and restitution of money or property obtained as a result of the violative practice. A consumer injured by a violative practice may sue to enjoin the practice and to obtain actual damages or fifty dollars, whichever is greater. For willful violations, a court may award the consumer three times actual damages up to one thousand dollars. The court may also award reasonable attorney's fees.

The Rule provides for penalties of $10,000 per violation, but failure to comply with the Rule does not alter the underlying obligation. The FTC may sue to enforce the Rule, but no private right of action is provided under the Rule. After careful consideration of the two enforcement mechanisms, the Commission concludes that the private right of action under the New York law, coupled with restriction on a creditor's ability to enforce a violation contract, offer consumers substantially equivalent protection to the Rule's remedy provisions even though the penalty amount obtainable is significantly less under the New York law.

B. *The Cosigner Provisions*

The Rule states that it is a deceptive practice for a creditor to misrepresent the nature and extent of a cosigner's liability and an unfair practice for a creditor to fail to inform the cosigner prior to the time that the agreement creating the cosigner's liability is

executed of the nature of that liability. The Rule requires that a particular disclosure be provided to a consigner prior to the time that the cosigner becomes obligated, and states that a creditor providing that disclosure does not violate the prohibition against misrepresenting and failing to inform the cosigner of his or her liability.

The notice required by the Rule states: (1) That the creditor can collect from the cosigner without first trying to collect from the borrower; (2) That the notice is not the contract that makes the consigner liable; (3) That the same collection remedies may be used against the cosigner as against the borrower; (4) That if the debt goes into default, that fact could become a part of the cosigner's credit history; and (5) That the cosigner should think carefully before becoming obligated. The Rule requires that the notice to the cosigner be a separate document. The Rule does not require that the cosigner be provided with copies of other documents relevant to the transaction.

The New York law also requires a notice to cosigners. That notice and the Notice required by the Rule are similar, but not identical. Under New York law, a cosigner gets "a written notice that identifies the debt the cosigner may have to pay and reasonably informs the cosigner of his or her obligation with respect to it . . ." and a copy of all relevant documents. The New York notice states; (1) That the cosigner is obligated to pay despite not having received the loan proceeds; (2) That the creditor can collect from the cosigner even if the borrower is able to pay; and (3) That the notice is not the contract that makes the cosigner liable. The notice also identifies the debt by providing a space for the name of the borrower, the name of the creditor, and the date. New York law permits the state's cosigner notice to be a separate document or to be a part of the note or contract.

New York law prohibits deceptive acts or practices generally. The state contends that this general prohibition would cover misrepresentations concerning a cosigner's liability although such misrepresentations are not specifically prohibited by New York law as it is by the Rule. Although New York law does not prohibit "unfair" cosigner practices, as such, it does require that cosigners be given a notice similar to the one that the Commission found to be sufficient to avoid both unfairness and deception with respect to cosigners. Because they both require notices, the practical effect of the Rule and the New York law is the same. If a creditor who provides the notice required by the Rule is deemed to have complied with the Rule's requirements regarding both unfairness and deception, a creditor providing a similar notice under the New York law should be deemed to have met those requirements as well.

New York law also requires that cosigners be provided with a copy of the loan documents. In requiring the notice, the Commission made a finding of fact that consumers usually do not receive the loan documents and determined that creditors were generally not required by law to provide such documents. The Commission perceived this as an important part of the problem that requiring the notice is intended to cure.[5] In adopting the Rule, the Commission declined to include a requirement that cosigners be provided with copies of the loan documents. While the Commission believed that cosigners would benefit from having the documents, the cost that such a requirement would impose on creditors would be substantially greater than the cost of providing the notice alone.[6]

The injury identified by the Commission is addressed by New York law because creditors are required to provide the loan documents as well as a notice to the cosigner and to refrain from deceptive statements to cosigners. Therefore, the New York provision affords protection substantially equivalent to that of the Rule.

Action Taken

Based on the submission by the New York Banking Department in support of its request for an exemption and upon the comments received, the Commission has determined that the State of New York has in place a consumer credit regulatory scheme that contains protections against the cosigner abuses that the Rule is intended to eliminate and includes effective enforcement mechanisms. The Commission, therefore, grants the requested exemption on that basis, except as noted below.

The New York Attorney General's failure to endorse the exemption request does not preclude the granting of the exemption. The Attorney General's comments expressed the preference that the Rule should be given a chance to work, indicating that the petition for exemption was premature, and predicted that the Rule and the New York law would enhance each other. While deference must be given to the opinion of the Attorney General as the chief law enforcement official of the State, his views must be considered with those of creditors having actual experience with the Rule. The creditor comments reflect nearly a year of experience with the Rule, and claim that the Rule's requirements, when added to those of New York State, are redundant and confusing to consumers. It is also important to note that the Attorney General is not opposed to existing New York law, nor has he said anything to suggest that his office would not continue enforcing that law.

The Commission notes, however, that the protections offered to consumers by New York law are limited to credit transactions in which the amount financed does not exceed $25,000 or in which the credit limit does not exceed $25,000. Thus, there is no state law provision applicable to consumer credit transactions where the amount financed or the credit limit is greater than $25,000. The Commission, therefore, finds that this requirement for exemption under the Rule is not met and the exemption is not granted as to these transactions.

The exemption is denied as to transactions not subject to section 15–702 of the New York General Obligations Law and § 349 of the New York General Business Law. Because section 15–702 of the New York General Obligations Law in its present form applies to transactions in which the amount financed or the available credit limit does not exceed $25,000, the effect of the Commission's action is to deny the exemption for transactions in which the amount financed is greater than $25,000. However, should the Law be amended in the future to apply to transactions in which the amount financed is greater than $25,000, the exemption would automatically extend to such transactions without the necessity of further Commission proceedings.

As contemplated in the staff guidelines, the exemption will continue only for so long as the state effectively administers and enforces its law. To ensure that the conditions for an exemption continue to be met, the Commission hereby requires the State of New York to provide notice to the Commission of any change in its law, policies or procedures, including court decisions, that would significantly affect whether state law continues to afford

[5] "In most jurisdictions, the creditor has no obligation to give the cosigner a copy of the contract or advise the cosigner of the extent of his or her liability." Statement of Basis and Purpose, 49 FR 7740, 7773. "Moreover, most cosigners are not provided with copies of the documents they sign or of documents received by the primary debtor." Statement of Basis or Purpose, 49 FR 7740, 7775.

[6] Statement of Basis and Purpose, 49 FR 7740, 7787.

substantially equivalent protection and whether the state is effectively enforcing the law. The Commission reserves the right to revise this reporting requirement at a later date if circumstances warrant or to request additional information if the Commission determines that this is needed.

The New York request for exemption from § 444.3 of the Commission's trade regulation rule concerning credit practices is granted as to transactions subject to section 15–702 of the New York General Obligations Law and section 349 of the New York General Business Law, and denied as to all other transactions.

By direction of the Commission.

Issued: July 30, 1986.

C. Landis Plummer,

Acting Secretary.

[FR Doc. 86–17629 Filed 8–6–86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 157, 270, 271 and 284

[Docket Nos. RM86–3–003 through RM86–3–065]

Natural Gas Policy Act; Ceiling Prices; Old Gas Pricing Structure

Issued: August 4, 1986.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order granting rehearing for further consideration.

SUMMARY: On June 6, 1986, the Federal Energy Regulatory Commission issued a final rule modifying the pricing structure of old gas and adopting regulations governing implementation of the revised pricing structure.

In this order, the Commission grants rehearing of its decision solely for the purpose of further consideration.

EFFECTIVE DATE: August 4, 1986.

FOR FURTHER INFORMATION CONTACT: Richard Howe, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, (202) 357–8308.

Order Granting Rehearing for Further Consideration

[Docket Nos. RM86–3–003 through RM86–3–065]

Issued August 4, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon and C.M. Naeve.

On June 6, 1986, the Federal Energy Regulatory Commission issued Order No. 451 modifying the pricing structure of old gas pursuant to sections 104(b)(2) and 106(c) of the Natural Gas Policy Act of 1978 and adopting regulations governing implementation of the revised pricing structure. 51 FR 22168 (June 18, 1986). On July 3 and 7, 1986, the Commission received sixty timely requests for rehearing of the order.

In order to allow sufficient time to consider the numerous issues raised in rehearing requests, the Commission grants rehearing of its final rule solely for the purpose of further consideration. This action does not constitute a grant or denial of rehearing, either in whole or in part. As provided in § 385.713(d) of the Commission's rules of practice and procedure, no answers to the requests for rehearing will be permitted.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–17805 Filed 8–6–86; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74, 81, and 82

[Docket No. 83C–0102]

Listing of D&C Orange No. 17 for Use in Externally Applied Drugs and Cosmetics

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permanently listing D&C Orange No. 17 as a color additive for use in externally applied drugs and cosmetics. FDA is taking this action because it has concluded that the use of this color additive in externally applied drugs and cosmetics is safe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act. This action responds to a petition filed by the Cosmetic, Toiletry and Fragrance Association, Inc.

DATES: Effective September 9, 1986, except as to any provisions that may be stayed by the filing of proper objections; objections by September 8, 1986. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register.**

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5676.

SUPPLEMENTARY INFORMATION:

I. Introduction

In 1960, Congress passed the Color Additive Amendments (the amendments). In *Certified Color Mfg. Ass'n* v. *Mathews*, 543 F.2d 284, 286–287 (D.C. Cir. 1976), the United States Court of Appeals for the District of Columbia Circuit explained the purpose of this legislation:

> The Color Additive Amendments of 1960 reflect a Congressional and administrative response to the need in contemporary society for a scientifically and administratively sound basis for determining the safety of artificial color additives, widely used for coloring food, drugs, and cosmetics. The Amendments reflect a general unwillingness to allow widespread use of such products in the absence of scientific information on the effect of these products on the human body. The previously used system had some glaring deficiencies, and the 1960 Amendments were designed to overcome them. * * *
>
> [Footnotes omitted.]

As amended, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) (the act) provides in section 706(a) (21 U.S.C. 376(a)) that a color additive will be deemed unsafe for use in food, drugs, cosmetics, and some medical devices unless FDA has issued a regulation permanently listing that color additive for its intended use. FDA will issue such a regulation only if it has been presented with data that establish with reasonable certainty that no harm will result from the use of the color additive. The burden of presenting such data is on the person who is seeking approval of the use of the additive.

In passing the amendments, Congress provided for the provisional listing of the color additives in use at that time, pending completion of the scientific investigations needed for a determination about the safety of these additives (section 203(b) of the transitional provisions of the amendments, Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376, note)). Section 81.1 (21 CFR 81.1) of the agency's color additive regulations enumerates those color additives that are still provisionally listed. Among them is D&C Orange No. 17 for use in

externally applied drugs and cosmetics. Because D&C Orange No. 17 was in use at the time the amendments were enacted, it had been provisionally listed for drug and cosmetic use in the **Federal Register** of October 12, 1960 (25 FR 9759).

II. Regulatory History

A. The Color Additive

D&C Orange No. 17 is principally 1-[(2,4-dinitrophenyl)azo]-2-naphthalenol (CAS Reg. No. 3468-63-1). Although it is identified in § 82.1267 (21 CFR 82.1267) as 1-(2,4-dinitrophenylazo)-2-naphthol, these two descriptions are synonymous.

B. Color Additive Petition

D&C Orange No. 17 is the subject of a color additive petition (CAP 9C0090) that was submitted on April 14, 1969, by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), 1110 Vermont Ave. NW., Washington, DC 20005). FDA published a notice of filing of the petition in the **Federal Register** of August 6, 1973 (38 FR 21199). The petition, filed under the provisions of section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376), requested the permanent listing of D&C Orange No. 17 for coloring lipsticks, ingested drugs, and externally applied drugs and cosmetics.

In a letter dated May 14, 1974, the petitioner requested that the petition be amended to include listing D&C Orange No. 17 for eye-area use. FDA published an amended filing notice for the petition in the **Federal Register** of March 5, 1976 (41 FR 9584), to include the listing of D&C Orange No. 17 for eye-area use. FDA notified the petitioner by letters dated May 14, 1976, August 15, 1977, and August 4, 1978, of the need for data to support the use of D&C Orange No. 17 in cosmetics intended for use in the area of the eye. In a letter dated October 24, 1978, FDA advised the petitioner to consider withdrawing that portion of the petition that sought approval of the use of D&C Orange No. 17 in cosmetics intended for use in the area of the eye because it appeared that the required data from eye-area studies would not be readily available.

The petitioner did not submit the required data. Therefore, in a notice published in the **Federal Register** of April 1, 1983 (48 FR 14045), FDA announced that that portion of the petition relating to the listing of D&C Orange No. 17 for eye-area use was withdrawn without prejudice to a future filing. Eye-area use of D&C Orange No. 17 had never been provisionally listed.

In the **Federal Register** of February 4, 1977 (42 FR 6991), FDA published revised provisional regulations which required new chronic toxicity studies on 31 color additives, including D&C Orange No. 17, as a condition for continued provisional listing of these additives. FDA required the new chronic studies because the toxicity studies that the petitioners had submitted were deficient in several respects. FDA described these deficiencies in the **Federal Register** of September 23, 1976 (41 FR 41863):

1. Many of the studies were conducted using groups of animals i.e., control and those fed the color additive, that are too small to permit conclusions to be drawn on the chronic toxicity or carcinogenic potential of the color. The small number of animals used does not, in and of itself, cause this result, but when considered together with the other deficiencies in this listing, does do so. By and large, the studies used 25 animals in each group; today FDA recommends using at least 50 animals per group.
2. In a number of the studies, the number of animals surviving to a meaningful age was inadequate to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color additives tested.
3. In a number of the studies, an insufficient number of animals was reviewed histologically.
4. In a number of the studies, an insufficient number of tissues was examined in those animals selected for pathology.
5. In a number of the studies, lesions or tumors detected under gross examination were not examined microscopically.

In the February 4, 1977, order, FDA postponed the closing date for the provisional listing of D&C Orange No. 17 until January 31, 1981, for the completion of the new chronic toxicity studies. In the **Federal Register** of March 27, 1981 (46 FR 18958), the agency established a new closing date of March 31, 1983, for the completion of the chronic toxicity studies and the submission of data to FDA on a prescribed schedule.

In the **Federal Register** of April 1, 1983 (48 FR 13976), FDA announced that the provisional listing of the use of D&C Orange No. 17 for coloring ingested drugs and cosmetics had expired (48 FR 13976) and denied that portion of the petition that requested the listing of D&C Orange No. 17 for ingested drug and cosmetic uses (48 FR 14045). FDA took the latter action because it concluded, on the basis of the animal experiments that had been performed as a condition of the provisional listing of D&C Orange No. 17, that the color additive was carcinogenic when administered in the diet of laboratory animals. As a result of these actions, D&C Orange No. 17 could not be added to ingested drugs and cosmetics after April 1, 1983. D&C Orange No. 17 remained provisionally listed for use in externally applied drugs and cosmetics.

As discussed in the **Federal Register** of April 1, 1983 (48 FR 14047), the petitioner continued to seek permanent listing for the use of this color additive in external cosmetic and drug products that are not subject to incidental ingestion. On March 22, 1983, CTFA submitted preliminary results of a percutaneous absorption study of D&C Orange No. 17. Another CTFA submission, dated April 15, 1983, included a review and analysis of scientific studies, including an assessment of the risk from the use of D&C Orange No. 17 in external cosmetic and drug products, a final report on percutaneous absorption of D&C Orange No. 17, and a discussion of the legal issues raised by external use of this color additive. The agency agreed to review these submissions before reaching a conclusion on the safety of the use of D&C Orange No. 17 in externally applied drugs and cosmetics. Because its review of the CTFA submissions and of the scientific and legal issues raised by this matter took longer than the agency anticipated, FDA had to extend the provisional listing of this color additive on a number of occasions. The agency established the current closing date of August 6, 1986, for the provisional listing of D&C Orange No. 17 for use in externally applied drugs and cosmetics by a rule published in the **Federal Register** of June 6, 1986 (51 FR 20786). In that notice, the agency also announced its decision to permanently list the color additive for its external drug and cosmetic uses. The discussion that follows sets forth the basis for that decision and the agency's conclusion that the use of D&C Orange No. 17 as a color additive in externally applied drugs and cosmetics is safe within the meaning of section 706 of the act.

C. Citizen Petition Filed by Public Citizen Health Research Group

On December 17, 1984, the Public Citizen Health Research Group (Public Citizen) petitioned FDA to ban the use of the color additives that remained provisionally listed. On January 22, 1985, Public Citizen filed a complaint in the District Court for the District of Columbia seeking the same relief. Public Citizen alleged that, by continuing to provisionally list the color additives, including D&C Orange No. 17, FDA had violated the Color Additive Amendments to the act, as well as those provisions of the Administrative Procedure Act (5 U.S.C. 706(1)) that

pertain to unreasonable delay of agency action. Public Citizen sought to enjoin FDA from using the provisional list or any other means to allow the marketing of the provisionally listed color additives.

On June 21, 1985, the Commissioner of Food and Drugs sent to Public Citizen a detailed response to the petition. In his response the Commissioner carefully reviewed and discussed the arguments and information submitted in support of the petition. The Commissioner concluded that the public health would not be endangered by the continued marketing of the color additives while scientific, legal, and policy issues were addressed and, therefore, the Commissioner denied the petition.

On February 13, 1986, Judge Stanley S. Harris granted FDA's motion for summary judgment and dismissed Public Citizen's complaint. *Public Citizen et al. v. DHHS, et al.*, No. 85–1573 (D.D.C. February 13, 1986). Public Citizen has appealed Judge Harris' decision.

III. Review of Provisionally Listed Color Additives by a Scientific Review Panel

In the proposal to extend the closing dates for the provisional listing of certain color additives, including D&C Orange No. 17 (50 FR 26377, June 26, 1985), FDA announced that the Commissioner had established a scientific review panel (panel) of Public Health Service scientists to evaluate data and report on the risk assessment issues presented by the use of six color additives: D&C Red No. 8, D&C Red No. 9, D&C Red No. 19, D&C Red No. 37, D&C Orange No. 17, and FD&C Red No. 3.

FDA asked the panel to consider several scientific issues that had been raised by FDA scientists about whether a reliable assessment of the risk from the use of these additives could be conducted. Specifically, one issue was whether, for each additive, unidentified contaminants, rather than the principal color component, could be responsible for the observed carcinogenic effects in animal testing, and whether any such unknown impurities or components may be absorbed through the skin to a greater or lesser extent than other parts of the additive. The panel was charged with examining this impurities issue and further with addressing the issue of whether a risk assessment calculation could be made from the available data, and, if so, whether the risk assessments before the agency were properly calculated.

In the **Federal Register** of March 6, 1986 (51 FR 7856), FDA announced the availability of the final report of the panel. The report is entitled "Report of the Color Additive Scientific Review Panel, September 1985, Docket No. 86N–0039." A copy of the report is available to the public for review at the Dockets Management Branch (address above). Requests for copies of the report should be identified with Docket No. 86N–0039.

In the report, the panel concluded that the risk assessments submitted by the petitioner for several of the color additives, including D&C Orange No. 17, are consistent with current acceptable usages in risk assessment. The panel also concluded that legitimate issues with regard to impurities had been raised but could be addressed by making reasonable and appropriate assumptions about the possible influence that such impurities might have. The panel concluded that the range of lifetime risk presented by external exposure to D&C Orange No. 17 was extremely low. The report of the panel was also submitted to peer review and subsequently published in *Risk Analysis*, 6:2:117–154, 1986, hereby broadly providing the risk analysis assessment to the scientific community. These findings will be discussed in greater detail below.

IV. Overview of the Final Rule

FDA has evaluated all the available evidence regarding the safety of D&C Orange No. 17. Based upon this evaluation, FDA finds that the use of D&C Orange No. 17 in externally applied drugs and cosmetics is safe. Although the external uses involve, based on conservative statistical analysis, a theoretical carcinogenic risk, the agency finds that this risk is so trivial as to be effectively no risk at all. For these reasons, the agency has decided to permanently list these uses of D&C Orange No. 17.

The remainder of this document describes the information and advice relied upon by the agency in reaching its conclusion as to the safety of D&C Orange No. 17 as a color additive for externally applied drugs and cosmetics. First, the agency evaluates the available data resulting from toxicology testing of D&C Orange No. 17 and then discusses CTFA's safety evaluation of these data. Next the agency deals with CTFA's arguments and questions concerning the relevance of the toxicology tests to the determination of the safety of the external drug and cosmetic uses of D&C Orange No. 17. In the following section, FDA discusses CTFA's assessment of the extent of human exposure resulting from the external drug and cosmetic uses of D&C Orange No. 17.

In the remaining sections, FDA discusses CTFA's low dose carcinogenic risk assessment approach, the report of the panel, and the panel's conclusions regarding the propriety of relying upon the available data to conduct risk assessments for use by a government regulatory agency. The final section discusses the agency's reliance on the *de minimis* doctrine to reach the conclusion that the proscriptions of the Delaney Clause should not be invoked in this matter.

V. Toxicology Testing of D&C Orange No. 17

A. Discussion: Summary of Studies Submitted by CTFA

To establish that D&C Orange No. 17 is safe for use in drugs and cosmetics, CTFA submitted reports on a number of animal toxicity studies for the color additive. Among these studies were chronic and subchronic feeding studies in dogs and rats, a three-generation reproduction study in rats, teratology studies in rats and rabbits, a dermal study in rabbits, and an 18-month skin painting study in mice. These studies did not produce any evidence that the use of this color additive, for the petitioned uses, would be unsafe.

The 18-month skin painting study, which is relevant to the use of D&C Orange No. 17 in externally applied drugs and cosmetics, was performed using 2 groups, each consisting of 50 male and 50 female Swiss-Webster mice. One group, the controls, was treated with distilled water, while the test group was treated with D&C Orange No. 17 applied as a 1 percent aqueous suspension, in terms of the pure color. Treatment consisted of the application of 0.1 milliliter of the test material to the clipped backs of each animal two times per week. Observations were made daily for mortality and twice weekly for gross toxicity.

Animals that died, those sacrificed as being moribund, and those surviving the 18-month study were autopsied. Tissues sectioned and examined microscopically included skin and grossly abnormal organs and tissues from 27 female control animals, 25 male control animals, and all animals in the experimental group. Complete pathology was performed on five males and five females from the control animals and five males and five females from the tested group.

Results from the treated and untreated animals were essentially similar, as were survival patterns. Tissue masses were observed in the areas of repeated dermal application of the color in two mice. One was a wartlike growth that could not be located in the fixed tissue and the other was identified as a

papilloma. Two control animals were also found to have lesions in or beneath the skin. The lesions were identified as a subcutaneous, undifferentiated sarcoma and the second as a subcutaneous anaplastic osteogenic sarcoma. Dermal effects such as acanthosis, hyperkeratosis, and dermatitis were somewhat increased in the experimental group when compared to the controls.

Although no evidence of compound-related neoplastic responses was found in these skin painting or chronic feeding studies, FDA concluded that the sensitivity of the chronic feeding studies was insufficient under current standards to provide the requisite demonstration of safety for ingested use. Therefore, in the February 4, 1977, order, FDA required additional chronic feeding studies on D&C Orange No. 17. The studies were conducted for the petitioner at Bio/dynamics, Inc., East Millstone, NJ. These studies included a long-term feeding study in mice and a chronic toxicity/carcinogenicity study, with in utero exposure to D&C Orange No. 17, in rats. The final reports for these studies (CAMF #9, Entries 510, 511, 512) were received by the agency on March 31, 1982.

The new long-term chronic studies represent current state-of-the-art toxicological testing. The protocols for these studies have benefited from knowledge of deficiencies in previously conducted carcinogenesis bioassays and other chronic toxicity protocols. The use of large numbers of animals of both sexes, pilot studies to determine maximum tolerated dosages, two control groups (thereby effectively doubling the number of controls), and in utero exposure in one of two species tested significantly increases the power of these tests to detect dose-related effects. The studies were designed and conducted in compliance with FDA's good laboratory practice regulations (21 CFR Part 58) and were subject to inspections by FDA officials during their course.

B. Evaluation of the Long-Term Studies

1. Long-Term Feeding Study in Rats

The long-term feeding study in rats included in utero exposure to D&C Orange No. 17. Charles River Albino (CD) rats (parental animals) were randomly assigned (60 males and 60 females per group) and mated to produce the F_1 generation. D&C Orange No. 17 was mixed with standard laboratory chow and fed ad libitum to the parental animals during their mating and gestation period and to their offspring (the F_1 generation animals) during the long-term feeding study. Two separate groups of rats served as controls.

The petitioner, in meeting with FDA on September 12, 1977, discussed the adequacy of the protocol for this chronic feeding study. FDA's scientists indicated that the proposed dosage levels (i.e., 0.00, 0.02, 0.05, and 0.10 percent) were too low. On the basis of data from earlier studies on D&C Orange No. 17, FDA's scientists concluded that survival and weight data suggested that lifetime studies could be successfully carried out in rats using 1.0 percent as the maximum dosage level. The agency, therefore, asked the petitioner to conduct an additional rat chronic feeding study with a 1.0 percent dosage level of D&C Orange No. 17 (Ref. 10). This study was carried out with the same strain of rats and with the same experimental design as the original study. It included a treatment group and a concurrent control group.

Seventy F_1 rats of each sex, obtained from the reproduction phase of the study, were randomly selected and distributed into dosage groups similar to those described above for their parental animals and were used for the chronic feeding phase of the study (26 months for males and 30 months for females). Survival and body weights of female rats from the chronic feeding phase were unaffected by treatment. However, treated male rats in this phase exhibited decreased survival as well as decreased body weights at the highest dose (1.0 percent diet) (Ref. 1). Except for discoloration of the urine, there were no hematological or clinical findings that could be ascribed to treatment. Increased deposition of pigment in the spleen of female rats was noted in the 1.0 percent group.

Among female rats, at the 1.0 percent dietary level of D&C Orange No. 17, there was a marked and statistically significant increase in animals with hepatocellular tumors (neoplastic nodules and carcinomas combined) compared to the concurrent control group animals (21/70 in the 1.0 percent dose group versus 3/70 in the concurrent control group, $p=0.0001$, prevalence analysis; 70 is the number of animals entered into the study). The denominators reflect the number of livers for which tissue was available for microscopic examination, including the 10 animals in each group which were interim sacrificed after approximately 1 year of treatment according to protocol. They represent the number of livers examined by FDA pathologists. The prevalence statistical analysis, however, is a time-adjusted test. It takes into account deaths, including interim sacrifice deaths, that are incidental to the finding of liver neoplasms. The incidence of animals with non-neoplastic liver lesions (foci of cellular alteration) was also increased among female rats in the 1.0 percent dose group when compared to the control group.

Additionally, multiple hepatocellular tumors (neoplastic nodules) were noted only in the 1.0 percent D&C Orange No. 17 treated group females. Moreover, the number of animals with multiple occurrences of foci of cellular alteration (non-neoplastic lesion) and of animals that had multiple classifications, i.e., foci of cellular alteration and neoplastic nodules, present in the same microscopic section of liver was higher among treated group females (1.0 percent dose group) than in the concurrent control group. The 1.0 percent dose group females had increased liver weights as well. The liver data in the 1.0 percent study indicate a clear-cut treatment-related effect in the occurrence of hepatocellular tumors in female rats as a result of the administration of D&C Orange No. 17. Liver weights relative to body weights were also increased in both male and female rats that received 0.10 percent D&C Orange No. 17 in the diet, indicating further that the liver is the target organ for D&C Orange No. 17 toxicity.

The petitioner provided historical control data for hepatocellular tumors in Charles River Albino female rats from 12 separate control groups from studies conducted at Bio/dynamics, Inc. The average incidence of hepatocellular tumors (neoplastic nodules and carcinomas combined) was 9.4 percent. In contrast, the incidence of hepatocellular tumors in the high-dosage (1.0 percent) group was 30 percent, far exceeding the average spontaneous incidence.

Thus, the long-term feeding exposure of Charles River CD Albino rats to a 1.0 percent dose level of D&C Orange No. 17 produced the carcinogenic effect of a statistically significant increase in the number of female rats with hepatocellular neoplasms compared to the control groups.

2. Long-Term Feeding Study in Mice

Charles River CD-1 mice of both sexes were randomly assigned to one of three treatment groups receiving D&C Orange No. 17 in the diet at concentrations of 0.025, 0.25, and 1.0 percent or to one of two control groups and fed the test diets for approximately 23 months for the males and 25 months for the females. The selection of these

dosage levels was based on the results of a 90-day rangefinding study.

The incidence of hepatocellular neoplasms (adenomas and carcinomas) among male mice was increased in a dose-related manner (p=0.00004, trend test). The incidence of hepatocellular neoplasms in male mice was 8/58 and 8/59 or 16/117 for the two control groups, and 11/58, 13/57, and 19/56 for the low-, medium-, and high-dose groups, respectively. Again, as with the rats, the denominators reflect the number of livers for which tissue was available or was adequate for microscopic examination by FDA pathologists. A few missing and autolyzed tissues account for the less than 60 per group expected from the initial number of animals started on test. The appropriate time-adjusted prevalence analysis was performed on the incidences. A small increase, compared to the corresponding control group animals, in the number of female mice with hepatocellular neoplasms in the mid- and high-dose groups was also reported. Thus, the long-term feeding exposure of Charles River CD-1 mice of D&C Orange No. 17 was associated with a significant dose-related increase in the number of male mice with hepatocellular neoplasms compared to the control groups.

Survival of male mice fed the D&C Orange No. 17 diets was decreased in a dose-related manner (p=0.0005, Cox's time-adjusted trend test), but survival of female treated mice apparently was not adversely affected by treatment. Similarly, body weights of high-dose male mice were slightly less than controls, but no effect on body weights of treated female mice was seen.

Also, there was an increase in mortality noted in mid-dose and high-dose males as well as in mid-dose females. Aside from test material coloration of the coats of the treated animals, there were no significant treatment-related effects on general physical condition, body weights, food consumption, or incidence of palpable tissue masses. Mean hemoglobin concentration, hematocrit, and erythrocyte counts were often slightly reduced with concomitant increases in reticulocyte counts relative to control in the high-dose animals.

Microscopic examination revealed pigment deposition in the brain, spinal cord, thyroid, heart, and stomach in all treatment groups as well as in the spleen, cecum, and liver in the males and females in the high-dose group. The neurons of the brain and spinal cord of high-dose males and females were noted to have an increased incidence of neuronal basophilia. This was associated with the intracytoplasmic accumulation of pigment in animals at the high-dose level. High-dose female mice were observed to have an increased incidence of chronic myocarditis.

3. *Related information.* In addition to the results from the long-term feeding studies, D&C Orange No. 17 has been reported to be mutagenic to all standard tester strains of *Salmonella typhimurium* but not in the one mammalian system tested. One of its probable metabolites, 2,4-dinitroaniline, is also mutagenic to all tester strains, and another probable metabolite, 1-amino-2-naphthol, belongs to a chemical class that includes known carcinogens.

C. FDA's Conclusion Regarding the Ingested Uses of D&C Orange No. 17

No significant data base has been developed concerning the toxicity of D&C Orange No. 17 since the agency concluded in the **Federal Register** of April 1, 1983 (48 FR 14047), that the color additive was a carcinogen when administered in the diet of laboratory animals.

Based on these findings, the agency denied that part of CTFA's petition requesting permanent listing of D&C Orange No. 17 for use in ingested drugs and cosmetics (48 FR 14047; April 1, 1983). The agency also administratively withdrew that part of the petition requesting eye-area use because CTFA had failed to provide data in support of such a use.

VI. CTFA'S Safety Arguments

In its submissions, CTFA presented several arguments that raise questions about the relevance of the ingestion studies to a determination of the safety of the use of D&C Orange No. 17 to color externally applied drugs and cosmetics. In the following sections, the agency reproduces the arguments and its internal evaluation of them.

A. Interpretation of Maximum Tolerated Dose

In the submission dated April 15, 1983, CTFA asserted that the 1.0 percent dose level of the second rat study substantially exceeded the maximum tolerated dose and thus violated the National Cancer Institute (NCI) guidelines for carcinogenicity testing.

The NCI guidelines define the maximum tolerated dose as "the highest dose of a test agent given during the chronic study that can be predicted not to alter the animals' normal longevity from effects other than carcinogenicity" (Ref. 1). The guidelines also state that the maximum tolerated dose "should be the highest dose that causes no more than a 1.0 percent weight decrement, as compared to the appropriate control groups; and does not produce mortality, clinical signs of toxicity, or pathogenic lesions (other than those that may be related to a neoplastic response) that would be predicted to shorten the animals' natural life span" (Ref. 1). The purpose of establishing the maximum tolerated dose is to assure that the test animals are challenged but not killed by the noncarcinogenic toxic effects of high doses of a substance. Early death would obscure any carcinogenic effects of the substance being tested.

The question whether the maximum tolerated dose was exceeded is relevant only to the female rats, among whom the increase in liver neoplasms was found. The feeding of D&C Orange No. 17 at the highest dietary level to these animals had no effect on their survival when compared to the controls. Application of the NCI computer program for tumor/mortality analysis to the female survival data yields a Cox statistic (time-adjusted, continuity corrected) with a probability of 0.32 and a Breslow statistic (time-adjusted) with a probability of 0.19. These numbers indicate that the females' survival was not affected by the feeding of D&C Orance No. 17. Further, no difference in the average body weights was observed between treated and control female rats. In addition, there were no clinical signs of toxicity or postmortem lesions other than those related to the neoplastic response. Therefore, the agency concludes that, for the female rats, the maximum tolerated dose was not exceeded and that CTFA's contention that the study violated NCI guidelines for carcinogenicity testing is not substantiated.

B. Significance of Mouse Liver Tumors

In its April 15, 1983 submission, CTFA questioned the significance of the mouse liver tumors observed in the chronic tests. First, CTFA contended that reliance on the male mouse liver tumors is controversial because many strains of mice have a high incidence of liver tumors and retrovirus infection. Second, CTFA argued that the observed male mouse liver tumors were associated only with severe liver toxicity at the feeding level of 1 percent of the color additive in the diet and that this level exceeded the maximum tolerated dose. Finally, CTFA stated that, in any event, the male mouse liver tumors were statistically significant compared only to the controls in this study but not to the controls in other recent studies, thus suggesting that the tumors were not, in fact, an event worthy of attention.

Some members of the scientific community have argued that a compound should not be regarded as carcinogenic if the only evidence of carcinogenicity is an increase in hepatomas in the mouse liver because many inbred mouse strains have a high background incidence of these neoplasms. According to this argument, the tumors indicate the presence of a latent population of initiated tumor cells rather than a carcinogenic effect of the compound.

The liver, because of its location and important role in metabolism, is a frequent target organ for toxic effects of compounds administered by the oral route. Substances absorbed from the gastrointestinal tract reach the liver in amounts much higher than the amounts to which other organs are generally exposed. Metabolic conversion of a substance to a more toxic metabolite often occurs in the liver, and the liver cells are exposed to the highest concentration of the active agent. Thus, hepatotoxic effects may be the only toxic effects observed. For this reason, the agency believes that the liver tumors must be carefully considered. FDA's Cancer Assessment Committee reviewed the data and CFTA's arguments and reached the following conclusions:

CTFA's argument about the high background incidence of liver cancer in mice does not apply to the CD–1 mouse, the strain used in the mouse study. The background incidence of hepatocellular tumors in this strain is low compared to most mouse strains. Moreover, data submitted by CTFA on April 8, 1981, showed the following incidence of tumors in 16 control groups (more than 900 mice of each sex):

	Males	Females
Hepatocellular carcinoma	9.65% ± 4.25%	0.63% ± 1.03%
Hepatocellular adenoma	5.12% ± 3.92%	1.17% ± 1.21%

Thus, the incidence of hepatocellular tumors (carcinomas and adenomas) among male mice in the control groups was about 15 percent. In contrast, the incidence of hepatocellular tumors among male mice in the high-dose group was about 34 percent.

Moreover, CTFA's argument concerning exceeding the maximum tolerated dose is misplaced. The argument is only relevant to the high-dose male mouse group in which the increase in hepatocellular neoplasms was observed. Although body weights and survival of mice in this group were slightly affected, no significant treatment-related effects were observed aside from material coloration of the coats of the animals. As discussed above, the purpose of establishing the maximum tolerated dose is to assure that the test animals are appropriately challenged but are not killed by the noncarcinogenic toxic effects of high doses of the substance. In the absence of any observed significant treatment-related effects other than the hepatocellular neoplasms, the committee concluded that the maximum tolerated dose was not exceeded in the study.

Finally, CTFA's argument concerning the limited statistical significance associated with the male mouse liver tumors was evaluated. In this study with D&C Orange No. 17, the incidence of male mice with hepatocellular tumors was increased in comparison to the concurrent controls at both the mid- and high-dose levels, and the increase was dose related (Trend Test $p=0.00004$). Furthermore, the historical control and concurrent control values are very similar. Consequently, the tumor incidence in treated mice is greater than the historical control values. There is also a dose-related increase in the numbers of male mice with malignant tumors (i.e., hepatocellular carcinomas) (Trend Test $p=0.046$).

The International Expert Advisory Committee to the Nutrition Foundation (Ref. 2) described the following factors as important in determining whether the production of mouse hepatocellular tumors is the result of treatment: (1) Incidence of tumors in treated animals is clearly higher than in concurrent controls; (2) Incidence is also higher than in historical controls or dose related; (3) There is a decrease in time of onset in the treated animals; (4) There is a preponderance of malignant lesions in treated animals compared with the controls; and (5) tumors are observed at other sites in the mouse, or tumors are observed in other species. Each of these conditions was reviewed in the case of D&C Orange No. 17, and, accordingly, the committee concluded that the hepatocellular tumors observed in the male mice were the result of the ingestion of D&C Orange No. 17. (The panel also reviewed available data on the rat and mouse bioassays of D&C Orange No. 17. Although the panel reached different conclusions with respect to the mouse bioassay, this difference is inconsequential, in light of the fact that the rat has been shown to be the most sensitive test species and the 1.0 percent feeding study in rats provides the best data base from which to estimate the likely risks to man presented by exposure to the external uses of D&C Orange No. 17.)

C. Mechanism of Carcinogenicity and Significance of "Benign" Tumors

In its April 15, 1983, submission, CTFA offered the following arguments concerning the significance of benign tumors: "[In the female rat], only the incidence of benign hepatocellular adenomas (neoplastic nodules) was increased. There was no significant increase in the incidence of malignant carcinomas in the treated female. Nor was there any effect in the males fed the same level of color additive. This indicates a very weak effect apparently occurring only at high doses that are toxic to the liver. This suggests an indirect mechanism of neoplasia secondary to toxic damage." (Petitioner's Submission of April 15, 1983, p. 21.)

FDA agrees that the increase in the incidence of malignant hepatocellular carcinomas in the 1.0 percent dose group of the female rat would not be statistically significant if malignant hepatocellular carcinomas alone were considered. However, FDA notes that on the issue of "benign" and "malignant" tumors, a 1979 report of the Interagency Regulatory Liaison Group stated: "Carcinogenic and chronic toxic effects of a chemical on an organ, tissue or cell develop through a series of stages from minimal changes to advanced and possibly fatal end points. The stage reached at any particular time is related to the dose of a substance, the conditions of exposure, the time elapsed since the beginning of exposure and host susceptibility factors. Early lesions that are pathognomonic of a disease process resulting from toxic chemicals should be grouped with more advanced lesions, whether or not the animal has survived long enough for the process to develop to the latest stage." (Ref. 3.)

FDA agrees with this analysis and believes that it is appropriate to combine hepatocellular neoplasms (neoplastic nodules, adenomas, and carcinomas) for analysis because all of these lesions could be concurrent or sequential stages in the neoplastic process (Ref. 4).

In the case of D&C Orange No. 17, the incidence of female rats with benign and malignant hepatocellular tumors (neoplastic nodules and hepatocellular carcinomas, respectively) was analyzed both separately and combined. When a Fisher's Exact Test was applied to compare the incidence of animals with a neoplastic nodule in the 1 percent D&C Orange No. 17 dose group with that of the control group, a p-value of less than 0.01 was found. The agency also did a prevalence analysis, which yielded a

Cox statistic corresponding to a probability of less than 0.001, thereby reinforcing the results of the Fisher's Exact Test. The *p*-value calculated from the combined incidence of animals with a neoplastic nodule or a hepatocellular carcinoma was even smaller. This information leads the agency to conclude that D&C Orange No. 17 most likely exhibits a primary effect. CTFA has offered no evidence to the contrary.

CTFA also suggested in its submission that the female rat liver tumors in the 1 percent dose group are caused by an "indirect mechanism of neoplasia secondary to toxic damage * * *." However, CTFA has not submitted any scientific evidence to support such a hypothesis.

D. Percutaneous Absorption Studies With D&C Orange No. 17

On April 15, 1983, CTFA submitted its final report of an in vitro percutaneous absorption study on D&C Orange No. 17. An in vitro percutaneous absorption test is designed to measure the ability of a substance, such as a color additive, to penetrate excised skin under conditions simulating human use. Information on skin penetration is important for determining the systemic exposure to a color additive used in topical applications.

The study was performed, in general, in a satisfactory manner. The test data clearly show that radiolabeled material from D&C Orange No. 17 passes through the skin in small but measurable amounts. Therefore, the agency concluded that some systemic exposure to a portion of the color additive may occur from the use of externally applied drugs and cosmetics containing D&C Orange No. 17.

The assessment of the carcinogenic risk from the use of an externally applied carcinogenic color additive is determined by (1) the amount of color additive applied to the skin and the frequency of application, (2) the concentration of carcinogenic agents in the color additive, (3) the potency of the carcinogenic agents, and (4) the fraction of the applied carcinogenic agents that penetrates the skin.

The risk estimates submitted by CTFA are based on the assumptions (1) that the principal color component is the carcinogenic agent, (2) that the radiolabeled material penetrating skin is representative of the whole color additive, and (3) that 100 percent of the carcinogenic agent is absorbed from the alimentary tract into the blood stream in the animal feeding studies.

FDA's scientists questioned CTFA's assumptions because an argument could be made that a contaminant is responsible for the carcinogenic response. Color additives are not pure substances and normally contain intermediates, subsidiary colors, and other contaminants from intermediates and from side reactions. Although the carcinogenicity of D&C Orange No. 17 was revealed by an animal bioassay, the bioassay did not establish whether the carcinogenic response was produced by the principal color component or by one or more of its contaminants. It is theoretically possible that one of the contaminants could be responsible for the production of the carcinogenic response.

CTFA's assumption that the radiolabeled material was representative of the whole color additive (and, that, therefore, there is no need to be concerned with possible impurities) could not be substantiated. CTFA measured only the radioactivity of the substance that penetrated the skin and could not identify the components that actually penetrated the skin.

In addition, FDA's scientists could not determine from the data submitted by CTFA which constituents of the color additive penetrated skin, or whether impurities in the color additive would penetrate skin in the same manner as the primary color that was tested. It is possible (1) that the actual carcinogen could be a contaminant that penetrated the skin but was unlabeled and therefore undetected; (2) that virtually none of the principal color component penetrated the skin, and that the radioactive material found could be due to carcinogenic contaminants; and (3) that the degree of skin penetration by the actual carcinogenic agent is greater than that estimated by CTFA based on its assumption that the principal color component of D&C Orange No. 17 is the carcinogen.

CTFA's assumption that 100 percent of the carcinogenic agent is absorbed from the gastrointestinal tract was questioned by FDA's scientists because few chemicals are ever completely absorbed. There are many reasons for poor or limited absorption of chemical substances from the gastrointestinal tract, including (1) the instability of the chemical in acidic fluids, (2) enzymatic breakdown by digestive juices, (3) destruction by intestinal microorganisms, and (4) lack of lipid solubility.

FDA asked the panel to review CTFA's assumptions and the agency's concerns about impurities. The panel revised several of CTFA's assumptions and concluded that the agency's concerns regarding impurities, although important, could be addressed by making reasonable and appropriate assumptions about the possible effects impurities might have. The panel found it highly unlikely that impurities would significantly influence the risk assessment. The results of the panel's review are discussed in greater detail in a later section of this notice.

VII. CTFA's Assessment of Exposure to D&C Orange No. 17

In the report submitted to FDA on April 15, 1983, CTFA outlined the approach used in the CTFA risk assessments to estimate human exposure to D&C Orange No. 17. The cumulative amount of D&C Orange No. 17 absorbed by an individual was determined, based upon the products in which the color additive was used, the amount of each product used per application, the frequency of use of each product, the concentration of the color additive in each product, and the level of dermal absorption.

CTFA reported that by using both a prospective and a retrospective approach, it had determined the exposure to D&C Orange No. 17 through external cosmetic and drug product use. Data on the frequency of use of various external cosmetic and drug products came from two sources. The first is a 1-week prospective survey of female participants. The participants recorded the number of times in a week they used a range of cosmetic products including face powders and rouges, hair cosmetics, nail products, bathwater products, wash-off products, and various other externally applied cosmetic products. For products used less often than once per week, they were asked to report how often they generally used such products. The second source of data on frequency of use is from a retrospective survey of 1,129 customers of a chain of stores run by a major cosmetic manufacturer. Because the individuals in this survey were customers of specialty cosmetic stores, they are likely to have above-average usage patterns. For both sets of data, for each product, CTFA listed an average and an upper 90th percentile value of frequency of usage.

Data on the amount of each product per application were provided from the responses to a survey of CTFA member companies to obtain the results of existing studies on this subject. The values are the averages for each product as reported in CTFA's survey.

The April 15, 1983, report presented data derived from the skin absorption study conducted by Dr. Thomas J. Franz on the proportion of the D&C Orange No. 17 contained in each product that is likely to be absorbed. The skin

absorption study conducted by Dr. Franz is described in detail in a separate report (Ref. 9). Briefly, the absorption of ^{14}C-labelled D&C Orange No. 17 through half-thickness human abdominal skin was studied using Franz diffusion cells. Absorption under each of four experimental conditions described in the study was tested on duplicate sections of skin from each of three donors. The receptor phase (isotonic saline, pH 7.6, 37 °C) was sampled for radioactivity and replaced by fresh saline at 4, 8, and 12 hours, and at 12-hour intervals until four steady-state readings were obtained, or 72 hours after application of the color additive. The daily absorption rates and the percentage of the applied color additive absorbed over 3 days were calculated.

CTFA believes that the amount of D&C Orange No. 17 applied per square centimeter in these experiments was similar to or greater than the corresponding amount that would be applied in externally applied cosmetics and drugs. Hence, it concluded that the experimental permeability data are likely to be reasonably applicable to absorption of the color additive from a cosmetic or drug applied to the skin.

CTFA provided estimates of the amount of the color additive absorbed daily by combining the information on daily usage (upper 90th percentile) of the external cosmetic and drug products with data on the D&C Orange No. 17 content of the products (average and maximum) and estimates of the proportion of the color additive absorbed. CTFA emphasized that these data were deliberately chosen to overestimate exposure.

The usage values are upper 90th percentile values. The concentration of D&C Orange No. 17 is presented both as the maximum used in any formulation of each product type and as the average concentration in formulations that contain D&C Orange No. 17. For all product categories, there are many formulations that do not contain D&C Orange No. 17. Thus, a true "average" would be much lower, and the "average" values listed greatly overestimate the extent of exposure to D&C Orange No. 17 from its use in externally applied cosmetic and drug products.

By summing the values of D&C Orange No. 17 absorbed per day for each product containing the color additive, CTFA determined the "worst case" maximum amount absorbed for all or any combination of products. Summing all values gives a daily "worst case" absorption of 0.015 to 0.021 microgram or 0.00029 to 0.00039 microgram per kilogram per day for a 53 kilogram adult female using all products containing the maximum level of D&C Orange No. 17 at the upper 90th percentile usage frequency.

The panel, at FDA's request, critically evaluated CTFA's assessments and the underlying assumptions. A discussion of the panel's evaluation is provided in a later section of this notice.

VIII. CTFA's Low-Dose Carcinogenic Risk Assessment Approach

CTFA calculated both the "best conservative estimate" and the "upper bound estimates" of risk from the use of D&C Orange No. 17 in externally applied cosmetics and drugs, using currently accepted methods of risk assessment. The low-dose risk assessment proceeds in four steps:

1. Selection of the set of data on tumor incidence judged most appropriate as the basis for inference of human risk;
2. Extrapolation of these data to provide "best estimate" calculations, thus providing a range of risk to mice and rats at low-dose levels;
3. Extrapolation of the potential risk to humans at low-dose levels; and
4. Calculation of the potential risk to humans at the likely level of exposure from known patterns of use.

CTFA acknowledged that each of these steps required the use of assumptions with varying degrees of certainty. It was standard procedure by CTFA to make highly conservative "worst case" assumptions at each step, so that the final estimates likely overstated the actual risks by large factors. In its report, CTFA presented both "best conservative estimate" and "upper bound estimate" calculations to illustrate the range of potential risk. The "best conservative estimate" was based upon the extrapolation curve that best fits the experimental data, but also included such highly conservative "worst case" elements as the assumption that an individual consumer will be in the upper 90th percentile for frequency of use of all cosmetic products and will use only those cosmetic products that contain D&C Orange No. 17 at the maximum concentration. The "upper bound estimate" includes all "worst case" assumptions.

The CTFA risk assessment combined adenomas and carcinomas from the mouse liver tumor data and used the "worst case" maximum projections of human exposure and skin penetration. The multistage extrapolation model using the "worst case" maximum human exposure provides a "best conservative estimate" of potential lifetime risk to humans of 4×10^{-11} (1 in 25 billion), and an "upper bound estimate" of 7×10^{-11} (1 in 14 billion).

For the rat liver tumors, CTFA again combined both adenomas and carcinomas in order to provide a very conservative "worst case" estimate of potential risk to humans. The multistage extrapolation model using the "worst case" maximum human exposure provided a "best conservative estimate" of potential lifetime risk to humans of 1.1×10^{-19} (1 in 10 sextillion), and an "upper bound estimate" of 2.1×10^{-10} (1 in 4.8 billion).

IX. Review of D&C Orange No. 17 by the Scientific Review Panel

FDA's evaluation of the petitions for permanent listing of these color additives, and other available information, raised questions concerning whether CTFA's risk assessment was valid. As discussed above, FDA convened the panel to address these questions. The membership of the panel is outlined in the **Federal Register** of June 26, 1985 (50 FR 26379), which is incorporated by reference.

The panel was charged to evaluate the available data, information, and views on the color additives and to provide answers to the following questions:

1. Can valid quantitative risk assessments be performed for these color additives?
2. Does the available information support the data analysis and risk assessments that have been performed and are before the agency?

X. Report of the Color Additives Scientific Review Panel

The panel evaluated the possibility of performing a scientifically valid carcinogenic risk assessment on D&C Orange No. 17 for externally applied drug and cosmetic uses. The panel did not consider risk assessments for other toxic endpoints—indeed, it was not necessary to do so because no safety concerns other than carcinogenicity have been associated with the external uses of D&C Orange No. 17. The panel's report contains a discussion on the assumptions that must be made in conducting a risk assessment and the uncertainties that are associated with such assumptions. The report is supported by several recent government agency efforts directed at developing a consensus of risk assessment: (1) The National Academy of Sciences Report on Risk Assessment; (2) The Office of Science and Technology Policy Document on Chemical Carcinogenesis; and (3) The Executive Committee, Coordinating Committee on

Environmental and Related Programs Report on Risk Assessment.

The report contains a scientific introduction section for the major topics being discussed as well as a section on the general assumptions used in risk assessment of colors. The report discusses the risk assessments for each of the color additives by discussing major topics for each and the color additive-specific assumptions used, with the focus on the risk under practical conditions of use. Each chapter also contains a risk characterization section which discusses the risk assessment of the individual color additive.

In its report, the panel critically reviewed the risk assessments submitted by CTFA. This included a detailed examination of the risk assessment methodology used by CTFA. In a summary chapter of the report (Chapter 9) the Panel stated that:

> In order to obtain a better perspective on the very complex and multifaceted problem of assessing exposure and toxic effect of the dyes, it was imperative to search for the many obvious or hidden, explicitly stated or implied assumptions associated with risk assessment of the dyes. In dissecting the presented problem into the smallest possible components, for which separate solutions might be formed, the Panel opted for starting with formulating the assumptions according to CTFA's line of reasoning (it should be emphasized, however, that CTFA made these assumptions to, presumably, derive a conservative risk estimate, while not necessarily supporting them). This was followed by a careful analysis of the validity of the statements, the possible alternatives to dealing with the gaps in knowledge and lack of information, and the quantitative assessment of the impact of the assumption on the magnitude of the risk of cancer, assuming that the dyes do pose such a risk to humans.
>
> While evaluating the many kinds of uncertainties in hazard identification, exposure assessment, and dose-response assessment, the Panel developed the view that, rather than limiting its role to analyzing CTFA's lines of reasoning, it attempt to use its analysis to generate modified risk estimates. This includes an estimate of the absorbed dose based on more "reasonable" assumptions than those used in the CTFA assessments.

In the risk characterization section in the various dye chapters in the report, the panel compared the 90th percentile and the average usage (based on reasonable estimates). For the purpose of presenting the panel's assessment of the numerous assumptions used in the CTFA risk assessments, the agency has summarized that portion of the panel's report which discusses the assumptions and the associated uncertainties. The summary below deals with assumptions which are relevant to all color additives reviewed by the panel.

A. The Panel's Assumptions Used in Hazard Identification

The panel generally accepted the assumptions used in the CTFA risk assessments largely because there seem to be no alternatives with higher degree of validity for the uncertainties involved and because they are consistent with what the panel understood FDA's policy to be. The panel believed the assumptions it relied upon to be conservative, i.e., are more likely to overestimate rather than underestimate the true risk.

The panel's assumptions concerning hazard identification were:

1. Because all six dyes of concern are animal carcinogens in some assay, they are suspect human carcinogens. (The panel made no evaluation of the weight-of-evidence for human carcinogenicity from the animal test results.)

2. Orally administered or ingested dyes are equally well absorbed in animals and humans, regardless of the test concentration of the dye and of the vehicle used.

3. Studies involving high doses of a compound under test are appropriate for low-dose extrapolation.

B. The Panel's Assumptions Used in Exposure Assessment

The panel's general assumptions regarding exposure assessments were:

1. The dyes are equally absorbed in rodents and man.

2. Dyes which penetrate the skin are as effective in evoking a carcinogenic response as if ingested.

3. For each dye, exposure is for 60 years (in contrast to CTFA's use of 70 years) and risk is not influenced by age at exposure. This results in a correction factor of 6/7.

4. An arbitrary value should be used to reflect the fact that cosmetic products contain other dyes than those of concern (or no dyes at all). Compared to the CTFA estimate, this results in a correction factor of 0.5.

5. Based on data for D&C Red No. 19 only, the average concentration of all dyes in commercial products is 25 percent of the highest concentration allowed. Compared to the CTFA estimate, this results in a correction factor of 0.25.

6. The skin model used for the skin absorption studies is appropriate for assessing the exposure to absorbed dye. Although the model is likely to overestimate the risk for products applied to the facial skin (skin penetration rates are likely to vary for different areas of the body), the model may underestimate the real absorption rate by a factor of 3.

7. In interpreting the results of the in vitro study on the absorption rates over time, the true absorption rate equals the steady state rate. Where the test did not reveal a steady state, twice the maximum rate at the end of 3 days approximates the true absorption rate.

8. Both types of CTFA surveys of the frequency of the use of dye containing products overestimate the frequency among the general population.

9. The absorbed amount of dye per day can be estimated by multiplying the amount of dye per day available for absorption by an absorption rate constant, as estimated from the in vitro tests. There is insufficient information, however, to calculate a better, less conservative estimate.

10. For each dye, the total exposure is the sum of exposures to all products containing the same dye.

11. The amount of dye-containing product per application is approximately 5 to 10 milligrams per square centimeter.

12. With the exception of nail products, the composition of the vehicle used in the commercial products does not affect the absorption rate assessed with the in vitro skin model. There is insufficient information to generate a best estimate of the absorption rate for each kind of commercial vehicle.

13. In an appropriate vehicle, there is no difference in absorption rate between a primary dye and its lake.

14. Based upon consideration of the structure and toxicity of actual impurities found in certified lots, the skin penetrance rates of subsidiary colors are not likely to be significantly different from that of the principal constituent. The skin penetrance rates of the other substances of concern (e.g., residual starting materials) have, at most, an effect of multiplying the risk by 1.2. This results in a correction of CTFA's estimate of the exposure by a factor of 1.2.

The panel's product-specific assumptions regarding exposure assessments were:

1. The absorption rate for hair cosmetics is 1.2 percent of the applied amount. This results in a correction of CTFA's estimate by a factor of 0.6.

2. No absorption occurs from dyes in nail products (CTFA assumed that 1 percent of the applied amount will penetrate the skin).

3. For bathwater products, 2 percent of the applied amount reaches the skin.

4. For wash-off products (including bathwater products), there is an absorption of 25 percent (CTFA assumed an absorption of 50 percent and excluded bathwater products from this consideration). This results in a

correction of CTFA's estimate by a factor of 2.

5. For products other than wash-off products, there is an absorption of 50 percent (CTFA assumed an absorption of 100 percent). This results in a correction of CTFA's estimate by a factor of 2.

C. The Panel's Assumptions Used in Dose-Response Assessment

1. In test animals, 50 percent of orally administered dyes are absorbed from oral studies and the carcinogenic response is caused by this absorbed portion. This results in a correction of CTFA's estimate by a factor of 2.

2. On a milligram per kilogram body weight basis, dose levels used in animal tests have the same quantitative effect on the cancer incidence in humans. There is insufficient information for assessing the best estimate of the correct dose unit for use in extrapolating animal risk to human risk of cancer.

3. The average body weight for an adult woman is 53 kilograms.

4. The linearized multistage model reflects the true relationship between dose and response. The linearized multistage model may offer no added protection, however, in the convex portion of the dose-response curve. Low-dose linearity may overestimate the risk by several orders of magnitude if low-dose linearity is not present.

5. The most sensitive animal tumor data should be used to extrapolate risk from animal data to humans.

D. The Impact of the Panel's Assumptions on CTFA's Risk Estimate

In the chapters of the report concerning specific dyes, the panel applied the foregoing product- and dye-specific assumptions and correction factors to the usage data contained in the CTFA risk assessments. The panel also applied these assumptions to the survey estimates of 90th percentile exposure (the Risk/90 values) and average and "reasonable" estimates of exposure (Risk/Rea), thereby deriving revised risk estimates.

The impact on CTFA's risk assessment of the panel's general, quantifiable assumptions concerning exposure and dose-response are:

1. For skin absorption, a correction factor of 0.8 times the CTFA estimate ($6/7 \times 0.5 \times 0.25 \times 3 \times 1.2 \times 2$).

2. For incidental ingestion of lip products, a correction factor of 6/7 times the CTFA estimate (a number of factors relevant only to skin absorption or not relevant to lipstick products do not apply).

3. At low dose levels, the risk of cancer, as computed with the linearized multistage risk model, is directly proportional to the dose levels.

The panel concluded that the correction factor of 0.8 for skin absorption is inconsequential when compared to the uncertainties in the assumptions that are difficult to quantify. The panel cautioned that the correction factor for skin absorption does not mean that the risk estimate is precise within 20 percent of the actual human risk. On the contrary, the figure merely represents the fact that, for the various quantifiable assumptions, underestimations and overestimations of risk in the CTFA estimates basically cancel out.

The panel also noted that many of the assumptions are not quantifiable. The panel, following prudent public health policy, stated that it accepted assumptions which are likely to overestimate rather than underestimate risk in the cases difficult to quantify and is of the opinion that the human risk in the risk estimates it made is more likely to be over- rather than under-estimated.

E. Specific Assumptions

The panel in its review of risk assessment for D&C Orange No. 17 evaluated a number of CTFA's specific assumptions relevant to the color. The assumptions and the panel's comments are as follows:

1. CTFA assumed that for creams and oils the absorption rate is 0.01 percent per day.

The panel stated that the skin test revealed rates of 0.003 to 0.007 percent of the applied amount per 24 hours, implying an overestimation of the absorption by a factor of 2. The panel recognized that the real factor is unknown because it is not clear whether the rates refer to a maximum rate or a steady state rate.

2. CTFA assumed that the absorption rate for D&C Orange No. 17 in talc is 0.001 percent per day of the amount applied.

The panel stated that CTFA mentioned 0.001 percent absorption in its text, but printed 0.00009 percent in Table 6, which referenced Table 2 in Franz's report. The latter uses the value 0.001 percent. The panel used 0.001 percent.

3. CTFA assumed that the use of Volpo 20 in the receptor of the Franz cell will not significantly alter the skin penetration.

Based on its review of these color specific assumptions, the panel utilized the following assumptions in risk characterization:

(a) For creams and oils, the skin absorption rate is 0.005 percent per day of the amount applied, which is half the rate assumed by CTFA.

(b) For talc formulations, the skin absorption rate is 0.001 percent per day of the amount applied. This is in agreement with the rate assumed by CTFA.

(c) The low skin absorption rate of D&C Orange No. 17 is unlikely to be caused by the insolubility of the dye in the receptor phase. Replacing the usual saline receptor phase by one containing Volpo 20 did not result in increased dye penetration.

The panel also utilized the following product specific assumptions in risk characterization:

(a) For nail products, the absorption of dyes is assumed to be zero, as compared to CTFA's assumption that no dye will be absorbed through the nail but that during application 1 percent of the dye may reach the skin or cuticle, where it will be available for absorption at the usual 1 percent rate.

(b) For products other than "wash-off" products, it is assumed that not more than 50 percent of the amount applied will stay available for absorption. CTFA assumed that the applied amount equaled the available amount.

F. The Panel's Interpretation of the Long-Term Studies

Prior to revising CTFA's risk estimates, the panel evaluated the available long-term studies of D&C Orange No. 17 in laboratory animals. The panel agreed with FDA that the 1.0 percent dosage level of D&C Orange No. 17 feeding study in rats was adequate and well-controlled and resulted in a statistically significant increase in the incidence of liver tumors (hepatocellular adenoma and carcinoma) in female rats as compared to controls.

In the case of D&C Orange No. 17, as with all the color additives it reviewed, the panel did not evaluate the weight-of-evidence for carcinogenicity to humans. Rather, the panel accepted as FDA's policy that any chemical shown to induce cancer even in only one strain, gender, and species, at one dose in one experiment, is an animal carcinogen. In light of the fact that D&C Orange No. 17 is an animal carcinogen by FDA's standards, the panel considered that there was an appropriate empirical basis for estimating the possible cancer risks to man presented by the external uses of D&C Orange No. 17.

The panel reached this conclusion even though in its view the information from the D&C Orange No. 17 feeding study in mice does not provide definitive evidence that the additive is a carcinogen in mice. The panel found the

mouse study to be well-controlled but considered the observed increase in liver tumors in the high-dose male mice to be equivocal. Nevertheless, the panel did prepare revised risk estimates based on the data from the mouse study.

G. Revised Risk Estimates

The panel's final step in evaluating the adequacy of CTFA's risk estimates on the external uses of D&C Orange No. 17 was to determine the total amount of the dye absorbed per day. In light of the fact that CTFA's information on the usage frequency that indicated that D&C Orange No. 17 was present in four different groups of products, the panel calculated that amount to be:

0.00189 microgram per day as an average of the prospective survey;

0.00635 microgram per day as the upper 90th percentile of the prospective survey;

0.00367 microgram per day as an average of the retrospective survey; and

0.007 microgram per day as the upper 90th percentile of the retrospective survey.

The comparable amounts calculated according to the CTFA assumptions are the upper 90th percentiles 0.0208 microgram per day (prospective survey) and 0.01542 microgram per day (retrospective survey). The panel believed that the prospective survey yielded less biased usage frequencies. Calculation of the resulting cancer risk estimates was, therefore, based on dose estimates based on the survey. At these very low dose levels, the dose-response curve is linear, meaning that the risk is directly proportional to the dose. The panel's revised estimates are based on 53 kilograms as a lifetime weight average for women, and include the panel's general correction factor of 0.8.

The panel's revised risk estimates are as follows:

	Risk (CTFA/90)*	Risk/90	Risk/Rea
Rat	2.1×10^{-10}	5.1×10^{-11}	1.5×10^{-11}
Mouse	0.7×10^{-10}	1.7×10^{-11}	0.5×10^{-11}

*Note that CTFA does not give an average exposure estimate for D&C Orange No. 17.

Risk(CTFA/90) is the CTFA risk estimate at the upper 90th percentile of exposure.

Risk/90 is the risk estimate based on the panel's calculation at the 90th percentile of exposure.

Risk(REA) is the risk estimate based on the panel's calculation of a more reasonable estimate of exposure.

The above risk estimates are based on the reasonable estimates of exposure, whenever the panel believed that it was possible to make such an estimate. In situations where available data would allow for a choice between "degrees of reasonable estimate," the panel consistently selected the estimate associated with the higher risk.

H. The Panel's Conclusion

The panel concluded that the animal studies were properly controlled except for a lack of data on the purity of the pigment (subsidiary color) or on the levels of impurities, at least one (2,4-dinitrobenzeneamine) of which is a strong mutagen. In response to the agency's concerns regarding whether the available data and information adequately characterized the risk presented by exposure to possible impurities, the panel concluded that the level of impurities may have an impact on risk assessment only if the degree of potency of the impurities is greater, by several orders of magnitude, than the degree of potency of the pigment. Based on the strong mutagenicity of D&C Orange No. 17 without activation in several strains, the mutagenicity of the azo reduction product, and the reported mutagenicity of 2,4-dinitrobenzeneamine with or without activation, the panel concluded that it is unlikely that the carcinogenic "potency" differs from the parent compound by several orders of magnitude, and the general assumption concerning the likelihood that impurities would have no effect on the risk assessment is even more likely for this color additive.

XI. FDA's Decision to Permanently List D&C Orange No. 17

A. Reliance on Risk Estimation Techniques

The data and information regarding the safety of D&C Orange No. 17 support FDA's conclusion that the substance induces cancer when tested in laboratory animals. The data and information, however, do not support any other finding of toxicity.

In the past, because the data and information show that D&C Orange No. 17 is a carcinogen when ingested by laboratory animals, FDA in all likelihood would have terminated the provisional listing and denied CTFA's petition for the externally applied uses of D&C Orange No. 17 without any further discussion. In the present instance, however, CTFA has presented arguments that this color additive can be regulated for safe use in externally applied drugs and cosmetics. The arguments CTFA has presented are based on the premise that a determination of safety may be based on risk assessment techniques. FDA agrees that risk estimation methods are frequently helpful in evaluating the safety of carcinogenic substances. It was for these reasons that the agency requested the panel to determine whether the data and information available concerning D&C Orange No. 17 provided an adequate basis from which to make reliable risk estimations.

FDA agrees with the panel that CTFA's risk estimates on the use of D&C Orange No. 17 in externally applied drugs and cosmetics, as modified in the panel's report, represent a reliable upper bound risk and that those risk estimates can be used to evaluate the proposed external uses of D&C Orange No. 17. FDA also agrees, for the purpose of conducting a risk assessment, with the panel's resolution of the agency's concerns regarding the possible toxicity of impurities in the color additive.

B. The Safety of D&C Orange No. 17

Under section 706(b)(4) of the act (21 U.S.C. 376(b)(4)), the so-called general safety clause of the statute, FDA cannot approve a color additive for a particular use unless the data presented to FDA establish that the color additive is safe for that use. Although what is meant by safe is not explained in the general safety provision, the legislative history of the act makes clear that safety requires proof to a reasonable certainty that no harm will result from the proposed use of an additive. Because FDA considers D&C Orange No. 17 to be a carcinogen when ingested by laboratory animals, as discussed above, the Delaney Clause (section 706(b)(5)(B)(i) of the act) is applicable. A strictly literal application of the Delaney Clause would prohibit FDA from finding that D&C Orange No. 17 is safe and, therefore, prohibit FDA from permanently listing the color for externally applied uses in drugs and cosmetics. However, as seen from CTFA's and the panel's risk estimates, the calculated risk for these uses of D&C Orange No. 17 is extremely low. In fact, the level is three to four orders of magnitude lower than that level of risk which the agency accepts in other areas concerning carcinogens; for example, its procedures and criteria for permitting carcinogenic food additive residues in animal tissues under section 512(d)(1)(H) of the act, the DES proviso to the Delaney Clause (21 U.S.C. 360b(d)(1)(H)) (see 50 FR 45530, 45541; October 31, 1985; FDA refers to these procedures and criteria as the sensitivity of the method or SOM procedures). With such a negligible risk, there is no gain to the public and the statutory purpose is not implemented or served by an agency action delisting the substance.

Under these circumstances, FDA concludes that it should not interpret the Delaney Clause to require a ban on this use of D&C Orange No. 17. Therefore, FDA has decided to exercise its inherent authority under the *de minimis* doctrine

and concludes that the Delaney Clause does not require a ban in the case of the externally applied uses of D&C Orange No. 17. Because there are no other safety problems with this use of D&C Orange No. 17, FDA finds that the externally applied uses are safe.

C. CTFA's Legal Arguments

In its April 15, 1983, submission, CTFA argued that the applicable statutory authority under the act and judicial precedent authorize FDA to apply a *de minimis* interpretation of the Delaney Clause for a carcinogenic color additive that presents an insignificant risk of cancer. CTFA also argued that the Delaney Clause does not apply to the external uses of D&C Orange No. 17 because the tests on D&C Orange No. 17 are not appropriate for the evaluation of the substance.

FDA agrees with the former position and in the following section of this notice discusses the applicability of the *de minimis* doctrine to D&C Orange No. 17. The agency, however, disagrees with CTFA's latter argument, one that draws heavily on the agency's decision to list the color additive lead acetate (45 FR 72112, October 31, 1980; 46 FR 15500, March 6, 1981). CTFA's studies show that a portion of the radiolabeled material in the D&C Orange No. 17 used for percutaneous study penetrated the skin and entered the circulatory system. Under these circumstances, in the absence of any metabolic or other data suggesting that ingestion studies are inapplicable, ingestion studies are appropriate as a basis for risk assessment of the external uses of D&C Orange No. 17.

Moreover, FDA's decision concerning lead acetate was based upon the unusual combination of scientific facts, peculiar to the use of lead acetate in hair dyes, which the agency recognized "will rarely, if ever, be presented again in this context" (45 FR 72112, 72115; October 31, 1980). Similar facts do not exist in the case of D&C Orange No. 17. For example, a key factor that influenced FDA's judgment that the Delaney Clause just did not apply to lead acetate was the fact that a background level of lead is always present in the blood of humans, a background level much greater than the possible increase in lead burden that would result from the use of lead acetate in hair dyes. There is, of course, no background level of D&C Orange No. 17 in humans. The agency believes that the tests on D&C Orange No. 17 are appropriate for an evaluation of the substance under the Delaney Clause.

D. The de Minimis Doctrine and Its Applicability to D&C Orange No. 17

Two conditions must apply to justify an agency's exercise of its authority to interpret a legal requirement as not requiring action in *de minimis* situations. First, it must be consistent with the legislative design for the agency to find that a situation is trivial and, therefore, one that need not be regulated. *Alabama Power Co.* v. *Costle*, 636 F.2d 333, 360 (DC Cir. 1979). Second, it must be clear that the situation is in fact trivial, and that no real benefit will flow from regulating the particular situation. *Environmental Defense Fund* v. *Environmental Protection Agency*, 636 F.2d 1267, 1283–1284 (DC Cir. 1980). Both conditions apply here.

1. The establishment of a *de minimis* exception to the Delaney Clause is consistent with the legislative design.

In *Alabama Power Co.* v. *Costle*, supra, the court stated that the implication of *de minimis* authority is consistent with most statutes. The court stated that unless Congress has been extraordinarily rigid, there is likely a basis for an implication of such authority. *Id.* at 360–361. That Congress was not so rigid as to preclude the implication of *de minimis* authority under the Delaney Clause is evidenced both by the stated congressional intent in enacting the Delaney Clause and by the stated purpose of this provision.

The clearest statement of the congressional intent for the Delaney Clause is in the legislative history of the Color Additive Amendments of 1960. The Senate considered that the calculation of risk would permit interpretation of the Delaney Clause to allow color additives producing a negligible risk. This is clear from a colloquy on the Senate floor initiated by Senator Jacob Javits in debate on his motion to reconsider the vote to approve the Color Additive Amendments. Senator Javits, focusing on the Delaney Clause, made the record clear in discussion with Republican leader Senator Dirksen and committee chairman Senator Hill that the Senate had agreed to pass the Color Additive Amendments with the Delaney Clause based upon its understanding that the authority conferred by that clause "should be used and applied within the 'rule of reason.' " 106 Congressional Record 15381 (July 1, 1960).[1] Both Senator Dirksen and Senator Hill agreed that the "rule of reason" was to be applied in interpreting the Delaney Clause. *Id.* On that basis, Senator Javits did not pursue his motion to reconsider.

The term "rule of reason" was taken from a report to the President from the President's Science Advisory Committee and from the Departments of Agriculture and of Health, Education, and Welfare (the predecessor to the Department of Health and Human Services) that analyzed the effect of the Delaney Clause that is applicable to food additives. That report defines the "rule of reason" as meaning that: "Every statute must be interpreted in the light of reason and common understanding to reach the results intended by the legislature." 106 Congressional Record 15380. The report stated its conclusion that "an area of administrative discretion based on the rule of reason is unavoidable if the clause is to be workable." 106 Congressional Record 15381.

This report on implementation of the food additive provision, relied upon by the Senators as illustrating their understanding of the types of circumstances in which the "rule of reason" would appropriately be applied, accurately predicted the advent of the science of risk assessment. The report stated that: "From the experience obtained in animal experiments and study of humans who have been exposed to carcinogens in the course of their work the panel believes that the probability of cancer induction from a particular carcinogen in minute doses may be eventually assessed by weighing scientific evidence as it becomes available." 106 Congressional Record 15380–15381.

Thus, the Senate agreed to adopt the color additive Delaney Clause only with the understanding that the clause would be administered with "a rule of reason," premised on the expectation that scientists would be able to determine the "probability of cancer induction." Thus, far from having been "extraordinarily rigid," Congress clearly contemplated that those administering the Delaney Clause would have discretion to implement that provision in a reasonable way.[2]

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[1] More recently, Senator Javits reviewed this discussion. On July 10, 1985, he sent Margaret Heckler, Secretary of the Department of Health and Human Services, a letter stating that his views had not changed since 1960. He stated that it was his continuing understanding that the rule of reason "would dictate that where the danger to the public is negligible in using products with such color additives, then use should not be prohibited." A copy of Senator Javits' letter to Secretary Heckler is included in the record of this rulemaking.

[2] This grant of discretion is not inconsistent with the fact that Congress clearly intended to prevent the imposition of a tolerance for a carcinogen. Where the probability of harm is so small as to be of no practical significance, it is reasonable and

Continued

The purpose of the Delaney Clause in section 706 of the act is, after all, to protect the public from the possibility of increasing cancer risks through the use of color additives. It does not advance this purpose to prohibit uses that present a risk that is, for all practical purposes, zero. Congress recognized this fact in warning FDA not to "go overboard" in applying the Delaney Clause. 106 Congressional Record 15381. Thus, it is not inconsistent with the Delaney Clause to permit some uses of a carcinogenic color additive when those uses are shown to present a potential carcinogenic risk that is so trivial, based on extremely conservative statistical analyses, as to be the functional equivalent of no risk at all.

This interpretation of the Delaney Clause finds support in recent case law. In *Monsanto* v. *Kennedy*, 613 F.2d 947 (DC Cir. 1979), the court held that not all chemicals that become components of food need be considered food additives. The court stated that FDA has the authority to ignore a chemical that migrates from plastic packaging material into beverages if the amount of the chemical that migrates is *de minimis*. The court made that statement after it had found that some amount of the chemical in question would become a component of food by migration from packaging material—thus undeniably satisfying a literal reading of the statute. The court was concerned that the Commissioner may have reached his determination in the belief "that he was constrained to apply the strictly literal terms of the statute irrespective of the public health and safety considerations." 613 F.2d at 954. Accordingly, the court emphasized that there is "latitude inherent in the statutory scheme to avoid literal application of the statutory definition of 'food additive' in those *de minimis* situations that, in the informed judgment of the Commissioner, clearly present no public health or safety concerns." *Id.* Thus, the *Monsanto* decision is important to the agency's present action even though that case involved the definition of "food additive" and not the application of the Delaney Clause, and even though FDA, when it issued the order that was ultimately reviewed by the court, had not made a final determination as to the carcinogenicity of the chemical at issue, acrylonitrile monomer.

The court also held in *Monsanto* that the *"de minimis"* concept, applied to the threshold "food additive" definition, could be utilized to allow the marketing of a substance that presents no real public health risk. See 613 F.2d at 955–956. Thus, the court's decision in *Monsanto* has the practical effect of shielding substances that present effectively no carcinogenic risk from the Delaney Clause. Although the court did not explicitly interpret the Delaney Clause as inapplicable to such substances, the court presumably knew that if a carcinogenic chemical was disregarded as *de minimis* in relation to the food additive definition, the chemical would not be subject to the Delaney Clause, which applies only when that definition is met. Necessarily, therefore, the court regarded this consequence as legally warranted.

Moreover, in *Scott* v. *FDA*, 728 F.2d 322, 325 (6th Cir. 1984), the Sixth Circuit upheld the so-called constituents policy, whereby FDA may approve known carcinogens present in color additives as intermediaries or impurities present at levels too low to cause a response using conventional tests. Noting that FDA had determined the public health risk presented by D&C Green No. 5 was negligible, the court reasoned:

> * * * We find this determination by the *Monsanto* court persuasive and relevant to the particular facts of the instant case. We agree with the FDA's conclusion that since it "has discretion to find that low level migration into food of substances in indirect additives is so insignificant as to present no public health or safety concern * * * it can make a similar finding regarding a carcinogenic constituent or impurity that is present in a color additive" 47 FR 24280 (1982).

In addition to the foregoing precedents, the state of scientific knowledge about cancer when the Delaney Clause was passed also supports the implication of *de minimis* authority under the Delaney Clause and the fact that the provision could not possibly have been meant to be "extraordinarily rigid." In 1958, there were only four substances that were known to induce cancer in humans: soot, radiation, tobacco smoke, and *beta*-naphthylamine (Ref. 13). Only 20 years later, scientists had identified 37 human carcinogens and over 500 animal carcinogens (Ref. 13). This growth in knowledge is in part the result of an enormous increase in carcinogenicity testing in laboratory animals. As testing increases, more and more substances are found to induce cancer at some site in at least some strain or sex of laboratory animal. For example, of the 86 compounds tested by the National Toxicology Program (NTP) and reported between July 1981 and July 1984, 50 percent were determined to induce some carcinogenic effect (Ref. 14). (It should be noted that many of the compounds tested by NTP were, prior to testing, suspected of being carcinogenic.) Furthermore, recent short- and long-term toxicity testing has shown that a large number of substances naturally present in food are mutagenic or carcinogenic (Ref. 15).

With the advent of sensitive chemical analytical methodologies, scientists have been able to find carcinogens throughout the food supply in extremely small quantities. In 1958, the available methodologies were far less sensitive than they are today. For example, as FDA stated in its 1979 SOM proposal, the sensitivity of the methodologies increased during the period between 1958 and 1978 by "between two and five orders of magnitude" (44 FR 17070, 17075; March 20, 1979). This improved sensitivity has allowed the detection of carcinogens in the parts per trillion level so that, as one scientist has reported, "today substances can be routinely measured at concentrations up to a million times less than was possible in 1958" (Ref. 13).

There is no indication that in 1958 Congress foresaw the likelihood that, within less than 30 years after the Delaney Clause was enacted, science would have progressed so far as to be able to document the widespread presence of trace amounts of proven carcinogens in food. There is no indication that Congress anticipated the extent to which substances, then regarded either as absent from foods or as noncarcinogenic on the basis of less adequate technology, would later prove to be carcinogenic. In short, the scientific knowledge about carcinogens was much more limited in 1958 than it is today. The solution Congress decided upon in 1958 for handling added carcinogens, given that state of knowledge, was not extraordinarily rigid but was entirely reasonable, i.e., a few substances, present at levels then detectable, would be banned; most food would be unaffected.

Under these circumstances, it would not be consistent with the legislative design for FDA, today, to attempt to prohibit all added carcinogens from the food supply provided the risks presented by permitted levels are trivial. Permitting merely a *de minimis* level of risk from such carcinogens is not only sound regulatory policy but is also consistent with the underlying purpose of the Delaney Clause as enacted in 1958—the assurance that the food supply will be free from any meaningful risk of cancer presented by substances added to food.

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appropriate to apply the *"de minimis"* concept. And, doing so does not in any way reflect an intent to set a tolerance.

For all the foregoing reasons, the agency concludes that it is consistent with the Delaney Clause to permit uses of a carcinogenic color additive when those uses are shown to present a carcinogenic risk that is so trivial, based on extremely conservative statistical analyses, as to be the functional equivalent of no risk at all.

2. The risk from the use of D&C Orange No. 17 in externally applied drugs and cosmetics is, in fact, so trivial as to be effectively no risk.

According to the panel's revised risk estimates, the highest lifetime level of risk presented by the external uses of D&C Orange No. 17 is 1 in 19 billion, i.e., 5.1×10^{-11}. This is not an actuarial risk. An actuarial risk is the risk determined by the actual incidence of an event. In contrast, the computed risk is a projection based on certain conservative assumptions that do not understate risk. The assumptions that were relied upon in this computation have been stated previously in the document based on the panel's computations. The risk from the use of D&C Orange No. 17 in externally applied drugs and cosmetics will not exceed 1 in 19 billion and is likely to be somewhere between that level and zero. The 1 in 19 billion level represents a 1 in 19 billion increase in risk over the normal risk of cancer in a lifetime—not annual—risk. FDA emphasizes that the 1 in 19 billion level of risk does not mean that 1 in every 19 billion people will contract cancer as a result. Rather, in all likelihood, no one will contract cancer as a result of this exposure.

In light of the level of risk presented by the external uses of D&C Orange No. 17, FDA finds that the uses are safe, that they impose no additional risk of cancer to the public, and that any risk they may present is of no public health consequence. It is in just these circumstances, where there is no meaningful increase in public health protection from applying the strict, literal terms of a legal standard, that the courts have found the *de minimis* doctrine to be applicable. For example, the court in *Monsanto* equated "*de minimis*" with a finding that migration of an indirect food additive is "insignificant" (613 F.2d at 947) in a context where the court clearly recognized that the real question was the toxicity of a particular level of migration.

Furthermore, FDA and other regulatory agencies have, in the past, found higher risks than those presented by D&C Orange No. 17 to be permissible. For example, in the ongoing SOM rulemaking proceeding, FDA has proposed that an assay method sufficient to detect a carcinogenic residue posing a calculated upper bound risk of 1 in 1 million is appropriate because such a level imposes no additional risk of cancer to the public (see 44 FR 17070, 17093; March 20, 1979). The agency has concluded that as a result of this use of the 1 in 1 million level of risk as far as can be determined in all probability, no one will contract cancer from admittedly carcinogenic residues in edible animal tissue. (See 50 FR 45530, 45541; October 31, 1985.)

In several proceedings involving the agency's policy for carcinogenic impurities in food and color additives, FDA has also found that a risk on the order of a 1 in 1 million lifetime risk is low enough to be considered safe within the meaning of the general safety clause. See, for example, the administrative record compiled in the rulemaking on D&C Green No. 6 (47 FR 14138; April 2, 1982).

Furthermore, in a notice published in the **Federal Register** of December 18, 1985 (50 FR 51551), the agency proposed that methylene chloride when used to decaffeinate coffee is safe, in light of the fact that the potential risk posed by permitted levels of methylene chloride residue in coffee does not exceed 1 in 1 million. In that notice, the agency also suggested that the lifetime risk for this use of methylene chloride to decaffeinate coffee is *de minimis*.

Other Federal agencies have also used a 1 in 1 million level as a basis for regulatory decisionmaking permitting human exposure to carcinogens (Ref. 16). In fact, they have sometimes made regulatory decisions that have allowed a cancer risk greater than 1 in 1 million. The Occupational Safety and Health Administration (OSHA), for example, has focused its regulatory efforts on risks in the workplace that are much higher than 1 in 1 million lifetime level of risk.

For example, under the Occupational Safety and Health Act (OSH Act) (29 U.S.C. 651 et seq.), OSHA issues health standards for the workplace. Before issuing a standard, OSHA must make a formal showing of "significant risk from exposure." Accordingly, OSHA uses quantitative risk assessment to compare the magnitude of risk presented by the various possible levels of exposure to a substance before establishing a permissible exposure limit. In the **Federal Register** of January 14, 1983 (48 FR 1864), OSHA established a new permissible exposure limit for inorganic arsenic after determining the risk of lung cancer death associated with such a level would be 8 cases per 1,000 workers exposed over a working lifetime. The standard was upheld by the Ninth Circuit Court of Appeals in *ASARCO* v. *OSHA*, 746 F.2d 483 (9th Cir. 1984). In a similar action in the **Federal Register** of June 22, 1984 (49 FR 25734), OSHA published a final rule establishing a new permissible exposure limit for ethylene oxide. The new 1 part per million permissible exposure limit represented a risk of 12 to 23 excess deaths per 10,000 workers exposed over a working lifetime.

The Environmental Protection Agency (EPA) in recent years has also relied upon the 1 in 1 million lifetime level as a reasonable criterion for separating high risk problems from low risk problems presented by the wide ranging environmental contaminants EPA must regulate. In the **Federal Register** of November 23, 1984 (49 FR 46294), EPA proposed guidelines for carcinogen risk assessment. The proposal outlined a procedure for characterizing substances based on the experimental weight of evidence of carcinogenicity. For those compounds classified as known or probable human carcinogens, EPA set the 1 in 1 million risk level as the "point of departure" for determining what level of a carcinogen may cause concern.

For example, under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), EPA sets drinking water standards that contain maximum contaminant levels for toxicants, including carcinogens. Maximum contaminant levels for carcinogens that have been promulgated or proposed to date by EPA generally fall into lifetime risk ranges of 1 in 10,000 to 1 in 1 million (Ref. 17). Similarly, EPA recently proposed to establish the 1 in 1 million level as the "point of departure" in determining the level of control for all known and possible carcinogenic constituents compounds resulting from hazardous waste contamination (51 FR 1602, 1635; January 14, 1986). As an alternative, EPA proposed to consider estimates of population in determining the appropriate level of control for each constituent. Thus, if a very large number of people is believed to be potentially exposed to a very potent carcinogenic constituent released from contaminated land disposal units, EPA could decrease the level of risk to as low as 1 in 10 million. If the size of the potentially exposed population is not large, the "point of departure" would remain at the 1 in 1 million level. However, if a small number of people was believed to be exposed to the contaminant, such that the incidence of cancer would be expected to be small from the exposure, EPA would consider increasing the acceptable risk level to 1 in 100,000 or 1 in 10,000.

Although comparisons between the safety decisions made by OSHA and EPA with those made by FDA must be tempered by the fact that the decisions are made under different statutory frameworks, the decisions support the consensus proposition that a lifetime level of 1 in 1 million presents an extremely small risk.

Furthermore, FDA's conclusion that a 1 in 1 million lifetime level represents an insignificant level of risk has not been arrived at hastily. For example, when it first proposed the SOM procedures and criteria on July 19, 1973 (38 FR 19226), the agency stated that an acceptable level of risk for carcinogenic residues in edible animal tissues would be 1 in 100 million. In the **Federal Register** of February 22, 1977 (42 FR 10412), the agency concluded that the 1 in 100 million level was unnecessarily conservative in light of the numerous conservatisms implicit in risk assessment and because the level provided only a minor incremental increase in the degree of confidence presented by the higher 1 in 1 million level. The agency concluded that the 1 in 1 million level constituted a risk level that one could properly consider to present an insignificant public health concern (see also 44 FR 17070; March 20, 1979). In the most recent **Federal Register** document concerning the SOM rulemaking (50 FR 45530; October 31, 1985), the agency explained that it considered raising the level yet another order of magnitude to 1 in 100,000 but chose not to do so. FDA reasoned that in recent years the 1 in 1 million level has become a benchmark in the evaluation of the safety of carcinogenic compounds administered to food-producing animals.

Furthermore, the agency stated that there is currently widespread confidence that this level presents an insignificant risk of cancer. This point is underscored by the fact that every comment on the risk level aspect of the 1979 SOM proposal regarded the 1 in 1 million level as insignificant. In making the decision to retain the 1 in 1 million level for purposes of the SOM proceeding, FDA recognized explicitly that there may be a higher level of risk that is more appropriate to characterize as a "no residue" level, but that in light of the current uncertainties that accompany making a decision as to the most appropriate level of risk, the 1 in 1 million level was the most reasonable and defensible choice (50 FR 45542).

The level of risk presented by the external uses of D&C Orange No. 17 is extremely low. In relation to other risks regulated by FDA and other Federal agencies, the risk presented by the external uses of D&C Orange No. 17 is, indeed, trivial.

XII. Conclusion

Based on the foregoing, FDA concludes that the risk of cancer from the use of D&C Orange No. 17 in externally applied drugs and cosmetics is so low (1 in 19 billion) as to be effectively no risk, and that there would be no benefit to the public from prohibiting these uses of the color additive. Further, for the same reasons and because the available information indicates no other safety questions regarding the use of D&C Orange No. 17 in externally applied drugs and cosmetics, FDA concludes that the externally applied uses of D&C Orange No. 17 are safe. The agency is amending Part 74 to permanently list D&C Orange No. 17 for such uses.

The agency is describing the color additive in this regulation according to current Chemical Abstracts Service nomenclature, which differs somewhat from the nomenclature FDA previously used, and the agency is establishing new chemical specifications for the Part 74 listings that identify the color additive more precisely than those currently listed in 21 CFR 82.1267.

FDA is also modifying its regulations to conform them to the decisions announced in this document.

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that FDA considered and relied upon in reaching its decisions to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in § 71.15, the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has determined under 21 CFR 25.24(b)(3) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354) do not apply to actions of this type.

XIII. References

The following information has been placed on file at the Dockets Management Branch (address above) and is available for review in that office between 9 a.m. and 4 p.m., Monday through Friday. The final toxicity study reports, the agency's toxicology evaluations of these studies, and other information relied upon by the agency in reaching its decision are also on file at the Dockets Management Branch for public review.

1. Sontag, J.M., N.P. Page, and U. Saffratti, "Guidelines for Carcinogen Bioassay in Small Rodents," DHEW Publication No. (NIH) 76–801, p. 14, 1976.

2. International Expert Advisory Committee to the Nutrition Foundation, "The Relevance of Mouse Liver Hepatoma to Human Carcinogenic Risk," September 1983.

3. "Interagency Regulatory Liaison Group (1979) Scientific Bases for Identification of Potential Carcinogens and Estimation of Risks," *Journal of the National Cancer Institute*, 63:241–268, and **Federal Register** 44:131:39858–39879 (July 6, 1979).

4. Jackson, B.A., "Regulatory Interpretation of Proliferative Lesions of Rodent Liver," *FDA By-lines*, #1 (January 1981).

5. Bureau of Foods' Cancer Assessment Committee Reports on Benzidine and Aniline, December 20, 1983.

6. Klaassen, C.D., "Absorption, Distribution and Excretion of Toxicants," Chapter 3 *in* "Toxicology, The Basic Science of Poisons," Casarett, L.J. and J. Doull (Eds.), Macmillan Pub. Co. Inc., New York, pp. 26–44, 1975.

7. "Report of the Color Additive Scientific Review Panel," September 1985.

8. Memorandum to File from W. Gary Flamm, "Environ Report."

9. Franz, T.J., "Percutaneous Absorption of D&C Orange No. 17 Through Human Skin In Vitro," March 25, 1983.

10. Letter from J. Schwing to N. Estrin, October 19, 1977.

11. Cancer Assessment Committee Memorandum of Conference, August 5, 1982.

12. Cancer Assessment Committee Memorandum of Conference, January 20, 1983.

13. Wilson, R., "Risks Caused By Low Levels of Pollution," *Yale Journal of Biology and Medicine*, 51:37, 48, 1978.

14. Haseman, J., et al., "Results From 86 Two-Year Carcinogenicity Studies Conducted by the National Toxicology Program," *Journal of Toxicology and Environmental Health*, 14:621, 634, 1984.

15. Ames, B., "Dietary Carcinogens and Anticarcinogens," *Science*, 221:1256, September 23, 1983.

16. Milvy, P., "A General Guideline for Management of Risk from Carcinogens," *Risk Analysis*, 6:69, 1986.

17. Crouch, E., et al., "The Risks of Drinking Water," *Water Resources Research*, 19:1359, 1983.

XIV. Objections

Any person who will be adversely affected by this regulation may at any time on or before September 8, 1986, file with the Dockets Management Branch (**ADDRESS** above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the

regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

List of Subjects

21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

21 CFR Part 81

Color additives, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 74, 81, and 82 are amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 74 is revised to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

2. By adding new § 74.1267 to read as follows:

§ 74.1267 D&C Orange No. 17.

(a) *Identity.* (1) The color additive D&C Orange No. 17 is 1-[(2,4-dinitrophenyl)azo]-2-naphthalenol (CAS Reg. No. 3468–63–1). The color additive is manufactured by diazotization of 2,4-dinitrobenzeneamine in acid medium and coupling with 2-naphthalenol in acid medium.

(2) Color additive mixtures for use in externally applied drugs made with D&C Orange No. 17 may contain only those diluents that are suitable and that are listed in Part 73 of this chapter for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* D&C Orange No. 17 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by current good manufacturing practice:

Volatile matter (at 135 °C), not more than 1.5 percent.

Matter insoluble in toluene, not more than 1.5 percent.

2,4-Dinitrobenzeneamine, not more than 0.2 percent.

2-Naphthalenol, not more than 1.2 percent.

4-[(2,4-Dinitrophenyl)azo]-1-naphthalenol, not more than 0.3 percent.

1-[(4-Nitrophenyl)azo]-2-naphthalenol, not more than 0.3 percent.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color as determined by spectroscopy, not less than 95 percent.

(c) *Uses and restrictions.* The color additive D&C Orange No. 17 may be safely used for coloring externally applied drugs in amounts consistent with current good manufacturing practice.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Orange No. 17 shall be certified in accordance with regulations in Part 80 of this chapter.

3. By adding new § 74.2267 to read as follows:

§ 74.2267 D&C Orange No. 17.

(a) *Identity and specifications.* The color additive D&C Orange No. 17 shall conform in identity and specifications to the requirements of § 74.1267(a)(1) and (b).

(b) *Uses and restrictions.* The color additive D&C Orange No. 17 may be safely used for coloring externally applied cosmetics in amounts consistent with current good manufacturing practice.

(c) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Orange No. 17 shall be certified in accordance with regulations in Part 80 of this chapter.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

4. The authority citation for 21 CFR Part 81 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note); 21 CFR 5.10.

§ 81.1 [Amended]

5. In § 81.1 *Provisional lists of color additives* by removing the entry for "D&C Orange No. 17" in paragraph (b).

§ 81.27 [Amended]

6. In § 81.27 *Conditions of provisional listing* by removing the entry for "D&C Orange No. 17" in paragraph (d).

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

7. The authority citation for 21 CFR Part 82 is revised to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

8. By revising § 82.1267 to read as follows:

§ 82.1267 D&C Orange No. 17.

The color additive D&C Orange No. 17 shall conform in identity and specifications to the requirements of § 74.1267(a)(1) and (b) of this chapter.

Dated: July 26, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86–17719 Filed 8–5–86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 74, 81, and 82

[Docket No. 83C-0129]

Listing of D&C Red No. 19 For Use in Externally Applied Drugs and Cosmetics

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permanently listing D&C Red No. 19 as a color additive for use in externally applied drugs and cosmetics. FDA is taking this action because it has concluded that the

use of this color additive in externally applied drugs and cosmetics is safe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act. This action responds to a petition filed by the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA).

DATES: Effective September 9, 1986, except as to any provisions that may be stayed by the filing of proper objections; objections by September 8, 1986 FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register.**

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5676.

SUPPLEMENTARY INFORMATION:

I. Introduction

In 1960, Congress passed the Color Additive Amendments (the amendments). In *Certified Color Mfg. Ass'n* v. *Mathews*, 543 F.2d 284, 286-287 (D.C. Cir. 1976), the United States Court of Appeals for the District of Columbia Circuit explained the purpose of this legislation:

> The Color Additive Amendments of 1960 reflect a Congressional and administrative response to the need in contemporary society for a scientifically and administratively sound basis for determining the safety of artificial color additives, widely used for coloring food, drugs, and cosmetics. The Amendments reflect a general unwillingness to allow widespread use of such products in the absence of scientific information on the effect of these products on the human body. The previously used system had some glaring deficiencies, and the 1960 Amendments were designed to overcome them. * * * [Footnotes omitted.]

As amended, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) (the act) provides in section 706(a) (21 U.S.C. 376(a)) that a color additive will be deemed unsafe for use in food, drugs, cosmetics, and some medical devices unless FDA has issued a regulation permanently listing that color additive for its intended use (21 U.S.C. 376(a)). FDA will issue such a regulation only if it has been presented with data that establish with reasonable certainty that no harm will result from the use of the color additive. The burden of presenting such data is on the person who is seeking approval of the use of the additive.

In passing the amendments, Congress provided for the provisional listing of the color additives in use at that time, pending completion of the scientific investigations needed for a determination about the safety of these additives (section 203(b) of the transitional provisions of the amendments, Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376, note)). Section 81.1 (21 CFR 81.1) of the agency's color additive regulations enumerates those color additives that are still provisionally listed. Among them is D&C Red No. 19 for use in externally applied drugs and cosmetics.

II. Regulatory History

A. The Color Additives

The color additive D&C Red No. 19 has been in use for many years. This color additive was approved for drug and cosmetic use as a "coal tar" dye after enactment of the act in 1938 by a regulation published in the **Federal Register** of May 9, 1939 (4 FR 1922). Because D&C Red No. 19 was in use at the time the amendments were passed, FDA included it on the provisional list for use in drugs and cosmetics in the **Federal Register** of October 12, 1960 (25 FR 9759). The color additive is currently provisionally listed under § 81.1(b) for use in externally applied drugs and cosmetics, with a closing date of August 6, 1986. Specifications for certification of D&C Red No. 19 are currently listed under § 82.1319 (21 CFR 82.1319).

The color additive D&C Red No. 19 is classified as an xanthene derivative. In 21 CFR Part 82, D&C Red No. 19 is identified as principally the 3-ethochloride of 9-*o*-carboxy-phenyl-6-diethylamino-3-ethylimino-3-isoxanthene (CAS Reg. No. 81-88-9).

B. Color Additive Petition

As noted in the **Federal Register** of August 6, 1973 (38 FR 21199), D&C Red No. 19 is the subject of a petition (CAP 9C0091) filed by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), 1110 Vermont Ave. NW., Washington, DC 20005) for use in coloring drugs and cosmetics. The provisional listing for the color additive D&C Red No. 37, also a subject of the petition, was recently terminated by a regulation published in the **Federal Register** of June 6, 1986 (51 FR 20786). This action was taken by FDA because the petitioner, CTFA, had withdrawn that portion of its petition (CAP 9C0091) requesting the permanent listing of D&C Red No. 37. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

In the **Federal Register** of September 23, 1976 (41 FR 41863), FDA stated that the available toxicological studies were inadequate to support the permanent listing of several color additives, including D&C Red No. 19. The agency explained that the studies were deficient in the following respects:

1. Many of the studies were conducted using groups of animals, i.e., control and those fed the color additive, that are too small to permit conclusions to be drawn on the chronic toxicity or carcinogenic potential of the color. The small number of animals used does not, in and of itself, cause this result, but when considered together with the other deficiencies in this listing, does do so. By and large, the studies used 25 animals in each group; today FDA recommends using at least 50 animals per group.
2. In a number of the studies, the number of animals surviving to a meaningful age was inadequate to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color additives tested.
3. In a number of the studies, an insufficient number of animals was reviewed histologically.
4. In a number of the studies, an insufficient number of tissues was examined in those animals selected for pathology.
5. In a number of the studies, lesions or tumors detected under gross examination were not examined microscopically.

The agency proposed that the continued provisional listing of several color additives, including D&C Red No. 19, be conditioned upon at least one petitioner undertaking new chronic feeding studies for the color additive. FDA intended that the required chronic studies would provide the necessary evidence upon which to determine whether to permanently list the color additives for use in drugs and cosmetics generally under section 706 of the act.

In the **Federal Register** of February 4, 1977 (42 FR 6992), it was announced that the petitioner agreed to sponsor the required chronic toxicity studies for the color additives. After D&C Red No. 19 had been provisionally listed for use in drugs and cosmetics for several years, in the **Federal Register** of March 27, 1981 (45 FR 18954), FDA extended the provisional listing until February 28, 1983, to provide time for completion of new chronic toxicity studies of D&C Red No. 19 and for review and evaluation of these studies.

In the **Federal Register** of February 4, 1983 (48 FR 5262), FDA terminated the provisional listing, and hence the approval, of the use of D&C Red No. 19 for coloring ingested drugs and cosmetics. FDA took this action because it concluded, on the basis of the animal experiments that had been performed as

a condition of the provisional listing of this color additive, that D&C Red No. 19 is carcinogenic when administered in the diet of laboratory animals. In addition, the petitioner, the Cosmetic, Toiletry and Fragrance Association, Inc., withdrew the portion of its petition that pertains to the ingested use of this color additive. Therefore, D&C Red No. 19 could not be added to ingested drugs and cosmetics after February 4, 1983. The color additive has remained provisionally listed for use in externally applied drugs and cosmetics.

As discussed in the **Federal Register** of February 4, 1983 (48 FR 5262), the petitioner continued to seek permanent listing for the use of D&C Red No. 19 in external cosmetic and drug products that are not subject to incidental ingestion. On October 15, 1982, the petitioner submitted (1) analyses of the safety and legal issues raised by the external uses of the color additive and (2) data regarding skin penetration. The agency found these skin penetration data to be inadequate for determining the extent to which the color additive would be absorbed through the skin under conditions of use.

CTFA asked the agency to delay its final decision until CTFA could perform new skin penetration studies. CTFA said that it would submit the results of those studies to the agency by early February 1983. On February 15 and 18, 1983, CTFA submitted a technical report on a percutaneous absorption study (Ref. 1), a report regarding subsidiary color content in the sample of radiolabeled color additive used in the percutaneous absorption study (Ref. 2), a review and analysis of scientific studies, and an assessment of the risk from the use of D&C Red No. 19 in external cosmetic and drug products (Ref. 3). The agency agreed to review these data, along with the various arguments that CTFA presented in its February 15, 1983, submission, before reaching a conclusion on the safety of the use of D&C Red No. 19 in externally applied drugs and cosmetics. Because its review of the CTFA submissions and of the scientific and legal issues raised by this matter took longer than the agency anticipated, FDA had to extend the provisional listing of the color additive on a number of occasions. The agency established the current closing date of August 6, 1986, for the provisional listing of D&C Red No. 19 for use in externally applied drugs and cosmetics by a rule published in the **Federal Register** of June 6, 1986 (51 FR 20786). In that notice, the agency also announced its decision to permanently list the color additive for its external drug and cosmetic uses. This notice explains the bases for that decision and the conclusion that the use of D&C Red No. 19 as a color additive in externally applied drugs and cosmetics is safe within the meaning of section 706 of the act.

C. Citizen Petition Filed by Public Citizen Health Research Group

On December 17, 1984, the Public Citizen Health Research Group (Public Citizen) petitioned FDA to ban the use of the color additives that remained provisionally listed. On January 22, 1985, Public Citizen filed a complaint in the District Court for the District of Columbia seeking the same relief. Public Citizen alleged that, by continuing to provisionally list the color additives, including D&C Red No. 19, FDA had violated the Color Additive Amendments to the act, as well as those provisions of the Administrative Procedure Act (5 U.S.C. 706(1)) that pertain to unreasonable delay of agency action. Public Citizen sought to enjoin FDA from using the provisional list or any other means to allow the marketing of the provisionally listed color additives.

On June 21, 1985, the Commissioner of Food and Drugs sent to Public Citizen a detailed response to the petition. In his response, the Commissioner carefully reviewed and discussed the arguments and information submitted in support of the petition. The Commissioner concluded that the public health would not be endangered by the continued marketing of the color additives while scientific, legal, and policy issues were addressed and, therefore, the Commissioner denied the petition.

On February 13, 1986, Judge Stanley S. Harris granted FDA's motion for summary judgment and dismissed Public Citizen's complaint. *Public Citizen et al.* v. *DHHS, et al.*, No. 85-1573 (D.D.C. February 13, 1986). Public Citizen has appealed Judge Harris' decision.

III. Review of Provisionally Listed Color Additives by a Scientific Review Panel

In the proposal to extend the closing dates for the provisional listing of certain color additives, including D&C Red No. 19 (50 FR 26377; June 26, 1985), FDA announced that the Commissioner had established a scientific review panel (panel) of Public Health Service scientists to evaluate data and report on the risk assessment issues presented by the use of six color additives: D&C Red No. 8, D&C Red No. 9, D&C Red No. 19, D&C Red No. 37, D&C Orange No. 17, and FD&C Red No. 3.

FDA asked the panel to consider several scientific issues that had been raised by FDA scientists about whether a reliable assessment of the risk from the use of these additives could be conducted. Specifically, one issue was whether, for each additive, unidentified contaminants, rather than the principal color component, could be responsible for the observed carcinogenic effects in animal testing, and whether any such unknown impurities or components may be absorbed through the skin to a greater or lesser extent than other parts of the additive. The panel was charged with examining this impurities issue and, further, with addressing the issue of whether a risk assessment calculation could be made from the available data, and, if so, whether the risk assessments before the agency were properly calculated.

In the **Federal Register** of March 6, 1986 (51 FR 7856), FDA announced the availability of the final report of the panel. The report is entitled "Report of the Color Additive Scientific Review Panel, September 1985, Docket No. 86N-0039." A copy of the report is available to the public for review at the Dockets Management Branch (address above). Requests for copies of the report should be identified with Docket No. 86N-0039.

In the report, the panel concluded that the risk assessments submitted by the petitioners for several of the color additives, including D&C Red No. 19, are consistent with current acceptable usages in risk assessment. The panel also concluded that legitimate issues with regard to impurities had been raised but could be addressed by making reasonable and appropriate assumptions about the possible influence that such impurities might have. The panel concluded that the range of lifetime risk presented by external exposure to D&C Red No. 19 was extremely low. The report of the panel was also submitted to peer review and subsequently published in *Risk Analysis*, 6:2:117-154, 1986, thereby broadly providing the risk analysis assessment to the scientific community. These findings will be discussed in greater detail below.

IV. Overview of the Final Rule

FDA has evaluated all the available evidence regarding the safety of D&C Red 19. Based upon this evaluation, FDA finds that the use of D&C Red No. 19 in externally applied drugs and cosmetics is safe. Although the external uses involve, based on conservative statistical analysis, a theoretical carcinogenic risk, the agency finds that this risk is so trivial as to be effectively no risk at all. For these reasons, the agency has decided to permanently list these uses of D&C Red No. 19.

The remainder of this document describes the information and advice relied upon by the agency in reaching its conclusion as to the safety of D&C Red No. 19 as a color additive for externally applied drugs and cosmetics. First, the agency evaluates the available data resulting from toxicology testing of D&C Red No. 19. In the next section, the agency discusses CTFA's safety evaluation of the same data. Next the agency deals with CTFA's arguments and questions concerning the relevance of the toxicology tests to the determination of the safety of the external drug and cosmetic uses of D&C Red No. 19. In the following section, FDA discusses CTFA's assessment of the extent of human exposure resulting from the external drug and cosmetic uses of D&C Red No. 19.

In the remaining sections, FDA discusses CTFA's low dose carcinogenic risk assessment approach, the report of the panel, and the panel's conclusions regarding the propriety of relying upon the available data to conduct risk assessments for use by a government regulatory agency. The next section addresses certain concerns raised by the panel concerning the safety of D&C Red No. 19 and the agency's resolution of those concerns. The section also discusses the agency's reliance on the *de minimis* doctrine to reach the conclusion that D&C Red No. 19 is safe for use in externally applied drugs and cosmetics and that the proscriptions of the Delaney Clause should not be invoked in this matter. The final section announces the permanent listing of D&C Red No. 19 subject to certification specifications and a restriction on the extent of its use.

V. Toxicology Testing of D&C Red No. 19

A. Old Studies

The agency previously reviewed during the petition evaluation reports of several toxicity studies of D&C Red No. 19 involving rats, dogs, mice, and rabbits. The studies included acute oral toxicity studies, acute intravenous toxicity studies, subacute feeding studies, dermal toxicity studies, chronic toxicity studies, metabolism studies, teratogenicity studies, and reproductive toxicity studies. These studies did not produce any evidence of adverse effects, indicating that the color additive would be safe for the petitioned use in externally applied drugs and cosmetics. Based on data from dermal toxicity studies, D&C Red No. 19 was also not found to be carcinogenic upon biweekly application to the skin of mice over their lifetimes.

B. New Long-Term Feeding Studies

The new studies represent current state-of-the-art toxicological testing. The protocols for these studies have benefited from knowledge of deficiencies in previously conducted carcinogenesis bioassays and other chronic toxicity studies. The use of large numbers of animals of both sexes, pilot studies to determine maximum tolerated dosages, two control groups (thereby effectively doubling the number of controls), and in utero exposure in one of the two species tested (the rat) significantly increase the power of these tests for detecting dose-related effects. The studies were designed and conducted in full compliance with FDA's good laboratory practice regulations (21 CFR Part 58) and were subject to FDA inspection while they were being conducted.

In accordance with § 81.27(d) of FDA's regulations (21 CFR 81.27(d), the petitioner, CTFA, submitted final reports of new chronic toxicity tests by February 28, 1982. FDA has reviewed the final reports of these studies, in which D&C Red No. 19 was administered in the diet to Charles River CD rats and Charles River CD-1 mice.

1. Mouse Study

In the CTFA-sponsored mouse study, the color additive was fed at levels of 0.005, 0.02, and 0.1 percent in the diet for 96 weeks to males and 108 weeks to females. A higher incidence of animals with hepatocellular neoplasms (carcinomas or adenomas) was observed in every female mouse dosage group than in the untreated control groups. The combined incidence of female mice with either hepatocellular adenomas or carcinomas was: high-dosage group—17/58 (17 animals with neoplasms out of 58 mice examined), mid-dosage group—7/60, low-dosage group—5/58, and control groups—4/114. The incidence of animals with hepatocellular neoplasms in the high-dosage group was significantly higher than that in the control groups using the Fisher's Exact Test ($p<0.0001$). The response observed was dose-related.

Furthermore, most of the hepatocellular neoplasms observed in the high- and mid-dosage groups of female mice were malignant neoplasms. Historical data on control animals show that female mice have a low spontaneous incidence of malignant hepatocellular neoplasms. Although the treated male mice in this study also showed an increased incidence of hepatocellular neoplasms when compared with concurrent controls, the incidence in each treated male group was within the range of historical controls. Therefore, the agency concludes from these data that dietary exposure to D&C Red No. 19 causes an increase in the number of female mice with hepatocellular neoplasms.

2. Rat Studies

CTFA sponsored two long-term feeding studies in rats in which D&C Red No. 19 was administered in the diet following in utero exposure. The first study included two control groups and three treated groups with dose levels of 0.002, 0.005, and 0.02 percent of the diet. A second study had a single dose level of 0.075 percent of the diet and a separate control group. In the second study, the number of treated male rats (18/69) with either a malignant or benign follicular cell tumor of the thyroid gland was higher than that of the controls (2/70) using the prevalence test ($p<0.0001$). An earlier chronic study in rats had displayed no treatment-related increase in tumors, but enlargement of the thyroid glands was associated with treatment (Ref. 5).

The spontaneous occurrence of follicular cell tumors of the thyroid gland was uncommon in the control groups of the recent provisional list color additive feeding studies with the same design. The agency concludes that the increased incidence of male rats with follicular cell tumors is a treatment-related effect. On the basis of this evidence, the agency concludes that, when administered in the diet, D&C Red No. 19 induces neoplasms in the thyroid gland of male rats.

In addition, in the highest dosage group (0.075 percent of the diet), the incidence of male rats with parathyroid tumors (8/55) was higher ($p=0.005$) than that of the concurrent control group (0/56). The agency has determined that this evidence is a sufficient basis upon which to conclude that the dietary treatment with D&C Red No. 19 also caused a tumorigenic effect in the parathyroid of male rats.

C. Agency Conclusion Regarding the Ingested Uses of D&C Red No. 19

No significant data base has been developed concerning the toxicity of D&C Red No. 19 since the agency concluded in the **Federal Register** of February 4, 1983 (48 FR 5262) that the color additive is carcinogenic when administered in the diet of laboratory animals. The agency's conclusion was based on the observed increased incidence of female mice with hepatocellular neoplasms and a

treatment-related increased incidence of male rats with thyroid follicular cell neoplasms and parathyroid adenomas (Ref. 6).

Based upon the petitioner's withdrawal of that part of its petition requesting permanent listing of D&C Red No. 19 for use in ingested drugs and cosmetics (48 FR 5262); and the agency's conclusion that the color additive is carcinogenic when administered in the diet, the agency terminated the provisional listing of D&C Red No. 19 for such use.

VI. CTFA'S Safety Evaluation

In its submissions, CTFA presented several arguments that raise questions about the relevance of the ingestion studies to a determination of the safety of the external uses of D&C Red No. 19. In the following sections the agency reproduces CTFA's arguments, then evaluates them.

A. Differences in Reported Incidence Figures

In its submission of February 15, 1983, CTFA noted that the data on the mouse study and the second rat study reported by FDA in its order terminating the provisional listing of D&C Red No. 19 for use in ingested cosmetics and drugs differed from those reported by the testing laboratory. CTFA stated that it was not aware of the reason for the differences.

Based on FDA's preliminary review of data from the mouse and rat chronic feeding studies, FDA concluded that it was necessary to request all available microslides of liver sections from the mouse study and of thyroid/parathyroid slides from the two rat studies with D&C Red No. 19. The purpose of the FDA histopathology review was to verify the microscopic findings presented by CTFA. Data as reported by the testing laboratory and FDA pathologists are tabulated below. The incidence is reported as the number of animals with tumors per the total number of animals suitable for evaluation.

1. Mouse Study

INCIDENCE OF MICE WITH HEPATOCELLULAR NEOPLASMS FROM THE TESTING LABORATORY'S REPORT

Treatment group	Males	Females
1 and 2 (0%)	17/119	4/115
3 (0.005%)	14/60	6/60
4 (0.02%)	12/59	8/60
5 (0.1%)	15/59	19/60

INCIDENCE OF MICE WITH HEPATOCELLULAR NEOPLASMS FROM FDA REPORT

Treatment group	Males	Females
1 and 2 (0%)	16/115	4/114
3 (0.005%)	12/58	5/58
4 (0.02%)	12/59	7/60
5 (0.1%)	15/56	17/58

FDA has combined the data on hepatocellular adenomas and carcinomas from tables in the CTFA submission into one table to make the data comparable to FDA's tabulations.

Because of differences in interpretation of the microscopic lesions by different pathologists (affecting numerator terms) and in choice of tissues suitable for histological diagnosis (affecting denominator terms), incidences reported by FDA differ slightly from those reported by the testing laboratory. The data in both presentations, however, show a dose-related increase in incidence of liver neoplasia in treated female mice and support the conclusion that dietary exposure to D&C Red No. 19 causes liver neoplasia in female mice.

2. Second Rat Study

INCIDENCE OF RATS WITH THYROID FOLLICULAR CELL TUMORS FROM THE TESTING LABORATORY'S REPORT

Treatment group	Sex	Adenomas	Carcinomas
Control (0%)	Males	2/57	1/57
	Females	2/57	0/57
Treated (0.075%)	Males	12/56	5/56
	Females	5/55	1/55

INCIDENCE OF RATS WITH THYROID FOLLICULAR CELL TUMORS FROM FDA REPORT

Treatment group	Sex	Adenomas	Carcinomas
Control (0%)	Males	1/70	1/70
	Females	2/68	0/68
Treated (0.075%)	Males	13/69	5/69
	Females	7/69	1/69

The differences in numbers of tumors (numerator terms) between the laboratory report and FDA's report are minor and are the result of interpretation by different pathologists. The denominator figures used in the FDA report reflect the total number of thyroid microslides submitted from each group, including the animals sacrificed at the 1-year-interim period. The denominator figures in the testing laboratory report do not include the interm-sacrificed animals. A treatment-related increase in incidence of male rats with thyroid follicular cell tumors is shown in both presentations. Thus, the conclusion from both presentations is the same, namely, that dietary exposure to D&C Red No. 19 causes an increase in the number of male rats with thyroid follicular cell tumors.

B. Interpretation of Maximum Tolerated Dose

In the submission dated February 15, 1983, CTFA asserted that the 0.075 percent dose level of the second rat study exceeded the maximum tolerated dose (MTD) and thus violated the National Cancer Institute (NCI) guidelines for carcinogenicity testing (National Cancer Institute, *Guidelines for Carcinogen Bioassay in Small Rodents* (1976)). CTFA claimed that this dose level exceeded the MTD because it caused a substantial reduction in body weight gain in both males and females, and that the size of the dose was a reason for questioning the carcinogenic effect observed with this dose.

The NCI Guidelines define the MTD as "the highest dose of a test agent given during the chronic study that can be predicted not to alter the animals' normal longevity from effects other than carcinogenicity." The guidelines also state that the MTD "should be the highest dose that causes no more than a 10 percent weight decrement, as compared to the appropriate control groups; and does not produce mortality, clinical signs of toxicity, or pathogenic lesions (other than those that may be related to a neoplastic response) that would be predicted to shorten the animals' natural life span."

If the MTD is exceeded, there may be an insufficient number of test animals at risk and possible late-developing tumors would not be observed. Thus, the major concern about exceeding the MTD is that an erroneous negative result may be obtained. In the present study the survival of female rats was lower than normal, which may explain the failure of females to demonstrate a significantly increased incidence of thyroid follicular cell tumors. Thus, although the NCI guidelines may have been "violated" in the case of the female rats, the effect of this would be to mask a possible carcinogenic response.

In any event, there is no indication whatsoever that the MTD was exceeded in the male rats tested. Although the treated male rats experienced a reduction in weight gain, of 8 to 9 percent, their survival was unaffected and they manifested increased numbers of tumors. Furthermore, in the male rats no clinical signs of toxicity or pathogenic lesions were noted other than those related to the neoplastic response. These facts establish that at least for the male rats, the MTD was not exceeded. Moreover, if it was exceeded

for the female rats, the effect is the loss of possible confirmatory information regarding the carcinogenicity of the compound. CTFA's arguments on this issue are of little relevance and impact.

C. Significance of Mouse Liver Tumors

In the submission dated February 15, 1983, CTFA questioned the significance of the mouse liver tumors observed in the chronic tests by contending that "* * * the natural incidence of liver cancer is relatively high in inbred mice as compared to humans and other species, possibly indicating the presence of a latent population of initiated tumor cells in these mice. Substances that induce chronic liver toxicity and cell degeneration and regeneration might thus be capable of promoting this latent population of neoplastic cells to overt neoplasm in mice." CTFA stated further that "* * * there is no agreement within the scientific community on extrapolating carcinogenesis risk to humans on the basis of evidence of liver tumors in mice," and that "some respected investigators consider the liver of the inbred mouse to be an invalid system for carcinogenicity testing."

FDA is aware that the relevance of the production of hepatocellular tumors in mice in predicting cancer risk in humans has been debated extensively over the past several years. The debate on the relevance of mouse hepatocellular tumors does not obviate the necessity for a careful evaluation of a study in which the finding occurs and of the relationship of that finding to the results in other studies with the test substance.

The liver, because of its location and important role in metabolism, is a frequent target organ for toxic effects of compounds administered by the oral route. Substances absorbed from the gastrointestinal tract reach the liver in amounts much higher than the amounts to which other organs are generally exposed. Metabolic conversion of a substance to a more toxic metabolite often occurs in the liver, and the liver cells are exposed to the highest concentration of the active agent. Thus, hepatotoxic effects may be the only toxic effects observed. For this reason the agency disagrees with CTFA's contention and believes that the liver tumors must be carefully considered.

CTFA's argument about the high incidence of liver cancer in inbred mice does not apply to the CD-1 mouse, the strain used in the mouse study. The background or control incidence of hepatocellular tumors in this strain is low compared to most mouse strains. Moreover, data submitted by CTFA on April 8, 1981, showed the following incidence of tumors in 16 control groups (more than 900 mice of each sex):

	Males	Females
Hepatocellular carcinoma	9.65±4.25%	0.63±1.03%
Hepatocellular adenoma	5.12±3.92%	1.17±1.21%

Thus, the incidence of hepatocellular tumors (carcinoma and adenoma) among female mice in the control groups was about 2 percent. In contrast, the incidence of hepatocellular tumors among female mice in the high-dose group was almost 30 percent.

The International Expert Advisory Committee to the Nutrition Foundation (the committee) described the following factors as important in determining whether the production of mouse hepatocellular tumors is the result of treatment and, therefore, relevant to an assessment of carcinogenic risk: (1) Incidence of tumors in treated animals is clearly higher than in concurrent controls; (2) incidence is also higher than in historical controls or dose related; (3) there is a decrease in time of onset in the treated animals; (4) there is a preponderance of malignant lesions in treated animals compared with the controls; and (5) tumors are observed at other sites in the mouse, or tumors are observed in other species. ("The Relevance of Mouse Liver Hepatoma to Human Carcinogenic Risk," September 1983.) Each of these factors is established in the case of D&C Red No. 19.

In the mouse study the incidence of female mice with hepatocellular tumors was, in fact, increased in comparison to the concurrent controls at both the mid- and high-dose levels, and the increase was dose related. The incidence of females with both hepatocellular carcinomas and hepatocellular adenomas in all the test groups also exceeded the range in historical controls. The combined incidence of high-dose female mice with hepatocellular neoplasms was more than 10 times the average combined incidence of historical controls with such tumors.

FDA recognizes that, with the small number of female mice with hepatocellular tumors in the control group, it is difficult to compare the time of onset of tumors in the control group with those in the treated group. However, all of the hepatocellular tumors found in the control female mice were found in animals sacrificed at completion of the study or dying within a month of completion. In contrast, hepatocellular carcinomas were found in several treated female mice dying well before completion of the study. The observation of tumors at an earlier time (particularly malignant tumors) is suggestive of a treatment effect leading to earlier onset of tumors. The hepatocellular tumors in the high-dose female group were predominantly carcinomas (malignant tumors) whereas the hepatocellular tumors in the control females were all adenomas (benign tumors).

Further, an increase in the incidence of male rats with thyroid follicular tumors (carcinomas and adenomas) and parathyroid adenomas was observed in the high-dose chronic study of D&C Red No. 19.

Thus, based on its analysis of the data using the factors outlined by the committee, FDA has concluded that the hepatocellular tumors observed in the female mice were the result of the ingestion of D&C Red No. 19 and must be considered in any evaluation of the safety of the color additive.

D. Mechanism of Carcinogenicity

CTFA stated in its submission of February 15, 1983, that it had reviewed the information available on D&C Red No. 19 to determine the likely mechanism of action of the additive. CTFA acknowledged that the precise mechanism of action could be determined only through extensive further testing but contended that the information that is currently available does not demonstrate that D&C Red No. 19 is a primary (or initiating or direct-acting or genotoxic) carcinogen.

In support of its contention, CTFA relied upon the results of four studies on the mutagenicity in *Salmonella typhimurium* (Ames test) of material identified as either D&C Red No. 19 or Rhodamine B (a common name for the color additive). In two of the studies, negative results were observed (Muzzall and Cook, *Mutation Research*, 67:1 (1979); and Green and Pasteuka, *Journal of the National Cancer Institute*, 64:665 (1980)). In the other two studies, positive results were observed in the presence of a rat-liver metabolic system (Brown et al., *Mutation Research*, 66:181 (1979); Nestmann et al., *Cancer Research*, 39:4412 (1979)). CTFA concluded that impurities could be responsible for most of the mutagenic activity observed in the latter studies. On the basis of this conclusion, CTFA asserted that D&C Red No. 19 is either not mutagenic or is a very weak mutagen, and that therefore the results are inconsistent with the color additive being a strong primary carcinogen.

CTFA's suggestion that impurities in D&C Red No. 19 were the agents

responsible for this additive's mutagenic and carcinogenic activity does not provide any assurance that the color additive does not pose a cancer risk. For example, even if the impurities are carcinogenic, the color additive itself could also be carcinogenic. In fact, the color additive as a whole, as discussed above, has been tested and found to induce cancer. Thus, FDA concludes that the arguments CTFA presented regarding mutagenicity do not provide evidence that D&C Red No. 19 is not a carcinogen.

CTFA also argued that it is possible that a secondary mechanism may have caused each of the types of tumors observed in the chronic bioassays of D&C Red No. 19. As discussed above, CTFA stated that liver cancer is relatively high in inbred mice as compared to humans and other species, possibly indicating the presence of a latent population of initiated tumor cells in these mice. CTFA also suggested that a thyroid hormone imbalance and subsequent chronic hyperplastic stimulation is possibly the mechanism for the induction of thyroid tumors in the rat. Finally, CTFA stated in its submission of February 15, 1983, that risk assessment shows that "the best-fitting version of the multistage model for the rat thyroid data contained no linear terms, only higher-order terms." CTFA stated that this type of curve is compatible with a dose-response relationship that has a threshold, and thus that this result may mean that the color additive is a secondary carcinogen.

The arguments presented by CTFA are speculative and CTFA has not submitted factual scientific evidence to support the hypothesis that D&C Red No. 19 does indeed act as a secondary carcinogen. In fact, in one of its submissions, CTFA has acknowledged that "* * * there is inadequate evidence at this time to demonstrate a secondary mechanism of action that would justify use of a safety factor approach." (See Ref. 3, NOEL Safety Factor Approach, p. 39, CTFA submission, February 15, 1983.) For all these reasons, FDA concludes that CTFA has failed to present any basis on which to find that D&C Red No. 19 is a secondary carcinogen.

E. Percutaneous Absorption Studies and Assessing the Risk From External Exposure

FDA finds that there is no reason, based on CTFA's arguments presented above, to change its conclusion, as stated in the **Federal Register** of February 4, 1983 (48 FR 5262), that D&C Red No. 19 is carcinogenic upon ingestion. Having made such a finding, the agency must consider the relevance of the ingestion studies to the noningested uses of the color additive (see section 706(b)(5)(B)(ii) of the act). D&C Red No. 19 induces cancer at sites remote from the alimentary tract, indicating that it is systemically absorbed before acting as a carcinogen. FDA has consistently held that ingestion studies are appropriate for evaluating the safety of the externally applied uses of such a color additive if the additive is shown to penetrate the skin. See Ref. 7, e.g., 43 FR 1101, 1103; January 6, 1978. A color additive that penetrates the skin can be distributed to remote sites in a manner analogous to the distribution that occurs when an ingested color additive enters the circulatory system from the gastrointestinal tract. Therefore, in its consideration of the safety of D&C Red No. 19, the agency evaluated the results of the percutaneous absorption studies with D&C Red No. 19.

An in vitro percutaneous absorption test is designed to measure the ability of a particular substance, such as a color additive, to penetrate excised skin under conditions simulating human use. Information on skin penetration is important in determining the exposure to a color additive used in topical applications.

FDA evaluated the first percutaneous absorption study submitted by CTFA and informed CTFA in a conference held on November 23, 1982, of the deficiencies in the study that prevented the agency from determining whether the color additives would penetrate human skin under normal conditions of use. FDA could not determine whether D&C Red No. 19 would penetrate the skin from the test data because the dosage levels of the applied color additive, the treatment of the excised skin, and the solvent systems used did not appropriately reflect the expected conditions of use of the color additive. Therefore, because of the deficiencies in the absorption study, FDA advised CTFA that the data were not sufficient to support the safety of the externally applied uses of the color additives.

CTFA notified FDA in a letter of December 9, 1982, that it intended to conduct an additional in vitro percutaneous absorption study with D&C Red No. 19 and requested that FDA review the study design. FDA reviewed the initial protocol for the study and, after the agency commented on that protocol, a subsequent protocol that CTFA had revised according to the agency's suggestions. FDA advised CTFA by letter of January 18, 1983, that it concurred with the revised protocol proposed for testing the skin permeability of D&C Red No. 19 and D&C Red No. 19 Aluminum Benzoate Lake. FDA informed the petitioner that if it submitted the data promptly, the agency would consider such data along with the other scientific and legal matters involved in the agency's decision on the listing of the color additive for external use. FDA also advised CTFA that the agency could not guarantee that percutaneous absorption studies could resolve all the scientific and legal issues involved in listing the color additive for external use. The final report of the absorption study was received by FDA on February 18, 1983.

FDA finds that the study was performed, in general, in a satisfactory manner. The test data clearly show that radiolabeled material from D&C Red No. 19 passes through the skin in small, but measurable amounts. Therefore, the agency concludes that some systemic exposure to the color additive may occur from the use of externally applied drugs and cosmetics containing D&C Red No. 19, and that the ingestion studies that show this color additive to be a carcinogen are appropriate for evaluating the safety of the externally applied uses of D&C Red No. 19 (Ref. 7).

CTFA has argued, however, that it is possible, using the data from the bioassays and the skin penetration studies, to assess the carcinogenic risks from the external use of the color additive and to use the results of that assessment in deciding on the safety of the external uses of the additive. CTFA has also argued that such an assessment demonstrates that D&C Red No. 19 is safe when used in externally applied products.

The carcinogenic risk from the use of an externally applied carcinogenic color additive is determined by (1) the amount of color additive applied to the skin and the frequency of application, (2) the concentration of carcinogenic agents in the color additive, (3) the potency of the carcinogenic agents, and (4) the fraction of the applied carcinogenic agents that penetrate the skin.

The risk estimates submitted by CTFA are based on the assumptions (1) that the principal color component is the carcinogenic agent, (2) that the radiolabeled material penetrating skin is representative of the whole color additive, and (3) that 100 percent of the carcinogenic agent is absorbed from the alimentary tract into the blood stream in the animal feeding studies.

FDA's scientists questioned CTFA's assumptions because an argument could be made that a contaminant is

responsible for the carcinogenic response. Color additives are not pure substances and normally contain intermediates, subsidiary colors, and other contaminants from intermediates and from side reactions. Although the carcinogenicity of D&C Red No. 19 was revealed by an animal bioassay, the bioassay did not establish whether the carcinogenic response was produced by the principal color component or by one or more of its contaminants. It is theoretically possible that one of the contaminants could be responsible for the production of the carcinogenic response.

CTFA's assumption that the radiolabeled material was representative of the whole color additives (and that, therefore, there is no need to be further concerned with possible impurities) could not be substantiated. CTFA measured only the radioactivity of the substance that penetrated the skin and could not identify the components that actually penetrated the skin.

Moreover, FDA's scientists could not determine from the data submitted by CTFA which constituents of the color additive penetrated skin, or whether impurities in the color additive would penetrate skin in the same manner as the primary color that was tested. It is possible (1) That the actual carcinogen could be a contaminant that penetrated the skin but was unlabeled and therefore undetected; (2) that virtually none of the principal color component penetrated the skin, and that the radioactive material found could be due to carcinogenic contaminants; and (3) that the degree of skin penetration by the actual carcinogenic agent is greater than that estimated by CTFA based on its assumption that the principal color component of D&C Red No. 19 is the carcinogen.

Another assumption by CTFA, that 100 percent of the carcinogenic agent is absorbed from the gastrointestinal tract, was questioned by FDA's scientists because few chemicals are ever completely absorbed. There are many reasons for poor or limited absorption of chemical substances from the gastrointestinal tract, including (1) The instability of the chemical in acidic fluids, (2) enzymatic breakdown by digestive juices, (3) destruction by intestinal microorcanisms, and (4) lack of lipid solubility (Ref. 8).

FDA asked the panel to review CTFA's assumptions and the agency's concerns about exposure to impurities in D&C Red No. 19. The panel revised several of CTFA's assumptions and concluded that the agency's concerns regarding impurities, although important, can be addressed by making reasonable and appropriate assumptions about the possible effects impurities might have. The panel found it highly unlikely that impurities would significantly influence the risk assessment. The results of the panel's review are discussed in greater detail in a later section of this notice.

VII. CTFA's Assessment of Exposure to D&C Red No. 19

In the report submitted to FDA on February 15, 1983, CTFA outlined the approach to estimate human exposure to D&C Red No. 19. CTFA estimated the cumulative amount of D&C Red No. 19 absorbed by an individual based upon the products in which the color additive was used, the amount of each product used per application, the frequency of use of each product, the concentration of the color additive in each product, and the level of dermal absorption.

CTFA reported that by using both a prospective and a retrospective approach, it had determined the exposure to D&C Red No. 19 through external cosmetic and drug product use. Data on the frequency of use of various external cosmetic and drug products came from two sources. The first is a 1-week prospective survey of female participants. The participants recorded the number of times in a week they used a range of cosmetic products including face powders and rouges, hair cosmetics, nail products, bathwater products, wash-off products, and various other externally applied cosmetic products. For products used less often than once per week, they were asked to report how often they generally used such products. The second source of data on frequency of use is from a retrospective survey of 1,129 customers of a chain of stores run by a major cosmetic manufacturer. Because the individuals in this survey were customers of specialty cosmetic stores, they are likely to have above-average usage patterns. For both sets of data, for each product, CTFA listed an average and an upper 90th percentile value of frequency of usage.

Data on the amount of each product per application were provided from the responses to a survey of CTFA member companies to obtain the results of existing studies on this subject. The values are the averages for each product as reported in CTFA's survey.

The February 15, 1983, report presented data derived from the skin absorption study conducted by Dr. Thomas J. Franz on the proportion of the D&C Red No. 19 contained in each product that is likely to be absorbed. The skin absorption study conducted by Dr. Franz is described in detail in a separate report (Ref. 1). Briefly, the absorption of ^{14}C-labeled color additive through half-thickness human abdominal skin was studied using Franz diffusion cells. Absorption under each of 11 experimental conditions described in the study was tested on duplicate sections of skin from each of 3 donors. The receptor phase (isotonic saline, pH 7.6, 37 °C) was sampled for radioactivity and replaced by fresh saline at 4, 8, and 12 hours, and at 12-hour intervals until four steady-state readings were obtained, or 72 hours after application of the color additive. In some exposures, sample collection continued at 12- or 24-hour intervals up to 120 hours. The hourly and daily absorption rates and the percentage of the applied color additive absorbed over 3 days were calculated.

CTFA believes that the amount of D&C Red No. 19 applied per square centimeter in these experiments was similar to or greater than the corresponding amount that would be applied in externally applied cosmetics and drugs. Hence, it concluded that the experimental permeability data are likely to be reasonably applicable to absorption of the color additive from a cosmetic or drug applied to the skin.

CTFA provided estimates of the amount of the color additive absorbed daily by combining the information on daily usage (upper 90th percentile) of the external cosmetic and drug products with data on the D&C Red No. 19 content of the products (average and maximum) and estimates of the proportion of the color additive absorbed. CTFA emphasized that these data were deliberately chosen to overestimate exposure.

The usage values are upper 90th percentile values. The concentration of D&C Red No. 19 is presented both as the maximum used in any formulation of each product type and as the average concentration in formulations that contain D&C Red No. 19. For all product categories, there are many formulations that do not contain D&C Red No. 19 and these formulations are not included in calculating the "average" values listed. Thus, a true "average" would be much lower, and the "average" values listed greatly overestimate the extent of exposure to D&C Red No. 19 from its use in externally applied cosmetic and drug products.

By summing the values of D&C Red No. 19 absorbed per day for each product containing the color additive, CTFA determined the "worst case" maximum amount absorbed for all or any combination of products. Summing

all values gives a daily "worst case" absorption of 3.27 to 3.77 micrograms or 0.0062 to 0.071 microgram per kilogram per day for a 53 kilogram adult female using all products containing the maximum level of D&C Red No. 19 at the upper 90th percentile usage frequency.

The panel, at FDA's request, critically evaluated CTFA's assessments and underlying assumptions. A discussion of the panel's evaluation is provided in a later section of this notice.

VIII. CTFA's Low-Dose Carcinogenic Risk Assessment Approach

CTFA calculated both the "best conservative estimate" and the "upper bound estimates" of risk from the use of D&C Red No. 19 in externally applied cosmetics and drugs, using currently accepted methods of risk assessment. The low-dose risk assessment proceeds in four steps:

1. Selection of the set of data on tumor incidence judged most appropriate as the basis for inference of human risk;
2. Extrapolation of these data to provide "best estimate" calculations, thus providing a range of risk to mice and rats at low-dose levels;
3. Extrapolation of the potential risk to humans at low-dose levels; and
4. Calculation of the potential risk to humans at the likely level of exposure from known patterns of use.

CTFA acknowledged that each of these steps required the use of assumptions with varying degrees of certainty. It was standard procedure by CTFA to make highly conservative "worst case" assumptions at each step, so that the final estimates likely overstated the actual risks by large factors. In its report, CTFA presented both "best conservative estimate" and "upper bound estimate" calculations to illustrate the range of potential risk. The "best conservative estimate" was based upon the extrapolation curve that best fits the experimental data, but also included such highly conservative "worst case" elements as the assumption that an individual consumer will be in the upper 90th percentile for frequency of use of all cosmetic products and will use only those cosmetic products that contain D&C Red No. 19 at the maximum concentration. The "upper bound estimate" includes all "worst case" assumptions.

The CTFA risk assessment combined adenomas and carcinomas from the mouse liver tumor data and used the "worst case" maximum projections of human exposure and skin penetration. The multistage extrapolation model using the "worst case" maximum human exposure provides a "best conservative estimate" of potential lifetime risk to humans of 1×10^{-7} (1 in 10 million), and an "upper bound estimate" of 1.5×10^{-7} (1 in 6.7 million).

For the rat thyroid tumors, CTFA again combined both adenomas and carcinomas in order to provide a very conservative "worst case" estimate of potential risk to humans. The multistage extrapolation model using the "worst case" maximum human exposure provided a "best conservative estimate" of potential lifetime risk to humans of 2.3×10^{-14} (1 in 43 trillion) and an "upper bound estimate" of 3.1×10^{-7} (1 in 3.2 million).

IX. Review of D&C Red No. 19 by the Scientific Review Panel

FDA's evaluation of the petitions for permanent listing of these color additives, and other available information, raised questions concerning whether CTFA's risk assessment was valid. As discussed above, FDA convened the panel to address these questions. The membership of the panel is outlined in the **Federal Register** of June 26, 1985 (50 FR 26379), which is incorporated by reference.

The panel was charged to evaluate the available data, information, and views on the color additives and to provide answers to the following questions:

1. Can valid quantitative risk assessments be performed for these color additives?
2. Does the available information support the data analysis and risk assessments that have been performed and are before the agency?

X. Report of the Color Additive Scientific Review Panel

The panel evaluated the possibility of performing a scientifically valid carcinogenic risk assessment on D&C Red No. 19 for externally applied drug and cosmetic uses. The panel did not consider risk assessments for other toxic endpoints—indeed, it was not necessary to do so because no safety concerns other than carcinogenicity have been associated with the external uses of D&C Red No. 19. The panel's report contains a discussion on the assumptions that must be made in conducting a risk assessment and the uncertainties that are associated with such assumptions. The report is supported by several recent government agency efforts directed at developing a consensus of risk assessment:

(1) The National Academy of Sciences Report on Risk Assessment;

(2) The Office of Science and Technology Policy Document on Chemical Carcinogenesis and

(3) The Executive Committee, Coordinating Committee on Environmental and Related Programs Report on Risk Assessment.

The report contains a scientific introduction section for the major topics being discussed as well as a section on the general assumptions used in risk assessment of colors. The report discusses the risk assessments for each of the color additives by discussing major topics for each and the color additive-specific assumptions used, with the focus on the risk under practical conditions of use. Each chapter also contains a risk characterization section which discusses the risk assessment of the individual color additive.

In its report, the panel critically reviewed the risk assessments submitted by CTFA. This included a detailed examination of the risk assessment methodology used by CTFA. In a summary chapter of the report (Chapter 9) the Panel stated that:

> In order to obtain a better perspective on the very complex and multifaceted problem of assessing exposure and toxic effect of the dyes, it was imperative to search for the many obvious or hidden, explicitly stated or implied assumptions associated with risk assessment of the dyes. In dissecting the presented problem into the smallest possible components, for which separate solutions might be formed, the Panel opted for starting with formulating the assumptions according to CTFA's line of reasoning (it should be emphasized, however, that CTFA made these assumptions to, presumably, derive a conservative risk estimate, while not necessarily supporting them). This was followed by a careful analysis of the validity of the statements, the possible alternatives to dealing with the gaps in knowledge and lack of information, and the quantitative assessment of the impact of the assumption on the magnitude of the risk of cancer, assuming that the dyes do pose such a risk to humans.
>
> While evaluating the many kinds of uncertainties in hazard identification, exposure assessment, and dose-response assessment, the Panel developed the view that, rather than limiting its role to analyzing CTFA's lines of reasoning, it attempt to use its analysis to generate modified risk estimates. This includes an esumate of the absorbed dose based on more "reasonable" assumptions than those used in the CTFA assessments.

In the risk characterization section in the various dye chapters in the report, the panel compared the 90th percentile and the average usage (based on reasonable estimates). For the purpose of presenting the panel's assessment of the numerous assumptions used in the CTFA risk assessments, the agency has summarized that portion of the panel's report which discusses the assumptions

and the associated uncertainties. The summary below deals with assumptions which are relevant to all color additives reviewed by the panel.

A. The Panel's Assumptions Used in Hazard Identification

The panel generally accepted the assumptions used in the CTFA risk assessments largely because there seem to be no alternatives with higher degree of validity for the uncertainties involved and because they are consistent with what the panel understood FDA's policy to be. The panel believed the assumptions it relied upon to be conservative, i.e., are more likely to overestimate rather than underestimate the true risk.

The panel's assumptions concerning hazard identification were:

1. Because all six dyes of concern are animal carcinogens in some assay, they are suspect human carcinogens. (The panel made no evaluation of the weight-of-evidence for human carcinogenicity from the test animals.)

2. Orally administered or ingested dyes are equally well absorbed in animals and humans, regardless of the test concentration of the dye and of the vehicle used.

3. Studies involving high doses of a compound under test are appropriate for low-dose extrapolation.

B. The Panel's Assumptions Used in Exposure Assessment

The panel's general assumptions regarding exposure assessments were:

1. The dyes are equally absorbed in rodents and man.

2. Dyes which penetrate the skin are as effective in evoking a carcinogenic response as if ingested.

3. For each dye, exposure is for 60 years (in contrast to CTFA's use of 70 years) and risk is not influenced by age at exposure. This results in a correction factor of 6/7.

4. An arbitrary value should be used to reflect the fact that cosmetic products contain other dyes than those of concern (or no dyes at all). Compared to the CTFA estimate, this results in a correction factor of 0.5.

5. Based on data for D&C Red No. 19 only, the average concentration of all dyes in commercial products is 25 percent of the highest concentration allowed. Compared to the CTFA estimate, this results in a correction factor of 0.25.

6. The skin model used for the skin absorption studies is appropriate for assessing the exposure to absorbed dye. Although the model is likely to overestimate the risk, for products applied to the facial skin (skin penetration rates are likely to vary for different areas of the body), the model may underestimate the real absorption rate by a factor of 3.

7. In interpreting the results of the in vitro study on the absorption rates over time, the true absorption rate equals the steady state rate. Where the test did not reveal a steady state, twice the maximum rate at the end of 3 days approximates the true absorption rate.

8. Both types of CTFA surveys of the frequency of the use of dye containing products overestimate the frequency among the general population.

9. The absorbed amount of dye per day can be estimated by multiplying the amount of dye per day available for absorption by an absorption rate constant, as estimated from the in vitro tests. There is insufficient information, however, to calculate a better, less conservative estimate.

10. For each dye, the total exposure is the sum of exposures to all products containing the same dye.

11. The amount of dye-containing product per application is approximately 5 to 10 milligrams per square centimeter.

12. With the exception of nail products, the composition of the vehicle used in the commercial products does not affect the absorption rate assessed with the in vitro skin model. There is insufficient information to generate a best estimate of the absorption rate for each kind of commercial vehicle.

13. In an appropriate vehicle, there is no difference in absorption rate between a primary dye and its lake.

14. Based upon consideration of the structure and toxicity of actual impurities found in certified lots, the skin penetrance rates of subsidiary colors are not likely to be significantly different from that of the principal constituent. The skin penetrance rates of the other substances of concern (e.g., residual starting materials) have, at most, an effect of multiplying the risk by 1.2. This results in a correction of CTFA's estimate of the exposure by a factor of 1.2.

The panel's product-specific assumptions regarding exposure assessments were:

1. The absorption rate for hair cosmetics is 1.2 percent of the applied amount. This results in a correction of CTFA's estimate by a factor of 0.6.

2. No absorption occurs from dyes in nail products (CTFA assumed that 1 percent of the applied amount will penetrate the skin).

3. For bathwater products, 2 percent of the applied amount reaches the skin.

4. For wash-off products (including bathwater products), there is an absorption of 25 percent (CTFA assumed an absorption of 50 percent and excluded bathwater products from this consideration). This results in a correction of CTFA's estimate by a factor of 2.

5. For products other than wash-off products, there is an absorption of 50 percent (CTFA assumed an absorption of 100 percent). This results in a correction of CTFA's estimate by a factor of 2.

C. The Panel's Assumptions Used in Dose-Response Assessment

1. In test animals, 50 percent of orally administered dyes are absorbed from oral studies and the carcinogenic response is caused by this absorbed portion. This results in a correction of CTFA's estimate by a factor of 2.

2. On a milligram per kilogram body weight basis, dose levels used in animal tests have the same quantitative effect on the cancer incidence in humans. There is insufficient information for assessing the best estimate of the correct dose unit for use in extrapolating animal risk to human risk of cancer.

3. The average body weight for an adult woman is 53 kilograms.

4. The linearized multistage model reflects the true relationship between dose and response. The linearized multistage model may offer no added protection, however, in the convex portion of the dose-response curve. Low-dose linearity may overestimate the risk by several orders of magnitude if low-dose linearity is not present.

5. The most sensitive animal tumor data should be used to extrapolate risk from animal data to humans.

D. The Impact of the Panel's Assumptions on CTFA's Risk Estimate

In the chapters of the report concerning specific dyes, the panel applied the foregoing product- and dye-specific assumptions and correction factors to the usage data contained in the CTFA risk assessments. The panel also applied these assumptions to the survey estimates of 90th percentile exposure (the Risk/90 values) and average and "reasonable" estimates of exposure (Risk/Rea), thereby deriving revised risk estimates.

The impact on CTFA's risk assessment of the panel's general, quantifiable assumptions concerning exposure and dose-response are:

1. For skin absorption, a correction factor of 0.8 times the CTFA estimate ($6/7 \times 0.5 \times 0.25 \times 3 \times 1.2 \times 2$).

2. For incidental ingestion of lip products, a correction factor of 6/7 times the CTFA estimate (a number of factors relevant only to skin absorption or not

relevant to lipstick products do not apply).

3. At low dose levels, the risk of cancer, as computed with the linearized multistage risk model, is directly proportional to the dose levels.

The panel concluded that the correction factor of 0.8 for skin absorption is inconsequential when compared to the uncertainties in the assumptions that are difficult to quantify. The panel cautioned that the correction factor for skin absorption does not mean that the risk estimate is precise within 20 percent of the actual human risk. On the contrary, the figure merely represents the fact that, for the various quantifiable assumptions, underestimations and overestimations of risk in the CTFA estimates basically cancel out.

The panel also noted that many of the assumptions are not quantifiable. The panel, following prudent public health policy, stated that it accepted assumptions which are likely to overestimate rather than underestimate risk in the cases difficult to quantify and is of the opinion that the human risk in the risk estimates it made is more likely to be over- rather than underestimated.

E. Specific Assumptions

The panel in its review of risk assessment for D&C Red No. 19 evaluated a number of CTFA's specific assumptions relevant to the color. The assumptions and the panel's revisions are as follows:

1. The absorption rate of dyes in emulsions equals 0.25 percent per day of the amount applied to the skin. CTFA assumed a 1 percent absorption rate.

2. For products based on mineral oil, the dye absorption rate equals less than 0.25 percent per day of the applied amount, as compared to CTFA's 0.5 percent. With regard to products based on castor oil, the absorption rate equals 0.04 percent (CTFA assumed 0.5 percent).

3. For aqueous products, except for those that need adjustment, the absorption rate per day equals 1 percent.

4. For talc products, 0.002 percent per day is absorbed from the amount applied.

The panel also utilized the following product-specific assumptions in risk characterization:

1. For hair cosmetics, CTFA assumed that 2 percent of the applied amount of dye reaches the skin. This is an overestimation requiring a correction factor of 0.6.

2. For nail products, the absorption of dyes is zero. CTFA assumed that 1 percent of the dye applied is available for absorption.

3. For bathwater products, 2 percent of the applied dye reaches the skin, where it is available for absorption.

4. For "wash-off" products, regardless how short the exposure time, the absorption rate is 25 percent of that of products used continuously. CTFA assumed a 50 percent rate.

5. For products other than "wash-off" products, not more than 50 percent of the amount applied is available for absorption. CTFA assumed that 100 percent of the applied amount is available.

F. The Panel's Interpretation of the Long-Term Studies

Before revising CTFA's risk assessments, the panel evaluated the available long-term studies of D&C Red No. 19 in laboratory animals. The panel agreed with FDA that the 0.075 percent dosage level of D&C Red No. 19 feeding study in rats showed that ingestion of the color additive resulted in an increased incidence of thyroid follicular tumors (adenoma and carcinoma) in treated males as compared with controls. The panel also agreed that the study appeared to be adequate and well-controlled, but noted that there was a lack of definitive information on the purity of the dye and the presence of impurities. Supplemental information indicated that levels of organic impurities were between 2 to 4 percent. The panel also agreed with FDA's conclusions regarding the CTFA-sponsored mouse study. The panel concluded that the study showed that feeding D&C Red No. 19 resulted in liver tumors in female mice.

G. Revised Risk Estimates

The panel's final step in evaluating the adequacy of CTFA's risk assessments on the external uses of D&C Red No. 19 was to determine the total amount of dye absorbed per day. The panel applied the product and dye specific assumptions discussed above to the usage data results and calculated the total absorbed amount of dye to be:

0.42 microgram per day as an average of the prospective usage survey and 1.62 micrograms per day as the upper 90th percentile of the prospective survey (CTFA assumed 0.85 microgram per day and 3.27 micrograms per day, respectively), and

0.53 microgram per day as an average of the retrospective usage survey and 1.87 micrograms per day as the upper 90th percentile of the retrospective survey (CTFA assumed 1.06 micrograms per day and 3.77 micrograms per day, respectively).

The panel believed that the prospective survey is likely to be less biased than the retrospective study. The doses pertaining to the prospective study were, therefore, used for calculating adjusted risk estimates. At the low-dose levels resulting from use of cosmetics, using the linearized multistage extrapolation model, the dose-response curve is linear, meaning that the risk of cancer is directly proportional to the dose.

The following estimates are based on 53 kilograms as a lifetime weight average for women, and include the correction factor of 0.8 to adjust for the panel's view on the quantifiable general assumptions:

	Risk (CTFA/90)	Risk (CTFA/Avg)	Risk/90	Risk/Rea
Absorbed dose	3.27	0.85	1.62	0.42
Rat	2.7×10^{-7}	7.1×10^{-8}	1.1×10^{-7}	2.8×10^{-8}
Mouse	1.3×10^{-7}	3.4×10^{-8}	0.5×10^{-7}	1.3×10^{-8}

Risk (CTFA/90) is the CTFA risk estimate at the upper 90th percentile of exposure.

Risk (CTFA/Avg) is the CTFA risk estimate at "average" estimates of exposure.

Risk/90 is the risk estimate based on the panel's calculation at the 90th percentile of exposure.

Risk (REA) is the risk estimate based on the panel's calculation of a more reasonable estimate of exposure.

Absorbed dose is the estimated dose absorbed from external uses in micrograms per day (panel estimate of the absorbed dose based on more "reasonable" assumptions than those used in the. CTFA assessments).

Rat indicates that the data were derived from a rat study.

Mouse indicates that the data were derived from a mouse study.

These risk estimates are based on the reasonable estimates of exposure, whenever the panel believed that it was possible to make such an estimate. In situations where available data would allow for a choice between "degrees of reasonable estimate," the panel consistently selected the estimate associated with the higher risk.

If the dose conversion (metameter) from rodents to humans is made on a surface area basis rather than on a body weight basis (milligrams per square meter-day rather than milligrams per kilogram-day) the risk estimates would be raised by a factor of 7 for the estimate based on rat data and 12 for the estimate based on mice. The use of an upper 95 percent confidence limit for the linearized multistage model utilized in the low-dose extrapolation probably overestimates the risk for rodents. Assuming equal susceptibility for rodents and humans, and also using the most tumor-sensitive site and species, in conjunction with conservative estimates of exposure, also probably overestimate the risks for humans.

H. The Panel's Conclusion

The panel stated in its conclusion that studies have been conducted on TLC

separated dyes that showed that impurities in the color additives (UV-absorbing) were mutagenic by the Ames test while the purified dye fraction had little indication of mutagenicity. The panel concluded that the levels of these impurities (i.e., because the levels may vary from one batch of the color additive to another) may have an impact on D&C Red No. 19 carcinogenicity. However, the panel found that because of the relatively low concentration of these impurities, their presence is not likely to alter the risk assessment calculations of risk of the entire dye by a significant degree.

Although the panel characterized the risk of exposure to D&C Red No. 19 as "low," the panel recommended that the impurities be removed before the color additive is used. The panel indicated that it believed it was possible to develop simple, cost-effective techniques for removing impurities which have significant mutagenic action. The panel noted that such a "purification step" would probably reduce the "already small risk" presented by the external uses of D&C Red No. 19.

Finally, the panel noted that the dye has been shown to be phototoxic. The panel suggested that FDA consider prescribing conditions for the use of the dye that would take into account the possibility of effects as a result of light exposure.

XI. FDA'S Decision to Permanently List D&C Red No. 19

A. Reliance on Risk Estimation Techniques

The data and information regarding the safety of D&C Red No. 19 support FDA's conclusion that the substance as a whole induces cancer when tested in laboratory animals. The data and information, however, do not support any other finding of toxicity.

In the past, because the data and information show that D&C Red No. 19 is a carcinogen when ingested by rats and mice, FDA in all likelihood would have terminated the provisional listing and denied CTFA's petition for the externally applied uses of D&C Red No. 19 without any further discussion. In the present instance, however, CTFA has presented arguments that this color additive can be regulated for safe use in externally applied drugs and cosmetics. The arguments CTFA has presented are based on the premise that a determination of safety may be based on risk assessment techniques. FDA agrees that risk assessment methods are frequently helpful in evaluating the safety of carcinogenic substances. It was for these reasons that the agency requested the panel to determine whether the data and information available concerning D&C Red No. 19 provided an adequate basis from which to make reliable risk estimations. FDA agrees with the panel that CTFA's risk estimates on the use of D&C Red No. 19 in externally applied drugs and cosmetics, as modified in the panel's report, represent a reliable upper bound risk and that those risk estimates can be used to evaluate the proposed external uses of D&C Red No. 19. FDA also agrees with the panel's resolution of the agency's concerns regarding the possible toxicity of impurities in the color additive.

B. The Safety of D&C Red No. 19

1. The Carcinogenic Risk Presented

Under section 706(b)(4) of the act (21 U.S.C. 376(b)(4)), the so-called general safety clause of the statute, FDA cannot approve a color additive for a particular use unless the data presented to FDA establish that the color additive is safe for that use. Although what is meant by safe is not explained in the general safety provision, the legislative history of the act makes clear that safety requires proof to a reasonable certainty that no harm will result from the proposed use of an additive. Because D&C Red No. 19 has been shown to be a carcinogen when ingested by laboratory animals, as discussed above, the Delaney Clause (section 706(b)(5)(B)(i) of the act) is applicable. A strictly literal application of the Delaney Clause would prohibit FDA from finding that D&C Red No. 19 is safe and, therefore, prohibit FDA from permanently listing the color for externally applied uses in drugs and cosmetics. However, as seen from CTFA's and the panel's risk estimates, the calculated risk for these uses of D&C Red No. 19 is extremely low. In fact, the level is even lower than that level of risk which the agency accepts in other areas concerning carcinogens; for example, its procedures and criteria for permitting carcinogenic food additive residues in animal tissues under section 512(d)(1)(H) of the act, the DES proviso to the Delaney Clause (21 U.S.C. 360b(d)(1)(H)) (see 50 FR 45530, 45541; October 31, 1985; FDA refers to these procedures and criteria as the sensitivity of the method or SOM procedures). The risk is even lower if the panel's concerns regarding purification of the additive are resolved. With such a negligible risk, there is no gain to the public and the statutory purpose is not implemented or served by an agency action delisting the substance.

2. Resolution of the Panel's Concerns

As discussed above, the panel noted that the impurities in the color additive might be responsible for some of its toxicity. The panel recommended, therefore, that the impurities be removed before the additive is used. The panel stated: "It should be possible to develop simple techniques which are cost-effective, and inclusion of a purification step as a criteria for certification, removing those impurities which have significant mutagenic action, would probably reduce an already small risk."

The agency has traditionally ensured purity of the color additives by batch analysis of manufactured batches. Determination of appropriate manufacturing steps to ensure purity, i.e., the ability to meet certification specifications has been left to the responsibility of the color additive manufacturer. In response to the panel's report, FDA has concluded that utilization of this traditional process will ensure the purity of D&C Red No. 19. Accordingly, the agency is establishing stringent chemical specifications regarding subsidiary colors, chemical intermediates, and other impurities found in the color additives.

The agency has determined the specification limitations for these individual entities by considering the levels found in the toxicological samples and recently certified batches. In each case, the agency has selected a lower value to be established as the specification limit for each chemical entity in the color additive. In addition, the agency will require that the lakes of the color additive D&C Red No. 19 be manufactured from previously certified batches, i.e., those batches of the straight color additive that have met the new chemical specifications regarding subsidiary colors, chemical intermediates, and other impurities found in the color additives.

The latter requirement is necessary in light of the panel's view, shared by the agency, that impurities in the color additive should be controlled. The requirement will ensure that the color additive to which the public is exposed is as close as possible to the substance that was tested and found by the agency to be safe. As an alternative to requiring that the lakes of D&C Red No. 19 be made only from certified batches of the straight color additive, the agency considered whether lakes of the color additive could be analyzed to determine the level of impurities. There are numerous difficulties in attempting such an analysis (for a dicussion of these

difficulties, see the agency's advance notice of proposed rulemaking concerning lakes of color additives (44 FR 36411, 36414, June 22, 1979)). Given these difficulties and the limitations of available chemical analytical methodologies, the agency is requiring that lakes of D&C Red No. 19 be manufactured from a batch of a certified color additive, in order to ensure that safety characteristics substantially correspond to the color that was tested, found safe, and permanently listed by this document.

In its advance notice of proposed rulemaking concerning lakes, the agency announced its intention to propose general regulations concerning the definition of lakes, the safety of lakes, and the specifications for lakes (44 FR 36411, June 22, 1979). In light of that notice, the agency when listing a color additive has in the past generally deferred final action concerning lakes of the color additive. However, because of potential variation in levels of impurities and the limitations of analytical methods described above, the agency believes it is necessary to impose the requirement for use of the certified straight color additive D&C Red No. 19 prior to laking. This will ensure that the color additive to which the consumer is exposed is as similar as possible to that found by the agency to be safe. All remaining issues involving the lakes of D&C Red No. 19 will be addressed in the agency's ongoing rulemaking proceeding announced in the June 22, 1979, notice.

3. Phototoxicity

In the conclusion of its report concerning D&C Red No. 19, the panel stated that "* * * the dye has been shown to be phototoxic." The panel also advised that "[C]onditions of its use and the possibility of effects as a result of light exposure should be considered." As part of its safety evaluation, the agency has reviewed the issue of potential phototoxicity from the use of D&C Red No. 19 in externally applied drugs and cosmetics.

Historically, the phenomenon of phototoxicity of dyes was first described in the early 1900's when it was observed that paramecium were inactivated and killed when irradiated with visible light in the presence of a dye. Later it was shown that phototoxicity in biological systems involves a combined action of visible light, a dye, and oxygen. Generally, the type of photoactive dyes that are at issue here exhibit their biological effects through a photodynamic mechanism, which leads to the formulation of a reactive species of an oxygen molecule capable of reacting with micro- and macro-constituents of the cell resulting in cell damage or death. Therefore, reactive oxygen and not the dye itself is responsible for the biologic effects. It is known that many dyes in the presence of light and oxygen are capable of producing a photodynamic response, including xanthene dyes such as D&C Red No. 19 and eosin.

Most of the studies involving phototoxicity of photodynamic dyes that are described in the scientific literature were performed in a variety of in vitro test systems ranging from bacterial systems to various cell lines. FDA believes that most photodynamically active dyes irradiated in an in vitro system under the proper conditions will inactivate or kill those cells by a photodynamic mechanism.

D&C Red No. 19, in fact, has not been tested for phototoxicity in vivo using laboratory animals. It is recognized, however, that this color additive, by virtue of its structure, spectral characteristics, and in vitro testing, has the potential of being photodynamically active. Upon review of the data, the panel reached the same conclusions regarding the phototoxicity potential of D&C Red No. 19.

Based on its safety review, the agency believes that the extrapolated risk of eliciting phototoxic responses in humans from the topical application of this color additive is low. A literature review indicates that only a few in vivo studies with photodynamic dyes have been conducted using topically applied dyes in animal models or in clinical situations. The results of these studies, however, are variable and lack reproducibility (Ref. 11). It has been reported that severe lip photodermatitis can occur when eosin, a xanthene dye, comes in contact with oral mucosa, the sensitive lip tissue which lacks the protective barrier associated with the skin on other portions of the body. In contrast, normal skin to which eosin has been applied is reported to be unaffected in the presence of light.

The evaluation of the safety data for the color additive D&C Red No. 19 does not reveal a potential phototoxicity problem from external uses of the additive. In spite of the previous widespread use of this color additive in lipsticks and lip cosmetics, there are no reported phototoxic problems. The lipstick use and other ingested drug and cosmetic uses of D&C Red No. 19 were terminated by a regulation that was published in the **Federal Register** of February 4, 1983 (48 FR 5262). It is generally acknowledged that lip tissue represents a most sensitive and susceptible skin site for phototoxic effects as compared to the skin covering other portions of the body. Based on the long-term history of use of D&C Red No. 19 in lipsticks and other external cosmetics without any reported phototoxicity complaints from consumers, the agency concludes that D&C Red No. 19 use does not present a phototoxic hazard to humans.

4. Conclusion

The certification requirements discussed above resolve the concerns raised by the panel and further reduce the small risk of cancer presented by the external use of D&C Red No. 19 to some indeterminable level lower than that calculated by the panel. Under these circumstances, FDA concludes that it should not interpret the Delaney Clause to require a ban on this use of D&C Red No. 19. Therefore, FDA has decided to exercise its inherent authority under the *de minimis* doctrine and concludes that the Delaney Clause does not require a ban in the case of the externally applied uses of D&C Red No. 19. Because there are no other safety problems with this use of D&C Red No. 19, FDA finds that the externally applied uses are safe.

C. CTFA's Legal Arguments

In its various submissions concerning D&C Red No. 19, CTFA argued that the applicable statutory authority under the act and judicial precedent authorize FDA to apply a *de minimis* interpretation of the Delaney Clause for a carcinogenic color additive that presents an insignificant risk of cancer. CTFA also argued that the Delaney Clause does not apply to the external uses of D&C Red No. 19 because the tests on D&C Red No. 19 are not appropriate for the evaluation of the substance.

FDA agrees with the former position and in the following section of this notice discusses the applicability of the *de minimis* doctrine to D&C Red No. 19. The agency, however, disagrees with CTFA's latter argument, one that draws heavily on the agency's decision to list the color additive lead acetate (45 FR 72112, October 31, 1980; 46 FR 15500, March 6, 1981). CTFA's studies show that D&C Red No. 19 induces cancer at sites remote from the alimentary tract, thus indicating that the color additive is systemically absorbed before acting as a carcinogen.

Under these circumstances, in the absence of any metabolic or other data suggesting that ingestion studies are inappropriate, ingestion studies are appropriate as a basis for risk assessment of externally applied uses of

a color additive. A color additive that penetrates the skin can be distributed to remote sites in a manner analogous to the distribution that occurs when an ingested color additive enters the circulatory system from the gastrointestinal tract. FDA delayed its decision on the external uses of D&C Red No. 19 to allow the petitioner time to determine whether there is skin penetration by this additive. The study submitted by the petitioner shows that a portion of the radiolabeled material in D&C Red No. 19 used for the percutaneous study did penetrate the skin and thus would enter the circulatory system.

Moreover, FDA's decision concerning lead acetate was based upon the unusual combination of scientific facts, peculiar to the use of lead acetate in hair dyes, which the agency recognized "will rarely, if ever, be presented again in this context" (45 FR 72112, 72115; October 31, 1980). Similar facts do not exist in the case of D&C Red No. 19. For example, a key factor that influenced FDA's judgment that the Delaney Clause just did not apply to lead acetate was the fact that a background level of lead is always present in the blood of humans, a background level much greater than the possible increase in lead burden that would result from the use of lead acetate in hair dyes. There is, of course, no background level of D&C Red No. 19 in humans. The agency believes that the tests on D&C Red No. 19 are appropriate for an evaluation of the substance under the Delaney Clause.

D. The de Minimis Doctrine and Its Applicability to D&C Red No. 19

Two conditions must apply to justify an agency's exercise of its authority to interpret a legal requirement as not requiring action in *de minimis* situations. First, it must be consistent with the legislative design for the agency to find that a situation is trivial and, therefore, one that need not be regulated. *Alabama Power Co.* v. *Costle*, 636 F.2d 333, 360 (DC Cir. 1979). Second, it must be clear that the situation is in fact trivial, and that no real benefit will flow from regulating the particular situation. *Environmental Defense Fund* v. *Environmental Protection Agency*, 636 F.2d 1267, 1283–1284 (DC Cir. 1980). Both conditions apply here.

1. The establishment of a *de minimis* exception to the Delaney Clause is consistent with the legislative design.

In *Alabama Power Co.* v. *Costle*, supra, the court stated that the implication of *de minimis* authority is consistent with most statutes. The court stated that unless Congress has been extraordinarily rigid, there is likely a basis for an implication of such authority. *Id.* at 360–361. That Congress was not so rigid as to preclude the implication of *de minimis* authority under the Delaney Clause is evidenced both by the stated congressional intent in enacting the Delaney Clause and by the stated purpose of this provision.

The clearest statement of the congressional intent for the Delaney Clause is in the legislative history of the Color Additive Amendments of 1960. The Senate considered that the calculation of risk would permit interpretation of the Delaney Clause to allow approval of color additives producing a negligible risk. This is clear from a colloquy on the Senate floor initiated by Senator Jacob Javits in debate on his motion to reconsider the vote to approve the Color Additive Amendments. Senator Javits, focusing on the Delaney Clause, made the record clear in discussion with Republican leader Senator Dirksen and committee chairman Senator Hill that the Senate had agreed to pass the Color Additive Amendments with the Delaney Clause based upon its understanding that the authority conferred by that clause "should be used and applied within the 'rule of reason.'" 106 Congressional Record 15381 (July 1, 1960).[1] Both Senator Dirksen and Senator Hill agreed that the "rule of reason" was to be applied in interpreting the Delaney Clause. *Id.* On that basis, Senator Javits did not pursue his motion to reconsider.

The term "rule of reason" was taken from a report to the President from the President's Science Advisory Committee and from the Departments of Agriculture and of Health, Education, and Welfare (the predecessor to the Department of Health and Human Services) that analyzed the effect of the Delaney Clause that is applicable to food additives. That report defines the "rule of reason" as meaning that: "Every statute must be interpreted in the light of reason and common understanding to reach the results intended by the legislature." 106 Congressional Record 15380. The report stated its conclusion that "an area of administrative discretion based on the rule of reason is unavoidable if the clause is to be workable." 106 Congressional Record 15381.

This report on implementation of the food additive provision, relied upon by the Senators as illustrating their understanding of the types of circumstances in which the "rule of reason" would appropriately be applied, accurately predicted the advent of the science of risk assessment. The report stated that: "From the experience obtained in animal experiments and study of humans who have been exposed to.carcinogens in the course of their work the panel believes that the probability of cancer induction from a particular carcinogen in minute doses may be eventually assessed by weighing scientific evidence as it becomes available." 106 Congressional Record 15380–15381.

Thus, the Senate agreed to adopt the color additive Delaney Clause only with the understanding that the clause would be administered with "a rule of reason," premised on the expectation that scientists would be able to determine the "probability of cancer induction." Thus, far from having been "extraordinarily rigid," Congress clearly contemplated that those administering the Delaney Clause would have discretion to implement that provision in a reasonable way.[2]

The purpose of the Delaney Clause in section 706 of the act is, after all, to protect the public from the possibility of increasing cancer risks through the use of color additives. It does not advance this purpose to prohibit uses that present a risk that is, for all practical purposes, zero. Congress recognized this fact in warning FDA not to "go overboard" in applying the Delaney Clause. 106 Congressional Record 15381. Thus, it is not inconsistent with the Delaney Clause to permit some uses of a carcinogenic color additive when those uses are shown to present a potential carcinogenic risk that is so trivial, based on extremely conservative statistical analyses, as to be the functional equivalent of no risk at all.

This interpretation of the Delaney Clause finds support in recent case law. In *Monsanto* v. *Kennedy*, 613 F.2d 947 (D.C. Cir. 1979), the court held that not all chemicals that become components of food need be considered food additives. The court stated that FDA has the authority to ignore a chemical that migrates from plastic packaging material

[1] More recently, Senator Javits reviewed this discussion. On July 10, 1985, he sent Margaret Heckler, Secretary of the Department of Health and Human Services, a letter stating that his views had not changed since 1960. He stated that it was his continuing understanding that the rule of reason "would dictate that where the danger to the public is negligible in using products with such color additives, then use should not be prohibited." A copy of Senator Javits' letter to Secretary Heckler is included in the record of this rulemaking.

[2] This grant of discretion is not inconsistent with the fact that Congress clearly intended to prevent the imposition of a tolerance for a carcinogen. Where the probability of harm is so small as to be of no practical significance, it is reasonable and appropriate to apply the *"de minimis"* concept. And, doing so does not in any way reflect an intent to set a tolerance.

into beverages if the amount of the chemical that migrates is *de minimis*. The court made that statement after it had found that some amount of the chemical in question would become a component of food by migration from packaging material—thus undeniably satisfying a literal reading of the statute. The court was "* * * concerned that the Commissioner may have reached his determination in the belief that he was constrained to apply the strictly literal terms of the statute irrespective of the public health and safety considerations * * *." 613 F.2d at 954. Accordingly, the court emphasized that the "latitude inherent in the statutory scheme to avoid literal application of the statutory definition of 'food additive' in those *de minimis* situations that, in the informed judgment of the Commissioner, clearly present no public health or safety concerns." *Id.* Thus, the *Monsanto* decision is important to the agency's present action even though that case involved the definition of "food additive" and not the application of the Delaney Clause, and even though FDA, when it issued the order that was ultimately reviewed by the court, had not made a final determination as to the carcinogenicity of the chemical at issue, acrylonitrile monomer.

The court also held in *Monsanto* that the *"de minimis"* concept, applied to the threshold "food additive" definition, could be utilized to allow the marketing of a substance that presents no real public health risk. See 613 F.2d at 955–956. Thus, the court's decision in *Monsanto* has the practical effect of shielding substances that present effectively no carcinogenic risk from the Delaney Clause. Although the court did not explicitly interpret the Delaney Clause as inapplicable to such substances, the court presumably knew that if a carcinogenic chemical was disregarded as *de minimis* in relation to the food additive definition, the chemical would not be subject to the Delaney Clause, which applies only when that definition is met. Necessarily, therefore, the court regarded this consequence as legally warranted.

Moreover, in *Scott* v. *FDA* 728 F.2d 322, 325 (6th Cir. 1984), the Sixth Circuit upheld the so-called constituents policy, whereby FDA may approve known carcinogens present in color additives as intermediaries or impurities present at levels too low to cause a response using conventional tests. Noting that FDA had determined the public health risk presented by D&C Green No. 5 was negligible, the court reasoned:

> * * * We find this determination by the *Monsanto* court persuasive and relevant to the particular facts of the instant case. We agree with the FDA's conclusion that since it "has discretion to find that low level migration into food of substances in indirect additives is so insignificant as to present no public health or safety concern * * * it can make a similar finding regarding a carcinogenic constituent or impurity that is present in a color additive" 47 FR 24280 (1982).

In addition to the foregoing precedents, the state of scientific knowledge about cancer when the Delaney Clause was passed also supports the implication of *de minimis* authority under the Delaney Clause and the fact that the provision could not possibly have been meant to be "extraordinarily rigid." In 1958, there were only four substances that were known to induce cancer in humans: soot, radiation, tobacco smoke, and *beta*-naphthylamine (Ref. 12). Only 20 years later, scientists had identified 37 human carcinogens and over 500 animal carcinogens (Ref. 12). This growth in knowledge is in part the result of an enormous increase in carcinogenicity testing in laboratory animals. As testing increases, more and more substances are found to induce cancer at some site in at least some strain or sex of laboratory animal. For example, of the 86 compounds tested by the National Toxicology Program (NTP) and reported between July 1981 and July 1984, 50 percent were determined to induce some carcinogenic effect (Ref. 13). (It should be noted that many of the compounds tested by NTP were, prior to testing, suspected of being carcinogenic.) Furthermore, recent short- and long-term toxicity testing has shown that a large number of substances naturally present in food are carcinogenic (Ref. 14).

With the advent of sensitive chemical analytical methodologies, scientists have been able to find carcinogens throughout the food supply in extremely small quantities. In 1958, the available methodologies were far less sensitive than they are today. For example, as FDA stated in its 1979 SOM proposal, the sensitivity of the methodologies increased during the period between 1958 and 1978 by "between two and five orders of magnitude" (44 FR 17070, 17075; March 20, 1979). This improved sensitivity has allowed the detection of carcinogens in the parts per trillion level so that, as one scientist has reported, "today substances can be routinely measured at concentrations up to a million times less than was possible in 1958" (Ref. 12).

There is no indication that in 1958 Congress foresaw the likelihood that, within less than 30 years after the Delaney Clause was enacted, science would have progressed so far as to be able to document the widespread presence of trace amounts of proven carcinogens in food. There is no indication that Congress anticipated the extent to which substances, then regarded either as absent from foods or as noncarcinogenic on the basis of less adequate technology, would later prove to be carcinogenic. In short, the scientific knowledge about carcinogens was much more limited in 1958 than it is today. The solution Congress decided upon in 1958 for handling added carcinogens given that state of knowledge, was not extraordinarily rigid, but was entirely reasonable, i.e., a few substances, present at levels then detectable, would be banned; most food would be unaffected.

Under these circumstances, it would not be consistent with the legislative design for FDA, today, to attempt to prohibit all added carcinogens from the food supply provided the risks presented by permitted levels are trivial. Permitting merely a *de minimis* level of risk from such carcinogens is not only sound regulatory policy but is also consistent with the underlying purpose of the Delaney Clause as enacted in 1958—the assurance that the food supply will be free from any meaningful risk of cancer presented by substances added to food.

For all the foregoing reasons, the agency concludes that it is consistent with the Delaney Clause to permit uses of a carcinogenic color additive when those uses are shown to present a carcinogenic risk that is so trivial, based on extremely conservative statistical analyses, as to be the functional equivalent of no risk at all.

2. The risk from the use of D&C Red No. 19 in externally applied cosmetics is, in fact, so trivial as to be effectively no risk.

According to the panel's revised risk estimates, the highest lifetime level of risk presented to the external uses of D&C Red No. 19 is 1 in 9 million, i.e., 1.1×10^{-7}. In all likelihood the risk is much lower. This risk is not an actuarial risk. An actuarial risk is the risk determined by the actual incidence of an event. In contrast, the computed risk is a projection based on certain conservative assumptions that do not understate risk. The assumptions that were relied upon have been stated previously in the document describing the panel's computations. The risk from the use of D&C Red No. 19 in externally applied drugs and cosmetics will not exceed 1 in 9 million and is likely to be somewhere between some much lower level and zero. The 1 in 9 million level represents

a 1 in 9 million increase in risk over the normal risk of cancer in a lifetime. FDA emphasizes that this level of risk does not mean that 1 in every 9 million people will contract cancer as a result. Rather, in all likelihood, no one will contract cancer as a result of this exposure. In addition, the agency is requiring more stringent certification specifications which should lower risks.

In light of the level of risk presented by the external uses of D&C Red No. 19, FDA finds that the uses are safe, that they impose no additional risk of cancer to the public, and that any risk they may present is of no public health consequence. It is in just these circumstances, where there is no meaningful increase in public health protection from applying the strict, literal terms of a legal standard, that the courts have found the *de minimis* doctrine to be applicable. For example, the court in *Monsanto* equated *"de minimis"* with a finding that migration of an indirect food additive is "insignificant" (613 F.2d at 947) in a context where the court clearly recognized that the real question was the toxicity of a particular level of migration.

Furthermore, FDA and other regulatory agencies have, in the past, found higher risks than those presented by D&C Red No. 19 to be permissible. For example, in the ongoing SOM rulemaking proceeding, FDA has proposed that an assay method sufficient to detect a carcinogenic residue posing a calculated upper bound risk of 1 in 1 million is appropriate because such a level imposes no additional risk of cancer to the public (see 44 FR 17070, 17093; March 20, 1979). The agency has concluded that as a result of this use of the 1 in 1 million level of risk as far as can be determined in all probability, no one will contract cancer from admittedly carcinogenic residues in edible animal tissue. (See 50 FR 45530, 45541; October 31, 1985.)

In several proceedings involving the agency's policy for carcinogenic impurities in food and color additives, FDA has also found that a risk on the order of a 1 in 1 million lifetime risk is low enough to be considered safe within the meaning of the general safety clause. See, e.g., the administrative record compiled in the rulemaking on D&C Green No. 6 (47 FR 14138; April 2, 1982).

Furthermore, in a notice published in the **Federal Register** of December 18, 1985 (50 FR 51551), the agency proposed that methylene chloride when used to decaffeinate coffee is safe, in light of the fact that the potential risk posed by permitted levels of methylene chloride residues in coffee does not exceed a level of 1 in 1 million. In that notice, the agency also suggested that the lifetime risk for the use of methylene chloride to decaffeinate coffee is *de minimis*.

Other Federal agencies have also used a 1 in 1 million level as a basis for regulatory decisionmaking permitting human exposure to carcinogens (Ref. 15). In fact, they have sometimes made regulatory decisions that have allowed a cancer risk greater than 1 in 1 million. The Occupational Safety and Health Administration (OSHA), for example, has focused its regulatory efforts on risks in the workplace that are much higher than 1 in 1 million lifetime level of risk.

For example, under the Occupational Safety and Health Act (OSH Act) (29 U.S.C. 651 et seq.), OSHA issues health standards for the workplace. Before issuing a standard, OSHA must make a formal showing of "significant risk from exposure." Accordingly, OSHA uses quantitative risk assessment to compare the magnitude of risk presented by the various possible levels of exposure to a substance before establishing a permissible exposure limit. In the **Federal Register** of January 14, 1983 (48 FR 1864), OSHA established a new permissible exposure limit for inorganic arsenic after determining the risk of lung cancer death associated with such a level would be 8 cases per 1,000 workers exposed over a working lifetime. The standard was upheld by the Ninth Circuit Court of Appeals in *ASARCO* v. *OSHA*, 746 F.2d 483 (9th Cir. 1984). In a similar action in the **Federal Register** of June 22, 1984 (49 FR 25734), OSHA published a final rule establishing a new permissible exposure limit for ethylene oxide. The new 1 part per million permissible exposure limit represented a risk of 12 to 23 excess deaths per 10,000 workers exposed over a working lifetime.

The Environmental Protection Agency (EPA) in recent years has also relied upon the 1 in 1 million lifetime level as a reasonable criterion for separating high risk problems from low risk problems presented by the wide ranging environmental contaminants EPA must regulate. In the **Federal Register** of November 23, 1984 (49 FR 46294), EPA proposed guidelines for carcinogen risk assessment. The proposal outlined a procedure for characterizing substances based on the experimental weight of evidence of carcinogenicity. For those compounds classified as known or probable human carcinogens, EPA set the 1 in 1 million risk level as the "point of departure" for determining what level of a carcinogen may cause concern.

For example, under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), EPA sets drinking water standards that contain maximum contaminant levels for toxicants, including carcinogens. Maximum contaminant levels for carcinogens that have been promulgated or proposed to date by EPA generally fall into lifetime risk ranges of 1 in 10,000 to 1 in 1 million (Ref. 16). Similarly, EPA recently proposed to establish the 1 in 1 million level as the "point of departure" in determining the level of control for all known and possible carcinogenic constituents compounds resulting from hazardous waste contamination (51 FR 1602, 1635; January 14, 1986). As an alternative, EPA proposed to consider estimates of population in determining the appropriate level of control for each constituent. Thus, if a very large number of people is believed to be potentially exposed to a very potent carcinogenic constituent released from contaminated land disposal units, EPA could decrease the level of risk to as low as 1 in 10 million. If the size of the potentially exposed population is not large, the "point of departure" would remain at the 1 in 1 million level. However, if a small number of people was believed to be exposed to the contaminant, such that the incidence of cancer would be expected to be small from the exposure, EPA would consider increasing the acceptable risk level to 1 in 100,000 or 1 in 10,000.

Although comparisons between the safety decisions made by OSHA and EPA with those made by FDA must be tempered by the fact that the decisions are made under different statutory frameworks, the decisions do support the consensus proposition that a lifetime level of 1 in 1 million presents an extremely small risk.

Furthermore, FDA's conclusion that a 1 in 1 million level represents an insignificant level of risk has not been arrived at hastily. For example, when it first proposed the SOM procedures and criteria on July 19, 1973 (38 FR 19226), the agency stated that an acceptable level of risk for carcinogenic residues in edible animal tissues would be 1 in 100 million. In the **Federal Register** of February 22, 1977 (42 FR 10412), the agency concluded that the 1 in 100 million level was unnecessarily conservative in light of the numerous conservatisms implicit in risk assessment and because the level provided only a minor incremental increase in the degree of confidence presented by the higher 1 in 1 million level. The agency concluded that the 1 in 1 million level constituted a risk level that one could properly consider to present an insignificant public health

concern (see also 44 FR 17070; March 20, 1979). In the most recent **Federal Register** document concerning the SOM rulemaking (50 FR 45530; October 31, 1985), the agency explained that it considered raising the level yet another order of magnitude to 1 in 100,000 but chose not to do so. FDA reasoned that in recent years the 1 in 1 million level has become a benchmark in the evaluation of the safety of carcinogenic compounds administered to food-producing animals. Furthermore, the agency stated that there is currently widespread confidence that this level presents an insignificant risk of cancer. This point is underscored by the fact that every comment on the risk level aspect of the 1979 SOM proposal regarded the 1 in 1 million level as insignificant. In making the decision to retain the 1 in 1 million level for purposes of the SOM proceeding, FDA recognized explicitly that there may be a higher level of risk that is more appropriate to characterize as a "no residue" level, but that in light of the current uncertainties that accompany making a decision as to the most appropriate level of risk, the 1 in 1 million level was the most reasonable and defensible choice (50 FR 45542).

The level of risk presented by D&C Red No. 19 is extremely low. In relation to other risks regulated by FDA and other Federal agencies, the risk presented by the external uses of D&C Red No. 19 is, indeed, trivial.

XII. Conclusion

Based on the foregoing, FDA concludes that the risk of cancer presented by the use of D&C Red No. 19 in externally applied drugs and cosmetics, as limited by this action, is so low as to be essentially nonexistent. Given such a low level of risk, FDA has concluded that there is no safety gain to the public if it interpreted the Delaney Clause to require a ban on this use for the color additive. Therefore, FDA, exercising its inherent authority under the *de minimis* doctrine, concludes that the Delaney Clause does not require a ban in this situation. Because there are no other known safety problems from the use of D&C Red No. 19 for coloring externally applied cosmetics, FDA finds that the color additive is safe under the prescribed conditions of use set forth in the regulation below.

The agency is establishing new chemical specifications for the Part 74 listings that identify the color additive. D&C Red No. 19 more precisely than those currently listed in 21 CFR 82.1319.

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that FDA considered and relied upon in reaching its decisions to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in § 71.15, the agency will delete from the documents any material that are not available for public disclosure before making the documents available for inspection.

The agency has determined under 21 CFR 25.24(b)(3) (50 FR 16636; April 26, 1985) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354) do not apply to actions of this type.

XIII. References

The following information has been placed on file at the Dockets Management Branch (address above) and is available for review in that office between 9 a.m. and 4 p.m., Monday through Friday. The final toxicity study reports, the agency's toxicology evaluations of these studies, and other information relied upon by the agency in reaching its decision are also on file at the Dockets Management Branch for public review.

1. Franz, T. J., "Percutaneous Absorption of D&C Red No. 19 Through Human Skin *In Vitro*," February 1983.

2. "Determination of Subsidiary Colors in Various Lots of D&C Red No. 19 by Thin Layer Chromatography," February 1983.

3. "Final Review and Analysis of Scientific Studies and Risk Assessment Supporting the Safety of D&C Red No. 19 for use in External Cosmetics and Drug Products Not Subject to Incidental Ingestion," February 15, 1983.

4. Letter from E. Edward Kavanaugh to Gerad L. McCowin, April 29, 1986.

5. Division of Toxicology Memorandum of Toxicology Data for D&C Red Nos. 19 and 37, April 25, 1973.

6. Bureau of Foods' Cancer Assessment Committee Memorandum of Conference, August 12, 1982.

7. "Coal Tar Hair Dyes," Proposed Warning Statement, 43 FR 1101, 1103; January 6, 1978.

8. Klaassen, C. D., "Absorption, Distribution and Excretion of Toxicants," *in* "Toxicology, The Basic Science of Poisons," Chapter 3, Casarett, L.J., and J. Doull (Eds.), Macmillan Pub. Co. Inc., New York, pp. 26–44, 1975.

9. "Lead Acetate; Listing As a Color Additive in Cosmetics That Color the Hair on the Scalp," 45 FR 72112, October 31, 1980.

10. "Removal of Stay of Regulation for the Listing of Lead Acetate as a Color Additive in Cosmetics That Color the Hair on the Scalp; Confirmation of Effective Date," 46 FR 15500, March 6, 1981.

11. Kligman, A.M., and K.H. Kaidbey, "Human Models for Identification of Photosensitizing Chemicals," *Journal of the National Cancer Institute*, 69:269, 1982.

12. Wilson, R., "Risks Caused by Low Levels of Pollution, "*Yale Journal of Biology and Medicine*, 51:37, 48, 1978.

13. Haseman, J., et al., "Results From 86 Two-Year Carcinogenicity Studies Conducted by the National Toxicology Program," *Journal of Toxicology and Environmental Health*, 14:621, 634, 1984.

14. Ames, B., "Dietary Carcinogens and Anticarcinogens," *Science*, 221:1256, September 23, 1983.

15. Milvy, P., "A General Guideline for Management of Risk from Carcinogens," *Risk Analysis*, 6:69, 1986.

16. Crouch, E., et al., "The Risks of Drinking Water," *Water Resources Research, 19:1359, 1983.*

XIV. Objections

Any person who will be adversely affected by this regulation may at any time on or before September 8, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

List of Subjects

21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

21 CFR Part 81

Color additives, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 74, 81, and 82 are amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 74 is revised to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

2. By adding new § 74.1319 to read as follows:

§ 74.1319 D&C Red No. 19.

(a) *Identity.* (1) The color additive D&C Red No. 19 is 9-(2-carboxyphenyl)-3,6-bis(diethylamino)-xanthylium chloride (CAS Reg. No. 81–88–9). The color additive is manufactured by heating phthalic anhydride with diethyl-*m*-aminophenol followed by saponification with base. The color is isolated as the chloride by treatment with hydrochloric acid and is further purified and dried.

(2) Color additive mixtures for use in externally applied drugs made with D&C Red No. 19 may contain only those diluents that are suitable and that are listed in Part 73 of this chapter for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* D&C Red No. 19 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by current good manufacturing practice:

Volatile matter (at 135 °C), not more than 5 percent.
Total color, not less than 92 percent.
Water insoluble matter, not more than 0.25 percent.
Diethyl-*m*-aminophenol, not more than 0.1 percent.
o-(2-Hydroxy-4-diethylaminobenzoyl) benzoic acid, not more than 0.25 percent.
Phthalic acid, not more than 0.25 percent.
Triethylrhodamine, not more than 1.0 percent.
Other subsidiary colors, not more than 0.3 percent.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.

(c) *Uses and restrictions.* The color additive D&C Red No. 19 may be safely used for coloring externally applied drugs in amounts consistent with current good manufacturing practice.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Red No. 19 shall be certified in accordance with regulations in Part 80 of this chapter.

3. By adding new § 74.2319 to read as follows:

§ 74.2319 D&C Red No. 19.

(a) *Identity and specifications.* The color additive D&C Red No. 19 shall conform in identity and specifications to the requirements of § 74.1319 (a)(1) and (b).

(b) *Uses and restrictions.* The color additive D&C Red No. 19 may be safely used for coloring externally applied cosmetics in amounts consistent with current good manufacturing practice.

(c) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Red No. 19 shall be certified in accordance with regulations in Part 80 of this chapter.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

4. The authority citation for 21 CFR Part 81 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note); 21 CFR 5.10.

§ 81.1 [Amended]

5. In § 81.1 *Provisional lists of color additives* by removing the entry .for "D&C Red No. 19" in paragraph (b).

§ 81.27 [Amended]

6. In § 81.27 *Conditions of provisional listing* by removing the entry for "D&C Red No. 19" in paragraph (d) introductory text table.

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

7. The authority citation for 21 CFR Part 82 is revised to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

8. By revising § 82.1319 to read as follows:

§ 82.1319 D&C Red No. 19.

The color additive D&C Red No. 19 shall conform in identity and specifications to the requirements of § 74.1319 (a)(1) and (b) of this chapter. D&C Red No. 19 is restricted to use in externally applied drugs and cosmetics. D&C lakes shall be made only from batches of D&C Red No. 19 previously certified in accordance with the requirements of § 74.1319 (a)(1) and (b) of this chapter.

Dated: July 30, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86–17720 Filed 8–5–86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of FD&C Yellow No. 6, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, amd D&C Red No. 19; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Orange No. 17, D&C Red. No. 8, D&C Red No. 9, and D&C Red No. 19 for use as color additives in drugs and cosmetics and for the provisional listing of FD&C Yellow No. 6 for use as a color additive in food, drugs, and cosmetics. The new closing date will be October 6, 1986. FDA has decided that this postponement is necessary (1) to provide time for the receipt and evaluation of any objections submitted in response to the final rules, published elsewhere in this issue of the **Federal Register**, permanently listing the external drug and cosmetic uses of D&C Orange No. 17 and D&C Red No. 19; and (2) to provide time for the preparation of documents that will explain the bases for the agency's decisions concerning the conditions under which FD&C Yellow No. 6, D&C Red No. 8, and D&C Red No. 9 may be safely used.

DATES: Effective August 6, 1986, the new closing date for FD&C Yellow No. 6, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, and D&C Red No. 19 will be October 6, 1986.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5676.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of August 6, 1986, for the provisional listing of FD&C Yellow No. 6, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, and D&C Red No. 19 by regulation published in the **Federal Register** of June 6, 1986 (51 FR 20786). FDA extended the closing date for these color additives until August 6, 1986, to provide time for the preparation and publication of appropriate **Federal Register** documents. The regulation set forth below will postpone the August 6, 1986, closing date for the provisional listing of these color additives until October 6, 1986.

In the **Federal Register** of June 6, 1986 (51 FR 20786). FDA announced that the agency has essentially completed its review and evaluation of available information relevant to the use of these color additives in food, drugs, and cosmetics. The agency has concluded that the external drug and cosmetic uses of D&C Red No. 8, D&C Red No. 9, D&C Orange No. 17, and D&C Red No. 19, and the food, drug, and cosmetic uses of FD&C Yellow No. 6 are safe. Thus, the agency has decided to permanently list the color additives for these uses. The agency has also decided, based on its evaluation of the ingested drug and cosmetic uses of D&C Red No. 8 and D&C Red No. 9 that they are safe and may be permanently listed for these uses at significantly reduced concentrations. New certification specifications are also being developed for these color additives.

Elsewhere in this issue of the **Federal Register**, FDA is publishing final rules permanently listing the external drug and cosmetic uses of D&C Orange No. 17 and D&C Red No. 19. These final rules provide 30 days for any person who will be adversely affected by these final rules to file written objections. The postponement of the closing date for 60 days will provide time for receipt and evaluation of objections or requests for a hearing submitted in response to these final rules.

The agency has not yet completed documents fully describing the bases for its decisions concerning the conditions under which FD&C Yellow No. 6, D&C Red No. 8, and D&C Red No. 9 may be safely used. Therefore, FDA believes that it is reasonable to postpone the closing date for these colors until October 6, 1986, to provide time for the preparation and publication of appropriate **Federal Register** documents. FDA concludes that this extension is consistent with the public health and the standards set forth for continuation of provisional listing in *McIlwain* v. *Hayes*, 690 F.2d (DC Cir. 1982).

Because of the shortness of time until the August 6, 1986, closing date, FDA concludes that notice and public procedure on this regulation are impracticable and that good cause exists for issuing the postponement as a final rule and for an effective date of August 6, 1986. This regulation will permit the uninterrupted use of these color additives until further action is taken. In accordance with 5 U.S.C. 553(b) and (d) (1) and (3), this postponement is issued as a final regulation, effective on August 6, 1986.

List of Subjects in 21 CFR Part 81

Color additives, Cosmetics, Drugs.

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. The authority citation for 21 CFR Part 81 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note); 21 CFR 5.10.

§ 81.1 [Amended]

2. In § 81.1 *Provisional lists of color additives* by revising the closing dates for "FD&C Yellow No. 6" in paragraph (a) and for "D&C Orange No. 17," "D&C Red No. 8," "D&C Red No. 9," and "D&C Red No. 19" in paragraph (b) to read "October 6, 1986."

§ 81.27 [Amended]

3. In § 81.27 *Conditions of provisional listing* by revising the closing dates for "FD&C Yellow No. 6," "D&C Orange No. 17," "D&C Red No. 8," "D&C Red No. 9," and "D&C Red No. 19" in paragraph (d) to read "October 6, 1986."

Dated: July 30, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86-17721 Filed 8-5-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 20

[Docket No. R-86-1305; FR-2216]

Board of Contract Appeals; Bid Protest Procedures for National Housing Contracts

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the Rules of the HUD Board of Contract Appeals (HUDBCA) to remove 24 CFR Part 20 Subpart C—Bid Protest Procedures for National Housing Act Contracts. Subpart C confers authority on the HUD Board of Contract Appeals to consider bid protests regarding the award of procurement and sales contracts entered into under the National Housing Act, 12 U.S.C. 1701-1749aaa-5. This rule rescinds the HUDBCA's authority to review bid protests concerning National Housing Act contracts because of the availability of administrative review at the General Accounting Office and judicial review in the United States Claims Court or U.S. District Courts.

EFFECTIVE DATE: September 29, 1986.

FOR FURTHER INFORMATION CONTACT: David T. Anderson, Chairman, Board of Contract Appeals, Room 2158, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410-5000, Telephone (202) 755-0132. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: As a result of General Accounting Office (GAO) decisions which held that GAO lacked jurisdiction over bid protests regarding the award of National Housing Act procurement contracts, on May 16, 1979, the Department promulgated regulations at 24 CFR Part 20, Subpart C, authorizing the HUD Board of Contract Appeals (HUDBCA) to decide such protests (44 FR 28762). The purpose of these regulations was to provide protesters an affordable, fair and impartial administrative review process for contract awards similar to the review procedures before GAO which were available to protesters under other Government contracts. The regulations also authorized the HUDBCA to decide protests concerning the award or proposed award of contracts for the sale or other disposition of real and related property entered into under the National Housing Act.

In 1984, Congress enacted the Competition in Contracting Act (CICA), 31 U.S.C. 3551–3556, which provides GAO with express statutory authority to decide bid protests concerning solicitations by a "Federal agency" which under the law includes any executive department, independent establishment and any wholly-owned Government corporation. On November 14, 1985 GAO held that, under CICA, GAO's jurisdiction extended to bid protests concerning National Housing Act procurements. See *CoMont Inc.* B–219730 85–2 CPD ¶555, 86 Comp. Gen. ———. (Nov. 14, 1985).

The GAO bid protest procedures promulgated under CICA provide protesters greater relief than the existing HUDBCA procedures at 24 CFR Part 20. Under the GAO procedures, contracting agencies must stay award of a contract under a protested procurement where the contracting agency receives notice of the protest prior to award unless the head of the procuring activity determines that urgent and compelling circumstances significantly affecting interests of the United States will not permit the activity to await a GAO decision. Also, where a protest is filed within 10 days after award contracting agencies must stay contract performance pending a GAO decision unless a similar finding is made by the head of the procuring activity. Additionally, under GAO procedures a successful protester may recover attorneys fees and costs. None of these remedies available at GAO is available to protesters under the HUDBCA's protest regulation; the HUD protest procedures at 24 CFR Part 20 were published prior to the enactment of CICA, and they do not advise protesters of their appeal rights to GAO and the relief available to them under the CICA.

Because GAO will now decide National Housing Act protests, the Department believes it is unnecessary at this time for the HUDBCA to continue to hear these cases under 24 CFR Part 20, Subpart C. Also, the Department believes that by failing to adequately advise protesters of their rights, its present regulations may cause confusion and forfeiture of interested parties' rights to file before GAO. Accordingly, the Department is amending its regulation to remove HUDBCA jurisdiction over these matters under Part 20 by repealing subpart C. The HUD Acquisition Regulation (HUDAR) will also be revised in another rulemaking to reflect this amendment.

In repealing Subpart C, the Department is also eliminating the bid protest procedures for protests concerning contracts for the sale or other disposition of property acquired under the National Housing Act. These procedures have rarely been used by protesters. Indeed, since the HUDBCA bid protest regulations became effective in May 1979, only seven bid protests concerning the sale of HUD properties have been filed with the HUDBCA, and only one protest has been filed since 1983. Protests concerning property sales contracts under the National Housing Act have normally been filed directly with property disposition contracting officers. In those instances where protesters have been unable to obtain relief from contracting officers, protesters have sought relief from the courts rather than administrative review by the HUDBCA. This is because a court, unlike the HUDBCA, may enjoin a sale pending resolution of the merits of a protest. In light of the fact that protesters do not use the HUDBCA bid protest review procedures for sales contracts, and because review by contracting officers and judicial review have provided ample relief, the Department has determined to remove all of the protest jurisdiction conferred upon the HUDBCA by Subpart C including responsibility for resolution of protests concerning National Housing Act sales contracts.

The Secretary has determined that notice and prior public comment concerning this rule are not necessary to protect the public interest. The rights of interested parties to an administrative review of a contracting officer's decision regarding awards of National Housing Act contracts are unaffected by this rule. Virtually all interested parties will continue to have administrative review of their protests in a forum, the GAO, which can afford greater relief to successful protesters than the HUDBCA. For sales contracts, protesters will continue to have their right to administrative review by the contracting officer followed by judicial review.

In accordance with 24 CFR 50.20(k) this rulemaking is not subject to the environmental assessment requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4332.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the Regulatory Flexibility Act (5 U.S.C. 601), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule is procedural in nature and should impose no economic burdens on parties seeking administrative review of contracting officer decisions.

This rule was listed as item 3 on the corrections to the Department's Semiannual Agenda of Regulations published on June 11, 1986 (51 FR 21290, 21293) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog Federal Domestic Assistance includes no program covering this Part.

List of Subjects in 24 CFR Part 20

Administrative practice and procedure, Government contracts, organization and functions (Government agencies), Government procurement.

Accordingly, Title 24 of the Code of Federal Regulations Part 20 is amended as follows:

PART 20—BOARD OF CONTRACT APPEALS

1. The authority citation for 24 CFR Part 20 continues to read as follows:

Authority: The Contract Disputes Act of 1978 (41 U.S.C. 601–613); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§§ 20.15–20.25 [Removed]

2. Subpart C (§§ 20.15–20.25) of Part 20 is removed.

Dated: July 24, 1986.

John J. Knapp,

Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 86–17686 Filed 8–6–86; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 20, 25, and 602

[T.D. 8095]

Estate and Gift Taxes; Qualified Disclaimers of Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the disclaimer of property transferred by gift or inheritance. Changes to the applicable law were made by the Tax Reform Act of 1976, the Revenue Act of 1978 and the Act of October 4, 1966. These regulations provide necessary guidance to the public for compliance with the law and affect those persons who disclaim an interest in property.

DATES: The regulations are effective for taxable transfers made after December 31, 1976.

FOR FURTHER INFORMATION CONTACT: William A. Jackson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T: 202-566-4336, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On July 22, 1980, the **Federal Register** published proposed amendments to the Estate and Gift Tax Regulations (26 CFR Parts 20 and 25) under sections 2041, 2045, 2055, 2056, 2511, 2514 and 2518 of the Internal Revenue Code of 1954 (Code) (45 FR 48922). The amendments were proposed to conform the regulations to section 2009(b) of the Tax Reform Act of 1976 (90 Stat. 1893), which added section 2518 to the Code; section 702(m) of the Revenue Act of 1978 (92 Stat. 2935), which allowed a surviving spouse to receive an interest in property as a result of a qualified disclaimer by the spouse; and the Act of October 4, 1966 (80 Stat. 872), which allowed an interest disclaimed by a person other than the surviving spouse to be treated as passing from the decedent to the surviving spouse where the spouse receives the interest as a result of the disclaimer. A public hearing was held on November 18, 1980. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Summary of Revisions

Effective Dates

Sections 20.2041-3(d)(6)(i) and 25.2518-1(a) have been revised to clarify that section 2518 applies to all interests in property if the interest in the property was created by a taxable transfer made after December 31, 1976. Thus, section 2518 applies to a revocable trust created prior to December 31, 1976 if it becomes irrevocable after that date. The 9-month period in such a case would be measured from the date on which the transfer creating the interest became irrevocable.

Effect of a Qualified Disclaimer

One commentator suggested that § 25.2518-1(b) be amended to clarify that a beneficiary of a generation-skipping trust who makes a qualified disclaimer is treated as never having been a beneficiary. No revision was made in paragraph (b) of § 25.2518-1 because that paragraph already states that the disclaimed interest is treated as if it had never been transferred to the disclaimant and that the interest is treated as passing directly to the person entitled to receive the property as a result of the disclaimer.

The same commentator also suggested that § 25.2056(d)-1(a) be amended to specify the effect of a nonqualified disclaimer by a surviving spouse. No change has been made under § 25.2056(d)-1(a) because § 25.2511-1(c)(1) already specifically states that any disposition which is not a qualified disclaimer constitutes the making of a gift.

Effect of Local Law

Several commentators believed that the proposed regulation under paragraph (c)(1) of § 25.2518-1, relating to the effect of local law, is wrong because of the requirement that the disclaimer be effective under local law. In response to these comments, paragraph (c)(1) has been revised to clarify that even if the requirements of local law are not met, one can nevertheless make a qualified disclaimer under section 2518 if, under applicable local law, the interest is transferred, as a result of attempting the disclaimer, to another person without any direction on the part of the disclaimant. Mandatory actions by the disclaimant which are required under local law merely to divest ownership of the property in the disclaimant and vest it in another person will not disqualify the disclaimer for purposes of section 2518. Further, the rule under paragraph (c)(2) of § 25.2518-1 has been changed to make it clear that whether a transfer is voidable has no effect on the determination of whether a disclaimer constitutes a qualified disclaimer. This Treasury decision does not contain regulations relating to the changes made to the law by the Economic Recovery Tax Act of 1981 which allows certain transfers to be treated as qualified disclaimers even if no effective disclaimer has been made under local law. Proposed regulations relating to this change will be published shortly in another project (LR-212-81).

Beneficiary Under Twenty-one Years of Age

In order to make a qualified disclaimer under section 2518, a disclaimer must be made no later than 9 months after the transfer creating the interest in the person disclaiming, or, if later, 9 months after the day the disclaimant attains age 21. The proposed regulations have been revised to clarify in paragraph (d)(3) of § 25.2518-2 that in the case of a beneficiary of an interest in property who is under 21 years of age, any actions taken with regard to the interest by the beneficiary or a custodian prior to the beneficiary's twenty-first birthday will not be considered to be an acceptance of the interest by the beneficiary.

Joint Ownership

Several commentators believed the regulations should be revised to allow a qualified disclaimer to be made with respect to jointly owned property within 9 months of the death of the first joint tenant. Several other commentators believe that the regulations should allow at least the accretive portion to be disclaimed. Other commentators suggested that examples be inserted into the final regulations that illustrate the effect of the joint ownership rules in community property jurisdictions, the issue of acceptance, the effect of revocability, and the effect of former section 2515, relating to the creation of a joint tenancy.

A minor revision has been made in the regulations regarding the ability of a surviving joint tenant to disclaim the jointly held property. The general rule that a disclaimer of a joint interest must be made within 9 months of the transfer creating the interest remains unchanged because each joint tenant receives an interest in the entire property subject to the tenancy, as well as the rights of survivorship, at the time of the transfer creating the joint interest. See *Pearl M. Kennedy* v. *Commissioner*, Docket No. 33349-83, T.C. Memo, 1986-3, January 2, 1986. However, in the case of a joint tenancy between spouses or a tenancy by the entirety in real property created after 1976 and before 1982 where no election is made under section 2515, the surviving tenant can make a qualified disclaimer of the entire jointly held property (except any portion attributable to consideration furnished by the surviving tenant) within 9 months after the death of the first tenant to die if such tenant dies before 1982. If such tenant dies in 1982 or thereafter, the surviving tenant may only disclaim one-half of the jointly held property. In

addition, a joint tenant cannot make a qualified disclaimer of any portion of the joint interest attributable to consideration furnished by that tenant. Examples have been added to the final regulations illustrating the other issues raised by the commentator.

Surviving Spouse

Under the proposed regulations, a surviving spouse could not make a qualified disclaimer if the spouse retained the power to direct the beneficial enjoyment of disclaimed property. Several commentators believe that the Revenue Act of 1978 reversed this result. No change has been made regarding the requirements that a surviving spouse must meet in order to make a qualified disclaimer. The statute states that the interest must pass to a person without any direction on the part of the person making the disclaimer. If the spouse retains the power to direct beneficial enjoyment of the disclaimed property, the disclaimer would violate this rule.

Disclaimer of Less Than an Entire Interest

Section 25.2518–3 has been revised in response to the many comments received. Under the proposed regulations, all interests in income were treated as one separate interest and all interests in corpus were treated as another separate interest. Under the final regulations, each interest or power with respect to property that is separately created by the transferor is generally treated as a separate interest. Thus, a person could make a qualified disclaimer of one interest in corpus while retaining another interest in corpus, assuming that all other requirements of section 2518(b) have been met. However, if local law merges separately created interests, a qualified disclaimer will be allowed only if there is a disclaimer of the entire merged interest or an undivided portion of such merged interest. In addition, the final regulations provide that where a merger of separate interests would occur but for the creation by the transferor of a nominal interest, a qualified disclaimer will be allowed only if there is a disclaimer of all of the separate interests, or an undivided portion of all such interests, which would have merged but for the nominal interest.

Disclaimer of a Pecuniary Amount

Section 25.2518–3(c) of the proposed regulations has been revised to provide that a disclaimer of a specific pecuniary amount out of a pecuniary or nonpecuniary bequest or gift can be a qualified disclaimer provided that no income or other benefit of the disclaimed amount inures to the benefit of the disclaimant either prior to or subsequent to the disclaimer. Thus, following a disclaimer of a specific pecuniary amount, the disclaimed amount and any income attributable to such amount must be segregated from the portion of the gift or bequest that was not disclaimed. Further, the segregation of any assets making up the disclaimed amount must be made on the basis of the fair market value of the assets on the date of the disclaimer or on a basis fairly representative of the value changes that may have occurred between the date of the transfer and the date of the disclaimer. The final regulations also provide rules for making a disclaimer of a specific pecuniary amount after the beneficiary has already received a distribution from the gift or bequest.

Life Insurance and Annuity Contracts

Two commentators questioned the necessity of singling out life insurance proceeds and annuities because the same rules apply to such interests as apply to any other interest in property. In response to this comment, § 25.2518–4 has been deleted from the final regulations.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. The notice of proposed rulemaking relating to this final rule was published before January 1, 1981. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required for this final rule.

Paperwork Reduction Act

The collection of information requirements contained in this regulation have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB (control number 1545–0959).

Drafting Information

The principal author of this regulation is William A. Jackson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR Part 20

Estate taxes.

26 CFR Part 25

Gift taxes.

26 CFR Part 602

Paperwork Reduction Act.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 20, 25, and 602 are amended as follows:

PART 20—[AMENDED]

Paragraph 1. The authority citation for Part 20 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 2. Section 20.2041–3(d)(6) is revised to read as follows:

§ 20.2041–3 Powers of appointment created after October 21, 1942.

* * * * *

(c) *Releases, lapses, and disclaimers of general powers of appointment.* * * *

(6)(i) A disclaimer or renunciation of a general power of appointment created in a taxable transfer after December 31, 1976, in the person disclaiming is not considered a release of the power if the disclaimer or renunciation is a qualified disclaimer as described in section 2518 and the corresponding regulations. If the disclaimer or renunciation is not a qualified disclaimer, it is considered a release of the power by the disclaimant.

(ii) The disclaimer or renunication of a general power of appointment created in a taxable transfer before January 1, 1977, in the person disclaiming is not considered to be a release of the power. The disclaimer or renunciation must be unequivocal and effective under local law. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. There can be no disclaimer or renunciation of a power after its acceptance. In the absence of facts to the contrary, the failure to renounce or disclaim within a reasonable time after learning of its existence will be presumed to constitute an acceptance of the power. In any case where a power is purported to be disclaimed or renounced as to only a portion of the property subject to the power, the determination as to whether or not there has been a complete and unqualified refusal to accept the rights to which one is entitled will depend on all the facts and circumstances of the particular case, taking into account the recognition and effectiveness of such a disclaimer under local law Such rights

refer to the incidents of the power and not to other interests of the decedent in the property. If effective under local law, the power may be disclaimed or renounced without disclaiming or renouncing such other interests.

* * * * *

Par. 3. There is added immediately after § 20.2044–1, the following new § 20.2046–1:

§ 20.2046–1 Disclaimed property.

This section shall apply to the disclaimer or renunciation of a taxable transfer creating an interest in the person disclaiming made after December 31, 1976. If a qualified disclaimer is made with respect to such a transfer, the Federal estate tax provisions are to apply with respect to the property interest disclaimed as if the interest had never been transferred to the person making the disclaimer. See section 2518 and the corresponding regulations for rules relating to a qualified disclaimer.

Par. 4. Section 20.2055–2(c) is revised to read as follows:

§ 20.2055–2 Transfers not exclusively for charitable purposes.

* * * * *

(c) *Disclaimers*—(1) *Decedents dying after December 31, 1976.* In the case of a bequest, devise, or transfer made by a decedent dying after December 31, 1976, the amount of a bequest, devise or transfer for which a deduction is allowable under section 2055 includes an interest which falls into the bequest, devise or transfer as the result of either—

(i) A qualified disclaimer (see section 2518 and the corresponding regulations for rules relating to a qualified disclaimer), or

(ii) The complete termination of a power to consume, invade, or appropriate property for the benefit of an individual by reason of the death of such individual or for any other reason, if the termination occurs within the period of time (including extensions) for filing the decedent's Federal estate tax return and before such power has been exercised.

(2) *Decedents dying before January 1, 1977.* In the case of a bequest, devise or transfer made by a decedent dying before January 1, 1977, the amount of a bequest, devise or transfer, for which a deduction is allowable under section 2055 includes an interest which falls into the bequest, devise or transfer as a result of either—

(i) A disclaimer of a bequest, devise, transfer, or power, if the disclaimer is made within 9 months (15 months if the decedent died on or before December 31, 1970) after the decedent's death (the period of time within which the estate tax return must be filed under section 6075) or within any extension of time for filing the, return granted pursuant to section 6081, and the disclaimer is irrevocable at the time the deduction is allowed, or

(ii) The complete termination of a power to consume, invade, or appropriate property for the benefit of an individual (whether the termination occurs by reason of the death of the individual, or otherwise) if the termination occurs within the period described in paragraph (c)(2)(i) of this section and before the power has been exercised. Ordinarily, a disclaimer made by a person not under any legal disability will be considered irrevocable when filed with the probate court. A disclaimer is a complete and unqualified refusal to accept the right to which one is entitled. Thus, if a beneficiary uses these rights for his own purposes, as by receiving a consideration for his formal disclaimer, he has not refused the rights to which he was entitled. There can be no disclaimer after an acceptance of these rights, expressly or impliedly. The disclaimer of a power is to be distinguished from the release or exercise of a power. The release or exercise of a power by the donee of the power in favor of a person or object described in paragraph (a) of § 20.2055–1 does not result in any deduction under section 2055 in the estate of the donor of a power (but see paragraph (b)(1) of § 20.2055–1 with respect to the donee's estate).

* * * * *

Par. 5. Section 20.2056(a)–1(a) is amended by removing the phrase "§ 20.2056(f)–1 states special rules concerning disclaimers of interests in property;" from the last sentence and inserting in its place "§§ 20.2056(d)–1 and 20.2056(d)–2 state special rules concerning disclaimers of interests in property;".

Par. 6. Section 20.2056(a)–1 (b)(2) is amended by adding "§ 20.2056(d)–(2)" to follow "§ 20.2056(d)–1,".

Par 7. Section 20.2056(d)–1 is revised to read as set forth below, and a new § 20.2056(d)–2 is added to read as set forth below:

§ 20.2056(d)–1 Marital deduction; effect of disclaimers of post-December 31, 1976 transfers.

(a) *Disclaimer by a surviving spouse.* If a surviving spouse disclaims an interest in property passing to such spouse from the decedent in a taxable transfer made after December 31, 1976, the efficacy of the disclaimer will be determined by section 2518 and the corresponding regulations. If a qualified disclaimer is determined to have been made by the surviving spouse, the property interest disclaimed is treated as if such interest had never been transferred to the surviving spouse.

(b) *Disclaimer by a person other than a surviving spouse.* If an interest in property passes to one other than the surviving spouse from a decedent in a taxable transfer made after December 31, 1976, and—

(1) The person other than the surviving spouse makes a qualified disclaimer with respect to such interest in property, and

(2) The surviving spouse is entitled to such interest in property as a result of such disclaimer, the disclaimed interest is treated as passing directly from the decedent to the surviving spouse. If the disclaimer is not a qualified disclaimer, the interest in property is considered as passing from the decedent to the person who made the disclaimer as if the disclaimer had not been made. See section 2518 and the corresponding regulations for rules relating to a qualified disclaimer.

§ 20.2056(d)–2 Marital deduction; effect of disclaimers of pre-January 1, 1977 transfers.

(a) *Disclaimer by a surviving spouse.* If an interest in property passes to a decedent's surviving spouse in a taxable transfer made by a decedent dying before January 1, 1977, and the decedent's surviving spouse makes a disclaimer of this property interest the disclaimed interest is considered as passing from the decedent to the person or persons entitled to receive the interest as a result of the disclaimer. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. It is, therefore, necessary to distinguish between the surviving spouse's disclaimer of a property interest and such surviving spouse's acceptance and subsequent disposal of a property interest. For example, if proceeds of insurance are payable to the surviving spouse and the proceeds are refused so that they consequently pass to an alternate beneficiary designated by the decedent, the proceeds are considered as having passed from the decedent to the alternate beneficiary. On the other hand, if the insurance company is directed by the surviving spouse to hold the proceeds at interest during such spouse's life and, upon this spouse's death, to pay the principal sum to another person designated by the surviving spouse, thus effecting a transfer of a remainder interest, the proceeds are considered as having

passed from the decedent to the surviving spouse. See paragraph (c) of § 20.2056(e)–2 with respect to a spouse's exercise or failure to exercise a right to take against a decedent's will.

(b) *Disclaimer by a person other than a surviving spouse*—(1) *Decedents dying after October 3, 1966 and before January 1, 1977.* This paragraph (b)(1) applies in the case of a disclaimer of property passing to one other than the surviving spouse from a decedent dying after October 3, 1966 and before January 1, 1977. If a surviving spouse is entitled to receive property from the decedent as a result of the timely disclaimer made by the disclaimant, the property received by the surviving spouse is to be treated as passing to the surviving spouse from the decedent. Both a disclaimer of property passing by the laws of intestacy or otherwise, as by insurance or by trust, and a disclaimer of bequests and devises under the will of a decedent are to be fully effective for purposes of computing the marital deduction under section 2056. A disclaimer is a complete and unqualified refusal to accept some or all of the rights to which one is entitled. It must be a valid refusal under State law and must be made without consideration. For example, a disclaimer for the benefit of a surviving spouse who promises to give or bequeath property to a child of the person who disclaims is not a disclaimer within the meaning of this paragraph (b)(1). The disclaimer must be made before the person disclaiming accepts any property under the disclaimed interest. In the case of property transferred by a decedent dying after December 31, 1970, and before January 1, 1977, the disclaimer must be made within 9 months after the decedent's death (or within any extension of time for filing the estate tax return granted pursuant to section 6081). In the case of property transferred by a decedent dying after October 3, 1966, and before January 1, 1971, the disclaimer must be made within 15 months after the decedent's death (or within any extension of time for filing the estate tax return granted pursuant to section 6081). If the disclaimer does not satisfy the requirements of this paragraph (b)(1), for the purpose of the marital deduction, the property is considered as passing from the decedent to the person who made the disclaimer as if the disclaimer had not been made.

(2) *Decedents dying after September 30, 1963 and before October 4, 1966.* This paragraph (b)(2) applies in the case of a disclaimer of property passing to one other than the surviving spouse from a decedent dying after September 30, 1963 and before October 4, 1966. If, as a result of the disclaimer by the disclaimant, the surviving spouse is entitled to receive the disclaimed property interest, then such interest shall, for the purposes of this paragraph (b)(2), be considered as passing from the decedent to the surviving spouse if the following conditions are met. First, the interest disclaimed was bequeathed or devised to the disclaimant. Second, the disclaimant disclaimed all bequests and devises under the will before the date prescribed for the filing of the estate tax return. Third, the disclaimant did not accept any property under the bequest or devise before making the disclaimer.

The interests passing by disclaimer to the surviving spouse under this paragraph (b)(2) are to qualify for the marital deduction only to the extent that, when added to any other allowable marital deduction without regard to this paragraph (b)(2), they do not exceed the greater of the deductions which would be allowable for the marital deduction without regard to the disclaimer if the surviving spouse exercised the election under State law to take against the will, or an amount equal to one-third of the decedent's adjusted gross estate. If the disclaimer does not satisfy the requirements of this paragraph (b)(2), the property is treated as passing from the decedent to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

(3) *Decedents dying before October 4, 1966.* Unless the rule of paragraph (b)(2) of this section applies, this paragraph (b)(3) applies in the case of a disclaimer of property passing to one other than the surviving spouse from a decedent dying before October 4, 1966. For the purpose of these transfers, it is unnecessary to distinguish for the purpose of the marital deduction between a disclaimer by a person other than the surviving spouse and a transfer by such person. If the surviving spouse becomes entitled to receive an interest in property from the decedent as a result of a disclaimer made by some other person, the interest is, nevertheless, considered as having passed from the decedent, not to the surviving spouse, but to the person who made the disclaimer, as though the disclaimer had not been made. If, as a result of a disclaimer made by a person other than the surviving spouse, a property interest passes to the surviving spouse under circumstances which meet the conditions set forth in § 20.2056(b)–5 (relating to a life estate with a power of appointment), the rule stated in the preceding sentence applies, not only with respect to the portion of the interest which beneficially vests in the surviving spouse, but also with respect to the portion over which such spouse acquires a power to appoint. The rule applies also in the case of proceeds under a life insurance, endowment, or annuity contract which, as a result of a disclaimer made by a person other than the surviving spouse, are held by the insurer subject to the conditions set forth in § 20.2056(b)–6.

Gift Tax Regulations

PART 25—[AMENDED]

Par. 8. The authority citation for Part 25 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 9. Section 25.2511–1(c) is revised to read as follows:

§ 25.2511–1 Transfers in general.

* * * * *

(c) (1) The gift tax also applies to gifts indirectly made. Thus, any transaction in which an interest in property is gratuitously passed or conferred upon another, regardless of the means or device employed, constitutes a gift subject to tax. See further § 25.2512–8 relating to transfers for insufficient consideration. However, in the case of a taxable transfer creating an interest in the person disclaiming made after December 31, 1976, this paragraph (c)(1) shall not apply to the donee if, as a result of a qualified disclaimer by the donee, the property passes to a different donee. Nor shall it apply to a donor if, as a result of a qualified disclaimer by the donee, a completed transfer of an interest in property is not effected. See section 2518 and the corresponding regulations for rules relating to a qualified disclaimer.

(2) In the case of taxable transfers creating an interest in the person disclaiming made before January 1, 1977, where the law governing the administration of the decedent's estate gives a beneficiary, heir, or next-of-kin a right completely and unqualifiedly to refuse to accept ownership of property transferred from a decedent (whether the transfer is effected by the decedent's will or by the law of descent and distribution), a refusal to accept ownership does not constitute the making of a gift if the refusal is made within a reasonable time after knowledge of the existence of the transfer. The refusal must be unequivocal and effective under the local law. There can be no refusal of ownership of property after its acceptance. In the absence of the facts to the contrary, if a person fails to refuse to accept a transfer to him of ownership of a decedent's property within a

reasonable time after learning of the existence of the transfer, he will be presumed to have accepted the property. Where the local law does not permit such a refusal, any disposition by the beneficiary, heir, or next-of-kin whereby ownership is transferred gratuitously to another constitutes the making of a gift by the beneficiary, heir, or next-of-kin. In any case where a refusal is purported to relate to only a part of the property, the determination of whether or not there has been a complete and unqualified refusal to accept ownership will depend on all of the facts and circumstances in each particular case, taking into account the recognition and effectiveness of such a purported refusal under the local law. In illustration, if Blackacre was devised to A under the decedent's will (which also provided that all lapsed legacies and devises shall go to B, the residuary beneficiary), and under the local law A could refuse to accept ownership in which case title would be considered as never having passed to A, A's refusal to accept Blackacre within a reasonable time of learning of the devise will not constitute the making of a gift by A to B. However, if a decedent who owned Greenacre died intestate with C and D as his only heirs, and under local law the heir of a decedent cannot, by refusal to accept, prevent himself from becoming an owner of intestate property, any gratuitous disposition by C (by whatever term it is known) whereby he gives up his ownership of a portion of Greenacre and D acquires the whole thereof constitutes the making of a gift by C to D.

* * * * *

Par. 10. Section 25.2514–3 is amended by revising the heading to paragraph (c), by adding headings to paragraphs (c)(1) through (c)(4), by revising paragraph (c)(5), and by adding a new paragraph (c)(6). The added and revised provisions of § 25.2514–3(c) read as follows:

§ 25.2514–3 Powers of appointment created after October 21, 1942.

* * * * *

(c) *Partial releases, lapses, and disclaimers of general powers of appointment created after October 21, 1942—(1) Partial release of power.* * * *

(2) *Power partially released before June 1, 1951.* * * *

(3) *Power partially released after May 31, 1951.* * * *

(4) *Release or lapse of power.* * * *

(5) *Disclaimer of power created after December 31, 1976.* A disclaimer or renunciation of a general power of appointment created in a taxable transfer after December 31, 1976, in the person disclaiming is not considered a release of the power for gift tax purposes if the disclaimer or renunciation is a qualified disclaimer as described in section 2518 and the corresponding regulations. If the disclaimer or renunciation is not a qualified disclaimer, it is considered a release of the power.

(6) *Disclaimer of power created before January 1, 1977.* A disclaimer or renunciation of a general power of appointment created in a taxable transfer before January 1, 1977, in the person disclaiming is not considered a release of the power. The disclaimer or renunciation must be unequivocal and effective under local law. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. There can be no disclaimer or renunciation of a power after its acceptance. In the absence of facts to the contrary, the failure to renounce or disclaim within a reasonable time after learning of the existence of a power shall be presumed to constitute an acceptance of the power. In any case where a power is purported to be disclaimed or renounced as to only a portion of the property subject to the power, the determination as to whether there has been a complete and unqualified refusal to accept the rights to which one is entitled will depend on all the facts and circumstances of the particular case, taking into account the recognition and effectiveness of such a disclaimer under local law. Such rights refer to the incidents of the power and not to other interests of the possessor of the power in the property. If effective under local law, the power may be disclaimed or renounced without disclaiming or renouncing such other interests.

* * * * *

Par. 11. New §§ 25.2518–1, 25.2518–2, and 25.2518–3 are added immediately after § 25.2517–1 to read as follows:

§ 25.2518–1 Qualified disclaimers of property; in general.

(a) *Applicability*—(1) *In general.* The rules described in §§ 25.2518–1 through 25.2518–3 apply to the qualified disclaimer of an interest in property which is created in the person disclaiming by a taxable transfer made after December 31, 1976. In general, a qualified disclaimer is an irrevocable and unqualified refusal to accept the ownership of an interest in property. For rules relating to the determination of when a transfer occurs, see § 25.2518–2 (c) (3) and (4).

(2) *Example.* The provisions of paragraph (a)(1) of this section may be illustrated by the following example:

Example. W creates an irrevocable trust on December 10, 1968, and retains the right to receive the income for life. Upon the death of W, which occurs after December 31, 1976, the trust property is distributable to W's surviving issue, *per stirpes*. The creation of the remainder interest in the trust was a taxable transfer. Therefore, section 2518 does not apply to the disclaimer of the remainder interest because the taxable transfer was made prior to January 1, 1977. If, however, W had also retained the power to designate the person or persons to receive the trust principal at her death, and as a result no taxable gift was made of the remainder interest at the time of the creation of the trust, section 2518 would apply to any disclaimer made after W's death with respect to an interest in the trust property.

(b) *Effect of a qualified disclaimer.* If a person makes a qualified disclaimer as described in section 2518(b) and § 25.2518–2, for purposes of the Federal estate, gift, and generation-skipping transfer tax provisions, the disclaimed interest in property is treated as if it had never been transferred to the person making the qualified disclaimer. Instead, it is considered as passing directly from the transferor of the property to the person entitled to receive the property as a result of the disclaimer. Accordingly, a person making a qualified disclaimer is not treated as making a gift. Similarly, the value of a decedent's gross estate for purposes of the Federal estate tax does not include the value of property with respect to which the decedent, or the decedent's executor or administrator on behalf of the decedent, has made a qualified disclaimer. If the disclaimer is not a qualified disclaimer, for the purposes of the Federal estate, gift, and generation-skipping transfer tax provisions, the disclaimer is disregarded and the disclaimant is treated as having received the interest.

(c) *Effect of local law*—(1) *In general*—(i) *Interests created before 1982.* A disclaimer of an interest created in a taxable transfer before 1982 which otherwise meets the requirements of a qualified disclaimer under section 2518 and the corresponding regulations but which, by itself, is not effective under applicable local law to divest ownership of the disclaimed property from the disclaimant and vest it in another, is nevertheless treated as a qualified disclaimer under section 2518 if, under applicable local law, the disclaimed interest in property is transferred, as a result of attempting the disclaimer, to another person without any direction on the part of the disclaimant. An interest in property will not be considered to be transferred without any direction on the part of the disclaimant if, under

applicable local law, the disclaimant has any discretion (whether or not such discretion is exercised) to determine who will receive such interest. Actions by the disclaimant which are required under local law merely to divest ownership of the property from the disclaimant and vest ownership in another person will not disqualify the disclaimer for purposes of section 2518(a). See § 25.2518-2(d)(1) for rules relating to the immediate vesting of title in the disclaimant.

(ii) *Interests created after 1981.* [Reserved].

(2) *Creditor's claims.* The fact that a disclaimer is voidable by the disclaimant's creditors has no effect on the determination of whether such disclaimer constitutes a qualified disclaimer. However, a disclaimer that is wholly void or that is voided by the disclaimant's creditors cannot be a qualified disclaimer.

(3) *Examples.* The provisions of paragraphs (c) (1) and (2) of this section may be illustrated by the following examples:

Example (1). F dies testate in State Y on June 17, 1978. G and H are beneficiaries under the will. The will provides that any disclaimed property is to pass to the residuary estate. H has no interest in the residuary estate. Under the applicable laws of State Y, a disclaimer must be made within 6 months of the death of the testator. Seven months after F's death, H disclaimed the real property H received under the will. The disclaimer statute of State Y has a provision stating that an untimely disclaimer will be treated as an assignment of the interest disclaimed to those persons who would have taken had the disclaimer been valid. Pursuant to this provision, the disclaimed property became part of the residuary estate. Assuming the remaining requirements of section 2518 are met, H has made a qualified disclaimer for purposes of section 2518 (a).

Example (2). Assume the same facts as in example (1) except that the law of State Y does not treat an ineffective disclaimer as a transfer to alternative takers. H assigns the disclaimed interest by deed to those who would have taken had the disclaimer been valid. Under these circumstances, H has not made a qualified disclaimer for purposes of section 2518 (a) because the disclaimant directed who would receive the property.

Example (3). Assume the same facts as in example (1) except that the law of State Y requires H to pay a transfer tax in order to effectuate the transfer under the ineffective disclaimer provision. H pays the transfer tax. H has make a qualified disclaimer for purposes of section 2518 (a).

(d) *Cross-reference.* For rules relating to the effect of qualified disclaimers on the estate tax charitable and marital deductions, see §§ 20.2055-2(c) and 20.2056(d)-1 respectively. For rules relating to the effect of a qualified disclaimer of a general power of appointment, see § 20.2041-3(d).

§ 25.2518-2 Requirements for a qualified disclaimer.

(a) *In general.* For the purposes of section 2518(a), a disclaimer shall be a qualified disclaimer only if it satisfies the requirements of this section. In general, to be a qualified disclaimer—

(1) The disclaimer must be irrevocable and unqualified:

(2) The disclaimer must be in writing;

(3) The writing must be delivered to the person specified in paragraph (b) (2) of this section within the time limitations specified in paragraph (c)(1) of this section;

(4) The disclaimant must not have accepted the interest disclaimed or any of its benefits; and

(5) The interest disclaimed must pass either to the spouse of the decedent or to a person other than the disclaimant without any direction on the part of the person making the disclaimer.

(b) *Writing*—(1) *Requirements.* A disclaimer is a qualified disclaimer only if it is in writing. The writing must identify the interest in property disclaimed and be signed either by the disclaimant or by the disclaimant's legal representative.

(2) *Delivery.* The writing described in paragraph (b) (1) of this section must be delivered to the transferor of the interest, the transferor's legal representative, the holder of the legal title to the property to which the interest relates, or the person in possession of such property.

(c) *Time limit*—(1) *In general.* A disclaimer is a qualified disclaimer only if the writing described in paragraph (b) (1) of this section is delivered to the persons described in paragraph (b) (2) of this section no later than the date which is 9 months after the later of—

(i) The date on which the transfer creating the interest in the disclaimant is made, or

(ii) The day on which the disclaimant attains age 21.

(2) *A timely mailing of a disclaimer treated as a timely delivery.* Although section 7502 and the regulations under that section apply only to documents to be filed with the Service, a timely mailing of a disclaimer to the person described in paragraph (b) (2) of this section is treated as a timely delivery if the mailing requirements under paragraphs (c) (1), (c) (2) and (d) of § 301.7502-1 are met. Further, if the last day of the period specified in paragraph (c) (1) of this section falls on Saturday, Sunday or a legal holiday (as defined in paragraph (b) of § 301.7503-1), then the delivery of the writing described in paragraph (b) (1) of this section shall be considered timely if delivery is made on the first succeeding day which is not Saturday, Sunday or a legal holiday. See paragraph (d) (3) of this section for rules applicable to the exception for individuals under 21 years of age.

(3) *Transfer.* For purposes of the time limitation described in paragraph (c) (1) (i) of this section, the 9-month period for making a disclaimer generally is to be determined with reference to the taxable transfer creating the interest in the disclaimant. With respect to inter vivos transfers, a taxable transfer occurs when there is a completed gift for Federal gift tax purposes regardless of whether a gift tax is imposed on the completed gift. Thus, gifts qualifying for the gift tax annual exclusion under section 2503(b) are regarded as taxable transfers for this purpose. With respect to transfers made by a decedent at death or transfers which become irrevocable at death, a taxable transfer occurs upon the date of the decedent's death. However, where there is a taxable transfer of an interest for Federal gift tax purposes and such interest is later included in the transferor's gross estate for Federal estate tax purposes, the 9-month period for making a qualified disclaimer is determined with reference to the earlier taxable transfer. In the case of a general power of appointment, the holder of the power has a 9-month period after the creation of the power in which to disclaim. A person to whom any interest in property passes by reason of the exercise or lapse of a general power may disclaim such interest within a 9-month period after the exercise or lapse. In the case of a nongeneral power of appointment, the holder of the power, permissible appointees, or takers in default of appointment must disclaim within a 9-month period after the original taxable transfer that created or authorized the creation of the power. If the transfer is for the life of an income beneficiary with succeeding interests to other persons, both the life tenant and the other remaindermen, whether their interests are vested or contingent, must disclaim no later than 9 months after the original taxable transfer. In the case of a remainder interest in property which an executor elects to treat as qualified terminable interest property under section 2056(b)(7), the remainderman must disclaim within 9 months of the transfer creating the interest, rather than 9 months from the date such interest is subject to tax under section 2044 or 2519. A person who receives an interest in property as the result of a qualified disclaimer of the interest must disclaim

the previously disclaimed interest no later than 9 months after the date of the taxable transfer creating the interest in the preceding disclaimant. Thus, if A were to make a qualified disclaimer of a specific bequest and as a result of the qualified disclaimer the property passed as part of the residue, the beneficiary of the residue could make a qualified disclaimer no later than 9 months after the date of the testator's death. See paragraph (d)(3) of this section for the time limitation rule with reference to recipients who are under 21 years of age.

(4) *Joint property*—(i) *In general.* Except as otherwise provided in paragraph (c)(4)(ii) of this section, a qualified disclaimer under section 2518(a) of an interest or any portion of an interest in a joint tenancy or a tenancy by the entirety must be made no later than 9 months after the transfer creating the tenancy. Thus, a surviving joint tenant cannot disclaim any part of the interest, including the survivorship interest, if more than 9 months have passed since the transfer creating the joint tenancy. In addition, a joint tenant cannot make a qualified disclaimer of any portion of the joint interest attributable to consideration furnished by that tenant.

(ii) *Tenancies in real property between spouses created before 1982.* In the case of joint tenancies between spouses or a tenancy by the entirety in real property created after 1976 and before 1982 where no election was made under section 2515, the surviving spouse must make a qualified disclaimer no later than 9 months after the date of death of the first spouse to die. Such a qualified disclaimer will be effective for—

(A) The entire joint interest (except any portion attributable to consideration furnished by the surviving spouse) if the date of death of the deceased spouse is before 1982; or

(B) One-half the value of the joint interest if the date of death of the deceased spouse is after 1981.

See examples (7) and (8) under paragraph (c)(5) of this section.

(5) *Examples.* The provisions of paragraphs (c)(1) through (c)(4) of this section may be illustrated by the following examples. For purposes of the following examples, assume that all beneficiaries are over 21 years of age.

Example (1). On May 13, 1978, in a transfer which constitutes a completed gift for Federal gift tax purposes, A creates a trust in which B is given a lifetime interest in the income from the trust. B is also given a nongeneral testamentary power of appointment over the corpus of the trust. The power of appointment may be exercised in favor of any of the issue of A and B. If there are no surviving issue at B's death or if the power is not exercised, the corpus is to pass to E. On May 13, 1978, A and B have two surviving children, C and D. If A, B, C or D wishes to make a qualified disclaimer, the disclaimer must be made no later than 9 months after May 13, 1978.

Example (2). Assume the same facts as in example (1) except that B is given a general power of appointment over the corpus of the trust. B exercises the general power of appointment in favor of C upon B's death on June 17, 1989. C may make a qualified disclaimer no later than 9 months after June 17, 1989. If B had died without exercising the general power of appointment, E could have made a qualified disclaimer no later than 9 months after June 17, 1989.

Example (3). F creates a trust on April 1, 1978, in which F's child G is to receive the income from the trust for life. Upon G's death, the corpus of the trust is to pass to G's child H. If either G or H wishes to make a qualified disclaimer, it must be made no later than 9 months after April 1, 1978.

Example (4). A creates a trust on February 15, 1978, in which B is named the income beneficiary for life. The trust further provides that upon B's death the proceeds of the trust are to pass to C, if then living. If C predeceases D, the proceeds shall pass to D or D's estate. To have timely disclaimers for purposes of section 2518, B, C, and D must disclaim their respective interests no later than 9 months after February 15, 1978.

Example (5). A, a resident of State Q, dies on January 10, 1979, devising certain real property to B. The disclaimer laws of State Q require that a disclaimer be made within a reasonable time after a transfer. B disclaims the entire interest in real property on November 10, 1979. Although B's disclaimer may be effective under State Q law, it is not a qualified disclaimer under section 2518 because the disclaimer was made later than 9 months after the taxable transfer to B.

Example (6). A creates a revocable trust on June 1, 1980, in which B and C are given the income interest for life. Upon the death of the last income beneficiary, the remainder interest is to pass to D. The creation of the trust is not a completed gift for Federal gift tax purposes, but each distribution of trust income to B and C is a completed gift at the date of distribution. B and C disclaim each income distribution no later than 9 months after the date of the particular distribution. In order to disclaim an income distribution in the form of a check, the recipient must return the check to the trustee uncashed along with a written disclaimer. A dies on September 1, 1982, causing the trust to become irrevocable, and the trust corpus is includible in A's gross estate for Federal estate tax purposes under section 2038. If B or C wishes to make a qualified disclaimer of his income interest, he must do so no later than 9 months after September 1, 1982. If D wishes to make a qualified disclaimer of his remainder interest, he must do so no later than 9 months after September 1, 1982.

Example (7). On March 1, 1977, H and W purchase a tract of vacant land which is conveyed to them as tenants by the entirety. The entire consideration is paid by H. H does not elect, under section 2515, to have the transaction treated as a transfer for purposes of Chapter 12. H dies on June 1, 1981. On October 1, 1981, W disclaims the property. Assuming the other requirements of section 2518(b) are satisfied, W has made a qualified disclaimer because the transfer which created W's interest is treated as not occurring until H's death since no election was made under section 2515. Had an election been made under section 2515, then W's disclaimer of any of W's interest in the property would not be a qualified disclaimer.

Example (8). Assume the same facts as in example (7) except that H dies on September 3, 1984. W has until 9 months after September 3, 1984 to make a qualified disclaimer, but she can only make a qualified disclaimer of one-half of the joint interest.

Example (9). On July 1, 1980, B transfers $10,000 to a bank account which is held jointly by B and C. Assume the transfer is not a completed gift for Federal gift tax purposes. The funds in the bank account may be withdrawn in full by either B or C at any time. C never receives funds from the bank account. B dies on August 15, 1989, and C disclaims the amount in the bank account on October 15, 1989. Assuming the remaining requirements of section 2518 (b) are satisfied, C made a qualified disclaimer under section 2518 (a) because it was made no later than 9 months after the taxable transfer that created an interest in C.

Example (10). H and W reside in State X, a community property state. On April 1, 1978, H and W purchase real property with community funds. The property is not held by H and W as jointly owned property with rights of survivorship. H and W hold the property until January 3, 1985, when H dies. H devises his portion of the property to W. On March 15, 1985, W disclaims the portion of the property devised to her by H. Assuming all the other requirements of section 2518 (b) have been met, W has made a qualified disclaimer of the interest devised to her by H. However, W could not disclaim the interest in the property that she acquired on April 1, 1978.

(d) *No acceptance of benefits*—(1) *Acceptance.* A qualified disclaimer cannot be made with respect to an interest in property if the disclaimant has accepted the interest or any of its benefits, expressly or impliedly, prior to making the disclaimer. Acceptance is manifested by an affirmative act which is consistent with ownership of the interest in property. Acts indicative of acceptance include using the property or the interest in property; accepting dividends, interest, or rents from the property; and directing others to act with respect to the property or interest in property. However, merely taking delivery of an instrument of title, without more, does not constitute acceptance. Moreover, a disclaimant is not considered to have accepted property merely because under applicable local law title to the property

vests immediately in the disclaimant upon the death of a decedent. The acceptance of one interest in property will not, by itself, constitute an acceptance of any other separate interests created by the transferor and held by the disclaimant in the same property. In the case of residential property, held in joint tenancy by some or all of the residents, a joint tenant will not be considered to have accepted the joint interest merely because the tenant resided on the property prior to disclaiming his interest in the property. The exercise of a power of appointment to any extent by the donee of the power is an acceptance of its benefits. In addition, the acceptance of any consideration in return for making the disclaimer is an acceptance of the benefits of the entire interest disclaimed.

(2) *Fiduciaries.* If a beneficiary who disclaims an interest in property is also a fiduciary, actions taken by such person in the exercise of fiduciary powers to preserve or maintain the disclaimed property shall not be treated as an acceptance of such property or any of its benefits. Under this rule, for example, an executor who is also a beneficiary may direct the harvesting of a crop or the general maintenance of a home. A fiduciary, however, cannot retain a wholly discretionary power to direct the enjoyment of the disclaimed interest. For example, a fiduciary's disclaimer of a beneficial interest does not meet the requirements of a qualified disclaimer if the fiduciary exercised or retains a discretionary power to allocate enjoyment of that interest among members of a designated class. See paragraph (e) of this section for rules relating to the effect of directing the redistribution of disclaimed property.

(3) *Under 21 years of age.* A beneficiary who is under 21 years of age has until 9 months after his twenty-first birthday in which to make a qualified disclaimer of his interest in property. Any actions taken with regard to an interest in property by a beneficiary or a custodian prior to the beneficiary's twenty-first birthday will not be an acceptance by the beneficiary of the interest.

(4) *Examples.* The provisions of paragraphs (d) (1), (2) and (3) of this section may be illustrated by the following examples:

Example (1). On April 9, 1977, A established a trust for the benefit of B, then age 22. Under the terms of the trust, the current income of the trust is to be paid quarterly to B. Additionally, one half the principal is to be distributed to B when B attains the age of 30 years. The balance of the principal is to be distributed to B when B attains the age of 40 years. Pursuant to the terms of the trust, B received a distribution of income on June 30, 1977. On August 1, 1977, B disclaimed B's right to receive both the income from the trust and the principal of the trust. B's disclaimer of the income interest is not a qualified disclaimer for purposes of section 2518(a) because B accepted income prior to making the disclaimer. B's disclaimer of the principal, however, does satisfy section 2518(b)(3). See also § 25.2518–3 for rules relating to the disclaimer of less than an entire interest in property.

Example (2). B is the recipient of certain property devised to B under the will of A. The will stated that any disclaimed property was to pass to C. B and C entered into negotiations in which it was declined that B would disclaim all enterest in the real property that was devised to B. In exchange, C promised to let B live in the family home for life. B's disclaimer is not a qualified disclaimer for purposes of section 2518(a) because B accepted consideration for making the disclaimer.

Example (3). A received a gift of Blackacre on December 25, 1978. A never resided on Blackacre but when property taxes on Blackacre became due on July 1, 1979, A paid them out personal funds. On August 15, 1979, A disclaimed the gift of Blackacre. Assuming all the requirements of section 2518 (b) have been met, A has made a qualified disclaimer of Blackacre. Merely paying the property taxes does not constitute an acceptance of Blackacre even though A's personal funds were used to pay the taxes.

Example (4). A died on February 15, 1978. Pursuant to A's will, B received a farm in State Z. B requested the executor to sell the farm and to give the proceeds to B. The executor then sold the farm pursuant to B's request. B then disclaimed $50,000 of the proceeds from the sale of the farm. B's disclaimer is not a qualified disclaimer. By requesting the executor to sell the farm B accepted the farm even though the executor may not have been legally obligated to comply with B's request. See also § 25.2518–3 for rules relating to the disclaimer of less than an entire interest in property.

Example (5). Assume the same facts as in example (4) except that instead of requesting the executor to sell the farm, B pledged the farm as security for a short-term loan which was paid off prior to distribution of the estate. B then disclaimed his interest in the farm. B's disclaimer is not a qualified disclaimer. By pledging the farm as security for the loan, B accepted the farm.

Example (6). A delivered 1,000 shares of stock in Corporation X to B as a gift on February 1, 1980. A had the shares registered in B's name on that date. On April 1, 1980, B disclaimed the interest in the 1,000 shares. Prior to making the disclaimer, B did not pledge the shares, accept any dividends or otherwise commit any acts indicative of acceptance. Assuming the remaining requirements of section 2518 are satisfied, B's disclaimer is a qualified disclaimer.

Example (7). On January 1, 1980, A created an irrevocable trust in which B was given a testamentary general power of appointment over the trust's corpus. B executed a will on June 1, 1980, in which B provided for the exercise of the power of appointment. On September 1, 1980, B disclaimed the testamentary power of appointment. Assuming the remaining requirements of section 2518 (b) are satisfied, B's disclaimer of the testamentary power of appointment is a qualified disclaimer.

Example (8). H and W reside in X, a community property state. On January 1, 1981, H and W purchase a residence with community funds. They continue to reside in the house until H dies testate on February 1, 1990. Although H could devise his portion of the residence to any person, H devised his portion of the residence to W. On September 1, 1990, W disclaims the portion of the residence devised to her pursuant to H's will but continues to live in the residence. Assuming the remaining requirements of section 2518(b) are satisfied, W's disclaimer is a qualified disclaimer under section 2518 (a). W's continued occupancy of the house prior to making the disclaimer will not by itself be treated as an acceptance of the benefits of the portion of the residence devised to her by H.

Example (9). In 1979, D established a trust for the benefit of D's minor children E and F. Under the terms of the trust, the trustee is given the power to make discretionary distributions of current income and corpus to both children. The corpus of the trust is to be distributed equally between E and F when E becomes 35 years of age. Prior to attaining the age of 21 years on April 8, 1982, E receives several distributions of income from the trust. E receives no distributions of income between April 8, 1982 and August 15, 1982, which is the date on which E disclaims all interest in the income from the trust. As a result of the disclaimer the income will be distributed to F. If the remaining requirements of section 2518 are met, E's disclaimer is a qualified disclaimer under section 2518(a). To have a qualified disclaimer of the interest in corpus, E must disclaim the interest no later than 9 months after April 8, 1982, E's 21st birthday.

Example (10). Assume the same facts as in example (9) except that E accepted a distribution of income on May 13, 1982. E's disclaimer is not a qualified disclaimer under section 2518 because by accepting an income distribution after attaining the age of 21, E accepted benefits from the income interest.

Example (11). F made a gift of 10 shares of stock to G as custodian for H under the State X Uniform Gifts to Minors Act. At the time of the gift, H was 15 years old. At age 18, the local age of majority, the 10 shares were delivered to and registered in the name of H. Between the receipt of the shares and H's 21st birthday, H received dividends from the shares. Within 9 months of attaining age 21, H disclaimed the 10 shares. Assuming H did not accept any dividends from the shares after attaining age 21, the disclaimer by H is a qualified disclaimer under section 2518.

(e) *Passage without direction by the disclaimant of beneficial enjoyment of disclaimed interest*—(1) *In general.* A disclaimer is not a qualified disclaimer unless the disclaimed interest passes without any direction on the part of the

disclaimant to a person other than the disclaimant (except as provided in paragraph (e)(2) of this section). If there is an express or implied agreement that the disclaimed interest in property is to be given or bequeathed to a person specified by the disclaimant, the disclaimant shall be treated as directing the transfer of the property interest. The requirements of a qualified disclaimer under section 2518 are not satisfied if—

(i) The disclaimant, either alone or in conjunction with another, directs the redistribution or transfer of the property or interest in property to another person (or has the power to direct the redistribution or transfer of the property or interest in property to another person unless such power is limited by an ascertainable standard); or

(ii) The disclaimed property or interest in property passes to or for the benefit of the disclaimant as a result of the disclaimer (except as provided in paragraph (e)(2) of this section).

If a power of appointment is disclaimed, the requirements of this paragraph (e)(1) are satisfied so long as there is no direction on the part of the disclaimant with respect to the transfer of the interest subject to the power or with respect to the transfer of the power to another person. A person may make a qualified disclaimer of a beneficial interest in property even if after such disclaimer the disclaimant has a fiduciary power to distribute to designated beneficiaries, but only if the power is subject to an ascertainable standard. See examples (11) and (12) of paragraph (e)(5) of this section.

(2) *Disclaimer by surviving spouse.* In the case of a disclaimer made by a decedent's surviving spouse with respect to property transferred by the decedent, the disclaimer satisfies the requirements of this paragraph (e) if the interest passes as a result of the disclaimer without direction on the part of the surviving spouse either to the surviving spouse or to another person. If the surviving spouse, however, retains the right to direct the beneficial enjoyment of the disclaimed property in a transfer that is not subject to Federal estate and gift tax (whether as trustee or otherwise), such spouse will be treated as directing the beneficial enjoyment of the disclaimed property, unless such power is limited by an ascertainable standard. See examples (4), (5), and (6) in paragraph (e)(5) of this section.

(3) *Partial failure of disclaimer.* If a disclaimer made by a person other than the surviving spouse is not effective to pass completely an interest in property to a person other than the disclaimant because—

(i) The disclaimant also has a right to receive such property as an heir at law, residuary beneficiary, or by any other means; and

(ii) The disclaimant does not effectively disclaim these rights, the disclaimer is not a qualified disclaimer with respect to the portion of the disclaimed property which the disclaimant has a right to receive. If the portion of the disclaimed interest in property which the disclaimant has a right to receive is not severable property or an undivided portion of the property, then the disclaimer is not a qualified disclaimer with respect to any portion of the property. Thus, for example, if a disclaimant who is not a surviving spouse receives a specific bequest of a fee simple interest in property and as a result of the disclaimer of the entire interest, the property passes to a trust in which the disclaimant has a remainder interest, then the disclaimer will not be a qualified disclaimer unless the remainder interest in the property is also disclaimed. See § 25.2518–3 (a)(1)(ii) for the definition of severable property.

(4) *Effect of precatory language.* Precatory language in a disclaimer naming takers of disclaimed property will not be considered as directing the redistribution or transfer of the property or interest in property to such persons if the applicable State law gives the language no legal effect.

(5) *Examples.* The provisions of this paragraph (e) may be illustrated by the following examples:

Example (1). A, a resident of State X, died on July 30, 1978. Pursuant to A's will, B, A's son and heir at law, received the family home. In addition, B and C each received 50 percent of A's residuary estate. B disclaimed the home. A's will made no provision for the distribution of property in the case of a beneficiary's disclaimer. Therefore, pursuant to the disclaimer laws of State X, the disclaimed property became part of the residuary estate. Because B's 50 precent share of the residuary estate will be increased by 50 percent of the value of the family home, the disclaimed property will not pass solely to another person. Consequently, B's disclaimer of the family home is a qualified disclaimer only with respect to the 50 percent portion that passes solely to C. Had B also disclaimed B's 50 percent interest in the residuary estate, the disclaimer would have been a qualified disclaimer under section 2518 of the entire interest in the home (assuming the remaining requirements of a qualified disclaimer were satisfied). Similarly, if under the laws of State X, the disclaimer has the effect of divesting B of all interest in the home, both as devisee and as a beneficiary of the residuary estate, including any property resulting from its sale, the disclaimer would be a qualified disclaimer of B's entire interest in the home.

Example (2). D, a resident of State Y, died testate on June 30, 1978. E, an heir at law of D, received specific bequests of certain severable personal property from D. E disclaimed the property transferred by D under the will. The will made no provision for the distribution of property in the case of a beneficiary's disclaimer. The disclaimer laws of State Y provide that such property shall pass to the decedent's heirs at law in the same manner as if the disclaiming beneficiary had died immediately before the testator's death. Because State Y's law treats E as predeceasing D, the property disclaimed by E does not pass to E as an heir at law or otherwise. Consequently, if the remaining requirements of section 2518(b) are satisfied, E's disclaimer is a qualified disclaimer under section 2518(a).

Example (3). Assume the same facts as in example (2) except that State Y has no provision treating the disclaimant as predeceasing the testator. E's disclaimer satisfies section 2518 (b)(4) only to the extent that E does not have a right to receive the property as an heir at law. Had E disclaimed both the share E received under D's will and E's intestate share, the requirement of section 2518 (b)(4) would have been satisfied.

Example (4). B died testate on February 13, 1980. B's will established both a marital trust and a nonmarital trust. The decedent's surviving spouse, A, is an income beneficiary of the marital trust and has a testamentary general power of appointment over its assets. A is also an income beneficiary of the nonmarital trust, but has no power to appoint or invade the corpus. The provisions of the will specify that any portion of the marital trust disclaimed is to be added to the nonmarital trust. A disclaimed 30 percent of the marital trust. (See § 25.2518–3 (b) for rules relating to the disclaimer of an undivided portion of an interest in property.) Pursuant to the will, this portion of the marital trust property was transferred to the nonmarital trust without any direction on the part of A. This disclaimer by A satisfies section 2518 (b)(4).

Example (5). Assume the same facts as in example (4) except that A, the surviving spouse, has both an income interest in the nonmarital trust and a testamentary nongeneral power to appoint among designated beneficiaries. This power is not limited by an ascertainable standard. The requirements of section 2518 (b)(4) are not satisfied unless A also disclaims the nongeneral power to appoint the portion of the trust corpus that is attributable to the property that passed to the nonmarital trust as a result of A's disclaimer. Assuming that the fair market value of the disclaimed property on the date of the disclaimer is $250,000 and that the fair market value of the nonmarital trust (including the disclaimed property) immediately after the disclaimer is $750,000, A must disclaim the power to appoint one-third of the nonmarital trust's corpus. The result is the same regardless of whether the nongeneral power is testamentary or inter vivos.

Example (6). Assume the same facts as in example (4) except that A has both an income interest in the nonmarital trust and a

power to invade corpus if needed for A's health or maintenance. In addition, an independent trustee has power to distribute to A any portion of the corpus which the trustee determines to be desirable for A's happiness. Assuming the other requirements of section 2518 are satisfied, A may make a qualified disclaimer of interests in the marital trust without disclaiming any of A's interests in the nonmarital trust.

Example (7). B died testate on June 1, 1980. B's will created both a marital trust and a nonmarital trust. The decedent's surviving spouse, C, is an income beneficiary of the marital trust and has a testamentary general power of appointment over its assets. C is an income beneficiary of the nonmarital trust, and additionally has the noncumulative right to withdraw yearly the greater of $5,000 or 5 percent of the aggregate value of the principal. The provisions of the will specify that any portion of the marital trust disclaimed is to be added to the nonmarital trust. C disclaims 50 percent of the marital trust corpus. Pursuant to the will, this amount is transferred to the nonmarital trust. Assuming the remaining requirements of section 2518(b) are satisfied, C's disclaimer is a qualified disclaimer.

Example (8). A, a resident of State X, died on July 19, 1979. A was survived by a spouse B, and three children, C, D, and E. Pursuant to A's will, B received one-half of A's estate and the children received equal shares of the remaining one-half of the estate. B disclaimed the entire interest B had received. The will made no provisions for the distribution of property in the case of a beneficiary's disclaimer. The disclaimer laws of State X provide that under these circumstances disclaimed property passes to the decedent's heirs at law in the same manner as if the disclaiming beneficiary had died immediately before the testator's death. As a result, C, D, and E are A's only remaining heirs at law, and will divide the disclaimed property equally among themselves. B's disclaimer includes language stating that "it is my intention that C, D, and E will share equally in the division of this property as a result of my disclaimer." State X considers these to be precatory words and gives them no legal effect. B's disclaimer meets all other requirements imposed by State X on disclaimers, and is considered an effective disclaimer under which the property will vest solely in C, D, and E in equal shares without any further action required by B. Therefore, B is not treated as directing the redistribution or transfer of the property. If the remaining requirements of secton 2518 are met, B's disclaimer is a qualified disclaimer.

Example (9). C died testate on January 1, 1979. According to C's will, D was to receive ⅓ of the residuary estate with any disclaimed property going to E. D was also to receive a second ⅓ of the residuary estate with any disclaimed property going to F. Finally, D was to receive a final ⅓ of the residuary estate with any disclaimed property going to G. D specifically states that he is disclaiming the interest in which the disclaimed property is designated to pass to E. D has effectively directed that the disclaimed property will pass to E and therefore D's disclaimer is not a qualified disclaimer under section 2518(a).

Example (10). Assume the same facts as in example (9) except that C's will also states that D was to receive Blackacre and Whiteacre. C's will further provides that if D disclaimed Blackacre then such property was to pass to E and that if D disclaimed Whiteacre then Whiteacre was to pass to F. D specifically disclaims Blackacre with the intention that it pass to E. Assuming the other requirements of section 2518 are met, D has made a qualified disclaimer of Blackacre. Alternatively, D could disclaim an undivided portion of both Blackacre and Whiteacre. Assuming the other requirements of section 2518 are met, this would also be a qualified disclaimer.

Example (11) G creates an irrevocable trust on February 16, 1983, naming H, I and J as the income beneficiaries for life and F as the remainderman. F is also named the trustee and as trustee has the discretionary power to invade the corpus and make discretionary distributions to H, I or J during their lives. F disclaims the remainder interest on August 8, 1983, but retains his discretionary power to invade the corpus. F has not made a qualified disclaimer because F retains the power to direct enjoyment of the corpus and the retained fiduciary power is not limited by an ascertainable standard.

Example (12). Assume the same facts as in example (11) except that F may only invade the corpus to make distributions for the health, maintenance or support of H, I or J during their lives. If the other requirements of section 2518(b) are met, F has made a qualified disclaimer of the remainder interest because the retained fiduciary power is limited by an ascertainable standard.

§ 25.2518-3 Disclaimer of less than an entire interest.

(a) *Disclaimer of a partial interest*—(1) *In general*—(i) *Interest.* If the requirements of this section are met, the disclaimer of all or an undivided portion of any separate interest in property may be a qualified disclaimer even if the disclaimant has another interest in the same property. In general, each interest in property that is separately created by the transferor is treated as a separate interest. For example, if an income interest in securities is bequeathed to A for life, then to B for life, with the remainder interest in such securities bequeathed to A's estate, and if the remaining requirements of section 2518(b) are met, A could make a qualified disclaimer of either the income interest or the remainder, or an undivided portion of either interest. A could not, however, make a qualified disclaimer of the income interest for a certain number of years. Further, where local law merges interests separately created by the transferor, a qualified disclaimer will be allowed only if there is a disclaimer of the entire merged interest or an undivided portion of such merged interest. See example (12) in paragraph (d) of this section. See § 25.2518-3(b) for rules relating to the disclaimer of an undivided portion. Where the merger of separate interests would occur but for the creation by the transferor of a nominal interest (as defined in paragraph (a)(1)(iv) of this section), a qualified disclaimer will be allowed only if there is a disclaimer of all the separate interests, or an undivided portion of all such interests, which would have merged but for the nominal interest.

(ii) *Severable property.* A disclaimant shall be treated as making a qualified disclaimer of a separate interest in property if the disclaimer relates to severable property and the disclaimant makes a disclaimer which would be a qualified disclaimer if such property were the only property in which the disclaimant had an interest. If applicable local law does not recognize a purported disclaimer of severable property, the disclaimant must comply with the requirements of paragraph (c)(1) of § 25.2518-1 in order to make a qualified disclaimer of the severable property. Severable property is property which can be divided into separate parts each of which, after severance, maintains a complete and independent existence. For example, a legatee of shares of corporate stock may accept some shares of the stock and make a qualified disclaimer of the remaining shares.

(iii) *Powers of appointment.* A power of appointment with respect to property is treated as a separate interest in such property and such power of appointment with respect to all or an undivided portion of such property may be disclaimed independently from any other interests separately created by the transferor in the property if the requirements of section 2518(b) are met. See example (21) of paragraph (d) of this section. Further, a disclaimer of a power of appointment with respect to property is a qualified disclaimer only if any right to direct the beneficial enjoyment of the property which is retained by the disclaimant is limited by an ascertainable standard. See example (9) of paragraph (d) of this section.

(iv) *Nominal interest.* A nominal interest is an interest in property created by the transferor that—

(A) Has an actuarial value (as determined under § 20.2031-10) of less than 5 percent of the total value of the property at the time of the taxable transfer creating the interest,

(B) Prevents the merger under local law or two or more other interests created by the transferor, and

(C) Can be clearly shown from all the facts and circumstances to have been created primarily for the purpose of preventing the merger of such other interests.

Factors to be considered in determining whether an interest is created primarily for the purpose of preventing merger include (but are not limited to) the following: the relationship between the transferor and the interest holder; the

age difference between the interest holder and the beneficiary whose interests would have merged; the interest holder's state of health at the time of the taxable transfer; and, in the case of a contingent remainder, any other factors which indicate that the possibility of the interest vesting as a fee simple is so remote as to be negligible.

(2) *In trust.* A disclaimer is not a qualified disclaimer under section 2518 if the beneficiary disclaims income derived from specific property transferred in trust while continuing to accept income derived from the remaining properties in the same trust unless the disclaimer results in such property being removed from the trust and passing, without any direction on the part of the disclaimant, to persons other than the disclaimant or to the spouse of the decedent. Moreover, a disclaimer of both an income interest and a remainder interest in specific trust assets is not a qualified disclaimer if the beneficiary retains interests in other trust property unless, as a result of the disclaimer, such assets are removed from the trust and pass, without any direction on the part of the disclaimant, to persons other than the disclaimant or to the spouse of the decedent. The disclaimer of an undivided portion of an interest in a trust may be a qualified disclaimer. See also paragraph (b) of this section for rules relating to the disclaimer of an undivided portion of an interest in property.

(b) *Disclaimer of undivided portion.* A disclaimer of an undivided portion of a separate interest in property which meets the other requirements of a qualified disclaimer under section 2518(b) and the corresponding regulations is a qualified disclaimer. An undivided portion of a disclaimant's separate interest in property must consist of a fraction or percentage of each and every substantial interest or right owned by the disclaimant in such property and must extend over the entire term of the disclaimant's interest in such property and in other property into which such property is converted. A disclaimer of some specific rights while retaining other rights with respect to an interest in the property is not a qualified disclaimer of an undivided portion of the disclaimant's interest in property. Thus, for example, a disclaimer made by the devisee of a fee simple interest in Blackacre is not a qualified disclaimer if the disclaimant disclaims a remainder interest in Blackacre but retains a life estate.

(c) *Disclaimer of a pecuniary amount.* A disclaimer of a specific pecuniary amount out of a pecuniary or nonpecuniary bequest or gift which statisfies the other requirements of a qualified disclaimer under section 2518 (b) and the corresponding regulations is a qualified disclaimer provided that no income or other benefit of the disclaimed amount inures to the benefit of the disclaimant either prior to or subsequent to the disclaimer. Thus, following the disclaimer of a specific pecuniary amount from a bequest or gift, the amount disclaimed and any income attributable to such amount must be segregated from the portion of the gift or bequest that was not disclaimed. Such a segregation of assets making up the disclaimer of a pecuniary amount must be made on the basis of the fair market value of the assets on the date of the disclaimer or on a basis that is fairly representative of value changes that may have occurred between the date of transfer and the date of the disclaimer. A pecuniary amount distributed to the disclaimant from the bequest or gift prior to the disclaimer shall be treated as a distribution of corpus from the bequest or gift. However, the acceptance of a distribution from the gift or bequest shall also be considered to be an acceptance of a proportionate amount of income earned by the bequest or gift. The proportionate share of income considered to be accepted by the disclaimant shall be determined at the time of the disclaimer according to the following formula:

$$\frac{\text{Total amount of distributions received by the disclaimant out of the gift or bequest}}{\text{Total value of the gift or bequest on the date of transfer}} \times \text{Total amount of income earned by the gift or bequest between date of transfer and date of disclaimer}$$

See examples (17), (18), and (19) in § 25.2518–3(d) for illustrations of the rules set forth in this paragraph (c).

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A, a resident of State Q, died on August 1, 1978. A's will included specific bequests of 100 shares of stock in X corporation; 200 shares of stock in Y corporation; 500 shares of stock in Z corporation; personal effects consisting of paintings, home furnishings, jewelry, and silver, and a 500 acre farm consisting of a residence, various outbuildings, and 500 head of cattle. The laws of State Q provide that a disclaimed interest passes in the same manner as if the disclaiming beneficiary had died immediately before the testator's death. Pursuant to A's will, B was to receive both the personal effects and the farm. C was to receive all the shares of stock in Corporation X and Y and D was to receive all the shares of stock in Corporation Z. B disclaimed 2 of the paintings and all the jewelry, C disclaimed 50 shares of Y corporation stock, and D disclaimed 100 shares of Z corporation stock. If the remaining requirements of section 2518(b) and the corresponding regulations are met, each of these disclaimers is a qualified disclaimer for purposes of section 2518(a).

Example (2). Assume the same facts as in example (1) except that D disclaimed the income interest in the shares of Z corporation stock while retaining the remainder interest in such shares. D's disclaimer is not a qualified disclaimer.

Example (3). Assume the same facts as in example (1) except that B disclaimed 300 identified acres of the 500 acres. Assuming that B's disclaimer meets the remaining requirements of section 2518(b), it is a qualified disclaimer.

Example (4). Assume the same facts as in example (1) except that A devised the income from the farm to B for life and the remainder interest to C. B disclaimed 40 percent of the income from the farm. Assuming that it meets the remaining requirements of section 2518(b), B's disclaimer of an undivided portion of the income is a qualified disclaimer.

Example (5). E died on September 13, 1978. Under the provisions of E's will, E's shares of stock in X, Y, and Z corporations were to be transferred to a trust. The trust provides that all income is to be distributed currently to F and G in equal parts until F attains the age of 45 years. At that time the corpus of the trust is to be divided equally between F and G. F disclaimed the income arising from the shares of X stock. G disclaimed 20 percent of G's interest in the trust. F's disclaimer is not a qualified disclaimer because the X stock remains in the trust. If the remaining requirements of section 2518(b) are met, G's disclaimer is a qualified disclaimer.

Example (6). Assume the same facts as in example (5) except that F disclaimed both the income interest and the remainder interest in the shares of X stock. F's disclaimer results in the X stock being transferred out of the trust to G without any direction on F's part. F's disclaimer is a qualified disclaimer under section 2518(b).

Example (7). Assume the same facts as in example (5) except that F is only an income beneficiary of the trust. The X stock remains in the trust after F's disclaimer of the income arising from the shares of X stock. F's disclaimer is not a qualified disclaimer under section 2518.

Example (8). Assume the same facts as in example (5) except that F disclaimed the entire income interest in the trust while retaining the interest F has in corpus. Alternatively, assume that G disclaimed G's

entire corpus interest while retaining G's interest in the income from the trust. If the remaining requirements of section 2518(b) are met, either disclaimer will be a qualified disclaimer.

Example (9). G creates an irrevocable trust on May 13, 1980, with H, I, and J as the income beneficiaries. In addition, H, who is the trustee, holds the power to invade corpus for H's health, maintenance, support and happiness and a testamentary power of appointment over the corpus. In the absence of the exercise of the power of appointment, the property passes to I and J in equal shares. H disclaimed the power to invade corpus for H's health, maintenance, support and happiness. Because H retained the testamentary power to appoint the property in the corpus, H's disclaimer is not a qualified disclaimer. If H also disclaimed the testamentary power of appointment, H's disclaimer would have been a qualified disclaimer.

Example (10). E creates an irrevocable trust on May 1, 1980, in which D is the income beneficiary for life. Subject to the trustee's discretion, E's children, A, B, and C, have the right to receive corpus during D's lifetime. The remainder passes to D if D survives A, B, C, and all their issue. D also holds an inter vivos power to appoint the trust corpus to A, B, and C. On September 1, 1980, D disclaimed the remainder interest. D's disclaimer is not a qualified disclaimer because D retained the power to direct the use and enjoyment of corpus during D's life.

Example (11). Under H's will, a trust is created from which W is to receive all of the income for life. The trustee has the power to invade the trust corpus for the support or maintenance of D during the life of W. The trust is to terminate at W's death, at which time the trust property is to be distributed to D. D makes a timely disclaimer of the right to corpus during W's lifetime, but does not disclaim the remainder interest. D's disclaimer is a qualified disclaimer assuming the remaining requirements of section 2518 are met.

Example (12). Under the provisions of G's will A received a life estate in a farm, and was the sole beneficiary of property in the residuary estate. The will also provided that the remainder interest in the farm pass to the residuary estate. Under local law A's interests merged to give A a fee simple in the farm. A made a timely disclaimer of the life estate. A's disclaimer of a partial interest is not a qualified disclaimer under section 2518(a). If A makes a disclaimer of the entire merged interest in the farm or an undivided portion of such merged interest then A would be making a qualified disclaimer assuming all the other requirements of section 2518(b) are met.

Example (13). A, a resident of State Z, dies on September 3, 1980. Under A's will, Blackacre is devised to C for life, then to D for 1 month, remainder to C. Had A not created D's interest, State Z law would have merged C's life estate and the remainder to C to create a fee simple interest in C. Assume that the actuarial value of D's interest is less than 5 percent of the total value of Blackacre on the date of A's death. Further assume that facts and circumstances (particularly the duration of D's interest) clearly indicate that D's interest was created primarily for the purpose of preventing the merger of C's two interests in Blackacre. D's interest in Blackacre is a nominal interest and C's two interests will, for purposes of making a qualified disclaimer, be considered to have merged. Thus, C cannot make a qualified disclaimer of his remainder while retaining the life estate. C can, however, make a qualified disclaimer of both of these interests entirely or an undivided portion of both.

Example (14). A, a resident of State X, dies on October 12, 1978. Under A's will, Blackacre was devised to B for life, then to C for life if C survives B, remainder to B's estate. On the date of A's death, B and C are both 8 year old grandchildren of A. In addition, C is in good health. The actural value of C's interest is less than 5 percent of the total value of Blackacre on the date of A's death. No facts are present which would indicate that the possibility of C's contingent interest vesting is so remote as to be negligible. Had C's contingent life estate not been created, B's life estate and remainder interests would have merged under local law to give B a fee simple interest in Blackacre. Although C's interest prevents the merger of B's two interests and has an actual value of less than 5 percent, C's interest is not a nominal interest within the meaning of § 25.2518–3(a)(1)(iv) because the facts and circumstances do not clearly indicate that the interest was created primarily for the purpose of preventing the merger of other interests in the property. Assuming all the other requirements of section 2518(b) are met, B can make a qualified disclaimer of the remainder while retaining his life estate.

Example (15). In 1981, A transfers $60,000 to a trust created for the benefit of B who was given the income interest for life and who also has a testamentary nongeneral power of appointment over the corpus. A transfers an additional $25,000 to the trust on June 1, 1984. At that time the trust corpus (exclusive of the $25,000 transfer) has a fair market value of $75,000. On January 1, 1985, B disclaims the right to receive income attributable to 25 percent of the corpus

$$\left(\frac{\$25{,}000\ (1984\ \text{transfer})}{\$100{,}000\ \text{(Fair market value of corpus immediately after the 1984 transfer)}} = 25\%.\right)$$

Assuming that no distributions were made to B attributable to the $25,00, B's disclaimer is a qualified disclaimer for purposes of section 2518(a) if all the remaining requirements of section 2518(b) are met.

Example (16). Under the provisions of B's will, A is left an outright cash legacy of $50,000 and has no other interest in B's estate. A timely disclaimer by A of any stated dollar amount is a qualified disclaimer under section 2518(a).

Example (17). D bequeaths his brokerage account to E. The account consists of stocks and bonds and a cash amount earning interest. The total value of the cash and assets in the account on the date of D's death is $100,000. Four months after D's death, E makes a withdrawal of cash from the account for personal use amounting to $40,000. Eight months after D's death, E disclaims $60,000 of the account without specifying any particular assets or cash. The cumulative fair market value of the stocks and bonds in the account on the date of the disclaimer is equal to the value of such stocks and bonds on the date of D's death. The income earned by the account between the date of D's death and the date of E's disclaimer was $20,000. The amount of income earned by the account that E accepted by withdrawing $40,000 from the account prior to the disclaimer is determined by applying the formula set forth in § 25.2518–3(c) as follows:

$$\frac{\$40{,}000}{\$100{,}000} \times \$20{,}000 = \$8{,}000$$

E is considered to have accepted $8,000 of the income earned by the account. If (i) the $60,000 disclaimed by E and the $12,000 of income earned prior to the disclaimer which is attributable to that amount are segregated from the $8,000 of income E is considered to have accepted, (ii) E does not accept any benefits of the $72,000 so segregated, and (iii) the other requirements of section 2518 (b) are met, then E's disclaimer of $60,000 from the account is a qualified disclaimer.

Example (18). A bequeathed his residuary estate to B. The residuary estate had a value of $1 million on the date of A's death. Six months later, B disclaimed $200,000 out of this bequest. B received distributions of all the income from the entire estate during the period of administration. When the estate was distributed, B received the entire residuary estate except for $200,000 in cash. B did not make a qualified disclaimer since he accepted the benefits of the $200,000 during the period of estate administration.

Example (19). Assume the same facts as in example (18) except that no income was paid to B and the value of the residuary estate on the date of the disclaimer (including interest earned from date of death) was $1.5 million. In addition, as soon as B's disclaimer was made, the executor of A's estate set aside assets worth $300,000

$$\left(\frac{\$200{,}000}{\$1{,}000{,}000} \times \$1{,}500{,}000\right)$$

and the interest earned after the disclaimer on that amount in a separate fund so that none of the income was paid to B. B's disclaimer is a qualified disclaimer under section 2518(a).

Example (20). A bequeathed his residuary estate to B. B disclaims a fractional share of the residuary estate. Any disclaimed property will pass to A's surviving spouse, W. The numerator of the fraction disclaimed is the smallest amount which will allow A's estate to pass free of Federal estate tax and the denominator is the value of the residuary

estate. B's disclaimer is a qualified disclaimer.

Example (21). A created a trust on July 1, 1979. The trust provides that all current income is to be distributed equally between B and C for the life of B. B also is given a testamentary general power of appointment over the corpus. If the power is not exercised, the corpus passes to C or C's heirs. B disclaimed the testamentary power to appoint an undivided one-half of the trust corpus. Assuming the remaining requirements of section 2518(b) are satisfied, B's disclaimer is a qualified disclaimer under section 2518(a).

PART 602—[AMENDED]

Par. 12. The authority citation for Part 602 continues to read as follows:

§ 602.101 [Amended]

Par. 13. Section 602.101(c) is amended by inserting the following entry in the appropriate place in the table:

"§ 25.2518–2(b) ..... 1545–0959".

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: July 16, 1986.

J. Roger Mentz,
Assistant Secretary of the Treasury.

[FR Doc. 86–17606 Filed 8–6–86; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1960

Basic Program Elements for Federal Employee Occupational Safety and Health Programs; Recordkeeping Requirements

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: OSHA is amending the recordkeeping requirements of its regulations on elements for Federal Employee Occupational safety and health programs. The changes hereby being made in 29 CFR Part 1960 further clarify references to maintaining records, including items on OWCP claim forms. They also clarify which items are required to be recorded on the log, and clarify the definition of hospitalization in a serious accident.

EFFECTIVE DATE: This regulation is effective on August 7, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Plummer, Director, Office of Federal Agency Programs, Room N3613, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (202–523–9329).

SUPPLEMENTARY INFORMATION: On January 25, 1984, the Department of Labor's Occupational Safety and Health Administration (OSHA) announced that Federal agencies would no longer be required to submit an annual summary of their occupational injuries and illnesses to the Secretary of Labor. Instead, OSHA would use data generated by the Office of Workers' Compensation Programs (OWCP) to carry out programs authorized by the Occupational Safety and Health Act of 1970, Section 19 and Executive Order 12196. Several changes to 29 CFR Part 1960, Subpart I, were published in the **Federal Register** on October 2, 1985.

The changes hereby being made in 29 CFR Part 1960 further clarify references to maintaining records, including items on OWCP claim forms. They also clarify which items are required to be recorded on the log, and clarify the definition of hospitalization in a serious accident.

These revisions are procedural in character. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not 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 on the ability of the United States based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

This regulation eliminates references to maintaining a record and clarifies which items are required to be recorded on the log, the definition of hospitalization in a serious accident, the definition of a lost time case, and the requirement for a supplementary record. It does not add additional burden for the agencies. Therefore, it is not necessary to publish it for notice and comment pursuant to 5 U.S.C. 553(b).

Under authority granted by the United States Code, Title 5, section 7902; the Occupational Safety and Health Act, sections 19 and 24; and Executive Order 12196, the Secretary of Labor is authorized to make these procedural revisions to 29 CFR Part 1960.

Authority: This document was prepared under the direction of Mr. John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third and Constitution Avenue, NW., Washington, DC 20210.

Accordingly, pursuant to sections 19 and 24 of the Occupational Safety and Health Act of 1970 (84 Stat. 1609, 1614; 29 U.S.C. 668, 673), 5 U.S.C. 553, Secretary of Labor's Order No. 9–83 (48 FR 35736), and Executive Order 12196, 29 CFR Part 1960 is revised to eliminate reference to a record other than the log, to clarify the requirement for supplementary records, to clarify which items are required to be recorded on the log, and to clarify the definition of hospitalization in a serious accident.

Signed at Washington, DC, this 4th day of August, 1986.

John A. Pendergrass,
Assistant Secretary.

Part 1960—[Amended]

Part 1960 of 29 CFR is amended to read as follows:

1. The authority citation for Part 1960 continues to read as follows:

Authority: Sections 19, 24, Occupational Safety and Health Act of 1970 (29 U.S.C. 668, 673); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 9–83 (48 FR 35736), as applicable; E.O. 12196 (45 FR 12769).

2. By revising paragraph (l)(4) of § 1960.2 to read as follows:

1960.2 Definitions.

* * * * *

(l) * * *

(4) The term "lost time case" means a nonfatal traumatic injury that causes any loss of time from work beyond the day or shift it occurred; or a nonfatal nontraumatic illness/disease that causes disability at any time.

* * * * *

3. By revising § 1960.67 to read as follows:

§ 1960.67 Log of occupational injuries and illnesses.

(a) Each Federal agency shall maintain a log of all occupational injuries and illnesses specified in § 1960.67(c) for each establishment. Except as provided in § 1960.71 (b) and (c), the log is to be maintained at the establishment.

(b) Within six working days after receiving information of an occupational injury or illness, apporpriate information concerning such injury or illness shall be entered on the log. The format printed in OSHA publication 2014 or an agency form with at least the same 12 data elements shall be used for the log.

(c) Any occupational injury, illness or fatality reported on a CA–1, CA–2, or

CA-6 to OWCP shall be reported on the log.

4. By revising § 1960.68 to read as follows:

§ 1960.68 Supplementary record of occupational injuries and illnesses.

In addition to the log of occupational injuries and illnesses provided for under § 1960.67, each Federal agency shall maintain a supplementary record for each occupational injury and illness. The record shall be completed within six working days after the receipt of information that an occupational injury or illness has occurred. Each Federal agency shall complete OWCP Forms CA-1, CA-2, and CA-6 in the detail required by the forms and instructions provided by the Secretary (OSHA-2014), and may be used as the supplementary record. OSHA Form No. 101 or an agency equivalent may be used as a supplementary record. Where OWCP forms are used as supplementary records, copies shall be maintained in the occupational safety and/or health office.

5. By revising § 1960.69 to read as follows:

§ 1960.69 Annual summaries of Federal occupational injuries and illnesses.

(a) Each Federal agency, on a fiscal year basis, shall compile an annual summary of occupational injuries and illnesses as prescribed in OSHA publication 2014. The summaries shall be based on the log of occupational injuries and illnesses maintained pursuant to §1960.67.

(b) At the agency's option, and consistent with the Privacy Act considerations and applicable collective bargaining agreements, the last page of the log of occupational injuries and illnesses may be posted as the annual summary of Federal occupational injuries and illnesses.

6. By revising paragraphs (a)(2) and (a)(4) of § 1960.70 to read as follows:

§ 1960.70 Reporting of serious accidents.

(a) * * *

(2) Any occupational accident which results in the inpatient hospitalization of five or more employees.

* * * * *

(4) Any occupational accident involving both Federal and non-Federal employees which results in a fatality or the inpatient hospitalization of five or more such employees.

* * * * *

7. By revising § 1960.71(b) to read as follows:

§ 1960.71 Location and utilization of records and reports.

* * * * *

(b) The log and supplementary record required by § 1960.67 and § 1960.68 shall be maintained at each establishment. Where, for reasons of efficient administration or practicality, an agency must maintain this record at a place other than at each establishment, such agency shall ensure that there is available at each establishment a copy of this record. This record shall be complete and as current as possible; in no case shall more than 3 months elapse between the recording of an illness or injury occurring in an establishment and the availability of records reflecting that injury or illness at that establishment.

[FR Doc. 86-17807 Filed 8-6-86; 8:45 am]
BILLING CODE 4510-26-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR PART 2603

Examination and Copying of Records

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation which implements the Freedom of Information Act. The amendment revises the procedures that the Pension Benefit Guaranty Corporation will follow in processing requests for access to records made available by the Freedom of Information Act. This amendment is necessary because the current procedures, which require the Pension Benefit Guaranty Corporation to inscribe the date and time of receipt on the request itself and to notify the requestor of its receipt, have become extremely burdensome. The effect of the amendment is to delete the requirement that the Pension Benefit Guaranty Corporation provide the requestor with notice that the request was received.

EFFECTIVE DATE: August 7, 1986.

FOR FURTHER INFORMATION CONTACT: John R. Jacobs, Attorney, Legal Department, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, (202) 956-5023, or E. William FitzGerald, PBGC Disclosure Officer, Communication and Public Affairs Department, Code 38000, Pension Benefit Corporation, 2020 K Street, NW., Washington, DC 20006, (202) 956-5039 ((202) 956-5059 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended,* which provides for a comprehensive pension plan insurance program, established a Federal Government agency, the Pension Benefit Guaranty Corporation ("PBGC"), to administer that program.

The Freedom of Information Act (5 U.S.C. 552) provides, among other things, for public access to information from records of Government corporations, such as the PBGC. The PBGC's Examination and Copying of Pension Benefit Guaranty Corporation Records regulation, which implements the Freedom of Information Act, is set forth in 29 CFR Part 2603.

The regulation prescribes the procedures that will be followed by the PBGC in the processing of requests for access to records made available by the Freedom of Information Act. Currently, under § 2603.36(a), the PBGC, upon receipt of the request, must immediately inscribe on the request the date and time of receipt, and must give contemporaneous notice to the requestor that the request was received on such date. This requirement of contemporaneous notice has been included in the regulation since it was originally promulgated. There is, however, nothing in the Freedom of Information Act that requires a government agency to provide such notice. Compliance with the notice requirement has become increasingly burdensome to the PBGC, due to the large number of Freedom of Information Act requests that are received. Accordingly, this amendment revises the current regulation by deleting from § 2603.36(a) the requirement that the PBGC provide the requestor with contemporaneous notice that the request has been received.

This amendment makes only technical changes and does not substantively affect the public. Because this regulation relates to agency procedures and practices, it is being issued in final form without notice and opportunity for public comment. In addition, the PBGC has determined that it would be impractical and contrary to the public interest to delay the effective date of the regulation because of the need to expedite the processing of Freedom of Information requests. Accordingly, the PBGC finds that good cause exists for making this regulation effective immediately.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291 of February 17, 1981 (46 FR 13193) because

it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers, individual industries or geographic regions, or 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.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 2603

Freedom of Information.

In consideration of the foregoing, the Pension Benefit Guaranty Corporation amends Chapter XXVI of Title 29, Code of Federal Regulations, as follows:

PART 2603—[AMENDED]

1. The authority for Part 2603 is revised to read as follows:

Authority: 5 U.S.C. 552; sec. 4002(b)(3), Pub. L. 93-406, 88 Stat. 829, 1004, as amended by sec. 403(1), Pub. L. 96-364, 94 Stat. 1208, 1302 (29 U.S.C. 1302(b)(3)).

2. In § 2603.36, paragraph (a) is revised to read as follows:

§ 2603.36 Receipt by agency of request.

(a) The disclosure officer shall, upon receipt of a request for access to records, have the date and time of such receipt immediately inscribed thereon.

* * * * *

Issued in Washington, DC, this 31st day of July, 1986.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86-17819 Filed 8-6-86; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CCGD09 86-01]

Drawbridge Operation Regulations; Black River, OH

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Lorain County Engineer, Elyria, Ohio, the Coast Guard is changing the operation regulations governing the Erie Avenue bridge, mile 0.6 over the Black River at Lorain, Ohio, by permitting the number of openings to be limited during certain times and by permitting the bridge to remain closed at certain other times unless an advance notice is given to open the draw for the passage of vessels. This change is being made because of land traffic tie-ups during the day and lack of requests to have the bridge opened at night and during the winter months. This action will alleviate the traffic tie-ups and will relieve the bridge owner of the burden of having a bridgetender constantly on duty at the bridge while still providing for the reasonable needs of navigation .

EFFECTIVE DATE: These regulations become effective on September 8, 1986.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, telephone (216) 522-3993.

SUPPLEMENTARY INFORMATION: On March 20, 1986, the Coast Guard published Proposed Rule Vol. 51, No. 54, FR 9688-9689, concerning this amendment. The Commander, Ninth Coast Guard District, also published the proposal as a Public Notice, PN 09-04/86, dated April 14, 1986. In these notices interested persons were given until May 5, 1986, and May 14, 1986, respectively, to submit comments.

Drafting Information

The drafters of these regulations are Fred H. Mieser, project officer, and Lt. R. A. Pelletier, project attorney.

Discussion of Comments

No comments were received as a result of publication in the **Federal Register.** One comment was received in response to the Public Notice. The commentor that responded to the Public Notice represented commercial navigation and requested that the removal of bridgetenders during the winter months be changed to begin January 1 instead of December 1 because of a planned increase of commercial vessel traffic during this period of time and because adverse weather conditions contribute to unpredictable vessel schedules. Since the additional bridgetender service during this period of time is a reasonable request, the final rule will reflect this change and bridgetenders will not be removed from the bridge for the winter months until January 1. However, should commercial vessel traffic be light for the period of time from December 1 through December 31, bridgetenders may be removed during this period of time on an annual basis in accordance with the provisions of § 117.45 of Title 33 of the Code of Federal Regulations.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. During the periods of time when the bridge is unattended there is little or no significant vessel traffic on the river. The periods of time when the bridge opens for the passage of pleasure craft on the regulated schedule will relieve the problem of land traffic tie-ups due to random bridge openings for these vessels while still providing for the reasonable needs of navigation. Since the impact of these regulations is expected to be so minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; AND 49 CFR 1.46 AND 13 CFR 1.05-1(g).

2. Section 117.850 is added to read as follows:

§ 117.850 Black River.

The draw of the Erie Avenue bridge, mile 0.6, at Lorain shall open on signal except as follows:

(a) From April 1 through December 31—

(1) From 7 a.m. to 6 p.m., Monday through Friday, except legal holidays, the draw need open only on the hour and half-hour for pleasure craft; however, the draw need not open for pleasure craft at 8 a.m., 3 p.m., 4 p.m. and 5 p.m. For commercial vessels the draw shall open on signal as soon as possible.

(2) From 11 a.m. to 6 p.m., Saturdays, Sundays and legal holidays, the draw need open only on the hour and half-hour for pleasure craft. For commercial vessels the draw shall open on signal as soon as possible.

(3) From 11 p.m. to 7 a.m., seven days a week and legal holidays, no

bridgetender is required to be in constant attendance and the bridge shall open on signal for pleasure craft and commercial vessels if at least a one hour advance notice is given.

(b) From January 1 through March 31, the draw shall open on signal for pleasure craft and commercial vessels if at least a twelve hour advance notice is given.

(c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

Dated: July 25, 1986.

A.M. Danielsen,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard Distict.

[FR Doc. 86-17779 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Parts 140 and 142

[CGD 79-077]

Workplace Safety and Health Requirements for Facilities on the Outer Continental Shelf; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: An uncorrected draft of the final rule was inadvertently submitted to the **Federal Register** for publication under FR Doc. 86-15293 beginning on page 25054 in the issue of Thursday, July 10, 1986. The following corrections reflect the approved draft of the final rule:

1. On Page 25054, third column, under Background, second paragraph, line 11, change "Subpart 1" to "Subpart I".

2. On page 25055, second column, section 1(d) is revised to read, "Another respondent prefers the use of his equipment instead of the equipment specified by ANSI A10.14. Existing § 140.15, Equivalents and approved equipment, already provides for the use of nonstandard equipment when it has been shown to provide a comparable or a greater level of safety than that provided by the incorporated standards."

3. On Page 25056, first column, section 7(a) is revised to read,"Several comments suggest that the use of protective footwear be limited to areas where foot injuries might occur. Unfortunately, these injuries are not location specific. The proposed rule has been amended to provide that footwear protection is required where there is a reasonable probability for foot injury."

4. On page 25057, second column, section 12 is revised to read, "One comment concerns the possibility of contamination of eyewash equipment by requiring it to be located on the drill floor and in the mudroom. This section has been changed to allow eyewash equipment to be placed near, rather than in or on, the location where the hazard exists. The section has also been rewritten to require eyewash equipment in other locations where there is a reasonable probability that eye injuries may occur."

5. On page 25058, first column, section 16(g) is revised to read, "One comment requests that the Coast Guard wait until OSHA issues its lockout/tagout regulations to avoid conflict and confusion. OSHA already has general industry standards in 29 CFR 1910.145 (f) which give examples of wording and placement of tags. The Coast Guard will consider the adoption of OSHA lockout/tagout standards once they have been issued."

6. On page 25058, first column, in line 5 of the Incorporation by Reference section, change "ANSI 10.14-1975" to "ANSI A10.14-1975".

7. On page 25058, third column, line 5, change "$5,600,000" to "$5,000,000".

8. On page 25058, third column, line 6, change "$1,120,000" to "$1,000,000".

9. On page 25058, third column, line 19, change "$6,250,000" to "$5,600,000".

10. On page 25058, third column, line 20, change "$1,250,000" to "$1,120,000".

11. On page 25059, second column, paragraph (b) of § 140.7 is correctly revised to read as follows:

§ 140.7 Incorporation by reference.

* * * * *

(b) The materials approved for incorporation by reference in this subchapter are:

American National Standards Institute (ANSI)

1430 Broadway, New York, NY 10018

ANSI A10.14-1975—Requirements for Safety Belts, Harnesses. Lanyards, Lifelines, and Drop Lines for Construction and Industrial Use.

ANSI Z41-1983—American National Standard for Personal Protection-Protective Footwear.

ANSI Z87.1-1979—Practice for Occupational and Educational Eye and Face Protection.

ANSI Z88.2-1980—Practices for Respiratory Protection.

ANSI Z89.1-1981—Safety Requirements for Industrial Head Protection.

International Maritime Organization (IMO)

IMO Sales, New York Nautical Instrument and Service Corp., 140 W. Broadway, New York, NY 10013.

IMO Assembly Resolution A.414 (XI)—Code for Construction and Equipment of Mobile Offshore Drilling Units.

12. On page 25060, first column, paragraph (a) of § 142.33 is correctly revised to read as follows:

§ 142.33 Foot protection.

(a) Personnel working in areas or engaged in activities where there is a reasonable probability for foot injury to occur shall wear footwear meeting the specifications of ANSI Z41, except when environmental conditions exist that present a hazard greater than that against which the footwear is designed to protect.

* * * * *

13. On page 25060, second column, paragraph (b) of § 142.39 is correctly revised to read as follows:

§ 142.39 Respiratory protection.

* * * * *

(b) Before personnel enter an atmosphere specified under ANSI Z88.2 requiring the use of respiratory protection equipment, the persons listed in § 142.4 shall ensure that the personnel entering the atmosphere—

(1) Follow the procedures stated in section 6 of ANSI Z88.2 concerning the proper selection of a respirator and individual fit testing; and

(2) Are trained in the matters set forth in section 7 of ANSI Z88.2 concerning proper use of the equipment to be used and in the generally recognized short and long term harmful effects of exposure to the atmosphere involved.

* * * * *

14. On page 25060, second column, § 142.48 is correctly revised to read as follows:

§ 142.48 Eyewash equipment.

Portable or fixed eyewash equipment providing emergency relief must be immediately available near the drill floor, mudrooms, and other areas where there is a reasonable probability that eye injury may occur.

15. On page 25060, third column, § 142.84 is correctly revised to read as follows:

§ 142.84 Housekeeping.

All staging, platforms, and other working surfaces and all ramps, stairways, and other walkways must be kept clear of portable tools, materials, and equipment not in use and be promptly cleared of substances which create a tripping or slipping hazard. When engaged in an activity on the drill floor in which the spillage of drilling fluid is inevitable, such as when pulling

wet strings of drill pipe, footwear and flooring designed to reduce slipping substantially may be used instead of keeping the drill floor free of drilling fluid during the activity.

§ 142.90 [Corrected]

16. On page 25060, third column, in line 4 of § 142.90(a), change "required paragraph (b)" to "required in paragraph (b)".

Dated: August 4, 1986.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 86-17776 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CGD 7-85-32]

Safety Zone; Tampa Bay, Hillsborough Bay and Approaches

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing regulations governing the movement of vessels carrying anhydrous ammonia within Tampa Bay and Hillsborough Bay, FL and their approaches, and while the vessels are moored at receiving facilities. In view of the hazards associated with vessel transport of anhydrous ammonia through heavily populated areas, the Coast Guard deems it necessary to control the movement of these vessels and establish marine safety zones surrounding these vessels in certain prescribed areas under certain conditions. The purpose of this action is to establish regulations governing vessel movement procedures that were previously implemented on a case by case basis with Captain of the Port Orders. By establishing a permanent rule the Coast Guard will enhance its ability to provide the public with the widest dissemination of the rule.

EFFECTIVE DATE: September 8, 1986.

FOR FURTHER INFORMATION CONTACT: Lieutenant (j.g.) Harry D. Craig, Telephone (305) 536-5651.

SUPPLEMENTARY INFORMATION: On November 13, 1985, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (50 FR 46781). Interested persons were requested to submit comments and two comments were received.

Drafting Information

The drafters of these regulations are Lieutenant (j.g.) Harry D. Craig, project officer, Seventh Coast Guard District Marine Safety Division, and LCDR Kenneth E. Gray, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Comments

The Hillsborough County, FL Fire Department supported the proposed regulations and commented that "an accidental release of a large amount of anhydrous ammonia such as that normally carried aboard a ship, in a populated area presents a serious threat to the well-being of the community. We as a public safety agency are committed to supporting any and all feasible safeguards through which such a mishap may be prevented." The National Oceanic and Atmospheric Administration (NOAA) expressed an interest in using Tampa Bay as a prototype for developing a computer program to model hazardous materials spill trajectories. The model was not complete at the time the Final Rule was drafted, but the results will be made available at a later date. Minor typographical errors were noted in the proposed rule, but did not affect the substance or intent of the regulations.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The conditions outlined herein for moving anhydrous ammonia vessels in Tampa Bay have been followed for at least five (5) years and for each of these anhydrous ammonia vessel movements, the Captain of the Port Tampa has exercised his authority on a case by case basis and established a temporary floating safety zone in the form of Captain of the Port Orders. These Orders prescribed conditions for operations similar to those contained in this Rule. Small and large companies are aware of the scheduled anhydrous ammonia transits and adjust their movements accordingly with minimal impact.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Vessels, Waterways.

Final Regulations

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations is amended as follows:

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

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

2. A new § 165.703 is added to read as follows:

§ 165.703 Tampa Bay, Florida—Safety Zone.

(a) A floating safety zone is established consisting of an area 1000 yards fore and aft of a loaded anhydrous ammonia vessel and the width of the channel in the following areas:

(1) For inbound tank vessels loaded with anhydrous ammonia, Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" north through and including Gadsden Point Cut Lighted Buoy "3" and commencing at Gadsden Point Cut Lighted Buoys "7" and "8" north and including Hillsborough Cut "C" Channel.

(i) For vessels bound for R. E. Knight Pier at Hookers Point the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Hillsborough Cut "D" Channel to the southern tip of Harbor Island.

(ii) For vessels bound for the anhydrous ammonia receiving terminals to Port Sutton the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Port Sutton Channel.

(2) For outbound tank vessels loaded with anhydrous ammonia the safety zone is established when the vessel departs the receiving terminal and continues through the area described in paragraph (a)(1) of this section.

(3) The floating safety zone is disestablished when the anhydrous ammonia carrier is safely moored at the anhydrous ammonia receiving facility.

(b) A safety zone is established which extends 150 feet waterside from an anhydrous ammonia vessel while it is moored at the receiving facilities at R. E. Knight on Hookers Point and W. R. Grace and International Metals and Chemicals at Port Sutton. Any vessels desiring to enter the safety zone must obtain authorization from the Captain of the Port Tampa. Vessels transiting in the vicinity of the safety zone should do so with as slow a speed as conditions permit.

(c) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(d) The Marine Safety Office Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded anhydrous ammonia vessels via a marine broadcast Notice to Mariners.

(e) Should the actual time of entry of the anhydrous ammonia vessel into the safety zone vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the anhydrous ammonia vessel shall obtain permission from Captain of the Port Tampa before commencing the transit.

(f) Prior to commencing the movement, the person directing the movement of the anhydrous ammonia vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST shall be made through the transit.

(g) Vessels carrying anhydrous ammonia are permitted to enter and transit Tampa Bay and Hillsborough Bay and approaches during daylight hours only with a minimum of three miles visibility.

(h) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

Dated: April 8, 1986.

R.P. Cueroni,

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

[FR Doc. 86-17777 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP TAMPA Regulation 86-34]

Safety Zone Regulations; Tampa Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone around the new Sunshine Skyway Bridge in Tampa Bay. The zone is needed to protect vessel traffic and bridge construction personnel from a safety hazard associated with the lifting of bridge sections over the main shipping channel. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective on 14 July 1986. It terminates on 14 November 1986 unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lt. Mike E. Maes at (813) 228 2194.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent damage or injury to vessel traffic and bridge construction personnel.

Drafting Information

The drafters of this regulation are LT Mike E. Maes, project officer for the Captain of the Port Tampa, and CDR Kenneth E. Gray, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation arise from the construction of the new Sunshine Skyway Bridge. Bridge construction engineers noted that a stable floating platform is needed during the lifting of bridge sections and that vessel wakes could adversely affect this lifting operation. At meetings held between the Coast Guard, port community interests, and bridge construction personnel, it was concluded there was a need for a fixed safety zone to protect vessel traffic and construction personnel from the inherent dangers associated with the lifting operations.

Bridge construction personnel will endeavor to minimize the impact on the shipping industry. The Captain of the Port will resolve any conflicts arising from the establishment of this safety zone. Vessels which have scheduled movements prior to the notification of a lifting operation will be given precedence. Once bridge lifting operations have been scheduled and all applicable parties alerted, vessel movements will not interfere with the lifting operation unless an emergency situation arises.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

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

Regulation

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

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

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

2. A new 165 T7-34 is added to read as follows:

§ 165.T7-34 Safety zone New Sunshine Skyway Bridge.

(a) *Location.* The following area is a safety zone: Tampa Bay Cut "A" channel at the New Sunshine Skyway Bridge, Tampa Bay, Florida a safety zone is established 1000 yards in all directions surrounding the Paschen construction barge when it is in the main shipping channel lifting bridge sections for placement on the Sunshine Skyway Bridge. The Captain of the Port will broadcast locally the actual time of the bridge lift and implement the safety zone. The safety zone will be in effect for approximately a two hour period while the lifting barge is in the shipping channel.

(b) *Effective date.* This regulation becomes effective on 14 July 1986 and terminates on 14 November 1986 unless terminated sooner by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: July 31, 1986.

H.D. Jacoby,

Commander, U.S. Coast Guard, Alternate Captain of the Port Tampa, FL.

[FR Doc. 86-17780 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 10

International Surface Air Lift Service to Panama and Certain Latin American Countries

AGENCY: Postal Service.

ACTION: Final action on International Surface Air Lift Service to Panama and certain Latin American countries.

SUMMARY: Pursuant to agreements with the postal administrations of Panama and certain Latin American countries, the Postal Service intends to begin International Surface Air Lift Service to those countries at postage rates indicated in the tables below. Service is scheduled to begin on September 6, 1986.

EFFECTIVE DATE: September 6, 1986.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn, (202) 268–2673.

SUPPLEMENTARY INFORMATION: By a notice published in the **Federal Register** on July 3, 1986 [51 FR 24391], the Postal Service announced that it was proposing to begin International Surface Air Lift Service to Panama and certain Latin American countries from New York City (J.F. Kennedy Airmail Facility). Comments were invited on published rate tables, which are proposed amendments to the International Mail Manual (incorporated by reference in the Code of Federal Regulations, 39 CFR 10.1), and which are to become effective on the date service begins. No comments were received. Accordingly, the Postal Service states that it intends to begin International Surface Air Lift Service to Panama and certain Latin American countries from New York City (J.F. Kennedy Airmail Facility) on September 6, 1986 at the rates indicated in the table below.

Lists of Subjects in 39 CFR Part 10

Postal service, Foreign relations.

PART 10—[AMENDED]

The authority citation for Part 10 continues to read as follows:

Authority: 5 U.S.C. 552[a], 39 U.S.C. 401, 404, 407, 408.

INTERNATIONAL SURFACE AIR LIFT

(See following list for AMF and country groups)

Origin AMF Group	Rate Group A	Rate Group B	Rate Group C	Rate Group D	Rate Group E
a. Pound Rate:*					
(1) Regular Service:					
East	$1.95	$2.22	$2.55	$2.66	$3.40
Central	1.70	2.47	N/A	2.57	3.22
West	1.99	2.53	2.99	2.33	3.13
(2) Regular Service M-Bag:					
East	1.76	2.00	2.30	2.39	3.06
Central	1.53	2.22	N/A	2.31	2.90
West	1.79	2.28	2.69	2.10	2.82
(3) Transit Service Regular:					
East	2.27	2.41	2.70	N/A	3.60
Central	2.02	2.64	2.40	N/A	3.42
West	N/A	2.82	N/A	N/A	3.30

INTERNATIONAL SURFACE AIR LIFT—Continued

(See following list for AMF and country groups)

Origin AMF Group	Rate Group A	Rate Group B	Rate Group C	Rate Group D	Rate Group E
(4) Transit Service M-Bag:					
East	2.04	2.17	2.43	N/A	3.24
Central	1.82	2.38	2.16	N/A	3.08
West	N/A	2.54	N/A	N/A	2.97

*Contact your local postmaster or customer services representative for possible discount rates based on type of mail matter and weight of mailing.

International Surface Air Lift Service Rate Groups

Origin AMF's:[1]

East	*Central*
Boston	Chicago
New York City	Dallas
Philadelphia	Houston
Washington, DC	Miami

West

Los Angeles	San Francisco

Destination Countries for Regular and/or Transit Service:

Rate Groups

A	*B*
Belize [3]	Albania
Columbia [3]	Austria
Costa Rica [3]	Belgium
Cuba [3]	Bulgaria
Dominican Republic [3]	Czechoslovakia
Ecuador [3]	Denmark
El Salvador [3]	East Germany
Guatemala [3]	Finland
Haiti [3]	France
Honduras [3]	Great Britain
Jamaica [3]	Greece
Mexico [3]	Hungary
Netherlands Antilles [3]	Iceland
Nicaragua [3]	Ireland
Panama [2]	Italy
Trinidad & Tobago [3]	Luxembourg
Venezuela [3]	Netherlands
	Norway
	Poland
	Portugal
	Rumania
	Spain
	Sweden
	Switzerland
	West Germany
	Yugoslavia

C	*D*
Argentina [3]	Hong Kong
Bolivia [3]	India
Brazil [3]	Japan
Chile [3]	Korea, So.
French Guyana	Taiwan
Guyana [3]	
Paraguay [3]	
Peru [3]	
Suriname [3]	
Uruguay [3]	

E	
Australia	New Zealand
China, Peoples Republic	Philippines
Fiji Islands	Singapore
Malaysia	South Africa
New Guinea	Thailand

[1] All AMF's do not service all destinating countries. Contact your local postmaster or customer services representative for list of AMF's and the destinating countries served by particular AMF's.

[2] New destination country for Regular Service for New York City (J.F. Kennedy Airmail Facility).

[3] New destination countries for Transit Service for New York City (J.F. Kennedy Airmail Facility).

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the **Federal Register** as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 86–17774 Filed 8–6–86; 8:45 am]

BILLING CODE 7710–12–M

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

45 CFR Part 2002

Regulations on Donations; Policy and Procedures

AGENCY: Commission on the Bicentennial of the United States Constitution.

ACTION: Final rule.

SUMMARY: The Commission adopts as final the interim regulations on donations which were published as an Interim Rule on January 24, 1986 (51 FR 3174). The regulations set forth general provisions governing the authority of the Commission to solicit, accept, determine the value, use and dispose of donations of money, property and personal services. The Commission is required to issue these regulations by section 5(j), Pub. L. 98–101, 97 Stat. 721.

EFFECTIVE DATE: January 13, 1986.

FOR FURTHER INFORMATION CONTACT: Joseph B. McGrath, General Counsel, Commission on the Bicentennial of the United States Constitution, 734 Jackson Place, NW., Washington, DC 20503; telephone: (202) USA–1787 or (202) 653–9800.

SUPPLEMENTARY INFORMATION: These regulations were approved by the Commission on November 25, 1985 and have governed the handling of donations since that date. They were published as an Interim Rule effective January 13, 1986 with a request for comments to be received by February 24, 1986. No

comments were received and the Commission has taken no action requiring any amendment or change in the language of the regulations as published in the Interim Rule. Announcement of the Final Rule, accordingly, constitutes a confirmation of the regulations as adopted and published on January 24, 1986.

The Interim Rule published on January 24, 1986 (51 FR 3174) is adopted as a Final Rule without change.

Authority: Pub. L. 98–101, 97 Stat. 721.

Dated: July 23, 1986.

Mark W. Cannon,

Staff Director.

[FR Doc. 86–17782 Filed 8–6–86; 8:45 am]

BILLING CODE 6340-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 50720-5154]

Fishery Conservation and Management; Groundfish of the Gulf of Alaska

Correction

In FR Doc. 86–15031 beginning on page 24353 in the issue of Thursday, July 3, 1986, make the following correction:

On page 24354, first column, last line, insert the following after "gear": "by July 3, 1986, and further directed sablefish fishing with hook-and-line gear".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 51, No. 152
Thursday, August 7, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-86-14]

Petitions for Rulemaking; Summary and Disposition

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawls of certain petitions previously received. The purpose of this notice is to improve the public's awareness of 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 be received on or before October 6, 1986.

ADDRESS: Send comments on the 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, D.C. 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 916, FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3162.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC on July 31, 1986.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
24962	Aeroservice International Training Center.	Amendment to allow alternate methods of compliance to this regulation as it applies to the 5-hours required in-flight experience for a non-pilot engineer. Petitioner proposes to use a simulator in place of aircraft. *Regulations affected:* 14 CFR 63.37. *Petitioner's reason for rule:* Current regulations limit access to the flight deck; flight hours must be accomplished on non-revenue flights; the training flights contribute to high noise levels and pollution and are very costly.
24958	Corey J. Ferguson	Petitioner proposes to repeal paragraph which states that a tactical instrument card issued by the U.S. Army is not acceptable to show instrument competency. *Regulations affected:* 14 CFR 61.73(g)(6). *Petitioner's reason for rule:* Petitioner believes this paragraph should be deleted since the U.S. Army no longer issues a tactical instrument certificate.

[FR Doc. 86-17713 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-CE-22-AD]

Airworthiness Directive; Pilatus Britten-Norman Limited, Models BN-2 and BN-2A Islander Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman (PBN) Limited, Models BN-2 and BN-2A Islander series airplanes which would provide a suitable means of rectifying defects found in the elevator mass balance for aircraft in service, and elevator spares. Instances have been reported of the internal lead balance weights becoming loose and even detaching from its bond to the steel mounting case in the nose of the elevator horn. This shift in the elevator balance, may induce high amplitude vibrations, excessive control system wear, loss of control and possible catastrophic flutter. This AD will detect the loose balance weights and restore the correct elevator balance before any of the undesired oscillations, flutter or control system wear occurs.

DATE: Comments must be received on or before September 26, 1986.

ADDRESSES: Pilatus Britten-Norman Limited, Mandatory Service Bulletin (MSB) No. BN-2/SB.113, Issue 2 dated April 14, 1986, and recommended Service Bulletin (S/B) BN-2/SB.113, Issue 1 dated February 1, 1978, applicable to this AD may be obtained from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, England or the Rules Docket at the address below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86-CE-22-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Ebina, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium; Telephone 513.38.30; or Mr. Harvey A. Chimerine, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86-CE-22-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

Instances have been reported on Pilatus Britten-Norman Limited Models BN-2 and BN-2A Islander Airplanes, of elevator vibration, caused by the internal lead balance weight becoming detached from its bond to the steel mounting case forming the outer skin of the balance in the nose of the elevator horn. The initial construction of this assembly involves casting the lead directly into the steel case, resulting in a close fit and adhesion of the lead to the steel. In some cases, due to cooling and contraction of the two dissimilar metals, the lead became free from its steel holder, vibrated and deformed allowing ingress of moisture to cause corrosion of the steel case and has caused excessive vibrations of the elevator. As a result the manufacturer recommended the incorporation of Modification NB/M/990, as specified in Issue 1 of S/B.113 dated February 1, 1978.

Recent service difficulty reports indicate that the problem still persists on aircraft that did not incorporate Modification NB/M/990. Therefore, PBN has re-issued S/B BN-2/SB.113 as Mandatory S/B BN-2/SB.113, Issue 2 dated April 14, 1986, which if complied with, will detect the loose balance weights and restore the correct elevator balance before any undesired failures or vibrations occur, on both installed and spare elevators.

The United Kingdom Civil Aviation Authority (CAA-UK) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this BN-2/SB.113, Issue 2 dated April 14, 1986, in addition to S/B BN-2/SB.113, Issue 1 dated February 1, 1978, and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under the United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CAA-UK combined with the FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of BN-2/SB.113, Issue 2 dated April 14, 1986, in addition to S/B BN-2/SB.113, Issue 1 dated February 1, 1978, and the mandatory classification of this Service Bulletin by the CAA-UK. Based on the foregoing, the FAA believes that the condition addressed by BN-2/SB.113, Issue 2 dated April 14, 1986, in addition to S/B BN-2/SB.113, Issue 1 dated February 1, 1978, in an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require an inspection of the elevator horn balance weight, for cracks, looseness, corrosion, and repair by incorporating Modification NB/M/990.

The FAA has determined there are approximately 100 airplanes affected by the proposed AD. The cost of inspecting and modifying these airplanes according to the proposed AD is estimated to be $70 per airplane. The total cost is estimated to be $7,000 to the private sector.

The cost of compliance with the proposed AD is so small that the expense of compliance will not be a significant financial impact on any small entities operating these airplanes. Therefore, I certify that this action (1) is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluaton has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

Pilatus Britten-Norman Limited: Applies to Pilatus Britten-Norman Limited, Models BN-2 and BN-2A Islander airplanes.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished by incorporation of Modification NB/M/990 as noted in Britten-Norman Service Bulletin (S/B) No. BN.2/SB.113, Issue 2 dated April 14, 1986.

To prevent undesirable oscillations, flutter or control system wear, accomplish the following:

(a) Shake the elevator and aurally (by ear) determine if the mass balance weight is loose. Examine for any signs of movement, i.e., rust marks or grey lead deposits. In cases of uncertainty drill a small hole (5/32 in. dia.) in the lower case and insert a probe to feel for lead movement. Alternatively dismantle the trimming weight assembly by removal of the blind riveted end covers and by removing the balance discs (note position and sequence for re-assembly).

(1) If a loose balance weight is found prior to further flight, accomplish the following:

(i) Remove the elevator;

(ii) Drill out rivets, remove the trim weight assembly and detach the complete case from the trip rib.

(iii) Lift out the profiled lead block.

(iv) Clean the case internally to remove any corrosion by the use of emery cloth. Keep clean; do not wipe with oily or greasy rag or bond of adhesive will be impaired.

(v) Clean the lead block to obtain a corrosion free face to the steel case and

permit free fit into the case with an approximate 0.020 in. to 0.030 in. clearance.

(vi) Prepare and apply a quantity of 3M's EC2216 epoxy adhesive to the case and press in the weight to obtain a layer of adhesive all around to fill the gap between the case and lead. Allow to cure approximately 12 hours at 60 ° F to 65 ° F and re-assemble to the elevator structure.

(vii) Re-assemble trim weights and check elevator balance, adjust trim weights if necessary to restore CAA-UK approved manufacturer's correct balance.

Note.—EC2216 may be substituted by similar "low flow" epoxy adhesive provided that the gap can be adequately sealed.

(2) If no defect is found, reassemble and return the airplane to service.

(b) Aircraft may be flown accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, England, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 28, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-17712 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ANM-7]

Proposed Alteration of Hailey, ID, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal and Reissuance of Notice of Proposed Rulemaking (NPRM).

SUMMARY: This document withdraws an NPRM which proposed to revoke the transition area at Hailey, Idaho, and reissues it to alter the transition area to provide additional controlled airspace from 1,200 feet above the surface for aircraft executing a new instrument approach procedure to Friedman Memorial Airport. Since issuance of the original NPRM, the FAA received a request for a new instrument approach procedure. Accordingly, this notice proposes to provide controlled airspace for aircraft executing a new instrument approach procedures at Friedman Memorial Airport. This action is necessary to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

DATE: Comments must be received on or before September 23, 1986.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 86-ANM-7, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel's office at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Katherine G. Paul, ANM-535, Federal Aviation Administration, Docket No. 86-ANM-7, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-ANM-7". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking any action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace & System Management Branch, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace for the benefit of aircraft conducting instrument flight rules activity.

Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

PART 71—[AMENDED]

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

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g)

(Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Hailey, Idaho—[REVISED]

That airspace extending upward from 1,200 feet above the surface from lat. 44°00'00"N, long. 115°00'00"W, thence eastbound to lat. 44°00'00"N, long. 114°07'00"W, thence southbound to lat. 43°17'30"N, long. 114°00'00"W, thence westbound to 43°17'30"N, long. 115°00'00"W, thence northbound to the point of beginning; and excluding that airspace overlying V–231 on the east side and V–500 on the south side of the area.

Issued in Seattle, Washington, on July 31, 1986.

William E. O'Neill,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86–17714 Filed 8–6–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 86–ASO–15]

Proposed Alteration of VOR Federal Airways V–325 and V–463—GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of two Federal Airways located between Harris, GA, Athens, GA, and Womac Intersection. This action would provide a single feeder fix for low altitude arrivals. It would also provide a smoother transition of traffic and reduce controller workload into the Atlanta terminal area.

DATE: Comments must be received on or before September 22, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 86–ASO–15, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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

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

FOR FURTHER INFORMATION CONTACT: William Davis, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comment to Airspace Docket No. 86–ASO–15." The postcare will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of V–463 between Harris, GA, and Womac Intersection and to realign V–325 from Athens, GA, to Womac Intersection. This action would develop a single low altitude feeder fix for low altitude aircraft into the Atlanta terminal area. This action would reduce controller workload through the alteration of the airways. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.68 dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

PART 71—[AMENDED]

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

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

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

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V–235 [Revised]

From Columbia, SC, via Athens, GA; INT Athens 291°T(291°M) and Toccoa, GA, 222°T(222°M) radials; INT Toccoa 222°T(222°M)and Harris, GA, 187°T((187°M) radials. From INT Gadsden, AL, 091°T(089°M) and Rome, GA, 133°T(133°M) radials; Gadsden; to Muscle Shoals, AL.

V–463 [Revised]

From INT Harris, GA, 179°T(179°M) and Toccoa, GA, 222°T(222°M) radials; to Harris.

Issued in Washington, DC, on July 31, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-17715 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ASW-20]

Proposed Designation of Transition Area; Ballinger, TX

Correction

In FR 86-15821 beginning on page 25572 in the issue of Tuesday, July 15, 1986, make the following corrections: On page 25573, in the first column, in the first paragraph, in the first line, insert "feet" after "700"; and in the seventh line, the longitude should read "99°58'27.9" W".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

Proposed Customs Regulations Amendment Concerning Special Summary Steel Invoices

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations by adding several articles to the list of steel products subject to the requirements of the Special Summary Steel Invoice (SSSI). The U.S. Trade Representative has negotiated Voluntary Restraint Agreements (VRA) with several countries. The VRA's dictate that basic steel products from these countries cannot be entered into the U.S. for consumption without an export license. Therefore, the Department of Commerce has requested that Customs add fabricated structurals, wire rope, wire strand, and rigid conduit to the list of articles subject to the requirements of the SSSI to facilitate the collection of statistical data necessary for monitoring compliance with the VRAs.

The document invites written comments on the proposal for consideration before final regulations are prepared.

DATE: Comments must be received on or before October 6, 1986.

ADDRESS: Comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Robert Bujnicki, Commercial Compliance Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8121).

SUPPLEMENTARY INFORMATION:

Background

Section 141.86, Customs Regulations (19 CFR 141.86), sets forth the general information required by the Tariff Act of 1930, as amendedd (19 U.S.C. 1202 *et seq.*), to be on each invoice of imported merchandise. In addition to this information, § 141.89, Customs Regulations (19 CFR 141.89), lists certain classes of merchandise where additional invoice information is required. One such class of merchandise is certain steel products imported in shipments with an aggregate purchase price of $10,000 or over, or if from a contiguous country, $5,000 or over, listed in § 141.89(b)(2).

The extra information required concerning steel products is provided by completing the Special Summary Steel Invoice (SSSI) (Customs Form 5520). The SSSI must be submitted to Customs in duplicate at the time of filing the entry summary for each shipment of steel determined by the district director to be subject to § 141.89(b). The information which must be supplied on a SSSI, such as date of the sales agreement and price data, is used to administer and enforce antidumping laws (see 19 U.S.C. 1671 *et seq.*), as well as compliance with Voluntary Restraint Agreements (VRA).

The U.S. Trade Representative has negotiated VRAs with Austrialia, Finland, South Africa, Spain, Brazil, and Mexico. The agreements dictate that basic steel products from these countries cannot be entered into the U.S. for consumption unless accompanied by a valid export certificate. Therefore, the International Trade Administration of the Department of Commerce has requested that Customs extend SSSI coverage to include fabricated structurals, wire rope, wire strand, and rigid conduit. Therefore, Customs now proposes to add these 4 articles to the other 32 articles of steel listed in § 141.89(b)(2) that require a SSSI for shipments with an aggregate purchase price of $10,000 or over, or if from a contiguous country, $5,000 or over. The necessity for filing a SSSI is determined by what article of steel is being shipped and what its purchase price is; the country where the shipment originated is not a factor. Currently, Customs must provide copies of actual invoices to Commerce to account for these products, a task requiring additional work for Customs import specialists. The addition of these steel commodities to the list of articles subject to the requirements of the SSSI would greatly ease the process of collecting the necessary statistical information.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), or regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, it is certified that, if adopted, the proposed amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 141

Customs duties and inspections, Imports.

Proposed Amendment to the Regulations

It is proposed to amend Part 141, Customs Regulations (19 CFR Part 141), as set forth below.

PART 141—ENTRY OF MERCHANDISE

1. The general authority citation for Part 141 continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624. Subpart G also issued under 19 U.S.C. 1505.

Section 141.89 also issued under 19 U.S.C. 1202 (Gen. Hdnote 11), 1481.

2. It is proposed to amend § 141.89(b)(2) by adding the following commodities in proper numerical order to the list of articles of steel subject to special invoice requirements:

(Note: Although not in sequence with existing numbers in § 141.89(b)(2), the numbers listed are those assigned to these articles by the American Iron and Steel Institute).

§ 141.89 Additional information for certain classes of merchandise.

* * * * *

(b) * * *

(2) * * *

(38) Fabricated structurals.

(43) Wire rope.

(44) Wire strand.

(51) Rigid conduit.

William Rosenblatt,

Acting Commissioner of Customs.

Approved: July 10, 1986.

Francis A. Keating II,

Assistant Secretary of the Treasury.

[FR Doc. 86-17731 Filed 8-6-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF STATE

22 CFR Part 2a

[SD-200]

Department of State Guidelines on Protection of Foreign Missions

AGENCY: Diplomatic Security Service, Department of State.

ACTION: Proposed rule.

SUMMARY: The Diplomatic Security Service proposes to publish and disseminate these guidelines pertaining to the management and disbursement of congressionally appropriated funds destined to improve the security environment of Foreign Diplomatic and Consular Missions and the attendant Officials resident in the United States, and to assist state and local municipalities through the reimbursement of moneys to jurisdictions whose law enforcement agencies provide "Extraordinary Protection" to the supra Missions and Officials. Fundamental guidelines are necessary to establish an equitable program that will: take into account the regional variances of police salaries, capabilities and experiences in the protective security aspects of law enforcement; consider the concentration of exile and ethnic communities that could politically impact on the security of certain foreign missions; provide security commensurate with the level of threat, and in keeping with the U.S. Government commitment to counter terrorism and fulfill its obligations under international law, treaties and conventions.

DATE: Comments must be submitted on or before October 6, 1986.

ADDRESS: Protective Liaison Division, Diplomatic Security Service, U.S. Department of State, Washington, DC, 20520.

FOR FURTHER INFORMATION CONTACT: Johnny W. Guy, or Michael J. Tretola, Protective Liaison Division, (202) 673-3881.

SUPPLEMENTARY INFORMATION: The Foreign Missions Amendments Act of 1983 (Pub. L. 98-164) sets forth a program entitled Protection of Foreign Missions and Officials, under section 605. Historically the Federal Government has relied upon state and local law enforcement authorities to provide adequate protective security measures to Foreign Missions and Officials located in their respective jurisdictions. In recent years, terrorism, demonstrative activity, and reciprocity demands from foreign governments have increased at a rate exceeding the financial and manpower capabilities of local municipalities, who repeatedly sought federal financial assistance for services they deemed were a federal responsibility inasmuch as the requests were considered beyond normal police activity extended to all persons and property within their jurisdictions. These guidelines attempt to explain the program and the conditions under which reimbursement may be claimed and approved. Circumstances and procedures are specified in a step by step regulatory manner; sources of information and contacts within the Diplomatic Security Service are provided; and definitions of pertinent language are explained. This will insure that the program will be interpreted and applied identically in jurisdictions throughout the U.S. The Department of State has realized for several years that state and local governments have been in financial diffculty with respect to the numerous requests tendered in behalf of foreign mission protection. To this end, the Diplomatic Security Service has worked in close concert with our own Legal Advisors, several major city police departments, and numerous committees and Members of Congress developing an equitable reimbursement program to alleviate much of the financial burdens previously shouldered by local municipalities. This document does not require review by OMB under EO 12291, nor under the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 2a

Foreign missions, Foreign officials, Security measures

In consideration of the foregoing, the Diplomatic Security Service proposes that in Chapter I of Title 22, Code of Federal Regulations Part 2a be added as follows:

PART 2a—DEPARTMENT OF STATE GUIDELINES ON PROTECTION OF FOREIGN MISSIONS

Sec.

2a.1 Purpose.
2a.2 Definitions.
2a.3 Bureau of Diplomatic Security programs.
2a.4 Coordination with law enforcement and intelligence agencies.
2a.5 Diplomatic reciprocity.
2a.6 Location of foreign missions.
2a.7 Provision of protective services generally.
2a.8 Requests from state and local governments for protective assistance.
2a.9 Provision of protective services in cases of extraordianry protective need.
2a.10 Reimbursement for protective services provided by State and Local Authorities.
2a.11 Special rules for reimbursement.
2a.12 Extraordinary protective services in cases of urgency.
2a.13 Protective security contract services.
2a.14 Foreign Missions Act determination.
2a.15 Supplementary guidelines; State and local agreements.
2a.16 Effective date; retroactive application.
2a.17 Contact for information.

Authority: Title II of the State Department Basic Authorities Act of 1956, added by the Foreign Missions Act of 1982 (Pub. L. 97-241, 96 Stat. 273, 282), 22 U.S.C. 4301-4313; the Foreign Missions Amendments Act of 1983 (Pub. L. 98-164, section 605, 97 Stat. 1017, 1044); Title III, U.S. Code, sections 202 and 208, as amended (Pub. L. 97-418, 96 Stat. 2089); Executive Order No. 12478, effective October 1, 1984; and Sec. 4, 63 Stat. 111, as amended (22 U.S.C. 2658).

§ 2a.1 Purpose.

(a) The purpose of these guidelines is to establish a program administered by the Bureau of Diplomatic Security of the Department of State, under which the Department can review and promote coordination between federal, state and local security authorities in the protection of foreign missions in the United States, and can assist in the provision of protective services for such missions. State and local governments of the United States will continue to have the primary responsibility for law enforcement within their respective jurisdictions. This program does not establish any legal entitlement to assistance either for a foreign mission or for any State or local government or authority. The Bureau of Diplomatic Security will maximize available federal

assistance through coordination of programs and through limited federal financial assistance by contract or reimbursement for certain protective services in cases of extraordinary protective need, to the extent funds are available therefore.

(b) This program will assist the United States to carry out its international obligations relating to the protection of foreign diplomatic and consular and international organization personnel and premises in the United States under the Vienna Convention on Diplomatic Relations (23 UST 3227, TIAS 7502), the Vienna Convention on Consular Relations (21 UST 77, TIAS 6820), the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (28 UST 1975, TIAS 8532), the Convention to Prevent and Punish Acts of Terrorism (27 UST 3949, TIAS 8413), international agreements relating to organizations such as the United Nations Headquarters Agreement (61 Stat. 3416, TIAS 1899 (Pub. L. 80–357), and other applicable multilateral and bilateral agreements and provisions of international law.

(c) The program will include the following—

(1) Foreign Missions, generally—Extraordinary protective services may be provided directly through the Department of State, or by reimbursement for services to state and local governments or contract;

(2) Missions to International Organizations—Extraordinary protective services may be provided by reimbursement to State or local officials, to missions to certain international organizations, such as the United Nations, under title 3 of the U.S. Code, 202 and 208.

(d) The provisions of these guidelines may be applied to protective assistance under both (a) and (b) of this section, unless otherwise stated therein or separate standards or criteria are required by applicable law. Supplementary guidelines may be issued by the Department of State from time to time in order to implement these guidelines in particular jurisdictions. This part is authorized by the Foreign Missions Act of 1982 (Pub. L. 97–241, 96 Stat. 273, 282), the Foreign Missions Amendments Act of 1983 (Pub. L. 98–164), title 3, secs. 202 and 208 of the U.S. Code, and Executive Order No. 12478.

§ 2a.2 Definitions.

For purposes of these guidelines—

(a) "Assistant Secretary" means the Assistant Secretary of State for Diplomatic Security.

(b) "Deputy Assistant Secretary" means the Deputy Assistant Secretary of State for the Diplomatic Security Service; any authority granted the Deputy Assistant Secretary under these regulations may be exercised by the Assistant Secretary as appropriate.

(c) "Foreign mission" or "foreign diplomatic mission" means;

(1) Any mission in the United States involving diplomatic, consular, or other governmental activities of a foreign government or an organization representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States, or

(2) Any public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288–288f) or a public international organizational agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs; or

(3) An official mission to a public international organization, including any real property and personnel of such a mission or public international organization.

(d) "Protective service" means law enforcement and security measures employed to assure proper functioning of diplomatic activities and to prevent injury or harm to personnel or facilities of foreign missions.

(e) "Extraordinary protective need" means the existence of a threat of violence, or other circumstance, as determined by the Deputy Assistant Secretary which requires extraordinary security measures which significantly exceed those which law enforcement authorities can reasonably be expected to take.

(f) "Extraordinary protective services" means protective services provided or authorized in cases determined under these guidelines to constitute an extraordinary protective need.

(g) "Metropolitan area" means a city, county, or other political subdivision of a State, and those areas related thereto determined by the Deputy Assistant Secretary to constitute a single protective area for purposes of these regulations.

(h) "State" means a state of the United States, the District of Columbia, Puerto Rico, Guam and all territories under the jurisdiction of the United States.

(i) "United States Mission" means the official US government mission to a public international organization, such as the United States Mission to the United Nations ("USUN").

(j) Determination with respect to the meaning and applicability of terms used in the Foreign Missions Act and under these regulations are committed to the discretion of the Secretary of State.

§ 2a.3 Bureau of Diplomatic Security programs.

(a) The Bureau of Diplomatic Security will be responsible, in coordination with United States Missions as appropriate, for implementing through its constituent field offices upon request and subject to availability of resources, foreign mission security programs including, but not limited to:

(1) Assessment of available federal, state and local protective resources for a particular jurisdiction, taking into account the number of foreign missions and circumstances specific to each jurisdiction;

(2) Assistance in planning and coordinating the provision of protective security; and

(3) Regulatory functions otherwise required by these guidelines.

(b) The Protective Liaison Division (DS/PT/PL) will be the office responsible for the overall coordination of this program. Information of a potential threat to a foreign diplomatic establishment or personnel will be received and evaluated for purposes of these guidelines from:

(1) U.S. intelligence or law enforcement agencies;

(2) State or local law enforcement agencies;

(3) Bureau of Diplomatic Security Field Offices, Threat Analysis Division and Regional Security Offices;

(4) Department of State country desk offices and other appropriate regional offices, United States Missions, the Office for Counter-terrorism and Emergency Planning, the Office of Foreign Missions, and the Bureau of Intelligence and Research;

(5) Foreign diplomatic establishments;

(c) DS/PT/PL will evaluate this information in concert with the Threat Analysis Division and recommend to the Deputy Assistant Secretary the appropriate level of protective coverage required, to be reviewed daily or as required.

(d) Bureau of Diplomatic Security Field Offices, together with the appropriate United States Mission, will be responsible for the foreign diplomatic establishments in their area of jurisdiction. The Field Offices will institute necessary procedures and practices in regard to the protection of foreign missions and officials. Each

Field Office will designate an agent as Security Coordinator who will be responsible for primary coordination with DS/PT/PL, the Consular community, local law enforcement and private security firms.

§ 2a.4 Coordination with law enforcement and intelligence agencies.

(a) In order to coordinate and allocate their respective agency resources, the Deputy Assistant Secretary shall consult regularly with federal law enforcement and intelligence agencies, including the Federal Bureau of Investigation and the United States Secret Service, concerning assistance programs under these guidelines. Nothing in these guidelines shall preclude or limit the authority of the United States Secret Service to provide protective services pursuant to 3 U.S.C. 202 or 18 U.S.C. 3056 at a level commensurate with protective requirements as determined by the Secret Service.

(b) The Deputy Assistant Secretary shall consult and coordinate with state and local law enforcement agencies with respect to such matters as planning for foreign mission protection, communications coordination, and federal assistance under this part.

§ 2a.5 Diplomatic reciprocity.

(a) The Deputy Assistant Secretary shall coordinate any request by a foreign mission or by a state or local government for assistance under these guidelines for the provision of protective services with the Director of the Office of Foreign Missions of the Department of State. OFM shall review the treatment accorded United States missions abroad, and make recommendations with respect to the impact of any such services provided under these guidelines on reciprocity and national security interests of the United States.

(b) No act or omission by any governmental authority under these guidelines shall be construed either as limited or as establishing in any way the entitlement of any person, property, premises, or mission to any privileges or immunities otherwise granted or denied under applicable law.

§ 2a.6 Location of foreign missions.

(a) The Deputy Assistant Secretary shall review with the Director of the Office of Foreign Missions all existing and proposed locations of foreign missions, including, but not limited to any notification under the Foreign Missions Act to the Director by a foreign mission of a proposed acquisition, modification or use of real property. In coordination with a United States mission to an international organization, as appropriate, and with local authorities in all cases, this review shall cover security factors related to such locations, such as the availability of local resources with respect to particular locations, and whether such location might preclude adequate protection, or could result in excessive requests for assistance in providing protective services under these guidelines.

(b) The Deputy Assistant Secretary shall in appropriate cases recommend to the Director of the Office of Foreign Missions that a proposed acquisition or existing use by a foreign mission be disapproved, or conditions be attached thereto under authority of the Foreign Missions Act (22 U.S.C. 4304 and 4305) to facilitate the rendering of appropriate protection.

§ 2a.7 Provision of protective services generally.

State and local governments of the United States have as a part of their normal law enforcement functions the responsibility to provide security to persons or property within their jurisdictions, to include foreign missions. Federal assistance intended to supplement state and local protective services shall be in accordance with these guidelines or otherwise as authorized by law.

§ 2a.8 Request from State and local governments for protective assistance.

(a) In cases where a State or local authority or a foreign mission believes that an extraordinary protective need exists, it may request assistance from the Department of State in providing protective services. The Bureau of Diplomatic Security may request that protective services be provided. Requests shall be made to the Deputy Assistant Secretary (Diplomatic Security), Department of State, Washington, DC 20520 directly or through designated Bureau of Diplomatic Security Field Offices, or through a United States Mission if appropriate. A request under this paragraph, except as provided in § 2a.12 of these guidelines shall:

(1) Be preceded by consultation between State or local authorities and the appropriate Bureau of Diplomatic Security Field Office, as well as the United States Mission, as appropriate;

(2) If related to a scheduled event or visit, be submitted in advance of the anticipated extraordinary protective need;

(3) Contain sufficient detail to allow the Deputy Assistant Secretary to make an informed determination of extraordinary protective need, including: the location of the foreign mission(s) or activities, together with any secondary locations involved; a description of the circumstances believed to give rise to the extraordinary protective need, including, in the case of a diplomatic visit, the name and title of the visiting foreign official or dignitary, the temporary domicile(s) of the visiting official or dignitary, and anticipated schedule in the United States;

(4) If from a state or local agency, include a detailed estimate of the resources required to provide protective services commensurate with extraordinary protective need (including approximate number of personnel by grade or rank, services, equipment and facilities), and an estimate of the cost of such resources; and

(5) Be accompanied by a security review by the appropriate Bureau of Diplomatic Security Field Office or by the United States Mission to an international organization.

(b) In all cases involving requests for assistance in providing extraordinary protective services, except for as provided in § 2a.13, the Deputy Assistant Secretary, in consultation with the United States Mission where appropriate, shall determine whether, for purposes of these guidelines, assistance may be considered for protective services, and whether such assistance may include direct deployment of Bureau of Diplomatic Security personnel, contract security assistance or reimbursement to state and local authorities. An analysis of security factors shall take into account potential or actual violence or interruption of diplomatic activities including, but not limited to specific events or patterns of activity involving (1) confrontations between nationalist or other groups, (2) threats or acts of violence by terrorist or other groups, (3) a specific diplomatic or international occurrence, (4) demonstrations or efforts to impede the conduct of normal diplomatic activities, (5) the impact of security efforts in the United States upon security measures and safety of missions and personnel of the U.S. Government abroad, or (6) other circumstances which prevent proper conduct of foreign mission activities. Security analysis under these guidelines may be coordinated, within the Department of State, with the Director of the Office of Foreign Missions, the Director of the Office of Counter-terrorism and Emergency Planning, and the Director of Bureau of Intelligence and Research.

§ 2a.9 Provision of protective services in cases of extraordinary protective need.

In cases determined under these guidelines to constitute an extraordinary protective need:

(a) The Deputy Assistant Secretary shall determine whether security personnel of the Department of State may be deployed;

(b) If this is not feasible, the Deputy Assistant Secretary, through the Bureau of Diplomatic Security Field Offices, or a United States Mission, as appropriate, has the delegated authority to request the assistance of other Federal law enforcement authorities in the provision of protective services;

(c) If Federal law enforcement authorities are unable to provide assistance as requested, the Deputy Assistant Secretary, or the designated representative of a United States Mission, in cases involving the metropolitan area of that mission or facilities related to United Nations missions, are authorized:

(1) To request state and local law enforcement authorities to provide the necessary protective services, or

(2) To obtain such services by contract with protective security organizations, in accordance with procedures issued by and subject to the approval of the Deputy Assistant Secretary.

§ 2a.10 Reimbursement for protective services provided by State or local authorities.

(a) The Deputy Assistant Secretary, in accordance with procedures set forth in these guidelines may, to the extent funds are available therefore, authorize reimbursement for reasonable direct expenses specifically incurred for the provision of extraordinary protective services incurred by State or local authorities under this section.

(b) No payment or reimbursement shall be directed to be paid by the Deputy Assistant Secretary pursuant to this section unless the specific type or scope of protective service has been requested in accordance with these guidelines; services may be provided under an interim cost estimate subject to such conditions as may be required by the Deputy Assistant Secretary for post-performance cost determinations.

(c) No payment or reimbursement shall be directed to be paid by the Deputy Assistant Secretary for that portion of protective services which are routine and were or could otherwise have been made available under the protective service standard of the jurisdiction.

(d) Direct overhead and administrative costs associated with an extraordinary protective service may be reimbursable on the basis of pre-performance negotiated rates, or interim rates subject to audit and redetermination by the Deputy Assistant Secretary.

(e) The provider of services or government agency to whom reimbursement is provided shall retain all documents and reimbursement or payment, for inspection or audit by representatives of the Department of State or of the Comptroller General.

§ 2a.11 Special rules for reimbursement.

Limited funds are made available to the Department of State for partial reimbursement to state or local government under two statutory programs, each of which contains separate criteria:

(a) Foreign Missions, generally—Assistance for extraordinary protective services may be provided by reimbursement, subject to the following limitations set forth in the Foreign Missions Amendments Act of 1983 (Pub. L. 98–164) as amended.

(1) No more than 20 percent of funds available for obligation under this section in any fiscal year may be obligated for protective services within any single State during that year except as otherwise provided by law.

(2) Any agreement with a State or local authority for the provision or protective services under this section shall be for a period of not to exceed ninety days in any calendar year, but such agreements may be renewed after review by the Deputy Assistant Secretary.

(3) Not less than 15 percent of funds available for obligation under this section each fiscal year, except as otherwise provided by law shall be retained as a reserve for protective services provided directly by the Deputy Assistant Secretary or for expenditures in local jurisdictions not otherwise covered by an agreement for protective services under this section.

(b) Missions to International Organizations—Assistance. Extraordinary protective services related to certain international organizations, such as the United Nations, may be provided by reimbursement under title 3 of the U.S. Code, sections 202, 208.

(c) Reimbursements thereunder are subject to the following limitations (Note: funds available may be used for missions qualifying under this section):

(1) The foreign missions to which the protective services are provided must be located in a metropolitan area (other than the District of Columbia) where there are located twenty or more such missions headed by full-time officers;

(2) The affected metropolitan area must request such reimbursement; and

(3) The extraordinary protective need must arise in association with a visit to or occur at a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such an organization.

§ 2a.12 Extraordinary protective services in cases of urgency.

In cases of urgency, notwithstanding the requirements of sections 2a.8–2a.10 of these guidelines (but within applicable statutory limitations), Bureau of Diplomatic Security Field Offices and United States Missions, under guidelines issued by the Deputy Assistant Secretary with the concurrence of the Procurement Executive, including, as appropriate, limited field delegations of authority, may in cases of urgency approve the provision of extraordinary protective services in accordance with general cost guidelines, if any, applicable to the particular jurisdiction, or subject to post-performance cost agreement. Provision of extraordinary protective services under this section shall require a review of continuing need and shall not exceed thirty (30) days after initiation thereof.

§ 2a.13 Protective security contract services.

(a) In cases where the Deputy Assistant Secretary determines that extraordinary security services may not be appropriately implemented because of federal, state or local law enforcement resource limitations or other restrictions, necessary protective services may be obtained by contract with private security firms or provider of such services. In carrying out the purposes of this section, the Deputy Assistant Secretary is authorized to proceed to utilize the procurement authorities conferred upon the Secretary by section 208(d) of the Foreign Missions Act, in addition to such authority for obtaining contract services as may be available to the Department of State.

(b) The need for contract security services should be considered in cases where an extraordinary protective need arises in more than one jurisdiction, under circumstances where, for a particular mission the provision of protective services may be adversely affected because of state or local jurisdictional limitations.

(c) The Department Procurement Executive shall provide, for purposes of

this section, a pre-qualification procedure, including appropriate pre-award security clearance requirements for firms or security provider interested in pre-qualification. Awards for services under this section may be limited to pre-qualification bidders for reasons of time of performance, or otherwise as authorized by section 208(d) of the Foreign Missions Act.

§ 2a.14 Foreign Missions Act determination.

Promulgation of these guidelines, and the issuance of supplementary guidelines under § 2a.15 and implementing instructions where required, are determined hereby to constitute regulations or instructions pursuant to section 208(b) of the Foreign Missions Act (22 U.S.C. 4308(b)), and persons acting in compliance therewith are entitled to assert that section in accordance with its term. This § 2a.14 shall be applicable, but shall not be limited to, authorized acts or omissions of law enforcement and security personnel in jurisdictions outside those in which they are otherwise authorized to perform official functions, subject to federal law enforcement standards applicable to such acts or omissions, or in the absence of such standards, to the standards otherwise applicable in the jurisdictions involved.

§ 2a.15 Supplementary guidelines; State and local agreements.

(a) The Deputy Assistant Secretary may from time to time issue, or authorize the issuance by designated Bureau of Diplomatic Security Field Offices or United States Missions, supplementary guidelines implementing these guidelines and applicable to particular jurisdictions or to particular categories of protective security within such jurisdictions.

(b) The Deputy Assistant Secretary may enter into agreements with state and local authorities for the provision of protective services under these guidelines. Any such agreement shall be for a period of not to exceed ninety days in any calendar year, but may be renewed after review by the Deputy Assistant Secretary.

§ 2a.16 Effective date; retroactive application.

These guidelines shall be effective on the date of issuance. The provisions of these guidelines with respect to reimbursement may be applied retroactively to protective services, subject to qualification under the terms herein and ratification by the Deputy Assistant Secretary for the Diplomatic Security Service, on and after October 1, 1984.

§ 2a.17 Contact for information.

Requests for protective security assistance or for reimbursement in cases determined to constitute an extraordinary need may be forwarded to the Bureau of Diplomatic Security, Protective Liaison Division (DS/PT/PL)—Room 2435, Department of State, Washington, DC 20520, or through Department of State Field Offices of the Bureau of Diplomatic Security or the appropriate United States Mission to an international organization.

(a) State Department, Bureau of Diplomatic Security, Protective Liaison Division (DS/PT/PL) (202)—673-3881.

(b) After regular business hours, all inquiries shall be made to the Coordination Center of the Bureau of Diplomatic Security, Department of State: The Coordination Center operates on a 24-hour basis (647-2412).

(c) Office of Foreign Missions (202) 647-3416.

(d) Bureau of Diplomatic Security Field Offices:

Boston, Mass 02203, John F. Kennedy Bldg., Government Center, Room 405C (617) 223-2753

Chicago, Ill 60604, Dirksen Federal Bldg., 219 S. Dearborn Street, Suite 1378 (312) 353-6163

Dallas, Texas 75242, Federal Bldg. Room 7C-44, 110 Commerce Street (214) 767-0702

Los Angeles, California 90012, Federal Bldg., 300 N. Los Angeles Street, Room 8120 (213) 688-3290

Miami, Florida 33130, Federal Bldg., 51 SW First Avenue, Room 1627 (305) 536-5781

New York, NY 10278, 26 Federal Plaza, Suite 3409 (212) 264-1292

Philadelphia, Pennsylvania 19106, Mall Bldg., 325 Chestnut Street, Room 512 (215) 597-7435

San Francisco, California 94102, Federal Bldg., 450 Golden Gate Avenue, Room 13347 (415) 556-5097

(e) US Mission to the United Nations (USUN) Host Country Section (212) 415-4131. After regular business hours, all inquiries should be made to the Communications Section of the U.S. Mission to the United Nations. This Section operations on a 24-hour basis (212) 415-4444.

Dated: July 31, 1986.

Louis Schwartz,

Deputy Assistant Secretary for Diplomatic Security and Director, Diplomatic Security Service.

[FR Doc. 86-17749 Filed 8-6-86; 8:45 am]

BILLING CODE 4710-24-M

Notices

Federal Register
Vol. 51, No. 152
Thursday, August 7, 1986

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

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Cooperative State Research Service announces the following meeting:

Name: Committee of Nine.

Date and Time: September 9–11, 1986, 8:30 a.m.–4:30 p.m.

Place: Lory Student Center, Colorado State University, Ft. Collins, Colorado 80523.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.

Contact Person for Agenda and More Information: Dr. Edward M. Wilson, Executive Secretary, U.S. Department of Agriculture, Cooperative State Research Service, Room 206 Justin Smith Morrill Building, Washington, DC 20251, telephone 202–447/4587

Done at Washington, DC, this 29th day of July 1986.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 86–17746 Filed 8–6–86; 8:45 am]

BILLING CODE 3410-22-M

DEPARTMENT OF COMMERCE

International Trade Administration

Apple Juice Industry Prospects for Adjustment Assistance for Firms

The Department of Commerce, pursuant to section 264 of the Trade Act of 1974, has completed a study of the firms in the apple juice industry which have been or are likely to be certified as eligible for adjustment assistance. Such a study is required whenever the U.S. International Trade Commission (USITC) conducts an investigation under section 201 of the Trade Act. A summary of Commerce's findings follows.

On May 21, 1986, the Commission determined, by a 5–1 vote, that apple juice was not being imported into the United States in such increased quantities as to be a substantial cause of injury (or threat thereof) to the domestic industry producing like or directly competitive articles.

The program of trade adjustment assistance for firms authorized by the Trade Act under Title II, Chapter 3, and administered by the International Trade Administration (ITA) in the Department of Commerce, expired on December 18, 1985. The Consolidated Budget Reconciliation Act of 1986 extends the program authorization until September 30, 1991. Technical assistance is available for trade-impacted firms, but financial assistance is no longer available. Technical assistance may be used for management and operational assistance, and for feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

Under section 251 of the 1974 Trade Act, a firm may petition the Department of Commerce to be certified as eligible to apply for trade adjustment assistance. Certification requires that increased imports of articles like or directly competitive with those produced by the petitioning firm contributed importantly to: (1) Absolute declines in sales or production, or both, and (2) the separation, or threat of separation, of a significant number or proportion of its workers. A trade-impacted producer may petition the Department for certification at any time regardless of a prospective Commission finding or its results.

Although the USITC found no serious injury to the apple juice industry, the criterion upon which a firm's petition is judged for certification is somewhat less stringent. On this basis it is possible that a petitioning firm could be certified eligible to apply for adjustment assistance, assuming the other qualifying criteria are met, even though the industry received a negative Commission determination following a section 201 investigation. Within the past five years, no firms in the apple juice industry have submitted a petition to the Department of Commerce for certification to qualify for trade adjustment assistance. Because of lack of specific company data, the Department is unable to determine whether firms in the apple juice industry would likely be certified as eligible.

There are six other financial or technical assistance programs administered by Federal agencies that might facilitate the orderly adjustment of the apple juice industry. ITA also administers an industrywide trade adjustment assistance program if a substantial number of firms have been certified as eligible to apply for adjustment assistance. The Small Business Administration has three programs to qualified firms which have been adversely affected by increased imports: the Regular Business Loan Program; the Certified Development Company Program; and a Management Assistance Program. Finally, the Farmers Home Administration administers two programs that could assist firms affected by imports: The Business and Industrial Development Loans and the Community Facilities Program.

Copies of the report, "Prospects for Adjustment Assistance for Firms in the Apple Juice Industry" are available from Donald A. Hodgen, Office of Consumer Goods, Room 4312, U.S. Department of Commerce, Washington, DC 20230, telephone 202–377–3346.

H.P. Goldfield,

Assistant Secretary for Trade Development.

[FR Doc. 86–17821 Filed 8–6–86; 8:45 am]

BILLING CODE 3510-DR-M

[A-588-505]

Antidumping; Dynamic Random Access Memory Semiconductors of 256 Kilobits and Above from Japan; Suspension of Investigation and Amendment of Preliminary Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce has decided to suspend the antidumping investigation involving dynamic random access memory semiconductors ("DRAMs") of 256 kilobits and above from Japan. The basis for the suspension is an agreement by the Japanese producer/exporters which account for substantially all of the known imports of these products from Japan to revise their prices to eliminate sales of the merchandise to the United States at less than fair value. The Department is also amending its preliminary determination to cover processed wafers and dice produced in Japan and assembled into finished DRAMs in another country prior to importation into the United States.

EFFECTIVE DATE: August 1, 1986.

FOR FURTHER INFORMATION CONTACT: Stephen Munroe, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Case History

On December 6, 1985, the Department of Commerce ("the Department") initiated an antidumping duty investigation under section 732(a) of the Act to determine whether 256k and above DRAMs are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and whether these imports are materially injuring, or are threatening material injury to, a United States industry, or are materially retarding the establishment of a United States industry (50 FR 51450, December 17, 1985). The notice also indicated that the Department would examine whether sales of the subject merchandise are being made at less than the cost of production. On December 9, 1985, we notified the International Trade Commission ("ITC") of our action. On January 22, 1986, the ITC preliminary determined that there is a reasonable indication that imports of Japanese 256k and above DRAMs are materially injuring or threatening to materially injure a U.S. industry (51 FR 4661, February 6, 1986). On December 24, 1985, we presented antidumping duty questionnaries to Fujitsu Limited, Hitachi Ltd., Mitsubishi Electric Corporation, NEC Corporation, and Toshiba Corporation. Respondents were requested to answer the questionnaire within 30 days. However, at the request of the companies, we granted a two-week extension for responses to our questionnaries. On February 6, 1986, we received responses from all companies except Mitsubishi. We received Mitsubishi's response on February 13, 1986. After analysis of the responses, the Department requested supplemental information from each of the respondents. The Department received additional information from Fujitsu, Hitachi, NEC and Toshiba on February 25 and 26, 1986. Mitsubishi submitted additional information on March 6, 1986.

On March 19, 1986, we published a preliminary determination that 256k and above DRAMs from Japan were being sold at less than fair value in the United States (51 FR 9475).

After the preliminary determination, all of the respondents in this investigation requested an extension of the final determination date until not later than August 1, 1986. The respondents were qualified to make such a request since they accounted for a significant proportion of the exports of the merchandise to the United States. If exports who account for a significant proportion of exporters of the merchandise under investigation properly request an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, on April 16, 1986, we granted the request and postponed our final determination (51 FR 6184).

Between March 10 and June 12, 1986, we verified the information provided by respondents at their facilities in Japan and the United States. On May 16, 1986, we held a hearing to provide all interested parties an opportunity to comment on the investigation.

Products Under Investigation

The merchandise covered by this investigation is Japanese DRAMs having a memory capacity of 256 kilobits and above, of both the N-channel and the complementary metal oxide semiconductor type, whether in the form of processed wafers, unmounted die, mounted die, or assembled devices. Processed wafers and dice produced in Japan and assembled into finished DRAMs in another country prior to importation into the United States from the other country are included in the scope of the investigation. Finished DRAMs of 256 kilobits and above are currently classified under items 687.7443 and 687.7444 of the Tariff Schedules of the United States Annotated ("TSUSA"). Unassembled DRAMs, including processed wafers and mounted and unmounted die, are currently classifiable under item 687.7405 of the TSUSA.

We have determined that 256 K and above DRAMs incorporating processed wafers and dice produced in Japan and assembled into finished DRAMs in another country prior to importation into the United States from that other country are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930 (the "Act").

In the notice of initiation of this case, we tentatively included in the scope of this investigation processed wafers and dice produced in Japan and assembled into finished DRAMs in another country. Subsequently, on January 3, 1986, we notified the ITC and interested parties that we had determined not to investigate such third-country imports. The basis for that determination was our conclusion at that time that those third-country imports were not a part of the concern which had given rise to the investigation.

Although, prior to the time of the preliminary determination, none of the respondents reported sales of 256K and above DRAMs assembled in third countries from dice manufactured in Japan, we subsequently received information from the United States Customs Service that such imports are occurring. In initial discussions of a possible suspension of the investigation, beginning on May 15, 1986, we decided that these third country imports properly were included in the scope of this investigation. The parties to the proceeding have been aware since that time that such third country products were included in the investigation. We are now making this fact public in accordance with § 353.42(i) of the Commerce Regulations, 19 CFR 353.42(i).

In reaching this conclusion, we have taken account of the fact that the processed wafer or dice is not merely a major component of the finished device, it is the sole active component. All of the electrical properties that make a DRAM a DRAM are encoded on the processed dice, and this element is not changed by the assembly process in the third country. Further, assembly is not a sophisticated process and does not alter the intended use of the merchandise. We do not, therefore, regard the packaging of the dice in a case to have altered the country of origin for purposes of the antidumping investigation, nor to have substantially transformed the dice. The Department has independent authority to determine the scope of its investigations (see, *Diversified Products Corp.* v. *United States*, 5 ITRD 1263, CIT 1983).

To determine whether sales of the subject merchandise from third countries to the United States were made at less than fair value, we

compared the United States price to the foreign market value, using the best information available, as permitted by section 733(b) of the Act. Since we did not request specific data from Japanese producers and exporters concerning the third country imports, for those companies for which a bonding rate was calculated in the March 19 determination, we are using as best information the estimated amount by which the foreign market values exceed the United States prices, as announced in that determination. For those companies for which a separate bonding rate was not calculated in the March 19 determination, we are using as best information the estimated weighted average amount by which the foreign market value exceeds the United States price for "all others," as announced in that determination. This margin is 39.68% *ad valorem*. These rates best accomplish the purpose of the Act in requiring publication of an affirmative preliminary determination upon acceptance of an agreement to suspend the investigation.

We will verify all the information used in making our final determination, in acordance with section 776(a) of the Act, if this investigation is continued under section 734(g) of the Act.

In accordance with section 733(f) of the Act, we will notify the ITC of this determination. In addition, if the investigation is continued, we will make all no nonprivileged and nonproprietary information relating to this investigation available to the Commission.

Suspension of the Investigation

The Department consulted with the parties to the proceeding and has considered the comments submitted with respect to the proposed suspension agreement. We have determined that the agreement will eliminate sales of this merchandise to the United States at less than fair value, that the agreement can be monitored effectively, and that the agreement is in the public interest. We find, therefore, that the criteria for suspension of an investigation pursuant to section 734 of the Act have been met. The terms and conditions of the agreement, signed August 1, 1986, are set forth in Annex 1 to this notice.

Pursuant to section 734(f)(2)(A) of the Act, the suspension of liquidation of all entries, entered or withdrawn from warehouse, for consumptions of 256K and above DRAMs from Japan effective March 19, 1986, as directed in our notice of "Antidumping Preliminary Determination of Sales at Less Than Fair Value, Dynamic Random Access Memory Semiconductors of 256 Kilobits and Above from Japan" is hereby terminated. Any cash deposits on entries of 256K and above DRAMs from Japan pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

The Department intends to conduct an administrative review within twelve months of the anniversary date of the publication of this suspension agreement as provided in section 751 of the Act.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive such a request in accordance with section 734(g) of the Act within 20 days after the date of publication of this notice.

This notice is published pursuant to section 734(f)(1)(A) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

Annex 1: Suspension Agreement—Dynamic Random Access Memory Semiconductors of 256 Kilobits and Above From Japan

Under section 734 of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) ("the Act"), and § 353.42 of title 19 U.S. Code of Federal Regulations (19 CFR Part 353) ("the regulations"), the U.S. Department of Commerce ("the Department") and the signatory producers/exporters of dynamic random access memory semiconductors with a memory capacity of 256 kilobits and above from Japan enter into this suspension agreement ("the Agreement"). On the basis of this suspension agreement, the Department shall suspend its antidumping investigation initiated on December 6, 1985, (50 FR 51450) with respect to dynamic random access memory semiconductors from Japan with a memory capacity of 256 kilobits and above, subject to the terms and provisions set out below.

A. *Product coverage.* The merchandise subject to this Agreement is the following merchandise of Japanese origin:

(1) Dynamic random access memory semiconductors with a memory capacity of 256 kilobits and above, of both the N-channel and the complemetary metal oxide semiconductor type, whether in the form of processed wafers, unmounted die, mounted die, or assembled devices however packaged (ceramic, plastic, or other), and other merchandise of the same class or kind ("merchandise subject to this Agreement").

(2) Processed wafers and dice produced in Japan and assembled into finished dynamic random access memory semiconductors with a memory capacity of 256 kilobits and above, or other merchandise of the same class or kind, in another country prior to importation into the United States.

Dynamic random access memory semiconductors with a memory capacity of 256 kilobits and above are currently classifiable under items 687.7443 and 687.7444 of the Tariff Schedules of the United States Annotated. Unassembled dynamic random access memory semiconductors, including processed wafers and mounted and unmounted die, are currently classifiable under item 687.7405 of the Tariff Schedules of the United States Annotated.

B. *U.S. import coverage.* The signatory producers/exporters collectively are the producers and exporters in Japan which, during the antidumping investigation on the merchandise subject to this Agreement, accounted for substantially all (not less than 85 percent) of the merchandise imported into the United States, as provided in the regulations. The Department may at any time during the period of this Agreement require additional producers/exporters in Japan to sign this Agreement in order to ensure that not less than substantially all imports into the United States are covered by this Agreement.

In reviewing the operation of this Agreement for the purpose of determining whether this Agreement has been violated or is no longer in the public interest, the Department will consider imports into the United States from all sources of the merchandise described in Section A of this Agreement. For this purpose, the Department will consider factors including, but not limited to, the following: volume of trade, pattern of trade, whether or not the reseller is an original equipment manufacturer, and the reseller's purchase price.

C. *Basis of the Agreement.* On and after the effective date of this Agreement, each signatory producer/exporter individually agrees to make any necessary price revisions to eliminate completely any amount by which the foreign market value of its merchandise exceeds the United States price of its merchandise subject to this Agreement. For this purpose, the Department will determine the foreign market values in accordance with section 773(e) of the Act, and the U.S. prices in accordance with section 772 of the Act. In calculating foreign market value, the Department may also consider, to the extent it deems appropriate, information submitted by producers/exporters regarding projected differences in production costs within the quarter in which the information is

submitted, resulting from factors such as anticipated changes in production yield, changes in production process (e.g., die and/or wafer size), changes in production quantities or changes in production facilities.

(1) For all sales occurring between the effective date of this Agreement and October 15, 1986, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement to unrelated purchasers in the United States at prices that are less than its foreign market value, as determined by the Department on the basis of information obtained during the course of the antidumping investigation and provided to parties not later than July 20, 1986.

(2) For all sales occurring between October 16, 1986 and December 31, 1986, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement to any unrelated purchaser in the United States at prices that are less than its foreign market value of the merchandise, as determined by the Department on the basis of information submitted to the Department not later than August 20, 1986 and provided to parties not later than October 11, 1986.

(3) For all sales occurring after December 31, 1986, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement to any unrelated purchaser in the United States at prices that are less than its foreign market value of the merchandise, as determined by the Department on the basis of information submitted to the Department not later than the dates specified in section D of this Agreement and provided to parties not later than December 20, March 20, June 20, and September 20 of each year. This foreign market value shall apply to sales occurring during the calendar quarter beginning on the first day of the month following the date the Department provides the foreign market value, as stated in this paragraph.

D. *Monitoring.* Each signatory producer/exporter will supply to the Department all information that the Department decides is necessary to ensure that the producer/exporter is in full compliance with the terms of this Agreement. As explained below, the Department will provide each signatory producer/exporter a detailed request for information and prescribe a required format and method of data compilation, not later than the beginning of each reporting period.

(1) *Sales information.* The Department will require each producer/exporter to report, on computer tape in the prescribed format and using the prescribed method of data compilation, each sale of the merchandise subject to this Agreement, either directly or indirectly to unrelated purchasers in the United States, including each adjustment applicable to each sale, as specified by the Department.

The first report of sales data shall be submitted to the Department, on computer tape in the prescribed format and using the prescribed method of data compilation, not later than October 31, 1986 and shall contain the specified sales information covering the period July 1 to September 30, 1986. Subsequent reports of sales data shall be submitted to the Department not later than January 31, April 30, July 31, and October 31 of each year and each report shall contain the specified sales information for the quarter ending one month prior to the due date, except that if the Department receives information that a possible violation of the Agreement may have occurred, the Department may request sales data on a monthly, rather than quarterly basis.

(2) *Cost information.* The Department will require Fujitsu, Hitachi, NEC, Mitsubishi and Toshiba (the respondents in the original investigation) to report their actual cost of production and profit data on a quarterly basis, in the prescribed format and using the prescribed method of data compilation. Each such producer/exporter also must report anticipated increases in production costs and may report anticipated decreases in production costs in the quarter in which the information is submitted resulting from factors such as anticipated changes in production yield, changes in production process (e.g., die and/or wafer size), changes in production quantities or changes in production facilities. Each report shall be submitted to the Department not later than January 31, April 30, July 31, and October 31 of each year and each report shall contain specified information for the quarter ending one month prior to the due date.

(3) *Special adjustment of foreign market value.* If the Department determines that the foreign market value it determined for a previous quater was erroneous because the reported costs for that period were inaccurate or incomplete, or for any other reason, the Department may adjust foreign market value in a subsequent period or periods, unless the Department determines that Section G of this Agreement applies.

(4) *Verification.* Each producer/exporter agrees to permit full verficiation of all cost and sales information semi-annually, or more frequently, as the Department deems necessary.

(5) *Rejection of submissions.* The Department may reject any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction. If information is not submitted in a complete and timely fashion or is not fully verifiable, the Department may calculate foreign market value and/or U.S. price based on best information available, as it determines appropriate, unless the Department determines that section G applies.

E. *Disclosure and comment.* (1) The Department may make available to representatives of each domestic party to the proceeding, under appropriately drawn administrative protective orders, business proprietary information submitted to the Department during each quarter as well as the results of its calculations of foreign market value.

(2) Not later than September 20, 1986, and March 1, June 1, September 1, and December 1 of each year, the Department will disclose to each producer/exporter the results and the methodology of the Department's calculations of its foreign market value. At that time, the Department may also make available such information to the domestic parties to the proceeding, in accordance with paragraph E.(1).

(3) Not later than seven days after the date of disclosure under paragraph E.(2) the parties to the proceeding may submit written comments to the Department, not to exceed 10 pages. After reviewing these submissions, the Department will provide to each producer/exporter its foreign market value as provided in paragraph C.(3). In addition, the Department may provide such information to domestic interested parties as specified in paragraph E.(1).

(4) Once during each year of this Agreement, the Department shall provide an opportuity for each party to the proceeding to request a hearing on issues raised during the proceeding. If such a hearing is requested, it will be conducted in accordance with section 751 of the Act (19 U.S.C. section 1675), and applicable regulations.

F. *Signatories.* To the extent administratively feasible, the Department will calculate foreign market values based on cost data that may be submitted by any signatory producer/exporter not required to submit such data under paragraph D.(2). To the extent such calculations are not administratively feasible, such producers/exporters may be assigned a foreign market value for each applicable product which is the weighted-average foreign market value of those companies

for which specific foreign market values have been calculated.

G. *Violations of the Agreement.* If the Department determines that this Agreeemnt is being or has been violated or not longer meets the requirements of section 734 (b) or (d) of the Act, the Department shall take action it determines appropriate under section 734(i) of the Act and the regulations.

H. *Other provisions.* In entering into this Agreement, the signatory producers/exporters do not admit that any sales of the merchandise subject to this Agreement have been made at less than fair value.

I. *Termination.* Absent likelihood of dumping, the Department of Commerce expects to terminate this suspended investigation in August, 1991.

J. *Definitions.* For purposes of this Agreement, the following definitions apply:

1. U.S. Price—means the price at which merchandise is sold by the producer or exporter to the first unrelated party in the United States, including the amount of any discounts, rebates, price protection or ship and debit adjustments, and other adjustments affecting the net amount paid or to be paid by the unrelated purchaser, as determined by the Department under section 772 of the Act.

2. Foreign Market Value—means the constructed value of the merchandise, as determined by the Department under section 773(e) of the Act. In calculating foreign market value, the Department may also consider, to the extent it deems appropriate, information submitted by producers/exporters regarding projected differences in production costs in the quarter in which the information is submitted resulting from factors such as anticipated changes in production yield, changes in production process (e.g., die and/or wafer size), changes in production quantities or changes in production facilities.

3. Producer-Exporter—means (1) the foreign manufacturer or producer, (2) the foreign producer or reseller which also exports, and (3) the related person by whom or for whose account the merchandise is imported into the United States, as defined in section 771(13) of the Act.

4. Date of Sale.

(A) For shipments pursuant to contracts entered into prior to August 1, 1986, made on or after September 16, 1986, the date of sale is the date of shipment.

(B) For contracts entered into on or after August 1, 1986, the date of sale is the date on which the essential terms of the contract, including price, are agreed and determinable, normally the date of confirmation of sale.

5. Transition—This Agreement does not apply to shipments pursuant to contracts entered into prior to August 1, 1986, made during the period August 1, 1986 through September 15, 1986.

The effective date of this Agreement is August 1, 1986.

Signed on this —— day of ———— 1986.

For Japanese producers/exporters
Mark W. Herlach (See letter of 8-1-86)
NEC Corporation
Carl W. Schwarz (Subject to letter of 8-1-86)
Hitachi Ltd.
Warren E. Connelly/L. Daniel O'Neil
Fugitsu Ltd.
Thomas P. Ondeck
Mitsubishi
David P. Houlihan
Toshiba Corp.
John D. Greenwald (Subject to conditions of 8-1-86 letter)
Oki Electric Industry Co. Ltd.
A. Paul Victor (by Jeffery P. Bialos)
Matsushita Electronics Corporation
Thomas F. Cullen Jr.
Texas Instruments, Japan
For U.S. Department of Commerce
Gilbert B. Kaplan
Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-17818 Filed 8-6-86; 8:45 am]

BILLING CODE 3510-DS-M

[Case No. OEE-2-86]

Computer Hardware Vertriebs GmbH and Comserv Computer Leasing GmbH; Order Denying Export Privileges

In the matter of Werner Scheele, doing business as Computer Hardware Vertriebs GmbH and Comserv Computer Leasing GmbH both with addresses at Langenberger Strasse 449-451; 4300 Essen 14, Federal Republic of Germany, resondents.

The Office of Export Enforcement, International Trade Administration, United States Department of Commerce (Department), pursuant to the provisions of § 387.8 of the Export Administration Regulations (15 CFR Parts 368-399 (1986)) (the Regulations), issued pursuant to the Export Administration Act of 1979, 50 U.S.C. app. 2401-2420 (1982), as amended by the Export Administration Amendments Act of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985) (the Act), has asked the Deputy Asistant Secretary for Export Enforcement to issue an order denying all export privileges to Werner Scheele, doing business as Computer Hardware Vertriebs GmbH and Comserv Computer Leasing GmbH, both of Essen, Federal Republic of Germany (hereinafter collectivley referred to as resondents).

The Department states that, in accordance with section 387.8 of the Regulations, on February 27, 1986, it isssued a letter to respondents requesting that they respond to a series of interrogatories relating to their activities involving U.S.-origin goods and technical data. The interrogatories were served on respondents on March 5, 1986. To date, respondents have failed to answer or otherwise respond to the interrogatories. Section 387.8 of the Regulations provides that, if no response is made to the interrogatories within 20 days after receipt, the person or persons to whom the interrogatories are directed may be denied export privileges for a period of five years, or until a response to the interrogatories is made or adequate reasons for the failure or refusal to respond are given.

Accordingly, it is hereby Ordered:

I. All outstanding validated export licenses in which any respondent or any related party appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation.

II. For a period of five years from the date of this Order, or until respondents answer the interrogatoreis, or present adequate reasons for their failure or refusal to respond, the respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in preparing or filing any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in while or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which

are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which any respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services. Those parties now known to be related to at least one of the respondents by affiliation in the conduct of trade, and which are accordingly subject to the provisions of this order, are:

Bengt Andersson, individually with an address at Bodalsvagen 20 XII, Lidingo, Sweden

and doing business as

BEA Computer and Beacom International AB both with addresses at Vasagatan 15–17, S–111 20 Stockholm, Sweden.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotations with respect thereto, in any manner or capacity, on behalf of or in any association with any respondent or any related party, or whereby any resondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

(a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. Section 387.8(c) of the Regulations states that procedures for the application for issuance of denial orders under section 387.8(a) "shall conform substantially to that provided for temporary denial orders by § 388.19" 15 CFR § 387.8(c). In accordance with the provisions of section 388.19(e) of the Regulations, any respondent may, at any time, appeal this order by filing with the Office of the Administrative Law Judges, U.S. Department of Commerce, Room H–6717, 14th Street and Constitution Avenue NW., Washington, DC 20230, a full written statement in support thereof.

VI. This order is effective immediately.

A copy of this order and of Parts 387 and 388 of the Regulations shall be served upon the respondents and upon the named related parties.

Dated: July 31, 1986.

Theodore W. Wu,

Deputy Assistant Secretary for Export Enforcement.

[FR Doc. 86–17820 Filed 8–6–86; 8:45 am]

BILLING CODE 3510-25-M

Argonne National Laboratory; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86–213. Applicant: Argonne National Laboratory, Argonne, IL 60439. Instrument: Electron Spectroscopy System, Model LHS–12 with Accessories. Manufacturer: Leybold-Heraeus Vacuum Products, Inc., West Germany. Intended Use: See notice at 51 FR 21013.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides heatable/coolable sample rods with a temperature range −196 °C to 1000 °C and a vacuum of 1×10^{-10} mbar. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Leonard E. Mallas,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 86–17822 Filed 8–6–86; 8:45 am]

BILLING CODE 3510-DS-M

Michigan State University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 86–232. Applicant: Michigan State University, East Lansing, MI 48824–1226. Instrument: LAB_6 Modification Kit and Accessories for Electron Microscope. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use: See notice at 51 FR 23256.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The accessories are compatible with an instrument previously imported for the use of the applicant. The existing instrument and accessories were made by the same manufacturer. The accessories are pertinent to the intended uses. We know of no comparable domestically manufactured accessories which can be readily adapated to the instrument.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Leonard E. Mallas,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 86–17823 Filed 8–6–86; 8:45 am]

BILLING CODE 3510-DS-M

University of Kentucky et al.; Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00

p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86-263. Applicant: University of Kentucky, Department of Chemistry, Chemistry-Physics Building, Room 120, Lexington, KY 40506-0055. Instrument: Accessories for Infrared Spectrometer consisting of an IMH 06 Wide Range MCT Detector and an IMG 20 Purgeable Sample Well. Manufacturer: Bomem Inc., Canada. Intended use: The instruments are accessories to be used in conjunction with an existing FTIR spectrometer which is being used for conducting a variety of spectroscopic studies in the spectral range from the far infrared to ultraviolet/visible for various chemical compounds. In addition, the instruments will be used in chemistry courses for the instruction in the principles, instrumentation, applications and techniques involved in IR (and other types of) spectroscopy. Application Received by Commissioner of Customs: July 7, 1986.

Docket No. 86-265. Applicant: Research Foundation of SUNY, Department of Chemistry, State University of NY at Buffalo, Buffalo, NY 14214. Instrument: Mass Spectrometer, Model MM70-SE. Manufacturer: VG Analytical Ltd., United Kingdom. Intended use: The instrument is intended to be used for studies of desorption processes caused by ion/atom beam at controlled surfaces. The materials to be studied will include:

(1) Intermediates in synthesis of natural products,
(2) Porphyrins,
(3) Modified cyclodextrins,
(4) Peptides,
(5) Components of glycosaminoglycans,
(6) Organic acids,
(7) Molton salts (aluminum chloride and organic chloride mixtures),
(8) Organometallics (metal carbonyl clusters, transition metal macrocyclic complexes, etc.),
(9) Polymers and
(10) Monolayers of fatty acids.

Application received by Commissioner of Customs: July 8, 1986.

Docket No. 86-266. Applicant: University of California-San Diego, Department of Neurosciences, Mail Code M-024, La Jolla, CA 92093. Instrument: Cryomicrotome, Model LKB 2250-041 with Accessories. Manufacturer: LKB Produkter, Sweden. Intended use: The instrument is intended to be used to prepare specimens for study in a project in which it is necessary to be able to analyze and compare brain structure-function relations in whole human brains in order to understand how human brains govern large-scale operations like sensory processing, decision making and behavior. Application received by Commissioner of Customs: July 15, 1986.

Docket No. 86-270. Applicant: University of California, Lawrence Livermore National Laboratory, Box 5012, Livermore, CA 94550. Instrument: CO_2 Laser Amplifier, Model TEA-622 with Accessories. Manufacturer: Lumonics Inc., Canada. Intended use: The instrument will be used for the study of the physics of high gain, optical free electron lasers (FELs). Experiments will involve probing the FEL device with a high power 10 micron wavelength laser beam and measuring the properties of the beam after it has been amplified in the FEL. These experiments will be conducted to determine the scaling potential of high gain FELs. Application received by Commissioner of Customs: July 15, 1986.

Docket No. 86-271. Applicant: Northwestern University, The Technological Institute, 2145 Sheridan Road, Evanston, IL 60201. Instrument: Electron Microscope, Model H-9000. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use: The instrument will be used to investigate the atomic structure of numerous materials ranging from metals to electronic materials and heterogeneous catalysts using high resolution electron microscopy. Application received by Commissioner of Customs: July 15, 1986.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Leonard E. Mallas,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 86-17824 Filed 8-6-86; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

[Docket No. 60613-6113]

Proposed Federal Information Processing Standards for Intelligent Peripheral Interface (IPI) and; Small Computer System Interface (SCSI)

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of Proposed Federal Information Processing Standards (FIPS).

SUMMARY: These standards are proposed for Federal use to facilitate the connection of computers to mass storage devices, such as magnetic disk and tape devices. These standards each address a different interface technology or market class. All are derived from standards development projects of X3T9, I/O Interfaces, a technical committee of Accredited Standard Committee X3, Information Processing, which operates under accreditation procedures of the American National Standards Institute (ANSI). The final FIPS will adopt specifications as approved by ANSI.

These standards are being proposed for use as alternatives to the FIPS PUB 60, I/O Channel Interface. Wherever FIPS PUB 60 plus associated power control and operational specifications are required, either of these standard interfaces can be used. FIPS PUB 111, Storage Module Interfaces, is another alternative to FIPS PUB 60, for magnetic disk drives only.

Prior to the submission of these proposed standards to the Secretary for review and approval, it is essential to assure that consideration is given to the views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

Each of these proposed Federal Information Processing Standards contain two basic sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard, is provided in its entirety in this notice; and (2) a specification section which deals with the technical requirements of the standard. The technical specifications of the Small Computer System Interface are ANSI X3.131M-1986. The technical specifications of the Intelligent Peripheral Interface are ANSI X3.129M-1986, X3.147M-198X, X3.132M-198X, and X3.130M-1986. Interested parties may obtain copies of the technical specifications of these proposed Federal Information Processing Standards from the X3 Secretariat, Computer Business Equipment Manufacturers Association, 311 First Street, NW., Washington, DC 20001.

DATE: Comments and proposals must be submitted on or before November 5, 1986.

ADDRESS: Written comments on these proposed standards or any alternative proposals should be submitted to the Director, Institute for Computer Sciences and Technology, ATTN: Proposed FIPS IPI and SCSI Standards, National Bureau of Standards, Technology Building, Room B154, Gaithersburg, MD 20899.

Written comments and proposals received in response to this notice will be made part of the public record and will be available for inspection and

copying in the Department's Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Burr, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921-3723.

Dated: July 30, 1986.

Ernest Ambler,

Director.

Proposed Federal Information Processing Standards Publication _____

(date)

annoucing the Standard for Intelligent Peripheral Interface (IPI)

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Intelligent Peripheral Interface (IPI) (FIPS PUB_____).

Category of Standard. Hardware Standard, Interface.

Explantion. This standard defines the functional, electrical, and mechanical specifications for a 16-bit parallel master/slave bus interface, suitable for connecting a host computer or controller to mass storage peripherals. This standard also provides the following command set specification:

a. Device Specific Command Set for Magnetic Disk Drives for interconnecting one to eight disk drives acting as an IPI "bus slave" to a storage controller acting as an IPI "bus master". This command set places the minimum function in the drive which is consistent with a parallel bus interface; that is, data encoding/separation, serialization/deserialization, and sector or block format control.

b. Device Generic Command Set for Magnetic and Optical Disks for higher level command set for interconnecting as host computer, acting as IPI bus master, and either a storage controller or a drive with an embedded storage controller, acting as IPI bus slave.

c. Command Set for Generic Tape for interconnecting host computer, which functions as bus master, and one to eight tape storage controllers, which function as bus slaves.

This standard facilitates plug-to-plug interchangesability of storage equipment as a part of computer systems. This standard may be employed in lieu of FIPS PUB 60 and FIPS PUB 61, plus associated operational specifications (FIPS PUB 62, FIPS PUB 63, or FIPS PUB 97), whenever they would otherwise be required. Its use is encouraged for the connection of mass storage devices such as magnetic disk, optical disk, or tape drives, to minicomputer systems, where FIPS PUB 60 is not required.

The Government's intent in employing this standard is to reduce the cost of satisfying its data processing requirements through increasing its available alternative sources of supply for computer systems components at the time of initial system acquisition, as well as in system replacement and augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index.

a. FIPS PUB 60-2, I/O Channel Interface.

b. FIPS PUB 61-1, Channel Level Power Control Interface.

c. FIPS PUB 62, Operational Specifications for Magnetic Tape Subsystems.

d. FIPS PUB 63-1, Operational Specifications for Variable Block Rotating Mass Storage Subsystems.

e. FIPS PUB 63-1 SUPPLEMENT, Additional Operational Specifications for Variable Block Rotating Mass Storage Subsystems.

f. FIPS PUB 97, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems.

g. FIPS PUB 111, Storage Module Interfaces (with extensions for enhanced storage module interfaces).

h. FIPS PUB _____, Small Computer System Interface (SCSI).

Objectives. The objectives of this standard are to:

—improve the interchangeability of storage equipment as part of computer systems

—reduce the cost of computer equipment by increasing alternative sources of supply

—improve the reutilization of system components

—facilitate the use of advanced technology by the Federal government.

Applicability. This standard applies to the connection of computers to storage peripheral device controllers, and is analogous to FIPS PUB 60. I/O Channel Interface, plus the operational specifications FIPS PUB 62, FIPS PUB 63, and FIPS PUB 97. When used with the device specific command set this standard is used to connect magnetic disk drives to a storage controller and is approximately analogous to FIPS PUB III, Storage Module Interstates.

For the acquisition of magnetic disk or tape drives or subsystems, this standard may be cited as an alternative to specifying FIPS PUB 60, plus one of the associated operational specifications FIPS PUB 62, FIPS PUB 63 or FIPS PUB 97, when FIPS PUB 60 would otherwise apply. This standard may also be cited as an alternative to specifying the FIPS PUB 60 and FIPS PUB 61, for the acquisition of magnetic tape drives or subsystems.

A procuring agency may require vendors to verify that the interface on their products conforms to this standard. Agencies may employ means of verification such as that prescribed for FIPS PUB 69 by the **Federal Register** notice published on December 11, 1979 (44 FR 71444). In special cases, NBS may assist agencies in evaluating conformance to this standard.

Specifications. Affixed. This standard shall be specified by American National Standards X3.129M-1986, X3.147M-198X, X3.132M-198X, and X3.130M-1986.

There are four incompatible electrical options in this standard.

1. Three-State
2. Voltage Mode Differential
3. Current Mode Differential
4. Open Emitter

The Three-State drivers use single ended signals and are suitable for short distances (5m or less) within enclosures. When the IPI bus runs entirely within one shielding cabinet, the Three-State, single-ended signals with flat ribbon cable are appropriate, and will cost less than other options.

The two differential options are similar in many respects. As compared to the Three-State and Open Emitter options, both offer improved common mode noise characteristics. Common mode noise usually results when shifts occur in the ground potential at different points in the power distribution network. Therefore it is most likely to be a problem when computer equipments are powered from different distribution circuits. Both differential options are used with twisted pair cable.

Since the current mode differential option allows the use of considerably longer cables (75m) than the voltage option (50m), the current mode differential option is recommended for Federal use whenever the IPI bus runs in

external cables between separate ADP equipments.

The open emitter option is similar to the electrical specifications of FIPS PUB 60. While this technology is well proven, it is not as fast as the other IPI options, and, when used over long distances, requires comparatively expensive coaxial cable signal paths. Use of this option by Federal Agencies is not recommended.

The IPI bus includes control signals and two 8-bit paths called BUS A and BUS B. During the various states of the bus protocol where selection, command ans status transfers take place BUS A carriers signals "out" from the host (master) to the peripheral (slave) while BUS B carries signals "in" to the host from the peripherals. There are two "Information Transfer" (data transfer) modes. In "Single Octet Mode" BUS A is always out, while BUS B is in. In "Double Octet Mode" BUS A and BUS B operate in the same direction, either in or out, and are used to transfer 16 bits in parallel.

There is no reason to require peripheral devises to be capable of Double Octet Mode operation; in general, they will do so only if their data transfer rate requirements require Double Octet Mode operation. Agencies may require that IPI hosts be capable of both Single and Double Octet Mode operations so that all IPI peripherals can be accommodated on the bus at their full transfer rate.

Implementation. This standard is effective _____. All equipment which is within the scope of the Applicability provision of FIPS PUB 60, and which is ordered on or after the effective date of this standard, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this standard or to FIPS PUB 60 plus associated power control and operational specification standards, or to any other permitted alternative to FIPS PUB 60, unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

Waivers. Since this standard is an alternative to FIP PUB 60, plus associated power control and operational specification standards, waiver procedures for this standard shall be as designated in FIPS PUB 60. Waivers of this standard are not required where FIPS PUB 60 does not apply. Any waiver of FIPS PUB 60 also is a waiver of this standard.

Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications documents is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication _____ (FIPSPUB _____), and title. Payment may be made by check, money order, purchase order, credit card or deposit account.

Proposed Federal Information Processing Standards Publication _____ (Dated)

Announcing the Standard for Small Computer System Interface (SCSI)

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Service Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Small Computer System Interface (SCSI) (FIPS _____).

Category of Standard.

Explanation. This standard defines the functional, electrical, and mechanical specifications for an 8-bit parallel bus, suitable for connecting physically small computers to each other and to mass storage peripherals. It also defines the operational specifications (command sets) for the following devices:

a. Sequential-Access Devices (e.g., magnetic tape)
b. Direct-Access Devices (e.g., magnetic disks)
c. Printer Devices
d. Write-once Read Multiple Devices (e.g., optical disks)
e. Read-only Direct-Access Devices (e.g., read only optical disks)
f. Processor Devices

The Government's intent in employing this standard is to reduce the cost of satisfying its data processing requirements through increasing its available alternative sources of supply for computer systems components at the time of initial system acquisition, as well as in system replacement and augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index.

a. FIPS PUB 60-2, I/O Channel Interface.
b. FIPS PUB 61-1, Channel Level Power Control Interface
c. FIPS PUB 62, Operational Specifications for Magnetic Tape Subsystems.
d. FIPS PUB 63-1, Operational Specifications for Variable Block Rotating Mass Storage Subsystems.
e. FIPS PUB 63-1 SUPPLEMENT, Additional Operational Specifications for Variable Block Rotating Mass Storage Subsystems.
f. FIPS PUB 97, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems.
g. FIPS PUB 111, Storage Module Interfaces (with extensions for enhanced storage module interfaces).
h. FIPS PUB _____, Intelligent Peripheral Interface.

Objectives. The objectives of this standard are to:

—improve the interchangeability of storage equipment as part of computer systems
—reduce the cost of computer equipment by increasing alternative sources of supply
—improve the reutilization of system components
—facilitate the use of advanced technology by the Federal government.

Applicability. This standard addresses the connection of small computers to peripheral devices with integral controllers. This standard is recommended for use in the acquisition of storage peripherals and small computer systems for office or laboratory use.

For the acquisition of magnetic disk subsystems, this standard may be cited as an alternative to specifying the FIPS PUB 60 and FIPS PUB 61, and either FIPS PUB 63 or FIPS PUB 97, for those instances when FIPS PUB 60 would apply. This standard may also be cited as an alternative to specifying FIPS PUB 60, FIPS PUB 61, and FIPS PUB 62, for the acquisition of magnetic tape subsystems. In general, FIPS PUB 60 does not apply to most of the small systems using this standard, and the use of this standard is recommended but not required in these cases.

A procuring agency may require vendors to verify that the interface on their products conforms to this standard. Agencies may employ means of verification such as that prescribed for FIPS PUB 60 by the **Federal Register** notice published on December 11, 1979 (44 FR 71444). In special cases, NBS may assist agencies in evaluating conformance to this standard.

Specifications. Affixed. This standard shall be specified by American National Standard X3.131M–1986.

1. Electrical Options

There are two incompatible electrical options in the specifications for the SCSI:

• Single-ended

This option is more common and less expensive and should be employed with systems where the peripherals are in very close physical proximity to the computer, preferably on or in the same rack, chassis, or desk top. The maximum length of the single-ended SCSI bus is 6 m. All Peripherals and computers connected by a single-ended SCSI bus should be powered from the same branch circuit to avoid potentially unreliable operation caused by common mode noise.

• Differential

This option is recommended for use in electrically noisy environments, such as factories or laboratories, wherever peripherals and computers are separated by more than a few meters, and wherever it is possible that peripherals and computers may be powered from different branch circuits. The differential option is more tolerant of the effects of common mode noise and allows bus lengths of up to 25 m.

2. Bus Parity

It is recommended that agencies acquiring ADP equipment using the SCSI require implementation of bus parity

3. Subsystems

Many vendors offer complete add-in storage subsystems using the SCSI for various personal and minicomputer systems. Such subsystems typically consist of:

a. An enclosure containing a power supply, one or more device controllers, and one or more Winchester disk or steaming tape drives.

b. A host adaptor which adapts the backplane bus of the host computer to the SCSI bus. This usually plugs into an expansion slot in the host computer.

c. A cable connecting the host adaptor to the subsystem.

d. A driver program which talks to the peripheral subsystem through the host adaptor. This driver frequently is included on read-only memory chips on the host adaptor.

There is no generally accepted standard for the interface between the computer and the host adaptor, and the driver program will be specific to a particular host adaptor. Moreover, many small computers support several operating systems; in general each operating system will require different driver software. The SCSI command sets offer a rich array of functionality and options. For this reason there is no guarantee that a driver program for direct-access device A will necessarily be able to properly operate direct-access device B, which implements a different set of options. It is usually possible, however, except in the case of emulating host adaptors (see below), for a knowledgable user to write a driver program which can operate device B (usually by minor modification to the driver for A) if its source program is available. It is possible to write a driver which operates a wide range of SCSI products; however such a driver may not take advantage of many optional features or may be quite complex.

There are two kinds of host adaptors: emulating or non-emulating. The emulating host adaptors are less common. They emulate a native peripheral controller of the host system, and do not, therefore require a special driver program. The host adaptor itself typically contains a microcomputer which translates native host system commands to SCSI bus commands. In general, such host adaptors are intended for particular SCSI peripheral products, and there is no user accessible driver program; therefore, it may be difficult to adapt such host adaptors to new SCSI peripheral subsystems.

4. Bus Arbitration Option

Both host adaptors and peripheral subsystems may or may not implement the bus arbitration option. A few older products may be incompatible with SCSI devices which do arbitrate. While there is no practical advantage to arbitration in many configurations where the SCSI is used to add an external disk drive to a personal computer, agencies may wish to require that all SCSI subsystems and host adaptors operate correctly with other arbitrating bus devices. With higher performance multiprogramming systems, where several storage devices may share the SCSI bus, there can be considerable performance gains when storage devices disconnect from the bus during long access delays, and this requires that bus arbitration be implemented. If two or more host computers are to share a SCSI bus, then the bus arbitration capability is required of both.

5. Levels of Conformance

Appendix E of X3.131–1986 contains recommendations on specifying levels of conformance to the Small Computer System Interface Standard. Three levels of conformance are specified.

• *Level O* is the most basic level of conformance, and products conforming to level O may be incompatible with bus arbitration. These devices are suitable for use with simple, single-user personal computer systems.
• *Level 1* devices are similar to level O, but host adaptors support arbitration.
• *Level 2* host adaptors support arbitration and other features which are desirable for performance reasons, while targets (peripherals) support all Extended commands, which enhance the functionality of devices.

In general, with current SCSI protocol integrated circuits, most of the bus hardware required for conformance level 2 is available at no extra cost; however, controller microcode and driver software requirements for conformance level 2 are more complex, and this may reasonably be reflected in the prices of products conforming to level 2. In addition, devices conforming to level 2 are likely to offer a higher general performance level, and this too may be reflected in their prices. It is nevertheless expected that nearly all newly designed SCSI products will conform to level 2, and current products conforming only to levels O and 1 will in time be supplanted by products conforming to level 2.

It is recommended that agencies procuring products using SCSI require conformance level 2 whenever:

a. The products are to be used in multi-user time sharing systems;
b. The products are to be used in a shared bus multi-processor system;
c. The products are to be used in any other high performance system;
d. The products may be used with a wide range of systems; or
e. Maximum compatibility with future products is needed.

6. Cables and Connectors

Many SCSI storage products, particularly those intended for use as personal computer add-ons, are suitable for use only on the end of a SCSI bus. That is they have only one external connector with no provision for extending the bus through the storage subsystem, and provide internal bus termination. For electrical reasons the bus should be approximately terminated at its end. Agencies intending to attach several subsystems to one SCSI bus (which supports up to eight bus devices, including host adaptors) should require that subsystems pass the bus through the enclosure and provide two external connectors, one of which is equipped with a removable terminator block. Note

that, when calculating actual bus length, the bus length inside enclosure (but not stubs off the bus), should be included. Host adaptors frequently must reside at one or the other end of the SCSI bus.

The SCSI bus uses 18 signals, plus optional Terminator Power. Three kinds of 50 conductor bus connectors are provided for in the SCSI standard. One unshielded circuit card type connector is specified in the body of the standard, while two recommended shielded cable connectors are described in Appendix D. The non-shielded device and cable connectors are normally employed to run as unshielded flat ribbon bus cable between circuit cards in a single shielding enclosure. Users are cautioned that the external use of an unshielded cable between enclosures may result in a violation of FCC Regulations, Part 15, Subpart J, governing radio frequency radiation by computer equipment in the United States, and is generally unsound practice.

Two shielded connectors are described in Appendix D. Some products do not use either of these connectors with external cables. This may be for size reasons; i.e., there may not physically be space for the standard connectors.

In differential implementations, two separate conductors (preferably twisted pairs) are required per signal, plus a path for DIFFSENS (a signal which can be used to disable differential drivers if they are inadvertently plugged in a single-ended bus) and two paths for Terminator Power. No electrical compromise need be involved in reducing the number of paths identified as Ground in the SCSI standard.

In single-ended buses a total of 30 conductive paths are assigned to ground. Conservative design rules, followed by the SCSI standard, require that signal paths be separated by ground paths. This would imply a minimum 38 pin connector. Some products with limited room for connectors employ the common but nonstandard 25 pin subminiature D connector, allowing only 6 ground paths. Satisfactory operation may be achieved in such systems provided bus lengths are kept short and equipments are powered from a common outlet. With systems or subsystems using smaller, nonstandard connectors, Federal users are cautioned against substituting longer cables than those supplied by the vendor.

Special "T" tap external connectors are available allowing the SCSI bus to continue past products supportng only one external connector. Their use by Federal users is not recommended. The length of bus inside the enclosure may exceed the .1 m (single-ended) or .2 m (differential) maximum stub length allowed by the standard, causing unreliable bus operation.

7. Data Transfer Modes

Two data transfer modes, "asynchronous and "synchronous," are defined in the standard. Most products use the asynchronous mode and all are capable of doing so. Each asynchronous transfer cycle uses a fully interlocked handshake which requires four signal propogation delays between the two SCSI ports. Where the bus length is short, on the order of 1 or 2 m, the asynchronous transfer can be as fast as the synchronous mode, however, at the maximum specified differential mode bus length of 25 m, signal propagation delays will limit the bus to a maximum transfer rate of about 1 Mbyte/sec. Synchronous mode transfers can achieve rates of 3 to 4 Mbytes/sec. across a 25 m bus. Only a few high performance storage products offer synchronous transfers and very few host adaptors can support them. More products are expected as the SCSI protocol integrated circuits supporting synchronous transfer become available.

The single-ended bus is limited to 6 m for electrical reasons. While RS-485 compatible differential drivers are able to drive lines considerably longer than the specified limit of 25 m, this 25 m constraint is due to the timings chosen for the distributed arbitration algorithm used for the SCSI. If the bus is used as a point-to-point connection between a host and one peripheral without arbitration, then operation as distances well over 25 m are possible, and fairly high transfer rates can be achieved with the synchronous transfer option.

Implementation. This standard is effective _____. All equipment which is within the scope of the Applicability provision of FIPS PUB 60, and which is ordered on or after the effective date of this standard, or procument actions for which solicitation documents have not been issued by that date, must conform to the provisions of this standard or to FIPS PUB 60 plus associated power control and operational specification standard, or to any other permitted alternative to FIPS PUB 60, unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

Waivers. Since this standard is an alternative to FIPS PUB 60, plus associated power control and operational specification standards, waiver procedures for this standard shall be as designated in FIPS PUB 60. Waivers of this standard are not required where FIPS PUB 60 does not apply. Any waiver of FIPS PUB 60 also is a waiver of this standard.

Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Comerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication _____ (FIPSPUB _____), and title. Payment may be made by check, money order, purchase order, credit card or deposit account.

[FR Doc. 86-17740 Filed 8-6-86; 8:45 am]

BILLING CODE 3510-CN-M

[Docket No. 60626-6126]

Proposed Federal Information Processing Standard 5-2, Codes for the Identification of the States, the District of Columbia, and the Outlying Areas of the United States

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of proposed Federal information processing standard (FIPS) 5-2.

SUMMARY: This proposed standard is a revision of FIPS 5-1, States and Outlying Areas of the United States. This standard provides two-letter alphabetic codes and two-digit numeric codes for each State and the District of Columbia. These codes are unchanged from FIPS 5-1. In addition, alphabetic and numeric codes are provided for outlying areas of the United States to be consistent with those codes provided in FIPS 10-3, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions, and FIPS 104-1, American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange.

Prior to the submission of this proposed standard to the Secretary of Commerce for review and approval as a Federal Information Processing Standard (FIPS), it is essential to assure that consideration is given to the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

This proposed FIPS contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specification section which deals with

the technical requirements of the standard. Only the announcement section is provided in this notice. Interested parties may obtain a copy of the technical specifications from the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899.

DATE: Comments and proposals on this proposed FIPS must be received on or before November 5, 1986.

ADDRESS: Written comments on this proposed FIPS or any alternative proposals should be sent to the Director, Institute for Computer Sciences and Technology, ATTN: Proposed FIPS 5-2, National Bureau of Standards, Technology Building, Room B154, Gaithersburg, MD 20899.

Written comments and proposals received in response to this notice will be made part of the public record and will be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Roy Saltman, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921-3491.

Dated: July 30, 1986.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 5-2

1986 Month Day

Announcing the Standard for Codes for the Identification of the States, the District of Columbia, and the Outlying Areas of the United States

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards in accordance with section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations.

1. *Name of Standard:* Codes for the Identification of the States, the District of Columbia, and the Outlying Areas of the United States.

2. *Category of Standard:* Federal General Data Standard, Representations and Codes.

3. *Explanation:* This standard provides a set of two-letter alphabetic codes and a set of two-digit numeric codes for representing the 50 States, the District of Columbia, and the outlying areas of the United States. The standard covers all land areas under the sovereignty of the United States, and the component areas of the Trust Territory of the Pacific Islands. The Trust Territory is administered by the United States.

4. *Approving Authority:* Secretary of Commerce.

5. *Maintenance Agency:* U.S. Department of Commerce, Bureau of the Census (Geography Division). Inquiries concerning the technical content of this standard should be addressed to: Office of the Chief, Geography Division, Bureau of the Census, Washington, DC 20233.

Change notices to this FIPS PUB will be issued by the National Bureau of Standards. Users who wish to receive such notices should complete the Change Request Form included in this FIPS PUB and return it to the address shown.

6. *Cross Index:* a. FIPS PUB 5-1, States and Outlying Areas of the United States, June 15, 1970 (the previous edition of this standard).

b. American National Standard ANSI X3.38-1972, Identification of States of the United States (including the District of Columbia) for Information Interchange.

c. American National Standard ANSI Z39.27-1984, Structure for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange.

d. ISO 3166-1981, Codes for the Representation of Names of Countries, a standard of the International Organization for Standardization.

e. Federal Information Processing Standard (FIPS PUB) 104-1, American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty.

f. Federal Information Processing Standard (FIPS PUB) 10-3, Countries, Dependencies, Areas of Special Sovereigty, and Their Principal Administrative Divisions.

g. U.S. Postal Service Publication 65, National Five-Digit ZIP Code and Post Office Directory, 1986 Edition.

7. *Objectives:* The objectives of this standard are to improve the utilization of data resources of the Federal government and avoid unnecessary duplications and incompatibilities in the collection, processing, and dissemination of data.

8. *Applicability:* This Federal general data element and representation standard is made available for data interchange among executive departments and independent agencies, and for Federal data interchange with the non-Federal sector including industry, State, local, and other governments, and the public at large.

9. *Implementation Schedule:* The specifications herein become effective upon publication. Use by Federal agencies is encouraged when such use contributes to operational benefits, efficiency, or economy.

10. *Specifications:* Federal Information Processing Standard 5-2 (FIPS PUB 5-2), Codes for the Identification of the States, the District of Columbia, and the Outlying Areas of the United States (affixed).

Where To Obtain Copies: Copies of this publication are available for sale by the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161. When ordering, please refer to Federal Information Processing Standards Publication 5-2 (FIPA PUB 5-2) and title. When microfiche is desired, this should be specified. Copies of other FIPS PUBS also are available from NTIS. Copies of ANSI X3.38-1972, ANSI Z39.27-1984, and ISO 3166-1981 may be obtained from American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.

Federal Information Processing Standards Publication 5-2

1986 Month Day

Specifications for Codes for the Identification of the States, the District of Columbia, and the Outlying Areas of the United States

TABLE 1: FIPS State Codes for the States and the District of Columbia

This table provides the two-digit FIPS State Numeric Code and the two-letter FIPS State Alpha Code for each State and the District of Columbia. Both code sets are unchanged from the representations of Table 1 in FIPS PUB 5-1. The FIPS State Alpha Code is identical to the two-letter U.S. Postal Service (USPS) abbreviation for the entities in this table.

TABLE 2: FIPS State Codes for the Outlying Areas of the United States (including the component areas of the Trust Territory of the Pacific Islands)

This table provides the two-digit FIPS State Numeric Code and the two-letter FIPS State Alpha Code for each outlying area and for each component area of the Trust Territory of the Pacific Islands.

FIPS State Numeric Codes for American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States are

identical to those shown in FIPS PUB 5–1 of those areas. New FIPS State Numeric Codes have been assigned to the Federated States of Micronesia, the Marshall Islands, Palau, and U.S. Minor Outlying Islands.

The named areas in Table 2 and their assigned FIPS State Alpha Codes are identical to the named U.S. outlying areas and their two-letter codes specified in ISO 3166–1981, as updated. This international standard has been adopted as a national voluntary standard in the United States under ANSI Z39.27–1984, and has been implemented through FIPS PUB 104–1.

FIPS State Alpha Codes for the outlying areas are *not* identical in every case to the two-letter USPS abbreviations for the same entities. USPS abbreviations are recommended for use only in connection with addresses for mail to be delivered by the USPS, and may be found in the most recent edition of USPS Publication 65, National Five-Digit ZIP Code and Post Office Directory.

For informational purposes, the status of each area is given.

TABLE 3: FIPS State Numeric Codes for the Trust Territory of the Pacific Islands and the Individual Minor Outlaying Islands

This table provides the two-digit FIPS State Numeric Codes of FIPS PUB 5–1 for:

(a) the Trust Territory of the Pacific Islands, which is an aggregate of Federated States of Micronesia, Marshall Islands, and Palau; and

(b) the individual island territories which form the aggregate entity: U.S. Minor Outlying Islands.

The FIPS State Code for the Trust Territory should be used only when it is necessary to specify the entire territory, rather than one of the components. The FIPS State Code for an individual minor outlying island should be used only when a specific island must be identified, and a field for the FIPS County Code is not available to be used in combination with the FIPS State Code for U.S. Minor Outlying Islands (74 or UM).

TABLE 1—FIPS STATE CODES FOR THE STATES AND THE DISTRICT OF COLUMBIA

Name	FIPS State numberic code	FIPS State alpha code
Alabama	01	AL
Alaska	02	AK
Arizona	04	AZ
Arkansas	05	AR
California	06	CA
Colorado	08	CO
Connecticut	09	CT
Delaware	10	DE

TABLE 1—FIPS STATE CODES FOR THE STATES AND THE DISTRICT OF COLUMBIA—Continued

Name	FIPS State numberic code	FIPS State alpha code
District of Columbia	11	DC
Florida	12	FL
Georgia	13	GA
Hawaii	15	IH
Idaho	16	ID
Illinois	17	IL
Indiana	18	IN
Iowa	19	IA
Kansas	20	KS
Kentucky	21	KY
Louisiana	22	LA
Maine	23	ME
Maryland	24	MD
Massachusetts	25	MA
Michigan	26	MI
Minnesota	27	MN
Mississippi	28	MS
Missouri	29	MO
Montana	30	MT
Nebraska	31	NE
Nevada	32	NV
New Hampshire	33	NH

TABLE 1—FIPS STATE CODES FOR THE STATES AND THE DISTRICT OF COLUMBIA—Continued

Name	FIPS State numberic code	FIPS State alpha code
New Jersey	34	NY
New Mexico	35	NM
New York	36	NY
North Carolina	37	NC
North Dakota	38	ND
Ohio	39	OH
Oklahoma	40	OK
Oregon	41	OR
Pennsylvania	42	PA
Rhode Island	44	RI
South Carolina	45	SC
South Dakota	46	SD
Tennessee	47	TN
Texas	48	TX
Utah	49	UT
Vermont	50	VT
Virginia	51	VA
Washington	53	WA
West Virginia	54	WV
Wisconsin	55	WI
Wyoming	56	WY

TABLE 2—FIPS STATE CODES FOR OUTLYING AREAS OF THE UNITED STATES

[Including the component areas of the Trust Territory of the Pacific Islands]

Area name	FIPS State codes		Status
	Numeric	Alpha	
American Samoa	60	AS	1
Federated States of Micronesia	64	FM	4
Guam	66	GU	1
Marshall Islands	68	MH	4
Northern Mariana Islands	69	MP	3
Palau	70	PW	4
Puerto Rico	72	PR	1
U.S. Minor Outlying Islands	74	UM	2
Virgin Islands of the United States	78	VI	1

Status:

1. U.S. territory.

2. An aggregation of nine U.S. territories: Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Island. Each territory is assigned a FIPS County Code in FIPS PUB 6–3, and may be individually identified through a combination of the FIPS State Code (74 or UM) and the appropriate FIPS County Code.

3. Part of the U.S.—administered Trust Territory of the Pacific Islands, but considered a separate unit for purposes of this standard; expected to become a U.S. territory upon dissolution of the trust.

4. Part of the U.S.—administered Trust Territory of the Pacific Islands; expected to become associated with the U.S. as a "freely associated state" upon dissolution of the trust.

TABLE 3—FIPS STATE NUMERIC CODES FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND THE INDIVIDUAL MINOR OUTLYING ISLANDS

Area name	FIPS State numeric code
Trust Territory of the Pacific Islands	75
Baker Island	81
Howland Island	84
Jarvis Island	86
Johnston Atoll	67
Kingman Reef	89
Midway Islands	71
Navassa Island	76
Palmyra Atoll	95
Wake Island	79

[FR Doc. 86–17739 Filed 8–7–86; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmoshperic Administration

Membership of the National Oceanic and Atmospheric Administration Performance Review Boards

AGENCY: National Oceanic and Atmoshperic Administration (NOAA), Department of Commerce.

ACTION: Notice of membership of NOAA Performance Review Boards.

SUMMARY: In conformance with the Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4), NOAA announces the appointment of persons to serve as members of NOAA Performance Review Boards (PRB's). The NOAA PRB's are responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and making written recommendations to the appointing authority on SES retention and compensation matters, including performance-based pay adjustments, awarding of bonuses and amounts, and initial recommendations for potential rank awards. The appointment of these members to the NOAA PRB's will be for periods of 24 months service beginning August 31, 1986.

DATE: The effective date of service of appointees to the NOAA Performance Review Board is August 31, 1986.

FOR FURTHER INFORMATION CONTACT: Susan Johnson, Chief, Personnel Division, National Capital Administrative Support Center, NOAA, 11420 Rockville Pike, Rockville, Maryland 20852, (301) 443-6667.

SUPPLEMENTARY INFORMATION: The names and title of the members of the NOAA PRB's (NOAA officials unless otherwise identified) are set forth below:

Richard M. Hadsell, Director, Regional Administrative Support Center Operations Office
Dennis F. Geer, Director, National Capital Administrative Support Center
Curtis T. Hill, Director, Mountain Administrative Support Center
Kelly C. Sandy, Director, Western Administrative Support Center
Robert S. Smith, Director, Eastern Administrative Support Center
B. Kent Burton, Director, Office of Congressional Affairs
John J. Carey, Director, Office of Budget and Finance
Kathleen J. Charles, Deputy Director, Office of Budget and Finance
Timothy R. Keeney, Deputy General Counsel for Policy, Research, Services and Coastal Zone
Augustine J. LaCovey, Director, Office of Public Affairs
Joseph W. Angelovic, Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service
Izadore Barrett, Director, Southwest Fisheries Center, National Marine Fisheries Service
Henry R. Beasley, Director, Office of International Fisheries, National Marine Fisheries Service
Richard J. Berry, Director, Southeast Fisheries Center, National Marine Fisheries Service
Carmen J. Blondin, Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service
Ellsworth C. Fullerton, Director, Southwest Region, National Marine Fisheries Service
Samuel McKeen, Chief, Management and Budget Staff, National Marine Fisheries Service
Richard B. Roe, Director, Office of Fisheries Management, National Marine Fisheries Service
Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service
Bernard H. Chovitz, Chief Geodesist, Office of Charting and Geodetic Services, National Ocean Service
Bruce C. Douglas, Chief, Geodetic Research and Development Laboratory, National Ocean Service
Charles N. Ehler, Director, Office of Oceanography and Marine Assessment, National Ocean Service
William M. Kaula, Chief, National Geodetic Survey Division, National Ocean Service
Andrew Robertson, Chief, Ocean Resources Assessment Division, National Ocean Service
Peter L. Tweedt, Director, Ocean and Coastal Resource Management Office, National Ocean Service
Paul M. Wolff, Assistant Administrator for Ocean Services and Coastal Zone Management
William P. Bishop, Deputy Assistant Administrator for Satellites, National Environmental Satellite, Data, and Information Service
Michael A. Chinnery, Director, National Geophysical Data Center, National Environmental Satellite, Data, and Information Service
Kenneth D. Hadeen, Director, National Climatic Data Center, National Environmental Satellite, Data, and Information Service
Russell Koffler, Director, Office of Satellite Data Processing and Distribution, National Environmental Satellite, Data, and Information Service
Richard P. Augulis, Director, Central Region, National Weather Service
Louis J. Boezi, Chief, Advanced Systems Laboratory, National Weather Service
William D. Bonner, Director, National Meteorological Center, National Weather Service
Anthony F. Durham, Director, NEXRAD Joint Systems Program, National Weather Service
Neil L. Frank, Director, National Hurricane Center, National Weather Service
Elbert W. Friday, Deputy Assistant Administrator for Weather Services
Richard E. Hallgren, Assistant Administrator for Weather Services
Michael D. Hudlow, Director, Office of Hydrology, National Weather Service
Frederick P. Ostby, Director, National Severe Storms Forecast Center, National Weather Service
Eddie Bernard, Director, Pacific Marine Environmental Laboratory, Office of Oceanic and Atmospheric Research
Hugo F. Bezdek, Director, Atlantic Oceanographic and Meteorological Laboratories, Office of Oceanic and Atmospheric Research
Kirk Bryan, Supervisory Research Meteorologist, Geophysical Fluid Dynamics Laboratory, Office of Oceanic and Atmospheric Research
Vernon E. Derr, Director, Environmental Research Laboratories, Office of Oceanic and Atmospheric Research
Lester Machta, Director, Air Resources Laboratory, Office of Oceanic and Atmospheric Research
Jerry D. Mahlman, Director, Geophysical Fluid Dynamics Laboratories, Office of Oceanic and Atmospheric Research
Syukuro Manabe, Supervisory Research Meteorologist, Geophysical Fluid Dynamics Laboratory
Alan R. Thomas, Deputy Assistant Administrator for Oceanic and Atmospheric Research
David Alexander, Director, SES and Executive Resources, Office of Human Resources Management, Environmental Protection Agency
Joseph E. Clark, Deputy Director, National Technical Information Service
S. Richard Costa, Director, Communications and Data Systems Division, National Aeronautics & Space Administration
Harriet G. Jenkins, Assistant Administrator for Equal Opportunity Programs, National Aeronautics & Space Administration
Joe Maas, Associate Administrator, Small Business Administration
Franklin Martin, Director of Space and Earth Sciences Directorate, Goddard Space Flight Center, NASA
Roy R. Mullen, Associate Chief, National Mapping Division, United States Geological Survey
Joe D. Simmons, Deputy Director, Center for Basic Standards, National Bureau of Standards.

Dated: July 30, 1986.

J. Curtis Mack II,

Deputy Administrator.

[FR Doc. 86-17747 Filed 8-4-86; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Public Information Collection Requirement Submitted to OMB Review

ACTION: Public Information Collection Requirement Submitted to OMB Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Trusteeship Designation in Behalf of Air Force Member Incapitated Due to Injury or Illness

Application (AFAFC Form 2192) to be appointed guardian to handle funds management for retired or active duty military members who are mentally incompetent due to injury or illness.

Individuals

Responses—122

Burden Hours—61

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone number (202) 746-0933.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Ms. Sharon Cassaday, AFAFC/RP, Denver, CO 80279-5000, telephone number (303) 370-7458.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

August 1, 1986.

[FR Doc. 86-17742 Filed 8-6-86; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB Review

ACTION: Public Information Collection Requirement Submitted to OMB Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of need for and the use to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Trustee Report on Behalf of Member and Dependents

AFAFC Form O-297 is used to report the accountability of Air Force funds disbursed and/or maintained by the trustee on behalf of a mentally incompetent Air Force member.

Individuals

Responses—850

Burden Hours—1,700

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone number (202) 746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Sharon Cassaday, AFAFC/RP, Denver, CO 80279-5000, telephone number (303) 370-7458.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

August 1, 1986.

[FR Doc. 86-17741 Filed 8-6-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need of and uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Parents Dependency Statement, DD Form 137-3.

The information provided on DD Form 137-3, enables the Army in determining parents, parent-in-law and parents "in loco parentis" (person who stands in place of parents) dependency of service members for Basic Allowance for Quarters and medical benefits.

Responses: 12,500

Burden hours: 18,750

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone number (202) 746-0993.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Ms. Angela R. Petrarca, DAIM-ADI-M, Room

1C638, The Pentagon, Washington, DC 20310–0700, telephone (202) 695–1671.

Patricia A. Means,

OSD Federal Register Liaison Officer, Department of Defense.

August 1, 1986.

[FR Doc. 86–17743 Filed 8–6–86; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Environmental Statement for the San Clemente Project, California

AGENCY: Army Engineer District, San Francisco, Department of Defense.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS) for the proposed New San Clemente Project, Monterey County, California, Regulatory Permit Application No. 16516S09.

Summary

1. *Proposed Action:* The Monterey Peninsula Water Management District (MPWMD), Monterey California has applied for Department of the Army authorization, pursuant to the provisions of section 404 of the Clean Water Act (33 U.S.C. 1344), to construct a dam on the Carmel River approximately 16 miles southeast of the City of Monterey in Monterey County, California. The proposed project would be a roller compacted concrete dam ±250 feet high with a 29,000 acre-foot reservoir and a surface area of ±350 acres. The project includes a 150 foot wide spillway equipped with a stilling basin to prevent downstream river erosion. The proposed dam would be located ±3,600 feet downstream of the existing San Clemente Dam and would use the existing pumping/filter plants, wells, and pipeline. Downstream migrant fish passage would be provided by a device designed to attract fish to the dam and pass them safely to the river below. Upstream migrating fish would be trapped by a fish weir and ladder below the dam and conveyed by truck to a release point upstream of the dam. Preservation and enhancement of in-stream and riparian habitat above and below the reservoir would total approximately 760 acres. The goals of the proposed project are to (a) provide municipal water supply to meet both the short and long-term needs of the Cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, and unincorporated areas of Monterey County within the MPWMD's boundaries; (b) afford drought protection in future dry years; and (c) restore the environmental quality of the Carmel River, with particular reference to enhancement of the riparian corridor and anadromous fish resource. The Monterey Peninsula Water Management District and the U.S. Army Engineer District, San Francisco will prepare a joint State/Federal environmental document (EIR/EIS) for the New San Clemente Project.

2. *Alternatives:* MPWMD is presently developing detailed criteria relating to the project goals and will initiate a screening process to assess the feasibility of each alternative. The initial screening will determine whether significant technical, logistical, economic, environmental, or jurisdictional constraints preclude further consideration of an alternative. Those alternatives which pass the first screening will be subjected to a performance analysis, based on a computer simulation model, to determine feasibility. Alternatives being considered at this time are:

a. No Action (permit denial).

b. Project as proposed by aplicant (see Summary paragraph 1).

c. 20,000 AF—same as the applicant's proposed project except a smaller dam and a 20,000 acre-foot reservoir.

d. Off-Chanel—Dams with reservoirs would be built on tributaries to the Carmel River. Potential sites include San Clemente Creek, Cachagua Creek, and Chupines Creek. Natural inflow, pumped storage or a combination of both would be considered. In addition to the dams, this alternative would require intake structures, lift stations, outlet works and 7 to 10 miles of new pipeline and appurtenances.

e. Groundwater—(1) Development of new wells in the Seaside Aquifer. (2) Increased production from the Carmel Valley Aquifer.

f. Other Non-Structural—e.g. sediment removal, reclamation.

Additional alternatives identified during the scoping process will also be considered in the DEIS.

3. *Scoping Process:*

a. A public scoping meeting is scheduled for Wednesday, September 3, 1986 at the Seaside Council Chambers, 440 Harcourt Avenue, Seaside, California 93955. To facilitate attracting the greatest possible public participation, two scoping sessions have been scheduled: The afternoon session starts at 2:00 pm and the evening session starts at 7:30 pm. The public in general, including public and private interest groups as well as any government agency, are invited to participate in the scoping process by either attending the meeting(s) of submitting written comments. The purpose of the public scoping meetings are to identify significant issues and alternatives to be considered in the DEIS.

b. The significant issues which have been identified to date and which will be considered in the DEIS include: geology and soils; hydrology and water quality; aquatic/terrestrial flora and fauna; air quality; land use; socioeconomics; traffic, noise, archaeology, public health and safety and growth inducement. Additional significant issues identified during the scoping process will also be considered in the DEIS.

c. Environmental review and consultation as required by section 401 and 404 of the Clean Water Act, as amended (33 U.S.C. 1341 and 1344); section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)); the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*); the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 *et seq.*); Executive Order 11988, "Floodplain Management," 24 May 1977; Executive Order 11990 "Protection of Wetlands," 24 May 1977; Prime and Unique Agricultural Lands, CEQ Memorandum dated 11 August 1980 and other statutes or regulations as may be required by the proposed action; will be conducted concurrently with the NEPA process.

4. It is estimated the Draft EIS will be released to the public on or about 1 March 1987.

5. Questions regarding the scoping process or preparation of the Draft EIS may be referred to Roger Golden, Environmental Branch, San Francisco District, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105 (415–974–0444). General questions concerning the processing of the permit application may be referred to Karen Mason, Regulatory Functions Branch, (415–974–0424) at the same address.

Dated: July 31, 1986.

Andrew M. Perkins, Jr.,

Lieutenant Colonel, Corps of Engineers, District Engineer.

[FR Doc. 86–17763 Filed 8–6–86; 8:45 am]

BILLING CODE 3710-FS-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Roger M. Schwartz, Office of Federal Acquisition and Regulatory Policy, (202) 523-3780, or Mr. Owen Greene, Defense Acquisition Regulatory Council, (703) 697-7268.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* This request covers recordkeeping and information collection requirements regarding the need for and use of jewel bearings and related items. The requirements are necessary to ensure contractor compliance with contract clauses regarding required usage of Government-owned sources of supplies for such items.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 13,500; responses, 270,000, and reporting and recordkeeping hours, 30,375.

Obtaining Copies of Proposals

Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GS Building, Washington, DC 20405, telephone (202) 523-4755. Please cite OMB Control No. 9000-0017.

Dated: August 1, 1986.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 86-17698 Filed 8-6-86; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvement

Advisory Council on Education Statistics; Meeting

AGENCY: Advisory Council on Education Statistics (ACES).

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: September 22-23, 1986.

ADDRESS: 555 New Jersey Avenue, NW., Room 326, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Iris Silverman, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, Room 400J, Washington, DC 20208 Telephone: (202) 357-6831.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93-380. The Council is established to review general policies for the operation of the Center for Statistics (CS) in the Office of Educational Research and Improvement and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes the following:

- Evaluation report on the Center for Statistics conducted by the Committee on National Statistics, National Research Council.
- Statistical standards for the Center.
- Review of design issues and progress in the Redesign of the Elementary and Secondary Education data system.
- Such old and new business as the Chairman or membership may put before the Council.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, NW., Room 400J, Washington, DC 20208.

Chester E. Finn, Jr.,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 86-17716 Filed 8-6-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate; Colorado School of Mines

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Restricted Eligibility for Grant Award.

SUMMARY: DOE announces that it plans to award a grant to the Colorado School of Mines in the amount of $50,000 for fiscal year 1986, as the first of five projected awards of $25,000 each in partial support of the 1986 Summer Field Institute entitled "Western Energy and Mineral Opportunities, Problems and Policy Issues." Pursuant to section 600.7 (b) of the DOE Financial Assistance Rules, 10 CFR Part 600, DOE has determined that eligibility for this award shall be limited to the Colorado School of Mines.

Procurement Request Number: 01-86FE60653.000

SUPPLEMENTARY INFORMATION: Each year since 1978, the Colorado School of Mines has successfully conducted a Summer Institute on Western Energy and Minerals Opportunities which has provided important background information for Congressional and Executive staff engaged in developing energy related legislation.

The Colorado School of Mines is the only institute with eight years of previous experience in conducting this particular summer institute which has given CSM a capability that is currently unique. There is no other such source now providing a comparable session. The CSM Summer Field Institutes is primarily for senior staff members from Congress, GAO, OMB, etc. The Institute will hold its two-week programs in July and during the Congressional break in August for each year of the program.

Therefore, the DOE has determined that this award to the Colorado School of Mines on a restricted eligibility basis is appropriate.

FOR FURTHER INFORMATION CONTACT: Shirley Jones, MA-452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252-4065.

Issued in Washington, D.C., on July 28, 1986.

Robert J. Walsh,

Acting Director, Contract Operations Division "A" Office of Procurement Operations.

[FR Doc. 86-17729 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

Procurement and Assistance Management Directorate

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of restriction of eligibility for grant award.

SUMMARY: DOE announces that, pursuant to 10 CFR 600.7(b) it intends to award on a restricted eligibility basis a grant to the Combustion Institute in partial support of the Twenty-First International Conference on Combustion. The DOE support under this grant will be $15,000 over a 4 month period.

Procurement Request No. 01-86FE61035.000

Project Scope: The Combustion Institute will host the Twenty-First International Symposium on Combustion at the Technical University of Munich, West Germany on August 3-6, 1986. The Combustion Institute, a non-profit higher education institute, provides the necessary medium under which the multitude of activities in the field of combustion (covering physics, chemistry, engineering) may be catalogued and published in the Institute's Conference Volumes and Journals. This conference volume aids to encourage outstanding scientists, engineers and investigators to maintain a higher level of activity and interest in combustion than they would otherwise.

The Symposium on Combustion is an activity sponsored only by the Combustion Institute. DOE has a vital interest in the research issues associated with and surrounding the activities of Combustion. Therefore, it has been determined that a grant for partial support of the planned symposium to the Combustion Institute on a restricted eligibility basis is appropriate.

FOR FURTHER INFORMATION CONTACT: James P. Beiriger, MA-452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue SW., Washington, DC 20585.

Issued in Washington, DC, on August 4, 1986.

Robert J. Walsh,

Acting Director, Contract Operations, Division "A", Office of Procurement Operations.

[FR Doc. 86-17829 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 86-34-NG]

Canadian Natural Gas Clearing House (United States) Inc.; Order Granting Blanket Authorization to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

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

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to import natural gas from Canada to Canadian Natural Gas Clearing House (U.S.) Inc. (Canadian Clearing House). The order issued in ERA Docket No. 86-34-NG authorizes Canadian Clearing House to import up to 75 Bcf of natural 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 Division Docket Room, GA-076, Forrestal Building, 1000 Independence Ave. 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 31, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-17828 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

[6450-01]

[ERA Docket No. 86-42-NG]

Natural Gas Imports; CU Energy Marketing Inc. Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on July 15, 1986, of an application from CU Energy Marketing Inc. (CU) which is wholly-owned subsidiary of Canadian Utilities Limited, a wholly-owned subsidiary of CU Resources Inc., for blanket authorization to import Canadian natural gas for short-term sales in the domestic spot market. Authorization is requested to import up to 200 Bcf of Canadian natural gas for a two-year term beginning on the date of first delivery of the import. CU proposes to purchase individual volumes of natural gas from various reliable Canadian suppliers and producer associations and arrange for delivery of the gas to the United States's border points of entry. Since CU intends to utilize existing pipeline facilities for the transportation of the volumes imported, the proposal does not contemplate the construction of any new domestic facilities. CU proposes to submit quarterly reports giving details of individual transactions within 30 days following each calendar quarter.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene, or notices or intervention, as applicable, and written comments are to be filed no later than September 8, 1986.

FOR FURTHER INFORMATION CONTACT:

Allyson C. Reilly, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9394

Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with DOE's gas import policy guidelines, under which competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9478. They must be filed no later than 4:30 p.m. e.s.t., September 8, 1986.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto.

Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of CU's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C., July 31, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-17730 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

[86-43-NG]

Natural Gas Imports; Granite State Gas Transmission, Inc.; Application to Import Natural Gas From Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on July 18, 1986, of an application filed by Granite State Gas Transmission, Inc. (Granite State) for authorization to import Canadian natural gas from Shell Canada Limited (Shell).

The application was filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, or notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than September 8, 1986.

FOR FURTHER INFORMATION CONTACT:

John Glynn, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue SW., Washington, DC 20585 (202) 252-9482

Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585 (202) 252-6667

SUPPLEMENTARY INFORMATION: The applicant, a New Hampshire corporation with its principal place of business in Canton, Massachusetts, is a wholly-owned subsidiary of Northern Utilities, Inc. (Northern Utilities), which itself is a wholly-owned subsidiary of Bay State Gas Company (Bay State). Granite State owns and operates a 55-mile interstate natural gas pipeline system extending from the Massachusetts-New Hampshire border northwesterly through the New Hampshire coastal area to a terminus at Elliot, Maine. It resells the gas it purchases to only two distributors, Northern Utilities and Bay State and one direct customer, an Air Force base. The imported volumes from Shell will be used by Granite State to supplement its existing long-term gas supplies.

By its application, Granite State seeks approval to import up to 25,000 Mcf of natural gas per day on an interruptible, best efforts basis during the period November 1, 1987, through October 31, 1988. Beginning November 1, 1988, and extending through March 31, 1999, Granite State wants to be able to import up to 25,000 Mcf per day on a firm basis and an additional daily quantity of up to 15,000 Mcf on an interruptible basis. The gas would enter the United States at a point on the international border near North Troy, Vermont. In order to accomplish the delivery of this supply, Granite State intends to purchase 48 miles of natural gas pipeline facilities owned by Northern Utilities which extend from Elliot to Portland, Maine. Also, Granite State will lease 166 miles of crude oil pipeline from Portland Pipeline Corporation extending from the city of Portland northwesterly through Maine and New Hampshire to North Troy, Vermont and convert it to natural gas service.

According to the application, when firm deliveries commence on November 1, 1988, the gas sales contract between Granite State and Shell establishes a two-part demand/commodity pricing structure. For any best-efforts deliveries prior to that time, Granite State would pay a one-part rate at the border. The demand component under the two-part billing rate consists of the fixed costs incurred by Shell in connection with gathering the gas in the Province of Alberta and transportation and shipping within Canada to the export point. The commodity charge is based on a border price (initially set at $3.31 (U.S.) per MMBtu), adjusted monthly to track changes in prices of a specific mix of natural gas, No. 2 distillate oil and No. 6 residual oil in the Bay State/Northern Utilities market area, minus the demand charge, calculated on an annual average basis.

The applicant states that on the basis of March, 1986 data, the demand charge is $31.98 (U.S.) per Mcf and the commodity charge is $1.22 (U.S.) per MMBtu, which would yield a cost at the international border of $2.2714 (U.S.) per MMBtu. Either party may require that

the pricing and price adjustment provisions for any contract year be determined by renegotiation or, failing agreement, by arbitration. The minimum bill is the monthly demand charge and there are no take-or-pay requirements. Granite State proposes to pass through to its customers the demand and commodity components of the rate it pays to Shell on an as-billed basis.

In support of its application, Granite State maintains that the proposed natural gas supply will remain competitive over the contract period and is therefore consistent with the Secretary of Energy's gas import policy. Furthermore, with the conversion of the oil pipeline, having this supply of gas available will enhance Granite State's ability to provide safe and reliable service to its customers.

The decision on this application will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of ovecoming this assertion.

Public Comment Procedures: In response to this notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076-A, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-9478. They must be filed no later than 4:30 p.m., e.s.t., September 8, 1986.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Granite State's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

Issued in Washington, DC, on August 1, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-17831 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 86-33-NG]

Tricentrol Petroleum Marketing, Inc.; Order Approving a Blanket Authorization to Import and Export Natural Gas

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order approving a blanket authorization to import and export natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to Tricentrol Petroleum Marketing, Inc. (TPMI) to import Canadian natural gas and export natural gas on a short-term basis. The order issued in ERA Docket No. 86-33-NG authorizes TPMI to import 125 Bcf of Canadian natural gas per year and export 50 Bcf of natural gas for a two-year term beginning on the date of first delivery.

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 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, DC, August 1, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-17830 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Petroleum Supply Publications; Solicitation of Comments

AGENCY: Energy Information Administration, DOE.

ACTION: Solicitation of comments.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy solicits comments concerning the publication of statistical tables in the *Petroleum Supply Monthly* (PSM) and *Petroleum Supply Annual* (PSA) publications.

DATE: Written comments must be received within 30 days of the publication of this notice.

ADDRESS: Send comments to Michele R. Simmons, at the address listed immediately below:

Michele R. Simmons, Petroleum Supply Division, Energy Information Administration, EI-424, Department of Energy, Mail Stop 2H-058, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-5995.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Comment Procedure

I. Background

In order to fulfill its responsibilities under the Federal Energy

Administration Act of 1974 (Pub. L. 93–275) and the Department of Energy Organization Act (Pub. L. 95–91), EIA is obliged to publish, and otherwise make available to the public, high-quality statistical data that reflect national and regional petroleum supply data as accurately as possible. To meet this responsibility, as well as internal DOE requirements that are dependent on accurate data, the EIA conducts statistical surveys that encompass significant petroleum supply activities in the United States.

II. Current Actions

Through disclosure avoidance procedures, EIA seeks to maintain the confidentiality of its respondents and their data when releasing collected survey information.

EIA's disclosure avoidance standard (EIA 84–03–04) addresses statistical confidentiality and describes a method for determining whether individual cell data are sensitive or not by application of prescribed rules. Cell data are considered sensitive if one of the following occurs:

1. The non-zero value for a cell is based on the information from one or two respondents, or

2. The value for a cell is based on information from three or more respondents but the calculation of a sensitivity measure indicates that the cell should be withheld because one or two large companies dominate the cell.

Several of the detail tables in the PSM and PSA do not conform to the EIA standard. The level of detail provided in these tables has remained essentially unchanged from the level of detail provided in publications released under the auspices of the Bureau of Mines since 1917. However, in recent years the petroluem industry has undergone much change including a steady decline in the number of operable refineries and a rise in company mergers. These changes in the industry contribute to the current number of cells which fail the disclosure standard. To date, EIA has not withheld these data from publication. Except for data deemed public information and data required for regulation, EIA never divulges the name of the company associated with a given data element.

Special requests for unpublished data are subjected to disclosure avoidance procedures. Individual company data are considered to be proprietary and are not available to the public. The procedure used to protect company specific petroleum supply data is that aggregate level data must be comprised from at least three distinct companies with no one company's data predominating.

III. Comment Procedures

Written Comments

Conformance with the EIA standard could require the discontinuation of some refining district and petroleum movement information in the PSM and the PSA, withholding publication of other sensitive cells, and a sufficient number of additional cells to protect the sensitive cells. This could significantly reduce the level of information which has been available for more than 30 years, and which EIA believes is useful.

Therefore, EIA plans to continue publishing the data as in the past. This could continue some statistical disclosure in the tables of the PSM and the PSA. EIA will continue to consider company-level data proprietary in all other ways. Objections to this course of action should be provided in writing.

Issued in Washington, DC on August 1, 1986.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 86–17827 Filed 8–6–86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. EL85-19-105]

Kings River Basin, CA; Request for Comments on the Cumulative Environmental Impacts of Proposed Hydropower Development

August 4, 1986.

The Federal Energy Regulatory Commission (Commission) is requesting comments regarding cumulative environmental impacts [1] that may occur as a result of multiple hydropower developments proposed for the Kings River Basin, located in Fresno and Tulare Counties, California.

Information Requested

Interested persons and agencies are invited to identify those target resources that may be at risk, to describe the distribution of these resources, and to include substantive evidence documenting the interaction between the target resources and the proposed hydropower projects described in this notice.[2] Substantive evidence should include, but should not be limited to, the results of studies, natural resource management policies, and reports from state and local resource agencies.

The staff will evaluate those target resources included in this notice, and any additional target resources identified by interested persons and agencies.

Pending License Applications

As of July 28, 1986, the following license applications for hydropower projects were pending before the Commission:

Project No.	Project name	Type of application
3208–003	Hume Lake Project	Major license
6017–000	Ten Mile Creek Project	Do.

A map of the Kings River Basin shows the locations of these pending projects and existing projects, and is included in this notice (figure 1).

Descriptions of Proposed Projects

Hume Lake Project: The project would be located at the U.S. Forest Service's (USFS) existing Hume Lake Dam on Ten Mile Creek within the Sequoia National Forest in Fresno County, California. The proposed project would consist of: (1) A 36-inch-diameter, 8,000-foot-long, low-pressure pipe; (2) A 30-inch-diameter, 4,500-foot-long penstock; (3) A powerhouse containing a single generating unit with a rated capacity of 3.5 megawatts (MW); (4) A switchyard adjacent to the powerhouse; and (5) a 70-kV, approximately 3-mile-long transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company line south of the powerhouse.

Ten Mile Creek Project: The project would be located on Ten Mile Creek, partially within the Sequoia National Forest in Fresno County, California. The proposed project would consist of: (1) A 6-foot-high steel and concrete diversion structure at elevation 3,750 feet; (2) A 30-inch-diameter pipeline 4,500 feet long and a penstock 2,100 feet long; (3) A powerhouse at elevation 2,280 feet adjacent to the Kings River containing a turbine-generator with a 4.95-MW capacity; (4) A 70-kV transmission line 6,600 feet long; and (5) An access road 1.75 miles long.

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[1] Cumulative impact is the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

[2] A target resource is an important resource that could be adversely affected by two or more proposed hydropower projects.

Preliminary Review of Target Resources

The staff has examined the two applications for hydropower development and has studied comments from federal and state natural resource agencies concerning the potential for cumulative impacts from the proposed projects. The staff's preliminary analysis has identified recreational fishing and aesthetics as target resources in the Kings River Basin.

Recreational Fishing: Recreational fishing has been noted as a target resource because the Hume Lake and Ten Mile Creek projects would affect this resource located in the vicinity of the Hume Lake Recreation Unit of the Sequoia National Forest. The USFS, by telephone correspondence on December 12, 1985, has stated that sufficient minimum flows should be provided to protect the recreational fishing within the project bypass reaches of Ten Mile Creek. The drawdown at Hume Lake and flow alterations in Ten Mile Creek would affect water temperature, dissolved oxygen, and sediment transport, which in turn, may reduce water quality in Ten Mile Creek. A reduction in water quality and alteration of flows due to two projects may adversely affect fish survival. Hume Lake and Ten Mile Creek are important because they support significant public recreational fishing.

Aesthetics: The Hume Lake and Ten Mile Creek projects may impact the visual quality of the area. Fresno and Tulare Counties have recognized the importance of visual quality in the region through designating scenic highways in their general plans. The two proposed projects are located in an area that is classified by the USFS as highly distinctive with a visual quality objective of retention. A substantial portion of the transmission lines, pipelines, penstock rights-of-ways, and the powerhouses of the Hume Lake and Ten Mile Creek projects would be visible from State Route 180, a highly scenic road in the region and may alter the current visual quality objective of the USFS.

Assessment of Cumulative Impacts

In addition to the information available on the two proposed projects in the Kings River Basin, the staff will review any data provided by interested persons and agencies addressing how these pending projects may have cumulative impacts on recreational fishing, aesthetics or other target resources of tne region not yet identified by the staff.

Comments should be filed by the close of business, 9-18-86, and should be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Please affix Docket No. EL85-19-105 to all comments.

For further specific information please contact Patricia E. Aspland, River Basin Coordinator, at (202) 376-9623.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17798 Filed 8-6-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL85-19-106]

Lehigh River Basin, PA; Request for Comments on the Environmental Impacts of Proposed Hydropower Development

August 4, 1986.

The Federal Energy Regulatory Commission (Commission) is requesting comments regarding cumulative environmental impacts [1] that may occur as a result of multiple hydropower developments proposed for the Lehigh River Basin, located in Northhampton, Lehigh, Berks, Carbon, Monroe, Wayne, Lackawanna, and Luzerne Counties, Pennsylvania.

Information Requested

Interested persons and agencies are invited to identify those target resources that may be at risk, to describe the distribution of these resources, and to include substantive evidence documenting the interaction between the target resources and the proposed hydropower projects described in this notice.[2] Substantive evidence should include, but not be limited to, the results of studies, natural resource management policies, and reports from state and local resource agencies.

The staff will evaluate those target resources included in this notice, and any additional target resources identified by interested persons and agencies.

Pending License Applications

As of July 28, 1986, the following license applications for hydropower projects were pending before the Commission:

Project number	Project name	Type of application
2994-002	Beltzville Project	Major license
5146-001	Hamilton Street Project.	Major license
5833-000	Easton/Raubsville Project.	Minor license

A map of the Lehigh River Basin shows the locations of these pending projects and existing projects, and is included in this notice (figure 1).

Descriptions of Proposed Projects

Beltzville Project: The project would be located on Pohopoco Creek in Carbon County, Pennsylvania. It would utilize the U.S. Army Corps of Engineers' Beltzville Dam and Reservoir and would consist of: (1) Modification of the outlet works for project purposes; (2) a new 6.5-foot-diameter and 230-foot-long steel penstock; (3) a new powerhouse with two turbine-generator units with a total capacity of 2,150 kW; (4) a switchyard; (5) and a 1.7-mile transmission line.

Hamilton Street Project: The project would be located on the Lehigh River and Lehigh Canal in Lehigh County, Pennsylvania. The project would consist of: (1) The existing Hamilton Street Dam, a 14-foot-high, 490-foot-long concrete gravity dam; (2) an existing 82-acre reservoir; (3) a 1,700-foot-long section of the existing Lehigh Canal; (4) a proposed powerhouse to be located adjacent to the existing fish ladder at the dam and to contain an installed generating capacity of 200 kW; (5) a proposed powerhouse to be located 1,700 feet downstream of the dam and to contain an installed generating capacity of 1,830 kW; (6) a proposed 2,600-foot-long, 12-kV transmission line connecting one powerhouse to the Pennsylvania Power and Light Company's Allentown Substation; and (7) a proposed 650-foot-long, 12-kV transmission line connecting to the above transmission line.

Easton/Raubsville Project: The project would be located on the Lehigh River in Northampton Cunty, Pennsylvania. The project would be run-of-the-river and would consist of: (1) The existing Easton Dam, approximately 590-feet-long and 12-feet-high, constructed of timber cribs with concrete cap and spillway crest elevation of 170.5 feet; (2) a reservoir having minimal pondage; (3) an existing canal headworks at the right river bank and the Delaware Canal; (4) Ground Hog Locks and an intake structure with gates and trashracks; (5) the existing Raubsville Hydroelectric Station with rehabilitated turbines and two new

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[2] A target resource is an important resource that could be adversely affected by two or more proposed hydropower projects.

generators having a total rated capacity of 1500 kW; (6) a tailrace discharging into the Delaware River; and (7) a new 4.8-kV transmission line.

Preliminary Review of Target Resources

The staff has examined the three applications for hydropower development and has studied comments from federal and state natural resource agencies concerning the potential for cumulative impacts from the proposed projects. The staff's preliminary analysis has identified anadromous fish, water quality and recreation as target resources in the Lehigh River Basin.

Anadromous Fish: In June 1985, the Pennsylvania Fish Commission (PFC) began an American shad restoration management program in the Lehigh River Basin. Fry were stocked into the Lehigh River at the TriBoro Sportsman Club Access Area situated approximately 12 miles above the Hamilton Street Project, Northampton (letter from L. Young to R. Hesser, Pennsylvania Fish Commission, Bellefonte, PA, June 10, 1985). The action culminated from increased public demand for more and varied fisheries as well as the PFC's interest to restore this valuable species to its historic spawning and rearing habitat.

While the Hamilton Street Dam in Allentown has fish passage facilities, the Easton/Raubsville Dam situated down river has none. Chain Dam (FERC No. 3547), an existing project located between the Easton/Raubsville Dam and the Hamilton Street Dam, also has no fish passage facilities. Each spring, shad enter the Lehigh River from the Delaware River and are attracted to the tailwaters at the Easton/Raubsville Dam in great numbers (Hesser, 1985). However, because the Easton/Raubsville Dam and subsequently Chain Dam do not have fishways, adult shad are unable to migrate to upriver spawning sites. The PFC stated that while shad could survive as far up as the confluence of Pohocopo Creek with the Lehigh River, it is too early to tell whether they would go that far (Personal communication, Robert B. Hesser, Fishery Resources Biologist, Pennsylvania Fish Commission, Bellefonte, PA, February 6, 1986). The PFC has determined that the operators of the Easton/Raubsville Dam and Chain Dam must construct fish ladders as well as downstream migrant facilities that prevent fish from entering the canal and ultimately being injured or killed by passage through turbines. Development of these hydroelectric projects could affect the shad restoration effort in the Lehigh River by delaying upstream migration or by increasing downstream migrant mortality from entrainment and impingement.

Water Quality: Until the construction of dams on the Lehigh River in the 1820's, American shad annually migrated up the river. Added to the impediment of the dams, shad and other anadromous fish began a rapid decline with the degradation of water quality caused by the deleterious effects of particularly coal and steel plant wastes, other industrial wastes, and municipal wastes (Hesser, 1984). Such effluents significantly reduced dissolved oxygen (DO) levels which affected fish survival. Since studies conducted by the PFC from 1973 to 1976, studies by the Area Fisheries Management staff from 1980 to 1982 have determined that the overall physical, biological and chemical conditions in the river have improved. This is particularly the case for the middle and lower sections of the Lehigh River which comprise approximately 40 miles suitable for anadromous fish restoration (Hesser, 1984).

While the Beltzville Project would utilize an existing dam and reservoir, operation of the multi-level intake structure during summer months could result in the discharge of water with low DO levels. This aspect along with a drawdown of cold hypolimnetic water from the reservoir bottom, could result in the release of relatively warm water in the late summer. Additionally, the flow of the Lehigh River is regulated by the project which effectively affects water quality and quantity throughout the lower river drainage.

At the Hamilton Street Project, project operation could affect DO levels during low flow periods from reduced spillage. At the Easton/Raubsville Project, short-term impacts may result from dredging of silts during facility modifications.

Recreation: Over the years, canoeing on the Lehigh and Delaware Rivers has played a fairly important role in attracting recreationists to the area. The fact that a portion of the Lehigh Canal has been nominated for inclusion of the National Register of Historic Places, as well as the Delaware Canal having been already determined a National Historic Landmark, may account for the attractiveness of the area. In 1981 alone, more than 145,000 canoeists recreated in the Delaware River. At the Beltzville Project, an informal canoe launching and recreational area would be lost to project development. At the Easton/Raubsville Project, new facilities and transmission lines could cause impacts on scenic vistas which could reduce recreational values at sites, e.g., canoeing. Changes in water flow below the Easton/Raubsville diversion might also be increased to the extent that canoeists may no longer be able to paddle upstream as they have in the past.

Assessment of Cumulative Impacts

In addition to the information on the three proposed projects in the Lehigh River Basin, the staff will review any data provided by interested persons and agencies addressing how these pending projects may have cumulative impacts on anadromous fish, water quality, recreation or other target resources of the region not yet identified by the staff.

Comments should be filed by the close of business, September 18, 1986, and be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Please affix Docket No. EL85-19-106 on all comments.

For further specific information, please contact Andrea J. Heintzelman or Robert Grieve, River Basin Coordinators, at (202) 376-9290 or 376-9001, respectively.

Literature Cited

Hesser, Robert B. 1986. Strategic fishery management plan for American shad restoration in the Schuylkill and Lehigh River Basins. Pennsylvania Fish Commission, Bellefonte, PA.

_____. 1985 American shad restoration—Pennsylvania's challenge. Pennsylvania Angler. March 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17799 Filed 8-6-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL85-19-107]

Pit River Basin, CA; Request for Comments on the Cumulative Environmental Impacts of Proposed Hydropower Development

August 4, 1986.

The Federal Energy Regulatory Commission (Commission) is requesting comments regarding cumulative environmental impacts [1] that may occur

[1] Cumulative impact is the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

as a result of multiple hydropower developments proposed for the Pit River Basin, located in Siskiyou, Modoc, Shasta and Lassen Counties, California.

Information Requested

Interested persons and agencies are invited to identify those target resources that may be at risk, to describe the distribution of these resources, and to include substantive evidence documenting the interaction between the target resources and the proposed hydropower projects described in this notice.[2] Substantive evidence should include, but should not be limited to, the results of studies, natural resource management policies, and reports from state and local resource agencies.

The staff will evaluate those target resources included in this notice, and any additional target resources identified by interested persons and agencies.

Pending License Applications

As of July 28, 1986, the following license applications for hydropower projects were pending before the Commission:

Project number	Project name	Type of application
8296-001	Muck Valley	Major license.
3863-001	Lost Creek 1	Major license.
5130-002	Lost Creek 2	Major license.
9029-000	Grasshopper Flat	Major license.

A map of the Pit River Basin shows the locations of these pending and existing projects, and is included in this notice (figure 1).

Descriptions of Proposed Projects

Muck Valley Project: The project is an application for a major license that would be located on the mainstem of the Pit River, Lassen County. The project would be constructed on private land owned by Juniper Ridge Ranches, Inc. It would consist of: (1) A 300-foot-long, 15-foot-high diversion structure; (2) a 160-foot-long, 17-foot-high intake structure; (3) a 20,000-foot-long, 10-foot-diameter tunnel to the penstock; (4) a 7,404-foot-long, 96-inch-diameter penstock; (5) a 67 foot by 78 foot powerhouse containing a single vertical turbine unit with a capacity of 30.1 MW; and (6) a 9,900-foot-long transmission line connecting with an existing Pacific Gas and Electric Company (PG&E) line.

Lost Creek No. 1 Project: The project is an application for a minor license that would be located on Lost Creek in Shasta County. The project would be constructed partially on private property and on 75 acres of U.S. Forest Service land within Lassen National Forest. The project would consist of: (1) A 6-foot-high, 70-foot-long diversion structure at elevation 4,223 feet; (2) a 42-inch-diameter, 2,700-foot-long penstock; (3) a powerhouse containing one turbine and generator rated at 1.4 MW; and (4) a transmission line about two miles in length that would connect to an existing PG&E distribution line.

Lost Creek No. 2 Project: The project is an application for a minor license that would be located on Lost Creek in Shasta County. The project would be constructed partially on private property and on U.S. Forest Service land within Lassen National Forest. The project would consist of: (1) A 6-foot-high, 40-foot-long diversion dam at elevation 3,845 feet; (2) a 57-inch-diameter, 2,000-foot-long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 455 kW, operating under a head of 85 feet; and (4) a 2,500-foot-long transmission line that would connect with an existing PG&E line east of the project.

Grasshopper Flat Project: The project is an application for a minor license that would be located on Nelson Creek, in Shasta County. The project would be constructed entirely on private property. It would consist of: (1) A 30 foot by 50 foot diversion dam on the east fork of Nelson Creek, and a 30 foot by 125 foot diversion dam on the west fork of Nelson Creek; (2) a 6,700-foot-long penstock and a 480-foot-long penstock; (3) a 30 foot by 35 foot powerhouse containing one to three turbines with a capacity of 103 kW; and (4) a 1,500-foot-long 12-kV transmission line connecting to an existing PG&E line.

Preliminary Review of Target Resources

The staff has examined the four applications for hydropower development and has studied comments from federal and state natural resource agencies concerning the potential for cumulative impacts from the proposed projects. The staff's preliminary analysis has identified dispersed recreation, aesthetics, bald eagles, and Native American cultural resources as target resources in the Pit River Basin.

Dispersed Recreation: Dispersed recreational activities in the Pit River Basin are hiking and fishing in the backcountry, camping at primitive sites, and picnicking at undesignated roadside areas. There is an abundance of dispersed recreational opportunities in the Lassen, Modoc, Fremont, and Shasta-Trinity National Forests, which make up more than half the acreage of the Pit River Basin. Since most of the dispersed camping and fishing activities occur at lakes and along streams, multiple hydropower development could adversely affect dispersed recreational activities in the basin by reducing fishing success and dewatering or impounding free-flowing streams.

Aesthetics: Aesthetics (visual quality) in the Pit River Basin is important because most recreationists are there to enjoy the views as seen from the canyon rims, roadsides, and backcountry areas. Of special importance is the view from the Pacific Crest Trail, a nationally designated trail, that traverses the basin. Multiple hydropower development could adversely affect the visual quality of the basin by constructing man-made structures, that are not compatible with the natural setting, in areas that are highly visible to recreationists.

Bald Eagles: The bald eagle is federally-listed endangered species. The Pit River Basin supports a significant portion of California's limited number of bald eagles. There are numerous bald eagle nesting territories in the Pit River Basin, making it one of the most important bald eagle nesting areas in the state. Multiple hydropower project development could adversely affect bald eagles by increasing human disturbance, removing certain types of vegetation, reducing fish populations, and constructing above-ground transmission lines that could cause inflight collisions.

Native American Cultural Resources: Many Native American groups live in the Pit River Basin, and, consequently, there are resources that are important to their culture. These resources include: areas of religious or ceremonial value; sites of past settlement which have sentimental value to individual members of the community; sites uniformly considered important by the entire Native American community; and sites where Native Americans gather botanical resources for diet. Multiple hydropower project development in the basin could adversely affect Native American cultural resources by removing certain types of vegetation, blasting or excavating sacred areas, dewatering religiously significant waterfalls, and allowing public access to religious sites.

The Muck Valley and Grasshopper Flat Projects would be located on stream segments that are isolated from other pending FERC projects. At this preliminary stage of analysis, staff and the resource agencies have not identified cumulative adverse impacts to the target resources from the

[2] A target resource is an important resource that could be adversely affected by two or more proposed hydropower projects.

construction and operation of these projects.

Assessment of Cumulative Impacts

In addition to the information available on the four proposed projects in the Pit River Basin, the staff will review any data provided by interested persons and agencies addressing how these pending projects may have cumulative impacts on dispersed recreation, aesthetics, bald eagles, and Native American cultural resources or other target resources of the region not yet identified by the staff.

Comments should be filed by the close of business, September 18, 1986, and be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Please affix Docket No. EL85-19-107 on all comments.

For further information please contact Brian Romanek, River Basin Coordinator, at (202) 376-1730.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17800 Filed 8-6-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL85-19-108]

Rogue River Basin, OR and CA; Request for Comments on the Cumulative Environmental Impacts of Proposed Hydropower Development

August 4, 1986.

The Federal Energy Regulatory Commission (Commission) is requesting comments regarding cumulative environmental impacts [1] that may occur as a result of multiple hydropower developments proposed for the Rogue River Basin, located in Josephine, Jackson, Curry, and Klamath Counties, Oregon, and in Siskiyou and Del Norte Counties, California.

Information Requested

Interested persons and agencies are invited to identify those target resources that may be at risk, to describe the distribution of these resources, and to include substantive evidence documenting the interaction between the target resources and the proposed hydropower projects described in this notice. [2] Substantive evidence should include, but should not be limited to, the results of studies, natural resource management policies, and reports from state and local resource agencies.

The staff will evaluate those target resources included in this notice, and any additional target resources identified by interested persons and agencies.

Pending License Applications

As of July 28, 1986, the following license applications for hydropower projects were pending before the Commission:

Project number	Project name	Type of application
7829-000	Emigrant Dam	Major license
4732-000	Applegate Lake	Major license
6568-001	Grave Creek	Major license

A map of the Rouge River Basin shows the locations of these pending and existing projects, and is included in this notice (figure 1).

Descriptions of Proposed Projects

Emigrant Dam Project: The project would consist of: (1) A 54-inch-diameter bifurcation connected to the existing 54-inch-diameter outlet pipe of the 176-foot-high, 735-foot-long earthfill Emigrant Dam owned by the Bureau of Reclamation; (2) a 185-foot-long, 54-inch-diameter steel penstock; (3) a powerhouse containing one generating unit, rated at 1,850 kw; and (4) a 500-foot-long transmission line. The average annual energy generation is estimated to be 5.5 million kWh.

Applegate Lake Project: The project would utilize the head developed by the Corps of Engineers' existing Applegate Dam. The project would consist of: (1) Installation of a steel lining in the existing 9-foot by 14.5-foot oblong flood control conduit; (2) a bifurcation in the conduit, 50 feet upstream of the outlet portal, to which is connected a 125-foot-long, 12-foot-diameter steel penstock; (3) two outlet gates in the penstock with 7- and 5-foot-diameter branches leading to the powerhouse and a 5-foot-diameter bypass branch leading to a Howell-Bunger valve; (5) a powerhouse on the left bank of the primary stilling basin 70 feet downstream of the toc of the dam containing two generating units rated at 2.7 MW and 6.3 MW; (6) a substation adjacent to the powerhouse; and (7) a 15-mile-long, 69-kV, woodpole transmission line to the Ruch substation. The project would generate an estimated average of 37,600 MWh annually.

Grave Creek Project: The project would consist of: (1) A 6-foot-high, 30-foot-long concrete diversion structure at elevation 2,240 feet; (2) a 5,600-foot-long, 48-inch-diameter penstock; (3) a powerhouse containing a single generating unit with an installed capacity of 4,000 kW at a design head of 510 feet; and (4) a 730-foot-long, 12-kV transmission line connecting to Pacific Power and Light Company's existing transmission line. The average annual energy generation is estimated to be 11.1 million kWh.

Preliminary Review of Target Resources

The staff has examined the three applications for hydropower development and has studied comments from federal and state natural resource agencies concerning the potential for cumulative impacts from proposed projects. The staff's preliminary analysis has identified anadromous fish and recreational fishing as target resources in the Rogue River Basin.

Anadromous Fish: The Rogue River and its tributaries support a renowned population of anadromous fish, principally chinook and coho salmon, and steelhead and sea-run cutthroat trout. It produces more anadromous fish than any other river in the state of Oregon. Salmon from the Rogue contribute significantly to the offshore commercial and recreational catch. The net economic contribution from this catch to the local economy has been estimated at $24 million annually.

Recreational Fishing: Recreational fishing for chinook and coho salmon and steelhead trout attracts national and international visitors. Steelhead are considered by fishermen as the premier sport fish. The sport fishery supports numerous businesses such as restaurants, tackle and boat shops, motels, charter fishing boats and more.

Eighty-five miles of the Rogue River is protected for its recreational and fishery values under the National Wild and Scenic Rivers Act. The protected segment extends from the mouth of the Applegate River downstream to the Lobster Creek Bridge (figure 1).

In its preliminary review of the Emigrant Dam Project (FERC No. 7829), the staff has found no current information to indicate that this project has the potential to interact with other projects nor anadromous fish and recreational fishing to cause cumulative impacts. The staff, however, will review any additional data which addresses the question of cumulative impacts from

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[2] A target resource is an important resource that could be adversely affected by two or more proposed hydropower projects.

interested persons and agencies on this project and the other pending projects in the basin.

Assessment of Cumulative Impacts

In addition to the information available on the three proposed projects in the Rogue River Basin, the staff will review any data provided by interested persons and agencies addressing how those pending projects may have cumulative impacts on anadromous fish and recreational fishing or other target resources of the region not yet identified by the staff.

Comments should be filed by the close of business, 9-18-86, and be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Please affix Docket No. EL85-19-108 on all comments.

For further specific information please contact Brian Romanek, River Basin Coordinator, at (202) 376-1730.

Kenneth F. Plumb,

Secretary

[FR Doc. 86-17801 Filed 8-6-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL85-19-109]

Willamette River Basin, OR; Request for Comments on the Cumulative Environmental Impacts of Proposed Hydropower Development

August 4, 1986.

The Federal Energy Regulatory Commission (Commission) is requesting comments regarding cumulative environmental impacts [1] that may occur as a result of multiple hydropower developments proposed for the Willamette River Basin, located in Washington, Clackamas, Yamhill, Polk, Marion, Linn, Benton, and Lane Counties, Oregon.

Information Requested

Interested persons and agencies are invited to identify those target resources that may be at risk, to describe the distribution of these resources, and to include substantive evidence documenting the interaction between the target resources and the proposed hydropower projects described in this notice.[2] Substantive evidence should include, but should not be limited to, the results of studies, natural resource management policies, and reports from state and local resource agencies.

The staff will evaluate those target resources included in this notice, and any additional target resources identified by interested persons and agencies.

Pending License Applications

As of July 28, 1986, the following license applications for hydropower projects were pending before the Commission:

Project number	Project name	Type of application
3109-001	Blue River Project	Major license.
4574-002	Three Lynx Creek Project.	Minor license.
5264-007	Stone Creek-Shellrock Creek Project.	Major license.
6200-000	Cripple Creek Project.	Minor license.

A map of the Willamette River Basin shows the locations of these pending projects and existing projects and is included in this notice (figure 1).

Descriptions of Proposed Projects

Blue River Project: The project would be located at the existing Blue River Dam owned by the Department of the Army, Portland District Corps of Engineers (Corps), on Blue River, a tributary of the McKenzie River, in Lane County, Oregon. The proposed action would consist of: (1) Modifying the intake structure and outlet tunnel; (2) constructing a powerhouse, containing two generating units with a capacity of 14.23 megawatts (MW); (3) excavating a tailrace; (4) installing 1.5 miles of 115-kilovolt (kV) transmission line; and (5) upgrading 1 mile of access road.

Three Lynx Creek Project: The project would be located on Three Lynx Creek, a tributary of the Clackamas River, in Clackamas County, Oregon. The proposed project would consist of: (1) A 2-foot-high diversion structure; (2) a small settling basin; (3) a 70-inch-diameter pipeline, 2,050 feet long; (4) a powerhouse utilizing 3 turbines with a combined installed capacity of 560 kilowatts; and (5) an underground feeder that would connect to existing powerlines.

Stone Creek-Shellrock Creek Project: The project would be located on Shellrock Creek and Oak Grove Fork, tributaries of the Clackamas River, in Clackamas County, Oregon. The proposed Stone Creek Project would consist of: (1) A 6-foot-high diversion dam, located about 100 feet downstream from the confluence of Stone Creek with Oak Grove Fork; (2) a 4.6-mile-long pipeline and penstock, from 78 inches to 66 inches in diameter; (3) a powerhouse, containing a turbine-generator with an installed capacity of 12 MW; and (4) a 1.7-mile-long, 115-kV transmission line. The Shellrock Creek development would consist of: (1) A 4-foot-high diversion dam on Shellrock Creek; (2) a 3.4-mile-long pipeline and penstock, from 42 inches to 36 inches in diameter; (3) a powerhosue containing a 2.75-MW turbine-generator; and (4) a 2.7-mile-long, 115-kV transmission line. Access to the project would require building 2,300 feet of new road and upgrading 4,300 feet of existing road.

Cripple Creek Project: The project would be located on Cripple Creek, a tributary of the Clackamas River, in Clackamas County, Oregon. The proposed project would consist of: (1) A diversion structure on Cripple Creek, at elevation 2,880 feet above mean sea level (msl); (2) a 6,800-foot-long, 18-inch-diameter steel penstock; (3) a powerhouse, at elevation 1,600 feet msl, containing one generating unit with a capacity of 1.2 MW; (4) a 100-foot-long tailrace; (5) 300 feet of 13-kV-transmission line; and (6) 260 feet of new access road.

Preliminary Review of Target Resources

The staff has examined the four applications for hydropower development and has studied comments from federal and state natural resource agencies concerning the potential for cumulative impacts from the proposed projects. The staff's preliminary analysis has identified anadromous fish as the target resource in the Willamette River Basin.

In its preliminary review of the Three Lynx Creek Project (FERC No. 4574), and the Cripple Creek Project (FERC No. 6200), the staff has found no current information to indicate that these projects interact with other projects nor anadromous fish species to cause cumulative impacts. The staff, however, will review any additional data which addresses the question of cumulative impacts from interested persons and agencies on these projects and the other pending projects in the basin.

Current data indicate that anadromous fish are evident in the vicinity of the Blue River Project (FERC No. 3109) and the Stone Creek Project (FERC No. 5264). The Corps is presently conducting a study to evaluate the

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[1] A cumulative impact is the impact on the environment that results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

[2] A target resource is an important resource that could be adversely affected by two or more proposed hydropower projects.

potential for temperature control facilities to enhance fish populations at Willamette River Basin projects. Other resource agencies, including the Environmental Protection Agency, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and the Oregon Department of Fish and Wildlife (ODFW) support a cumulative impact assessment of the basin.

The Northwest Power Planning Council currently coordinates a fisheries restoration plan for both resident and anadromous fish for the Columbia River Basin. Through this and other programs, various state and federal resource agencies have instituted restoration plans for the Willamette River Basin. The Commission now seeks further information as to what effect, if any, the licensing of these four hydropower projects will have on the anadromous fish restoration plans currently underway, and what appropriate mitigative techniques the staff should consider for these projects, if approved for licensing by the Commission.

Assessment of Cumulative Impacts

In addition to the information available on the four proposed projects in the Willamette River Basin, the staff will review any data provided by interested persons and agencies addressing how these pending projects may have cumulative impacts on anadromous fish or other target resources of the region not yet identified by the staff.

Comments should be filed by the close of business, September 18, 1986, and should be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Please affix Docket No. EL85-19-109 to all comments.

For further specific information, please contact Patricia E. Aspland, River Basin Coordinator, at (202) 376-9623

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17802 Filed 8-6-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-636-000, etc.]

Natural Gas Certificate Filings; Pacific Gas Transmission Co. et al.

August 4, 1986.

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

1. Pacific Gas Transmission Company

[Docket No. CP86-636-000]

Take notice that on July 25, 1986 Pacific Gas Transmission Company (PGT), a California Corporation whose mailing address is 160 Spear Street, San Francisco, California 94105-1570, filed an Application under section 7(c) of the Natural Gas Act for a Certificate of Public Convenience and Necessity authorizing (1) the interruptible transportation of natural gas in interstate commerce; (2) construction of a delivery tap to facilitate delivery of the transported gas; and (3) pregranted abandonment authorization upon termination of the transportation agreement.

The transportation will be accomplished by means of a delivery to PGT at Kingsgate, British Columbia of up to 30 MMcf/day of natural gas for the account of Development Associates Inc. (DA), acting on behalf of The Washington Water Power Company (WWP), and the redelivery of such natural gas, by means of the new delivery tap, to WWP at Starr Road, near Spokane, Washington. PGT estimates the new delivery tap to cost $520,000, all of which PGT claims would be paid for WWP in monthly installments. The interruptible transportation service will be accomplished through the utilization of existing capacity available on PGT's system. The term of the agreement will be for a primary term of one year, and month to month thereafter, not to exceed two years, from the date of initial deliveries or the date upon which Applicant may provide open access transportation under Order No. 436, whichever occurs first.

PGT states that the transportation charges will be based upon the cost-of-service charges to PGT's firm service customers billed pursuant to its Rate Schedules T-1, T-2 and PL-2. The unit transportation rate, it is claimed, will be redetermined each July 1, and shall be equal to the total cost-of-service billing for firm customers, less credits for interruptible transportation, during the preceding twelve month period divided by the contract volume demand miles for firm service customers. Further, PGT states that the transportation charge will be the product of the unit transportation rate, the volumes redelivered and the distance from the point of receipt to the point of delivery, which for billing purposes will be deemed to be not less than 200 miles. PGT proposes to charge WWP $.0544/Mcf plus a $.0135/Mcf GRI charge. In addition, PGT would retain 4.2% of the volumes delivered for fuel use and unaccounted for volumes.

PGT seeks a temporary order pending issuance of the requested order on the basis of the need to begin gas delivery service by November 1, 1986 and pregranted abandonment authorization to terminate service upon termination of the transportation agreement.

PGT additionally requests permission for the interruptible gas transportation agreement between PGT, DA and WWP to be filed pursuant to 18 CFR 154.52.

Comment date: August 25, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Natural Gas Pipeline Company of America

[Docket No. CP86-133-004]

Take notice that on July 25, 1986, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP86-133-004, a petition to amend the order issued May 1, 1986, in Docket No. CP86-133-000 pursuant to section 7 of the Natural Gas Act so as to authorize the transportation of up to 50 billion Btu equivalent per day of natural gas on an interruptible basis for United States Steel Corporation, now named USS, a unit of USX Corporation and for pregranted abandonment of such service (1) to an additional point of delivery in Cameron Parish, Louisiana and (2) for an additional term ending April 30, 1987.

Pursuant to Amendment No. 1 dated August 1, 1985 to the gas transportation agreement dated July 15, 1985, as amended (Agreement), Natural, TXO Production Corp. and USS propose to add an additional point of delivery at the existing point of interconnection between the measurement facilities of Natural and the pipeline facilities of Columbus Gulf Transmission Company located near Pecan Lake, Cameron Parish, Louisiana (Pecan Lake Delivery Point) for ultimate delivery to USS' Lorain and Haverhill, Ohio plants.

Also, pursuant to Amendment No. 2 dated June 6, 1986 to the Agreement, as amended, Natural, TXO Production Corp. and USS propose to extend the term of the agreement until April 30, 1987.

Natural proposes to charge USS the following transportation rates:

Point of receipt	Point of delivery	Mileage	Transportation rate/ MMBtu (cents)
Polk Co., TX	Pecan Lake	204	7.4
Zapata Co., TX [1]	Pecan Lake	544	19.6
White Co., AR [1]	Pecan Lake	595	21.5

[1] Receipt point added by Amendment No. 3 dated June 25, 1986 pursuant to authority granted in order issued May 1, 1986.

Natural proposes to reduce the volumes it redelivers to the Pecan Lake Delivery Point for the account of USS by certain percentages for gas lost and

unaccounted for and gas used in day to day pipeline operations.

Comment date: August 25, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Transcontinental Gas Pipe Line Corporation

[Docket No. CP86-639-000]

Take notice that on July 28, 1986, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86-639-000 an application pursuant to sections 7(b) and 16 of the Natural Gas Act for permission and approval to abandon a transportation service rendered by Transco for Mid Louisiana Gas Company (Mid Louisiana) under certificate authorization granted in Docket No. CP78-321, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that under a transportation agreement dated March 31, 1978 (Transco's Rate Schedule X-167), it transports for Mid Louisiana from a point of receipt from Tennessee Gas Pipeline Company (Tennessee) at Kinder, Allen Parish, Louisiana, to points of delivery to Mid Louisiana at Ethel, East Feliciana Parish and Hester, St. James Parish, Louisiana, up to a contract demand quantity of 4,000 dekatherms of gas per day which Mid Louisiana purchases in the Lake Washington Field, Plaquemines Parish, Louisiana, and which is transported to Kinder by Tennessee. Transco states it charges Mid Louisiana a monthly demand charge of $13,600 and retains 1.2 percent of the gas for fuel and other use.

Transco further states that the Lake Washington Field source of gas is now depleted, and that the parties have terminated the transportation agreement, effective July 8, 1986. Transco requests that the Commission authorize the proposed abandonment of the transportation service, retroactively effective as of July 8, 1986.

Transco avers that such abandonment of service to Mid Louisiana will not result in the abandonment of any of Transco's facilities since such facilities are necessary to continue various ongoing transportation, exchange and other arrangements with Mid Louisiana and Tennessee.

Comment date: August 25, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene 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. 86-17803 Filed 8-6-86; 8:45 am]

BILLING CODE 6717-01-M

Establishment of Performance Review Board: Names of Board Members

Section 4314(c) of title 5, United States Code (as amended by the Civil Service Reform Act of 1978), requires that the Federal Energy Regulatory Commission establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Board(s) to review, evaluate, and make a final recommendation on performance appraisals assigned to members of the Senior Executive Service in the Commission. The Performance Review Board also makes written recommendations to the Chairman, Federal Energy Regulatory Commission regarding Senior Executive Service performance bonuses, awards, and performance-related actions.

Section 4314(c) of title 5, United States Code requires that notice of appointment of Performance Review Board members be published in the **Federal Register.** The following persons have been appointed to serve on the performance review board standing register for the Federal Energy Regulatory Commission:

Susan J. Court
Kenneth M. Pusateri
Anthony F. Toronto
Joseph R. Neubeiser
Roy Stiltner
William H. Satterfield
Ernest C. Baynard, III
Michael Schopf
Christopher Warner
Russell E. Faudree, Jr.
Morris Fitzgerald
William Connelly
Joseph Frangipane
Lawrence R. Anderson
Jerry Milbourn
Gordon E. Murdock
Edward J. Fowlkes
Raymond Beirne
Joseph Solters
Robert Szekely
Howard Kilchrist
Leon J. Slavin
Randolph Mathura
Andrew Battese
Kenneth F. Plumb
Ronald A. Corso.

Issued in Washington, DC, on August 4, 1986.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17806 Filed 8-6-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-19337-000, et al.]

Anadarko Petroleum Corp.; Application as Successor in Interest for Certificates of Public Convenience and Necessity and for Redesignation of Related Rate Schedules

August 4, 1986.

Take notice that on July 25, 1986, Anadarko Petroleum Corporation (Applicant) of P.O. Box 1330, Houston, Texas 77251-1330, filed an application pursuant to the provisions of the Natural Gas Act, for Certificates of Public Convenience and Necessity as successor in interest to Anadarko Production Company, to continue to sell gas covered by the gas purchase contracts listed in Exhibit "A" attached hereto.

Effective August 1, 1985, Applicant acquired by assignment the interest of Anadarko Production Company,

Assignor, in certain properties described in the contracts identified in the attached Exhibit "A". Applicant requests that the Commission issue to it permanent Certificates of Public Convenience and Necessity to continue sales being made under permanent certificates issued to Anadarko Production Company in each of the dockets listed in the attached Exhibit "A" by substituting Anadarko Petroleum Corporation, in lieu of Anadarko Production Company, as certificate holder effective August 1, 1985. It is accordingly requested that the gas rate schedules of Anadarko Production Company listed on Exhibit "A" be redesignated as rate schedules of Applicant. Applicant also requests to be substituted in any pending Commission proceedings in which Anadarko Production Company is a party or an intervenor.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

EXHIBIT A.—ANADARKO PETROLEUM CORPORATION

Formerly: Anadarko Production Company, FERC gas rate Schedule No. / Now: Anadarko Petroleum Corporation, FERC gas rate Schedule No.	Certificate docket No.	Purchaser	State	County/Parish
003	G 19337	Northern Natural Gas Company	Oklahoma	Beaver.
004	G 19335	do	Kansas	Morton.
006	G 19336	do	do	Seward.
007	G 19339	do	do	Morton.
008	G 20117	Colorado Interstate Gas Corp	do	Do.
009	G 20181	do	Oklahoma	Beaver.
010	G 20176	do	do	Do.
011	G 20180	do	do	Do.
012	G 20178	do	Kansas	Morton.
013	G 20179	do	Oklahoma	Cimarron/Texas.
015	CI 60-699	Panhandle Eastern Pipe Line Co	do	Beaver.
016	CI 60-765	do	do	Do.
017	CI 60-801	Natural Gas Pipeline Company	do	Beaver/Texas.
018	CI 60-823	Panhandle Eastern Pipe Line Co	Kansas	Meade/Morton.
019	CI 60-821	do	Oklahoma	Texas.
021	CI 60-820	do	Kansas	Morton.
022	CI 61-61	do	Oklahoma	Beaver.
024	CI 61-249	do	Kansas	Morton.
025	CI 61-543	do	Texas	Moore.
026	CI 61-542	do	Kansas	Seward.
028	CI 61-684	do	do	Morton.
030	CI 61-701	Natural Gas Pipeline Company	Texas	Hemphill.
032	CI 61-742	Panhandle Eastern Pipe Line Co	Kansas	Stevens.
034	CI 61-873	do	do	Morton.
035	CI 61-872	do	Oklahoma	Beaver.
036	CI 61-893	do	Kansas	Seward/Stevens/Morton.
037	CI 61-964	do	Oklahoma	Texas.
038	G 19282	do	Kansas	Stevens.
039	CI 61-507	do	do	Grant.
040	CI 61-1565	do	Oklahoma	Texas.
041	CI 61-1617	do	do	Do.
042	CI 61-1618	do	Kansas	Morton.
043	CI 61-1679	do	Oklahoma	Texas.
044	CI 61-1755	do	do	Beaver.
046	CI 62-89	do	Kansas	Stevens.
047	CI 62-257	do	do	Seward.
048	CI 62-356	Northern Natural Gas Company	do	Stevens.
049	CI 62-356	do	do	Do.
050	CI 62-356	do	do	Do.
051	CI 62-356	do	do	Do.
052	CI 62-396	Colorado Interstate Gas Corp	Oklahoma	Beaver.
054	CI 62-431	Panhandle Eastern Pipe Line Co	Kansas	Stevens.
055	CI 62-584	Northern Natural Gas Company	Oklahoma	Beaver.
059	CI 62-846	Panhandle Eastern Pipe Line Co	do	Do.
060	CI 62-928	do	do	Texas.
061	CI 62-1307	do	do	Beaver.
062	CI 62-1535	do	do	Texas.
063	CI 62-1546	do	do	Beaver.
064	CI 63-1	Colorado Interstate Gas Corp	do	Do.
065	CI 63-94	Panhandle Eastern Pipe Line Co	Kansas	Morton.
066	CI 63-93	Northern Natural Gas Company	Oklahoma	Beaver.
067	CI 63-86	Panhandle Eastern Pipe Line Co	do	Texas.
068	CI 63-609	Natural Gas Pipeline Company	do	Beaver.
071	CI 63-1368	Colorado Interstate Gas Corp	Kansas	Morton.
074	CI 64-137	Northern Natural Gas Company	Oklahoma	Beaver.
076	CI 64-642	Colorado Interstate Gas Corp	do	Texas.
077	CI 64-961	Panhandle Eastern Pipe Line Co	Kansas	Morton.

EXHIBIT A.—ANADARKO PETROLEUM CORPORATION—Continued

Formerly: Anadarko Production Company, FERC gas rate Schedule No. / Now: Anadarko Petroleum Corporation, FERC gas rate Schedule No.	Certificate docket No.	Purchaser	State	County/Parish
079	CI 64-1223	Northern Natural Gas Company	do	Do.
080	CI 64-1369	Panhandle Eastern Pipe Line Co	Oklahoma	Texas.
082	CI 64-1427	do	Kansas	Morton.
084	CI 65-90	Natural Gas Pipeline Company	Texas	Moore.
088	CI 65-1149	Northern Natural Gas Company	Oklahoma	Beaver.
091	CI 65-1274	Natural Gas Pipeline Company	do	Do.
092	CI 65-1276	KN Energy, Inc	do	Do.
094	G 12755	Colorado Interstate Gas Corp	do	Do.
095	G 15814	KN Energy, Inc	do	Texas.
097	G 20244	Panhandle Eastern Pipe Line Co	Kansas	Edwards.
098	CI 61-183	Lone Star Gas Company	Oklahoma	Stevens.
099	CI 61-253	Northern Natural Gas Company	do	Beaver.
100	CI 61-569	Panhandle Eastern Pipe Line Co	do	Cimarron.
101	CI 61-1190	do	do	Beaver.
102	CI 62-1243	Arkansas Louisiana Gas Company	do	Latimer.
105	CI 64-766	Panhandle Eastern Pipe Line Co	do	Cimarron.
107	CI 65-265	do	do	Beaver.
109	CI 65-1307	do	Kansas	Seward.
110	G 19563	KN Energy, Inc	Oklahoma	Texas.
111	CI 64-1123	do	do	Do.
112	CI 66-146	Panhandle Eastern Pipe Line Co	do	Beaver.
114	CI 66-292	do	Kansas	Morton.
115	CI 66-462	Natural Gas Pipeline Company	New Mexico	Eddy.
118	CI 66-965	Northern Natural Gas Company	Oklahoma	Beaver.
119	CI 66-982	do	do	Texas.
120	CI 66-1147	Panhandle Eastern Pipe Line Co	do	Beaver.
121	CI 66-1148	Cities Service Gas Company	do	Woodward.
122	CI 66-1144	Panhandle Eastern Pipe Line Co	Kansas	Stevens.
123	CI 66-1301	do	do	Seward.
127	CI 67-204	do	do	Stevens.
129	CI 67-1458	ANR Pipeline Company	Oklahoma	Harper.
130	CI 67-1457	Northern Natural Gas Company	do	Beaver.
131	CI 67-1669	Panhandle Eastern Pipe Line Co. (Successor in interest to Baca Gas Gathering)	Colorado	Baca.
133	CI 68-182	Northwest Central Pipeline Co. (Successor in interest to Cities Service Gas Company)	Kansas	Seward.
134	CI 68-183	Panhandle Eastern Pipe Line Co	Oklahoma	Texas.
136	CI-68-9	ANR Pipeline Company	Louisiana	Cameron Par.
137	CI 68-284	Panhandle Eastern Pipe Line Co	Kansas	Morton.
138	CI 68-1124	Natural Gas Pipeline Company	Oklahoma	Dewey.
141	CI 69-1180	Colorado Interstate Gas Corp	Texas	Potter.
142	CI 70-52	Panhandle Eastern Pipe Line Co	Kansas	Morton.
143	CI 70-74	do	do	Grant.
145	CI 70-493	do	do	Morton.
146	CI 70-494	do	Oklahoma	Texas.
147	CI 70-501	do	Kansas	Grant.
148	CI 70-508	do	Oklahoma	Texas.
150	CI 70-624	Texas Eastern Transmission Corp	Texas	Colorado.
151	CI 70-1049	ANR Pipeline Company	Oklahoma	Woodward.
153	CI 71-292	Colorado Interstate Gas Corp	Kansas	Morton.
154	CI 71-281	Panhandle Eastern Pipe Line Co	Oklahoma	Texas.
156	CI 72-77	do	Kansas	Stevens.
157	CI 72-44	United Gas Pipeline Company	Louisiana	Terrehomme Par.
158	CI 72-387	Northern Natural Gas Company	Kansas	Grant.
159	CI 72-380	do	do	Do.
160	CI 72-381	do	do	Do.
161	CI 72-382	do	do	Do.
162	CI 72-383	Colorado Interstate Gas Corp	do	Finney.
163	CI 72-384	Northern Natural Gas Company	do	Grant.
164	CI 72-399	Greeley Gas Company (Formerly Peoples Natural Gas Co.)	do	Stevens.
165	CI 72-385	Northern Natural Gas Company	do	Grant.
166	CI 72-404	Greeley Gas Company (Formerly Peoples Natural Gas Co.)	do	Stevens.
167	CI 72-407	Panhandle Eastern Pipe Line Co	do	Morton/Stevens.
168	CI 72-408	do	do	Do.
169	CI 72-409	do	do	Seward/Morton/ Stevens.
170	CI 72-421	Colorado Interstate Gas Corp	Oklahoma	Cimarron.
172	CI 69-1008	Natural Gas Pipeline Company	Texas	Offshore/Fed.
173	CI 72-439	Greeley Gas Company (Formerly Peoples Natural Gas Co.)	Kansas	Grant/Stevens.
174	CI 72-400	Panhandle Eastern Pipe Line Co	do	Stevens.
175	CI 72-430	Northern Natural Gas Company	Oklahoma	Beaver.
176	CI 72-435	Northwest Central Pipeline Co. (Successor in interest to Cities Service Gas Company)	do	Woods.
177	CI 72-436	Panhandle Eastern Pipe Line Co.	do	Do.
178	CI 72-651	do	Texas	Hemphill.
179	CI 72-642	Northern Natural Gas Company	New Mexico	Lea.
182	CI 73-120	ANR Pipeline Company	Oklahoma	Woods.
183	CI 73-121	Panhandle Eastern Pipe Line Co.	Kansas	Grant/Stevens.
185	CI 73-370	do	do	Grant.
186	CI 73-371	do	do	Do.
188	CI 73-754	Northern Natural Gas Company	Montana	Hill.
195	CI 74-47	Panhandle Eastern Pipe Line Co	Kansas	Stevens.
197	CI 74-354	do	do	Do.
201	CI 75-220	do	do	Do.
202	CI 75-222	do	Oklahoma	Texas.

EXHIBIT A.—ANADARKO PETROLEUM CORPORATION—Continued

Formerly: Anadarko Production Company, FERC gas rate Schedule No. / Now: Anadarko Petroleum Corporation, FERC gas rate Schedule No.	Certificate docket No.	Purchaser	State	County/Parish
203	CI 74-68	Trunkline Gas Company	Louisiana	Offshore/Fed.
204	CI 74-69	do	do	Do.
205	CI 74-70	do	do	Do.
207	G 5799	Northern Natural Gas Company	Kansas	Stevens.
208	G 5999	Panhandle Eastern Pipe Line Co	do	Morton/Grant/ Stevens.
209	CI 62-28	do	do	Stevens/Grant.
210	CI 72-233	do	do	Seward.
211	CI 72-260	do	do	Stevens.
213	CI 76-43	do	Oklahoma	Texas.
214	CI 76-139	Northern Natural Gas Company	Texas	Hemphill.
215	CI 76-249	Panhandle Eastern Pipe Line Co	do	Roberts.
216	CI 76-347	do	Kansas	Stevens.
217	CI 76-140	do	Texas	Hemphill.
218	CI 76-418	do	do	Do.
219	CI 76-441	do	Kansas	Stevens.
220	CI 76-439	do	Oklahoma	Beaver.
221	CI 76-545	do	Kansas	Stevens.
222	CI 75-630	do	Oklahoma	Dewey.
223	CI 76-488	Mountain Fuel Supply Company	Wyoming	Converse.
224	CI 76-508	Panhandle Eastern Pipe Line Co	Kansas	Morton.
225	CI 76-589	do	do	Stevens.
226	CI 77-25	do	Oklahoma	Texas.
227	CI 77-83	do	Kansas	Finney.
228	CI 77-336	do	Oklahoma	Texas.
229	CI 77-410	do	Wyoming	Campbell.
230	CI 77-441	do	New Mexico	Eddy.
231	CI 77-440	do	Kansas	Harper.
232	CI 77-454	Trunkline Gas Company	Louisiana	Offshore/Fed.
233	CI 77-468	Panhandle Eastern Pipe Line Co	Oklahoma	Texas.
234	CI 77-516	do	Kansas	Stevens/Morton.
235	CI 77-608	Natural Gas Pipeline Company	Oklahoma	Texas.
236	CI 77-638	Panhandle Eastern Pipe Line Co	Kansas	Morton.
237	CI 77-775	Northern Natural Gas Company	Texas	Hemphill.
238	CI 78-29	Panhandle Eastern Pipe Line Co	Oklahoma	Texas.
240	CI 78-296	do	Kansas	Grant.
241	CI 78-578	Trunkline Gas Company	Texas	Offshore/Fed.
242	CI 78-467	El Paso Natural Gas Company	New Mexico	Lea.
249	CI 78-1256	Trunkline Gas Company	Texas	Offshore/Fed.
250	CI 79-494	do	do	Do.
251	CI 79-476	do	do	Do.
252	CI 79-594	Southern Natural Gas Company	Louisiana	Do.
253	CI 79-595	Sea Robin Pipeline Company	do	Do.
254	CI 79-597	Transcontinental Oil Company	do	Do.
255	CI 79-598	Sea Robin Pipeline Company	do	Do.
256	CI 79-587	do	do	Do.
257	CI 80-171	Northern Natural Gas Company	Oklahoma	Beaver.
258	CI 80-328	Trunkline Gas Company	Louisiana	Offshore/Fed.
260	CI 81-265	do	do	Do.
261	CI 81-389	Tennessee Gas Pipeline Company	do	Do.
262	CI 81-390	Trunkline Gas Company	do	Do.
263	CI 81-42	Panhandle Eastern Pipe Line Co	Oklahoma	Dewey.
264	CI 81-79	Sea Robin Pipeline Company	Louisiana	Offshore/Fed.
265	CI 70-566	do	do	Do.
266	CI 81-449	Northern Natural Gas Company	do	West Delta/ Offshore/Fed.
267	CI 82-301	Tennessee Gas Pipeline Company	do	Vermilion.
269	CI 83-239	El Paso Natural Gas Company	New Mexico	San Juan.
270	CI 83-261	Northern Natural Gas Company	Montana	Hill.
271	CI 83-317	Trunkline Gas Company	Texas	Offshore/Fed.
272	CI 83-318	Transcontinental Gas Pipeline	do	Do.
273	CI 85-583	Trunkline Gas Company	Louisiana	Do.

[FR Doc. 86-17797 Filed 8-6-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. FA85-48-001]

Bangor Hydro-Electric Co.; Order Establishing Hearing Procedures

Issued: August 4, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman, Charles G. Stalon, and C.M. Naeve.

On June 2, 1986, the Chief Accountant issued a letter directive which noted that Bangor Hydro-Electric Company (Bangor Hydro) disagreed with two items contained in a staff audit report prepared following an audit of the Company's books and records. The disagreement relates to Bangor Hydro's wholesale fuel adjustment clause (FAC) collection of (1) taxes, carrying charges and amortization of investment tax credits applicable to nuclear fuel and (2) estimated spent nuclear fuel disposal costs (SNFDC) for fuel burned in prior periods.[1] The staff recommended that the Company refund with interest the taxes, carrying charges less amortized investment tax credits and SNFDC from the date such costs were included in the wholesale FAC.

On June 30, 1986, Bangor Hydro responded to the letter directive stating that it did not consent to the disposition

[1] *See* Tariff Compliance Exceptions on the attached schedule.

of the above issues in accordance with the shortened procedures provided for under § 41.3 of the Commission's regulations under the Federal Power Act.[2] Accordingly, the Commission hereby sets these matters for hearing.

Any interested person seeking to participate in this docket shall file a motion to intervene under Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214) no later than 15 days after the date of publication of this order in the **Federal Register.**

The Commission orders

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act, the provisions of the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure (18 CFR, Chapter I), a public hearing shall be held concerning the appropriateness of Bangor Hydro's fuel adjustment clause computations as discussed above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convence a prehearing conference in this proceeding, to be held within 30 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The Presiding Judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's regulations.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Bangor Hydro-Electric Company, Tariff Compliance Exceptions

The Company has a 7% ownership interest in Maine Yankee Atomic Power Company (Maine Yankee). The Company has not agreed to take the corrective action recommended by the staff on the following matters related to the Maine Yankee tariff billings:

1. Property taxes, carrying charges and investment tax credits included in wholesale fuel clause

Prior to March 1981, Maine Yankee improperly classified carrying charges, property taxes and amortization of investment tax credits applicable to nuclear fuel in Account 518, Nuclear fuel expense. These costs were then charged to the Company in accordance with the provisions of the power supply contract. The misclassification of these items by Maine Yankee resulted in the Company including these items in its wholesale Fuel Adjustment Clause (FAC) calculation. In 1981, the Chief Accountant of FERC directed Maine Yankee to correct its accounting and billing procedures so that the cited items would not be shown in Account 518, Nuclear fuel expense, and be billed to sponsor companies as nuclear fuel costs. Maine Yankee did comply with the Chief Accountant's letter by identifying these items as other indirect costs; however, the Company continued to include these items in its wholesale FAC calculation.

Paragraph (a)2 of § 35.14 of the Commission's regulations states, "Fuel and purchased power costs (F) shall be the cost of: (i) Fossil and nuclear fuel consumed in jointly owned or leased plants." Paragraph (a)6 of this section further states, in part, "The cost of nuclear fuel shall be as shown in Account 518 . . . ." The staff objected to the Company's practice of including these items in the wholesale FAC on the basis that items of this nature are not properly includable in Account 518.

The staff recommended that the Company: (1) Recalculate the applicable wholesale fuel adjustment clause billings excluding taxes, carrying charges, and investment tax credits from the date such costs were first billed by Maine Yankee to the current date, (2) refund the overcollected amounts, with appropriate interest, to wholesale customers which were charged, and (3) revise its procedures to exclude these items from its wholesale fuel adjustment clause in the future. The Company agreed to refund, with interest, the improper amounts collected through the wholesale FAC starting from March 1981, the date Maine Yankee specifically designated these items as non-Account 518, Nuclear fuel expenses, charges in accordance with the Chief Accountant's letter. The Company did not agree to make refunds for collections prior to March 1981.

2. Spent nuclear fuel disposal costs billed through the wholesale fuel adjustment clause

In March 1980, Maine Yankee began to bill its sponsor companies for the permanent storage costs related to spent nuclear fuel (NSF). The permanent storage costs related to SNF was to be collected over an eight-year period.

Maine Yankee's net collection for NSF prior to April 1983 amounted to $47,749,854. Maine Yankee's NSF liability as determined by the Department of Energy was $50,367,641. Maine Yankee billed the difference of $2,617,787 to the sponsor companies during the period May through November of 1983.

Maine Yankee improperly classified spent nuclear fuel disposal costs (SNFDC) related to fuel burned in prior periods in Account 518, Nuclear fuel expense. These costs were then charged to the Company in accordance with the provisions of the power supply contract. The misclassification of SNFDC by Maine Yankee resulted in the Company including these items in its wholesale Fuel Adjustment Clause (FAC) calculation.

The Commission has addressed the appropriate accounting and ratemaking treatment for SNFDC related to fuel burned in prior periods in a number of rate proceedings.

The Commission first addressed the issue of including SNFDC estimates related to fuel burned in prior periods in the fuel adjustment clause in a suspension order issued to Florida Power Corporation on April 25, 1980, in Docket No. ER80–206–000 (11 FERC ¶ 61,083 at pages 61,119–122). In Florida Power, the Commission rejected the Company's filing which had included in FAC estimates of SNFDC related to fuel burned in prior periods. The Commission held that SNFDC related to prior periods could be collected through a separate (outside the FAC) rate proposal. The Commission's policy to exclude SNFDC estimates related to fuel burned in prior periods from wholesale FAC calculations was predicated on an interpretation of the requirements of Section 35.14 of the Commission's regulations.[1] The Commission held that since the fuel to which the disposal costs related was burned in a prior period, the costs were not a "current" fuel cost and thus should be excluded from FAC calculations.

The Commission next addressed the SNFDC issue in Opinion No. 118, issued on April 10, 1981, to Virginia Electric & Power Company (VEPCO) (15 FERC ¶61,052 at pages 61,103–106). VEPCO was previously charging nuclear fuel expense in Account 518 and in the FAC on the basis of an amortization rate which included positive salvage value. VEPCO requested a change in the

[2] 18 CFR Part 41.

[1] Section 35.14 provides for periodic adjustment per kwh of sales equal to the difference between the fuel [and purchased economic power] costs per kwh of sales in the base period and in the *current* period.

assumptions to reflect that there would be no reprocessing of nuclear fuel and that the Company would have to pay for permanent storage and/or disposal of the spent fuel.

In Opinion No. 118 the Commission stated that: "We are reluctant to include an amount for permanent storage at this time due to the uncertainty that exists concerning the federal reprocessing policy." However, because of the uncertainty at the time concerning the federal reprocessing policy, the Commission decided that VEPCO should recover in its current rates the portion of SNFDC applicable to transportation and interim storage, and directed that such recovery would be accomplished as follows:

1. Current Period Burn—SNFDC for nuclear fuel in the reactor shall be included by VEPCO in the base rate of its FAC, but will not be subject to automatic adjustment. If for any reason, the estimated per kilogram of disposal cost is proposed to be changed, VEPCO must submit a filing in support thereof before collecting any additional revenues associated with the proposed change.

2. Prior Period Burn—SNFDC for prior period burn and any positive salvage booked as part of the cost of nuclear fuel may be recognized in base rates, if requested and adequately supported. VEPCO was directed to account for the estimated SNFDC plus any positive salvage relative to prior burn by charges to Account 524, Miscellaneous nuclear power expenses, over a ten-year period.

VEPCO was not permitted to recover the cost for permanent storage due to the uncertainty over the government's reprocessing policy.

The recovery mechanisms established in VEPCO were subsequently endorsed in Carolina Power & Light Company, Opinion No. 132, issued November 11, 1981 (17 FERC ¶61,118 at 61,236–237) and Opinion No. 132A, issued March 7, 1984 (26 FERC ¶61,312 at 61,679–61,684) and in Boston Edison Company, Opinion No. 156, issued December 23, 1982 (21 FERC ¶61,327, at 61,878–879).

The staff recommended that the Company: (1) recompute FAC billings to wholesale customers by eliminating all estimates of SNFDC related to fuel burned in prior periods which were included in FAC billings through December 1983, and (2) make appropriate refunds, with interest computed in accordance with the Commission's regulations, to wholesale customers for these overcollections. The Company disagreed with the staff recommendation.

[FR Doc. 86–17804 Filed 8–6–86; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

[Docket No. GP86-51-000]

Northern Natural Gas Company, Division of Enron Corp. v. Cabot Pipeline Corporation and Texaco Producing Inc.; Notice of Complaint

Issued: August 5, 1986.

On July 24, 1986, Northern Natural Gas Company, a division of Enron Corp. (Northern), filed with the Federal Energy Regulatory Commission (Commission) a complaint against Cabot Pipeline Corporation (Cabot) and Texaco Producing Inc. (Texaco), pursuant to sections 5 and 16 of the Natural Gas Act, section 501 of the Natural Gas Policy Act of 1978, and Rule 206 of the Commission's Rules of Practice and Procedure. 15 U.S.C. 717d and 717o (1982); 15 U.S.C. 3411 (1982); and 18 CFR 385.206 (1986). Northern asserts that both Cabot and Texaco are purchasers of gas which the Commission has found was illegally diverted from Northern by one or more of the respondents named in the Commission's February 15, 1984 Show Cause Order in *Stowers Oil and Gas Company*, 26 FERC ¶ 61,207. *See* Opinion No. 239, issued July 12, 1985, 32 FERC ¶ 61,043; Opinion No. 247, issued December 23, 1985, 33 FERC ¶ 61,410. Northern requests the Commission to determine whether approximately $8,000,000.00 attributable to diverted gas currently held in suspense by Cabot and Texaco, and funds which could have been held in suspense by Cabot and Texaco with the exercise of due diligence, should be made available to Northern and its jurisdictional customers as a part of the remedy for the diversion of dedicated gas.

In its complaint, Northern states that Cabot and Texaco have refused during the remedy phase (Phase II) of the *Stowers* proceedings to provide Northern with information regarding their decisions to suspend payments to the respondents. According to Northern, it is evident from a prehearing conference in Phase II held on July 30, 1985, that the respondents in Phase II are in financial distress and will probably be unable to discharge, either in volumes of gas or the monetary equivalent therof, the provisions of any possible remedial order that may result from Phase II of the *Stowers* proceedings. Northern argues that the company and its jurisdictional customers are entitled to seek remedial relief out of these funds, and that the Commission should determine the disposition of the funds held in suspension by Cabot and Texaco as part of Phase II of the *Stowerts* proceedings.

Additionally, Northern questions whether Cabot and Texaco acted prudently and diligently in suspending payments to the respondents, or whether, through neglect and unwarranted delay, funds which would otherwise be available for remedial purposes have been dissipated. Northern argues that Cabot's and Texaco's refusal to provide the requested information prevents Northern and its jurisdictional customers from obtaining a meaningful remedy in the *Stowers* proceedings. Northern requests the Commission to order a hearing on the matters raised in its complaint, consolidate this hearing with the hearing scheduled to be held on August 12, 1986, in Phase II of the *Stowers* proceedings in Docket No. GP84–23–000, and determine that funds currently held by Cabot and Texaco, as well as funds which by the exercise of due diligence could have been held by these companies, attributable to volumes of gas purchased from the respondents in *Stowers* proceeding, are available to Northern and its jurisdictional customers as a remedy for the unlawful diversion of dedicated gas reserves.

Any person desiring to be heard or to protest Northern's 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 (1985)). All such motions of protests should be filed on or before September 4, 1986.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Northern's complaint are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 86–17931 Filed 8–6–86; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Magnetic Fusion Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Magnetic Fusion Advisory Committee

Date and Time

Wednesday, August 27, 1986, 9:00am-5:00 pm
Thursday, August 28, 1986, 9:00am-3:00 pm

Location: University of Washington, McCarty Hall, South Activity Center, Seattle, Washington 98195.

Contact: Thomas G. Finn, Office of Fusion Energy, Ofice of Energy Research ER-50.2, U.S. Department of Energy, Mail Stop G-236, Washington, DC 20545. Phone: (301)-353-4941.

Purpose of the Committee: To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities, and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

Agenda Outline

Wednesday, August 27, 1986—9:00 AM

1. Welcome—G. L. Woodruff
2. Recent Developments in the Fusion Program—Clarke & Meade
3. Report of Subcommittee on Mirror Program—Gottlieb
4. MFAC Discussion
   —lunch—
5. MFAC Discussion of Mirror Program and Recommendations
6. Presentation on Spectra Technology Fusion Program—Hoffman
7. Presentation on HEDL Fusion Program—Korenko
8. MFAC Discussion of Integrated International Materials Research Program
9. Public Comments (10-minute rule)
   —adjourn 5:00 PM—

Thursday, August 28, 1986—9:00 AM

1. MFAC Response on Mirror Program
2. Report on ETR Design Activities—Baldwin & Logan
3. MFAC Discussion of Panel Operating Procedures—Ribe
   —lunch—
4. Report on Environment, Safety and Economics Committee—Holdren & Logan
5. Other Business
6. Public Comments (10-minute rule)
   —adjourn 3:00 PM—

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas G. Finn at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on August 4, 1986.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 86-17825 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decision and Order; Period of May 26 Through July 18, 1986

During the Period of May 26 through July 18, 1986, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

August 1, 1986.

Cummings Transfer Co., Albany, Oregon—KEE-0044, Reporting Reqmts

Cummings Transfer Company filed an Application for Exception from the Form EIA-782B and Form EIA-194 reporting requirements. The exception request, if granted, would permit Cummings Transfer Company to cease filing Forms EIA-782B and EIA-194. On July 14, 1986, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 86-17826 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

[WH—FRL—3051-6]

Hazardous Waste Management System; Preparation of Permits for Hazardous Waste Land Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of guidance criteria.

SUMMARY: The Environmental Protection Agency (EPA) announces the availability of an interim final guidance manual entitled, *Criteria for Identifying Areas of Vulnerable Hydrogeology Under the Resource Conservation and Recovery Act—Statutory Interpretive Guidance.* This manual presents a technical method for determining groundwater vulnerability at hazardous waste surface impoundments, waste piles, and landfills.

The Guidance Criteria document has been prepared in response to section 3004(o)(7) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Section 3004(o)(7) requires EPA to publish guidance criteria identifying areas of vulnerable hydrogeology and to promulgate regulations specifying criteria for the acceptable location of new and existing hazardous waste treatment, storage, and disposal facilities. The Guidance Criteria document responds to the first requirement. The Agency is developing options to respond to the second requirement and expects to propose regulations in 1987.

The Guidance Criteria document presents a simple technical method for determining ground-water vulnerability at hazardous waste facilities. This method requires the calculation of the time-of-travel (TOT) of ground water at the site. In general, the vulnerability criteria can provide a trigger for more detailed review and evaluation of sites that are identified as having possibly vulnerable hydrogeologies. The results of these more detailed reviews may provide a basis for eventual permit conditions or modifications in design or operating practices.

ADDRESSES: Copies of the document entitled, *Criteria for Identifying Areas of Vulnerable Hydrogeology Under the Resource Conservation and Recovery Act—Statutory Interpretive Guidance,* and supporting Appendices are available for viewing at all EPA Libraries and in the EPA RCRA Docket (Sub-basement), U.S. Environmental Protection Agency, 401 M Street SW., Washington DC 20460, from 9:30 a.m. to 3:30 p.m., Monday through Friday, except Federal holidays, by appointment only. Appointments can be made by calling Mia Zmud at (202) 475-9327 of Kate Blow at (202) 382-4675. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost 20¢ per page. In addition, these documents are available for purchase through the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22161, at (703) 487-4600: *Criteria for Identifying Areas of Vulnerable Hydrogeology Under the Resource Conservation and Recovery Act—Statutory Interpretive Guidance* (NTIS # PB-86-224953)

Appendix A. *Technical Methods for Evaluating Hydrogeologic Parameters* (NTIS # PB-86-224961)

Appendix B. *Ground-Water Flow Net/ Flow Line Construction and Analysis* (NTIS # PB-86-224979)

Appendix C. *Technical Methods for Calculating Time-of-Travel (TOT) in the Unsaturated Zone* (NTIS # PB-86-224987)

Appendix D. *Development of Vulnerability Criteria based on Risk Assessments and Theoretical Modeling* (NTIS # PB-86-224995)

To purchase the five document set requests NTIS # PB-86-224946.

FOR FURTHER INFORMATION CONTACT: Glen R. Galen, Office of Solid Waste (WH-565E), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4658.

SUPPLEMENTARY INFORMATION: Locations with short TOTs (i.e., where the ground water moves rapidly) are considered more vulnerable than those with long TOTs. Time of travel should be calculated along a 100-foot flow line (abbreviated "TOT_{100}") originating at the base of the hazardous waste management unit. Sites used for the disposal of hazardous waste are considered vulnerable if the ground water takes less than approximately 100 years to travel 100 feet; sites at which wastes are certain to be removed from surface impoundments and waste piles at closure are vulnerable if the TOT_{100} is significantly shorter than the time that would be needed to implement a corrective action program at the site.

The main text of the manual consists of five sections. Section 1 describes how the guidance relates to the hazardous waste permitting program and other RCRA programs designed to protect ground water. EPA recognizes that vulnerable hydrogeology cannot be the sole determining factor in making decisions for the purpose of siting new or permitting existing facilities. In general, the TOT method provides a trigger for more detailed review and evaluation of sites that are identified as having possibly vulnerable hydrogeologies. The results of this more detailed review may provide a basis for eventual permit conditions or modifications in design or operating practices. The Agency is developing an Integrated Ground-Water Strategy that will examine the relationship between design and operating standards, vulnerability and corrective action requirements, and the land disposal restrictions program mandated by HSWA. The conclusions of this study will serve as factors for future rule and guidance development.

Section 2 explains the Agency's reasons for selecting the TOT method as the basis for determining vulnerability. The TOT method is useful in identifying the potential for exposure through three related pathways in the saturated zone. These exposure pathways are water well contamination, surface water contamination due to ground-water discharge, and contamination of structures or residences due to seepage of contaminants through basements. TOT is an appropriate measure of vulnerability for several reasons. It can identify those locations that minimize the potential size of a contaminant plume and maximize the time before a release from a unit can reach an aquifer; in addition, the TOT tests can be calculated with relative ease using data from a complete Part B permit application.

Section 3 presents the technical approach for calculating TOT and describes how initial calculations can be modified to account for data reliability and additional engineered containment provided by natural clay liners.

Section 4 describes situations where special engineering modifications might be used to enhance TOT. Modifying the design and operation of facilities to eliminate or minimize the potential for exposure due to migration of wastes may be appropriate in certain hydrogeologic settings. Less vulnerable ground-water conditions can be created in these settings through the use of additional passive containment barriers, such as slurry walls and grout curtains. These additional engineering measures should only be considered in non-complex settings that predominantly satisfy the tests for ground-water vulnerability. They cannot be relied upon to make an obviously vulnerable site, such as a sand and gravel aquifer, non-vulnerable. Section 4 describes the types of hydrogeologic settings in which these methods can be considered.

Section 5 provides abstracts of supporting technical documents and references.

Four important technical references are published as appendices to this guidance manual. Appendix A entitled, *Technical Methods for Evaluating Hydrogeologic Parameters,* describes how to determine hydraulic conductivity. It also discusses factors affecting hydraulic gradient and effective porosity. Appendix B is a technical resource document that describes how to construct ground-water flow nets using permit application data in order to understand flow patterns at hazardous waste facilities. Constructing flow nets for a site and using the vulnerable hydrogeology calculation can provide a tool for ensuring that a location is properly

characterized and the ground water at the site can be properly monitored. Appendix C presents methods for estimating TOT in unsaturated sediments in areas with arid or semi-arid climates where thick unsaturated zones are common. Appendix D describes EPA's analyses performed in developing the TOT criteria. It includes health risk assessments of hypothetical ground-water users at actual RCRA facilities. Case studies are used to illustrate the three potential pathways of exposure to contaminated ground water.

A draft of this document was submitted for review to the EPA Science Advisory Board, which is a public advisory group providing extramural scientific information and advice to the Administrator and other EPA officials. The Environmental Engineering Committee of the Board reviewed this document between December 1985 and June 1986 and provided written comments to EPA. The Committee's comments were considered in preparing this guidance.

This guidance is being published as 'Interim Final.' This designation allows the Agency to correct technical inaccuracies or to update technical information if necessary.

The Criteria are applicable only to hazardous waste land treatment, storage, and disposal facilities regulated under the Resource Conservation and Recovery Act, and are not intended for use under other statutory programs administered by the U.S. Environmental Protection Agency.

Dated: July 31, 1986.

J. Winston Porter,

Assistant Administrator.

[FR Doc. 86-17769 Filed 8-6-86; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[SAB-FRL-3061-1]

Science Advisory Board, Clean Air Scientific Advisory Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Science Advisory Board's (SAB) Indoor Air Quality Research Review Panel will be held on September 3, 1986 at the U.S. Environmental Protection Agency, Environmental Research Center Main Auditorium, Alexander Drive and Route 54, Research Triangle Park, North Carolina, starting at 9:00 a.m. and ending approximately 5:00 p.m.

This meeting represents another in a continuing series of outside independent peer reviews of ongoing research and development activities of the Agency. At this meeting, the SAB Review Panel will examine the Agency's research program on indoor air quality. For further information on this research program, please contact: Mr. Scott Baker, Office of Research and Development at (202) 382-7449.

The meeting is open to the public. Any member of the public wishing further information concerning the meeting should contact Mr. Robert Flaak, Environmental Scientist, Science Advisory Board (A-101F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-2552.

Dated: July 30, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-17770 Filed 8-6-86; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-3060-9]

Science Advisory Board, Environmental Health Committee, Halogenated Organics Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a one-day meeting of the Halogenated Organics Subcommittee of the Environmental Health Committee of the Science Advisory Board will be held on Tuesday, September 2, 1986, in Room 2034 of Breidenthal Hall at the University of Kansas; 2002 39th Street; Kansas City, Kansas 66103. The meeting will start at 9:00 a.m. and adjourn no later than 5:00 p.m.

The principal purpose of the meeting will be to review the scientific adequacy of a revised draft Health Assessment Document for Dibenzofurans prepared by the Office of Research and Development (ORD) and dated June, 1986 (EPA/600/8-86/018A). To obtain copies of the draft document, write the ORD Publications Office, Center for Environmental Research Information, U.S. EPA, Cincinnati, Ohio 45268 or call (513) 684-7562. For further information about the draft document, contact Dr. Debdas Murkerjee by mail to Environmental Criteria and Assessment Office, U.S. EPA, Cincinnati, Ohio 45268 or by phone at (513) 569-7531.

The meeting will be open to the public. Any member of the public desiring to attend or to provide comments to the Subcommittee should contact either Dr. Daniel Byrd, Executive Secretary to the Committee, or Mrs. Dorothy Clark, by telephone at (202) 382-2552 or by mail to the Science Advisory Board (A-101F), 401 M Street, SW., Washington, DC 20460, no later than close of business on July 21, 1986.

Dated: July 30, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-17771 Filed 8-6-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-41022; FRL-3061-2]

Hexamethylenediamine; Placement in the Intent-to-Designate Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Interagency Testing Committee's (ITC) decision to include hexamethylenediamine in its intent-to-designate category of chemical substances in the ITC selection process. The decision to establish this category and the ITC's rationale for so doing was published in the **Federal Register** of April 4, 1985 (50 FR 13418). Comments and information are desired before the ITC designates hexamethylenediamine for priority consideration for testing requirements.

DATE: Comments and information, identified by the document control number [OPTS-41022], should be submitted on or before October 6, 1986.

FOR FURTHER INFORMATION CONTACT: By mail:

Robert Brink, Executive Secretary, Interagency Testing Committee (TS-792), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and phone number:

Rm. E-135, 401 M St., SW., Washington, DC 20460, (202-382-3820).

SUPPLEMENTARY INFORMATION: The ITC has established an "intent-to-designate" category of chemicals as part of its chemical selection process (50 FR 13418). Lists of chemicals in the intent-to-designate category are published in the **Federal Register** from time-to-time, as the need arises. The Committee cites specifically what additional information it needs on each chemical. The completeness and quality of the submitted information or data also plays a major role in the Committee's considerations. At the end of the submission period, the Committee will re-evaluate the chemical(s) in this category and make a decision regarding disposition.

The TSCA Interagency Testing Committee (ITC) intends to designate hexamethylenediamine (CAS No. 124-

09–4) for certain biodegradation testing in a future report to the EPA Administrator. The ITC is particularly interested in data on biodegradation in aerobic ponds and under both aerobic and anaerobic conditions in disposal wells, in the presence of other waste constituents typical of hexamethylenediamine production. If additional information is received by October 6, 1986, the Committee will determine whether the new information would justify modifying its intention to designate.

The information submitted will become part of the public record of the ITC review process unless it is clearly designated as Confidential Business Information (CBI). Submitters should separate CBI from other information and mark such information clearly as "TSCA CBI." It will be treated in accordance with procedures outlined in the "TSCA Confidential Business Information Security Manual."

Information or data are being solicited from industry and the public on hexamethylenediamine. Information is requested by October 6, 1986.

Dated: July 29, 1986.

Rodger L. Tatken,

Chairman, TSCA Interagency Testing Committee.

[FR Doc. 86–17772 Filed 8–6–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–768–DR]

Amendment to Notice of a Major-Disaster Declaration; Puerto Rico

AGENCY: Federal Emergency Mangement Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA–768–DR), dated July 10, 1986, and related determinations.

DATED: July 31, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice

The notice of a major disaster for the Commonwealth of Puerto Rico, dated July 10, 1986, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 10, 1986:

The Municipality of Toa Baja for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 86–17737 Filed 8–6–86; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

American City Bancorp, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 29, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *American City Bancorp, Inc.*, Tullahoma, Tennessee; to acquire 80 percent of the voting shares of Peoples Bancorp, Inc., Manchester, Tennessee, and thereby indirectly acquire Peoples Bank and Trust Company, Manchester, Tennessee.

2. *Pickett County Bancshares, Inc.*, Byrdstown, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of The pickett County Bank and Trust Company, Byrdstown, Tennessee.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Cardinal Bancorp, Inc.*, Washington, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bancgroup and Company, Maplewood, Missouri, and thereby indirectly acquire Citizens National Bank of Greater St. Louis, Maplewood, Missouri.

2. *Valley Bancshares, Inc.*, Valley Park, Missouri; to acquire at least 84 percent of the voting shares of Meramec State Bank, Sullivan, Missouri.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Sooner Southwest Bankshares, Inc.*, Bristow, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of Hugo Bankshares, Inc., Hugo, Oklahoma, and thereby indirectly acquire Security First National Bank of Hugo, Hugo, Oklahoma, and Community Bancorporation, Inc., Bristow, Oklahoma, and thereby indirectly acquire Community Bank, Bristow, Oklahoma.

Board of Governors of the Federal Reserve System, August 1, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–17717 Filed 8–6–86; 8:45 am]

BILLING CODE 6210–01–M

Florida Westcoast Banks, Inc., et al.; Application to Engage de Novo In Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of the Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the

proposal can "reasonably be expected to product benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 29, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Florida Westcoast Banks, Inc.*, Venice, Florida; to engage *de novo* through its subsidiary, FWB Appraisers, Inc., Venice, Florida, in the activity of real property appraisals pursuant to § 225.25(b)(13) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 1, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-17718 Filed 8-6-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 77P-0403 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for laser products have been approved by FDA's Center for Devices and Radiological Health (CDRH) for 34 organizations that manufacture and produce laser light shows, light show projectors, or both. The projectors provide a laser light display to produce a variety of special lighting effects. The principal use of these products is to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table below under "Supplementary Information.".

ADDRESS: The applications and all correspondence on the applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Donovan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Under 21 CFR 1010.4 of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), FDA has granted each of the 34 organizations listed in the table below a variance from the requirements of 21 CFR 1040.11(c) of the performance standard for laser products.

Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product assembled and produced by the manufacturer, which is its particular variety of laser light show, laser light show projector, or both. Each laser product involves levels of accessible laser radiation in excess of Class II levels but not exceeding those required to perform the intended function of the product.

CDHR has determined that suitable means of radiation safety and protection are provided by constraints on the physical and optical design, by warnings in the user manual and on the products. Therefore, on the effective dates specified in the table below, FDA approved the requested variances by a letter to each manufacturer from the Deputy Director of CDRH.

So that each product may show evidence of the variance approved for the manufacturer of the product, each product shall bear on the certification label required by 21 CFR 1010.2(a) a variance number, which is the FDA docket number, and the effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Demonstration laser product	Effective date/ Termination date
77P-0403 (extension)	Laser Productions, 7000 N.E. 4th Court, Miami, Florida 33138.	Laser Productions projectors, Model 2001 and Orion, and laser light shows incorporating those projectors assembled and produced by Laser Productions.	May 7, 1986. May 1, 1988.
78P-0148 (extension)	Laser Media, Incorporated, 2046 Armacost Avenue, Los Angeles, California 90025.	Laser Media, Inc. LM and LMS laser projection systems, the LMT and Fiberray fiber-optically coupled projector heads, and laser shows assembled and produced by Laser Media, Inc. which incorporate any of these projection devices and/or the Stingray and Chromaray Model Series projectors.	Apr. 14, 1986. May 26, 1988.
79P-0462 (amendment)	Laser Systems, Development Corporation, 2227 East Platte Place, Colorado Springs, Colorado 80909.	Laser Systems Development Corporation Class III or Class IV laser projection system model series R-2, C-3, and C-4 and laser light shows assembled and produced by Laser Systems Development Corporation incorporating these laser projection systems.	Mar. 20, 1986. Aug. 20, 1986.
80P-0037 (extension)	School of Music, University of Iowa, Iowa City, Iowa 52242.	University of Iowa Video/Laser III Class IV Laser projector and shows incorporating this projector.	Mar. 24, 1986. May 1, 1988.
80P-0114 (extension)	Laser Fair, Incorporated, P.O. Box 903, Sterling, Colorado 80751.	Laser Fair, Inc. Laser Light Show incorporating a Laser Presentations Class IIIb Laser Projector, Model LP-4 or LP-4K(1).	May 6, 1986. June 4, 1988.
80P-0350 (extension)	Agence Publicitaire Le P.G. de Granby, Incorporated, 89, rue Alexandra, Granby (Quebec), Canada J2G2PH.	Super Laser Light Show assembled and produced by Agence Publicitaire Le P.G. de Granby, Inc. The Laser light show contains a Class IV argon-ion laser and a Science Faction Corporation Model Series SPC-2000 scanning system.	Feb. 28, 1986. Feb. 28, 1987.
80P-0495 (extension)	Showlasers, Incorporated, P.O. Box 470206, Dallas, Texas 75247.	Class IV Showlasers Model LPI Laser Effects Projector containing argon krypton, or dye lasers and for laser light shows assembled and produced by Showlasers, Incorporated.	Feb. 25, 1986. Feb. 26, 1988.
81P-0001 (amendment)	Lighting Systems Design, Incorporated, 4301 Walbridge St., Orlando, Florida 32809.	Lighting Systems Design laser light shows and the incorporated Lighting Systems Design Lumia Projection System Series projectors which contain Class IV ion lasers.	Feb. 25, 1986. May 31, 1986.
81P-0361 (extension)	Siegfried and Roy Entertainment, Incorporated, dba Beyond Belief, Frontier Hotel, 3120 Las Vegas Boulevard, South, Las Vegas, Nevada 89109.	Siegfried and Roy Entertainment, Inc. "Beyond Belief" laser light show incorporating the Laser Media LMS projector.	Mar. 16, 1986. Feb. 1, 1988.
82P-0191 (extension)	Redmond Productions, P.O. Box 14607, San Francisco, California 94114.	Redmond Productions laser light shows incorporating the Spectra Physics argon-ion Model 171-09 laser light show system.	Apr. 14, 1986. June 18, 1988.
82P-0376 (amendment)	Malarkey's, 4701 North 16th Street, Phoenix, Arizona 85016.	Malarkey's laser light show incorporating a Laser Presentations Model LP-1K laser projector and a Laser System Development Model R-2(f) scanning system.	May 7, 1986. Jan. 26, 1987.

Docket No.	Organization granted the variance	Demonstration laser product	Effective date/ Termination date
83P-0071 (extension)	Busch Entertainment Corporation, dba Busch Gardens, P.O. Drawer FO, Williamsburg, Virginia 23187.	Laser light shows produced and assembled by Busch Entertainment Corporation dba Busch Gardens at the Hastings Theater incorporating a Laser Media LMS Series laser projection system.	Mar. 21, 1986. Mar. 15, 1988.
83V-0132 (extension)	White Water Development, P.O. Box 377, Watkins Glen, New York 14891.	White Water Development Corporation laser light show incorporating Image Engineering's Model 350 WWD laser projector.	May 6, 1986. Mar. 14, 1988.
83V-0175 (extension and amendment).	Laser Rays Art Productions, Incorporated, 772 San Carrizo Way, Mountain View, California 94043.	Laser light shows assembled and produced by Laser Rays Art Productions, Inc. incorporating the firm's own Class IV ion laser projection systems.	Mar. 28, 1986. Mar. 13, 1988.
83V-0238 (extension and amendment).	Concord Ranch, Baltimore Pike, U.S. 1, Glen Mills, Pennsylvania 19342.	Concord Ranch laser light show assembled and produced by Concord Ranch with the firm's Class IV Pulsations model series ion laser projectors.	Jan. 24, 1986. Aug. 5, 1987.
83V-0383 (extension)	Rochester Museum & Science Center, Strasenburgh Planetarium, 657 East Avenue, Box 1480, Rochester, New York 14603.	Laser light shows assembled and produced by the Rochester Musuem and Science Center incorporting the firm's laser light show projector containing a Class IV ion laser.	May 7, 1986. May 16, 1988.
83V-0412 (extension)	Western Michigan University, Dalton Center, Kalamazoo, Michigan 49008.	INNOVA 90K Laser Light Shows and the Class IV ion laser projection systems and display devices assembled and produced by Western Michigan University.	Feb. 18, 1986. Jan. 26, 1988.
84V-0033 (extension)	Lone Star Laser Shows, Incorporated, 7563 South Freeway (Highway 288), Houston, Texas 77021.	Lone Star Laser Shows, Inc., Model 2020 laser projector and shows incorporating the Lone Star 2020 projcetor and Laser Media Series Projectors.	Feb. 6, 1986. Feb. 22, 1988.
84V-0065 (extension)	Southern California Gas Company, 810 South Flower Street, M.L. 202D, Los Angeles, California 90017.	Southern California Gas Company laser light show incorporating the Laser Media Stingray laser projector.	May 1, 1986. May 17, 1988.
84V-0200	Monster Music, Incorporated, 80 Grove Street, New York, New York 10014.	Laser light shows assembled and produced by Monster Music, Inc. incorporating the Class IV Laserpoint, Ltd. (England) Scorpion Series 4 argon laser projection system.	Mar. 27, 1986. Mar. 27, 1988.
84V-0356 (amendment)	S.E.C.T. Incorporated, dba S.E.C.T. Theatrical Supplies, Incorporated, 406 East 18th Street, Kansas City, Missouri 44108.	Laser light shows assembled and produced by S.E.C.T., Incorporated dba S.E.C.T. Theatrical Supplies, Incorporated containing the Class IV Model 1 S.E.C.T. Laser Projector, Model ALS 5100 laser projector and an argon-ion laser.	Feb. 14, 1986. Oct. 19, 1986.
85V-0189 (amendment)	Todd Rogers, dba Stage Sound Incorporated, 4708 East Van Buren, Phoenix, Arizona 05008.	Laser light shows and projection systems assembled and produced by Computer Graphics incorporating Laser Media's Stingray projector or Laser Systems Development Corporation's X-Y scanners.	Mar. 20, 1986. June 24, 1987.
85V-0321	Creative Lighting and Production, 902 Wilkie Drive, Charleston, West Virginia 25314.	Creative Lighting and Production laser light shows incorporating the Laser Media, Incorporated LMS Series Class IV ion laser projection system.	Mar. 28, 1986. Mar. 28, 1988.
85V-0324 (amendment)	Laser Spectacles, Incorporated, 117 Riverside Drive, San Marcos, Texas 78666.	Class IV Krypton Model 1001 and all the Luxme series laser projectors and the laser light shows produced and assembled by Laser Spectacles, Incorporated containing any of these projectors.	May 7, 1986. Aug. 1, 1987.
85V-0463	Blackstone Audio-Visual, 2217 West Braker Lane, Austin, Texas 78758.	Laser light shows produced and assembled by Blackstone Audio Visual incorporating Class IIIb or IV helium-neon, argon, krypton , or mixed gas lasers and a Laser Systems (England) Maestro S-8000B laser projector.	Apr. 30, 1986. Apr. 30, 1988.
86V-0026	Laser Projections, Incorporated, 1282 Timberland Drive, Marietta, Georgia 30067.	Laser light shows incorporating a Laser Media Model LMS Series laser projector containing a Class IV ion laser.	Feb. 11, 1986. Feb. 11, 1988.
86V-0050	Tau Beta Pi Association, California Epsilon Chapter, 4801 Boelter Hall, U.C.L.A. Campus, Los Angeles, California 90024.	Tau Beta Pi California Epsilon Chapter, Laserama laser light show incorporating the argon and helium-neon Class IIIb Laserama Laser Projector.	May 7, 1986. May 7, 1987.
86V-0090	Holo-Spectra, 7742-B Gloria, Van Nuys, California 91406.	Laser light shows assembled and produced by Holo-Spectra and incorporating the firm's Class IV Spectrascan projection system with argon, krypton, and/or helium-neon lasers.	Feb. 28, 1986. Feb. 28, 1988.
86V-0121	Lasersource, Incorporated, 3964 Shirley Drive, Southwest, Atlanta, Georgia 30336.	Lasersource, Inc. laser light shows incorporating the Laser Media LM and LMS Series laser projectors.	Apr. 30, 1986. Apr. 30, 1988.
86V-0135	Mid-America Museum, 400 Mid-America Boulevard, Hot Spring, Arkansas 71913.	Laser light shows assembled and produced by Mid-America Museum incorporating a Model C-3 Laser Systems Development Corporation Class IV laser projector.	Apr. 14, 1986. Apr. 14, 1988.
86V-0146	MTA Laser, Jean Michel Jarre Project, International Media Production Corporation, 1200 Smith, Suite 2345, Houston, Texas 77002.	MTA Lasers, imported by International Media Production Corporation, for the Jean Michel Jarre Project laser light show incorporating the MTA 8102G, MTA 8301D, MTA 8302D, and MTA 8601PG projectors and Class IV argon and krypton lasers.	Apr. 2, 1986. May 2, 1986.
86V-0149	Vocalite, 16120 Kittridge Street, Van Nuys, California 91406.	Laser light shows produced and assembled by Vocalite incorporating an Interscience Technology Model 100 laser projector.	Apr. 7, 1986. Oct. 7, 1986.
86V-0164	Le Masquerade, 28 Piquets Lane, Woodbury, New York 11797.	Le Masquerade laser light shows incorporating the Falk Special Effects, Incorporated Model B projector and Class IIIb argon lasers.	May 1, 1986. May 1, 1988.
86V-0174	Cynthia Michaels, Incorporated, 2418 Merrell Road, Dallas, Texas 75229.	OEM version of the Laserworks Alpha 100 Triscanner projection system with a Class IIIb helium-neon laser and laser light shows assembled and produced by Cynthia Michaels, Incorporated which incorporate this projector.	Apr. 25, 1986. Apr. 25, 1988.

In accordance with § 1010.4, the applications and all correspondence on the applications have been placed on public display under the designated docket numbers in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: July 31, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-17722 Filed 8-6-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0308]

Abbott Laboratories; Premarket Approval of Abbott Anti-Delta in Vitro Radioimmunoassay for the Qualitative Determination of Total Antibody to Hepatitis Delta Antigen in Human Serum or Plasma

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Abbott Laboratories, North Chicago, IL, for premarket approval, under the Medical Device Amendments of 1976, of the ABBOTT ANTI-DELTA. After reviewing the recommendation of the Microbiology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by September 8, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph L. Hackett, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On August 29, 1985, Abbott Laboratories, North Chicago, IL 60064, submitted to CDRH an application for premarket approval of the ABBOTT ANTI-DELTA, an in vitro radioimmunoassay device for the qualitative determination of total antibody to delta antigen (anti-delta) in human serum or plasma to aid in the diagnosis of hepatitis D virus infection in hepatitis B positive individuals.

On November 15, 1985, the Microbiology Device Panel, an FDA advisory committee, reviewed and recommended approval of the application. On July 1, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Joseph L. Hackett (HFZ-440), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 8, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: July 31, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-17723 Filed 8-6-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0305]

Bausch & Lomb Inc.; Premarket Approval of Bausch & Lomb® (Amefocon A) Oxygen Permeable Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Bausch & Lomb Inc., Rochester, NY, for premarket approval, under the Medical Device Amendments of 1976, of the BAUSCH & LOMB® (amefocon A) Oxygen Permeable Lens (clear and tinted). After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by September 8, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On August 10, 1983, Bausch & Lomb Inc., Rochester, NY 14692, submitted to CDRH an application for premarket approval of the BAUSCH & LOMB® (amefocon A) Oxygen Permeable Lens (clear and tinted). The lens is indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lens may be worn by persons who exhibit astigmatism of 4.00 diopters (D) or less that does not interfere with visual acuity. The clear and tinted lenses range in spherical powers from −9.00 D to +6.00 D. The tinted lens contains the color additive D&C Green No. 6 in accordance with the color additive listing procisions of 21 CFR 74.3206. It is to be disinfected using the chemical lens care system specified in the approved labeling.

On April 17, 1984, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On June 27, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from the office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ-460), address above.

The labeling of the Bausch and Lomb® (amefocon A) Oxygen Permeable Lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41-58), as amended. Accordingly, whenever, CDRH publishes a notice in

the **Federal Register** of approval of a new solution for use with an approved lens, each contact lens manufacturer or PMA holder shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 369e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact of resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 8, 1986, file with the Docket Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority of the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: July 31, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86–17724 Filed 8–6–86; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 86M–0306]

Coast Vision, Inc.; Premarket Approval of Hydrasoft XW (Methafilcon A) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application by Coast Vision, Inc., Huntington Beach, CA, for premarket approval, under the Medical Device Amendments of 1976, of the Hydrasoft XW (methafilcon A) Hydrophilic Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the supplemental application.

DATE: Petitions for administrative review by September 8, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

SUPPLEMENTARY INFORMATION: On October 2, 1985, Coast Vision, Inc., Huntington Beach, CA 92648, submitted to CDRH a supplemental application for premarket approval of the spherical Hydrasoft XW (methafilcon A) Hydrophilic Contact Lens. The lens is indicated for extended wear from 1 to 21 days between removals for cleaning and disinfection as recommended by the eye care practitioner. The lens is indicated for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lens may be worn by persons who exhibit refractive astigmatism of 1.50 diopters (D) or less which does not interfere with visual acuity. The lens ranges in powers from −10.00 D to +10.00 D. The lens is to be disinfected using a chemical lens care system only.

On May 23, 1986, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On June 25, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ–460), address above.

The labeling of the Hydrasoft XW (methafilcon A) Hydrophilic Contact Lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41–58), as amended. Accordingly, whenever CDRH publishes a notice in the **Federal Register** of approval of a new solution for use with an approved lens, each contact lens manufacturer or PMA holder shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to

grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 8, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: July 31, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86–17725 Filed 8–6–86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0304]

Kontur Kontact Lens Co., Inc.; Premarket Approval of Kontur Soft EW (Methafilcon A) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application by Kontur Kontact Lens Co., Inc., Richmond, CA, for premarket approval, under the Medical Device Amendments of 1976, of the Kontur Soft EW (methafilcon A) Hydrophilic Contact Lens. The lens is to be manufactured under an agreement with Coast Vision, Inc., Huntington Beach, CA, which has authorized Kontur Kontact Lens Co., Inc., to incorporate by reference information contained in its approved supplemental premarket approval application for the Hydrasoft XW (methafilcon A) Hydrophilic Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the supplemental application.

DATE: Petitions for administrative review by September 8, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

SUPPLEMENTARY INFORMATION: On October 2, 1985, Kontur Kontact Lens Co., Inc., Richmond, CA 94804, submitted to CDRH a supplemental application for premarket approval of the spherical Kontur Soft EW (methafilcon A) Hydrophilic Contact Lens. The lens is indicated for extended wear from 1 to 21 days between removals for cleaning and disinfecting as recommended by the eye care practitioner. The lens is indicated for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lens may be worn by persons who exhibit refractive astigmatism of 1.50 diopters or less that does not interfere with visual acuity. The lens ranges in powers from −10.00 diopters to +10.00 diopters. The lens is to be disinfected using a chemical lens care system. The application includes authorization from Coast Vision, Inc., Huntington Beach, CA, to incorporate by reference the information contained in its approved supplemental premarket approval application (Docket No. 86M–0306) for the Hydrasoft XW (methafilcon A) Hydrophilic Contact Lens.

On May 23, 1986, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the referenced supplemental application. On June 25, 1986, CDRH approved the supplemental application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ–460), address above.

The labeling of the Kontur Soft EW (methafilcon A) Contact Lens states that the lens is be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethyl-methacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41–58), as amended. Accordingly, whenever CDRH publishes a notice in the **Federal Register** of approval of a new solution for use with an approved lens, each contact lens manufacturer or PMA holder shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the supplemental application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before September 8, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device

and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: July 31, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-17726 Filed 8-6-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0310]

Briggs Ophthalmics Corp.; Premarket Approval of Sunsoft EW (Methafilcon A) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application by Briggs Ophthalmics Corp., Albuquerque, NM, for premarket approval, under the Medical Device Amendments of 1976, of the Sunsoft EW (methafilcon A) Hydrophilic Contact Lens. The lens is to be manufactured under an agreement with Coast Vision, Inc., Huntington Beach CA, which has authorized Briggs Ophthalmics Corp., to incorporate by reference information contained in its approved supplemental premarket approval application for the Hydrasoft XW (methafilcon A) Hydrophilic Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the supplemental application.

DATE: Petitions for administrative review by September 8, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On October 2, 1985, Briggs Ophthalmics Corp., Albuquerque, NM 87109, submitted to CDRH a supplemental application for premarket approval of the spherical Sunsoft EW (methafilcon A) Hydrophilic Contact Lens. The lens is indicated for extended wear from 1 to 21 days between removals for cleaning and disinfecting as recommended by the eye care practitioner. The lens is indicated for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lens may be worn by persons who exhibit refractive astigmatism of 1.50 diopters or less that does not interfere with visual acuity. The lens ranges in powers from −10.00 diopters to +10.00 diopters. The lens is to be disinfected using a chemical lens care system. The application includes authorization from Coast Vision, Inc., Huntington Beach, CA, to incorporate by reference the information contained in its approved supplemental premarket approval application (Docket No. 86M-0306) for the Hydrasoft XW (methafilcon A) Hydrophilic Contact Lens.

On May 23, 1986, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the referenced supplemental application. On June 25, 1986, CDRH approved the supplemental application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ-460), address above.

The labeling of the Sunsoft EW (methafilcon A) Hydrophilic Contact Lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other th an polymethylmethacrylate, to comply with the Federal Food, Drug, and Comestic Act (the act) 21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41-58), as amended. Accordingly, whenever CDRH publishes a notice in the **Federal Register** of approval of a new solution for use with an approved lens, each contact lens manufacturer of PMA holder shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of the FDA's administrative practices and procedures regulations or a review of application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 8, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drugs, and Cosmetic Act (secs. 515(d), 520 (h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: July 31, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-17727 Filed 8-6-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0309]

Carl Zeiss, Inc.; Premarket Approval of VISULAS Nd:YAG Laser

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Carl Zeiss, Inc., Thornwood, NY, for premarket approval, under the Medical Device Amendments of 1976, of the VISULAS Nd:YAG Laser. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by September 8, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip J. Phillips, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8221.

SUPPLEMENTARY INFORMATION: On November 13, 1985, Carl Zeiss, Inc., Thornwood, NY 10594, submitted to CDRH an application for premarket approval of the VISULAS Nd:YAG Laser. The VISULAS Nd:YAG Laser is a neodymium:yttrium-aluminum-garnet (Nd:YAG) ophthalmic laser that is indicated for discission of the posterior capsule of the eye (posterior capsulotomy).

On January 23, 1986, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On June 24, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Philip J. Phillips (HFZ-460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petition shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before September 8, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: July 31, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-17728 Filed 8-6-86; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[BERC-344-CN]

Medicare Program; Schedule of Limits on Home Health Agency Costs per Visit for Cost Reporting Periods Beginning on or After July 1, 1986 but Before July 1, 1987

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final notice.

SUMMARY: This document corrects a technical error that appeared in the final notice published May 30, 1986, which set forth a schedule of limits on home health agency costs that may be reimbursed under the Medicare program. This document also lists one new Metropolitan Statistical Area designation that was announced by the Executive Office of Management and Budget subsequent to the publication of that final notice.

FOR FURTHER INFORMATION CONTACT: Steven R. Kirsh, (301) 594-9465.

SUPPLEMENTARY INFORMATION: We stated in the final notice published in the **Federal Register** on May 30, 1986 (51 FR 19736) that if the Executive Office of Management and Budget (EOMB) were to announce changes in the Metropolitan Statistical Area (MSA) designations before July 1, 1986, we would recalculate the wage indexes for the affected areas and direct our intermediaries to use these revised indexes in determining the limits for home health agencies (HHAs) they service. EOMB announced in a press release on June 13, 1986 (OMB 86-14) that, based on recent Bureau of the Census population data, effective June 30, 1986, OMB would be recognizing one new MSA (Merced County, California). Therefore, we have included this new MSA and its corresponding wage index value in this correction notice, along with one other correction of a technical error that appeared in the May 30, 1986 final notice. We have also recalculated the rural wage index value for California to reflect the inclusion of previous rural counties in the new MSA.

In FR Doc. 86-12279 beginning on page 19734 in the issue of Friday, May 30, 1986, make the following corrections:

A. Page 19738. In column 1, in Table IIIA titled "Wage Index for Urban Areas", the wage index value for Anaheim-Santa Ana, CA (Orange, CA), "1.2615", is corrected to "12616".

B. Page 19739. In column 1, a new MSA and its wage index value is inserted between the MSA entries for Memphis, TN-AR-MS (Crittenden, AR; DeSoto, MS; Shelby, TN; Tipton, TN)

and Miami-Hialeah, FL (Dade, FL), reading as follows:

"Merced, CA . . . 1.2134
Merced, CA"

C. Page 19740. In column 1, in Table IIIB titled "Wage Index for Rural Areas", the wage index value for California, "1.1457", is corrected to "1.1385".

(Sec. 1102, 1862(v) and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x(v) and 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance)

Dated: July 31, 1986.

Harry A. Hadd,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 86-17810 Filed 8-6-86; 8:45 am]

BILLING CODE 4120-01-M

National Institutes of Health

Interagency Committee on Learning Disabilities; Public Hearing

Notice is hereby given of a public hearing to be held by the Interagency Committee on Learning Disabilities. The meeting is scheduled for October 15, 1986, in Wilson Hall, Building 1 (Shannon Building) on the NIH Reservation in Bethesda, Maryland, starting at 9:00 a.m. The purpose of the meeting is to gather data and hear the views of individuals and organizations as they relate to the mandate given the Committee by the Congress. The meeting is open to the scientific community and the general public. Members of the Interagency Committee on Learning Disabilities will be in attendance to receive data and to hear and respond to the presentations and recommendations.

The Interagency Committee on Learning Disabilities is preparing a report on learning disabilities which will be submitted to the U.S. Congress in May of 1987. As directed by the Congress, the report will include (1) an estimate of the number of persons affected by learning disabilities and the domographic data which describes such persons; (2) a description of the current research findings on the cause, diagnosis, treatment and prevention of learning disabilities; (3) recommendations for legislative and administrative actions to increase the effectiveness of research on learning disabilities and to improve the dissemination of the findings of such research; and respecting specific priorities for research in the cause, diagnosis, treatment, and prevention of learning disabilities. The Committee is holding this public hearing as part of the information gathering activities to prepare its report. Individuals and representatives of organizations wishing to make a presentation at this hearing that is related to the Committee's mandate are requested to obtain further information from and register with the Executive Secretary of the Interagency Committee on Learning Disabilities, Dr. James F. Kavanagh, Associate Director, Center for Research for Mothers and Children, National Institute of Child Health and Human Development, Landow Building Room 7C03, 9000 Rockville Pike, Bethesda, Maryland 20892, telephone (301) 496-5097. Oral presentations at the public hearing will be limited to 15 minutes; copies of these statements should be submitted in advance to Dr. Kavanagh. Additional written material of any length may be submitted at the time of the hearing for the Committee's consideration.

Dated: July 31, 1986.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 86-17733 Filed 8-6-86; 8:45 am]

BILLING CODE 4140-01-M

National Digestive Diseases Advisory Board; Meeting

Pursuant to Pub. L. 82-463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board and its subcommittees on September 22, 1986, 8:00 a.m. to adjournment, at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue evaluation of the implementation of the long-range digestive diseases plan. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Digestive Diseases Advisory Board, 1801 Rockville Pike, Rockville, Maryland, 20852, (301) 496-6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: July 31, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-17732 Filed 8-6-86; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Arteriosclerosis, Hypertension and Lipid Metalbolism Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, October 2-3, 1986, Building 31, Conference Room 8, C-Wing, National Institutes of Health, Bethesda, Maryland 20892. The entire meeting will be open to the public from 8:30 a.m. to approximately 5:00 p.m. on Thursday, October 2, and from 8:30 a.m. to adjournment on Friday, October 3, to evaluate program support in Arteriosclerosis, Hypertension and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

Ms. Terry Bellicha, Chief, Public Inquiry and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Dr. G.C. McMillan, Associate Director, Arteriosclerosis, Hypertension and Lipid Metabolism Program, NHLBI, Room 4C12, Federal Building, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: July 28, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-17734 Filed 8-6-86; 8:45 am]

BILLING CODE 4140-01-M

Recombinant DNA Advisory Committee Working Group on Definitions; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee Working Group on Definitions at the National Institutes of Health, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20892, on September 5, 1986, from approximately 9:00 a.m. to adjournment at approximately 5:00 p.m. to discuss the definitions of "deliberate release" and "recombinant DNA" under the NIH Guidelines for Research Involving Recombinant DNA Molecules. This meeting will be open to the public.

Attendance by the public will be limited to space available.

Further information may be obtained from Dr. William J. Gartland, Executive Secretary, Recombinant DNA Advisory Committee Working Group on Definitions, National Institutes of Health, Building 31, Room 3B10, Bethesda, Maryland telephone (301) 496-6051.

Dated: July 31, 1986.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-17735 Filed 8-6-86; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending September 30, 1986 and Rate of Insurance Premium"

Section 727 of the Public Health Service Act (42 U.S.C. 294) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools.

A. Section 60.13(a)(4) of the program's implementing regulations (42 CFR Part 60, previously 45 CFR Part 126) provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending September 30, 1986, three interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 9⅞ percent. Using the regulatory formula (45 CFR 126.13(a) (2) and (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (6.28 percent), and rounding the result (9.78 percent) upward to the nearest ⅛ percent (9⅞ percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. Because the average rate of the 4 quarters ending September 30, 1986 is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the variable interest at the annual rate was as follows: 10⅞ percent for the quarter ending December 31, 1985; 11 percent for the quarter ending March 31, 1986; and 10⅝ percent for the quarter ending June 30, 1986.

2. For variable rate loans executed during the period of January 27, 1981 through October 21, 1985, the interest rate is 9⅞ percent. Using the regulatory formula (42 CFR 60.13(a)(3)) in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (6.28 percent); adding 3.50 percent (9.78 percent); and rounding that figure to the next higher one-eighth of 1 percent (9⅞ percent).

3. For fixed rate loans executed during the period of July 1, 1986 through September 30, 1986, and for variable rate loans executed on or after October 22, 1985, the interest rate is 9⅜ percent. The Health Professions Training Assistance Act of 1985 (Pub. L. 99-129), enacted October 22, 1985, amended the formula for calculating the interest rate by changing 3.5 percent to 3 percent. Using the regulatory formula (42 CFR 60.13(a) (2) and (3)) and substituting the new statutory change of 3 percent, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (6.28 percent); adding 3.0 percent (9.28 percent) and rounding that figure to the next higher one-eighth of 1 percent (9⅜ percent).

B. Public Law 99-129 also contained modifications to the insurance premium calculation, effective 9 months after enactment of the statute (July 22, 1986). Prior to that date, in accordance with § 60.14(b) of the regulations, the insurance permium continued to be 2 percent per year of the loan principal for loans executed through the HEAL program. Effective July 22, 1986 in accordance with section 732 of the Act, as amended, the insurance premium is 8 percent of each HEAL loan. A notice announcing this change was published on June 18 (FR 22136).

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans).

Dated: July 31, 1986.

John H. Kelso,

Acting Administrator.

[FR Doc. 86-17525 Filed 8-6-86; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-86-1622; FR-2265]

Availability of Funding Under the Community Housing Resource Board Program; Competitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of funds availability.

SUMMARY: HUD is soliciting applications from eligible Community Housing Resource Boards (CHRBs) for funding under the CHRB Program. CHRBs must meet certain eligibility criteria in order to qualify for consideration.

DATE: Applications for funding must be submitted by September 8, 1986.

FOR FURTHER INFORMATION CONTACT: Lydia Jackson, Office of Procurement and Contracts, Room 5260, Office of the Assistant Secretary for Administration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Application kits will be sent only upon written request made after August 7, 1986, to the Office of Procurement and Contracts at the above address. Telephone requests for application kits will not be honored.

SUPPLEMENTARY INFORMATION: This Notice of Funds Availability is issued under the regulations for the CHRB Program, published in the **Federal Register** on March 25, 1982 (47 FR 12926) and codified at 24 CFR Part 120. Interested CHRBs are urged to review these regulations and the factors for award in the application kit to

determine whether or not they should apply under this program

The program has two categories of funding: (1) Maintenance and (2) Improvement. A CHRB should apply for *maintenance* funding when its activities have resulted in full implementation of the terms of the Voluntary Affirmative Marketing Agreement (VAMA). CHRBs in this category will be provided funds to maintain their efforts related to the goals of the VAMA.

A CHRB should apply for *improvement* funding when the terms of the VAMA have not been fully implemented. CHRBs in this category will be provided funds to improve their capacity to achieve the goals of the VAMA.

Eligible CHRBs may apply for funds under one category only.

Program Background: Section 808(e) (3) and (5) of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3608) requires the Secretary to "cooperate with and render technical assistance to Federal, State, local and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices . . ." and to "administer the programs and activities relating to housing and urban development in a manner to affirmatively further the policies of this title."

Further, section 809 requires that "the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title . . . shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement."

In order to promote the achievement of the goal of fair housing throughout the United States, the Department of Housing and Urban Development has developed the VAMA Program. This nationwide program focuses on local efforts to assure nondiscrimination in connection with the sale, rental and financing of housing and the provision of services and facilities in connection with those activities, and to promote achievement of a condition in which individuals of similar income levels in the same housing marketing area have available to them a like range of choices in housing regardless of their race, color, religion, sex or national origin.

Consistent with its responsibilities under Title VIII, HUD has negotiated VAMAs with the National Association of Realtors, the National Association of Real Estate Brokers and the National Association of Home Builders. These agreements are intended to promote a broad equal opportunity program designed to assure that housing will be marketed on a nondiscriminatory basis. In addition, signatories to a VAMA agree to conduct certain programs and activities to acquaint communities with equal housing opportunity, to establish office procedures to ensure that there is no denial of equal professional service and to make materials available which explain the commitment of signatories to the goal of fair housing.

The VAMAs, approved by housing industry associations at the national level, are implemented locally. In addition to providing a program to promote fair housing efforts, the VAMAs commit HUD to provide technical assistance to local housing industry groups who become signatories to the agreements. Assistance in implementing VAMA commitments is provided to the local housing industry group through HUD-established CHRBs composed of representatives of community organizations dedicated to equal housing opportunity.

This program is listed in the Catalog of Federal Domestic Assistance under program number 14.401, Fair Housing Assistance Program. The requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) have been met, and the information collection requirements contained in this Notice have been approved under OMB control number 2529–0022.

Eligible Applicants

This Notice is for CHRBs that are applying for funds for the first time under this program, as well as for CHRBs that are previously funded and have successfuly completed the requirements of their previous grant. Except as explained below, CHRBs that were funded in 1985 are not eligible to apply for funds under this Notice. In order to be eligible for participation in the program for the first time, an applicant must meet the following criteria:

(a) The applicant must be a CHRB consisting of HUD-appointed representatives from community organizations or agencies dedicated to equal housing opportunity, formed to fulfill HUD's obligation to provide technical assistance to local real estate boards, homebuilder groups, or both in the implementation and monitoring of progress under the VAMA;

(b) The CHRB must have been in existence at least six months prior to the publication date of this Notice; and

(c) The CHRB must demonstrate in its application that it meets the criteria specified in § 120.15(d), 120.20, 120.25, 120.30 and 120.35 of the CHRB regulations (24 CFR Part 120).

To be eligible for refunding under the CHRB Program, an applicant must meet the eligibility criteria set forth above for first-time applications and the following additional criteria:

(a) The applicant must have successfully completed the requirements of its previous CHRB grant. An applicant will have successfully completed its grant if the Government Technical Representative has approved the CHRB's final payment voucher by August 7, 1986; and

(b) During the grant year, the applicant must have (1) carried out at least two activities that specifically address the objectives of the VAMA; (2) engaged in the identification of local problems and issues that impede equal housing opportunity; and (3) assessed local housing industry group performance under the VAMA. The applicant must submit evidence that it has met these requirements.

CHRBs that were selected in 1984 to be funded under HUD's New Horizons Program are eligible to apply for funding under this Notice.

Additionally, a CHRB funded in 1985 that received less than the amount requested in its submission may apply for funds under this Notice. Such a CHRB should apply as a first-time grantee, and it may request a grant of up to $15,000 or $25,000 (based on the size of its jurisdiction), *minus* the amount of the grant awarded under the 1985 NOFA.

Method of Distribution

Applicants for funding must submit all information required in the application kit, including a separate funding proposal, a budget and a one page synopsis of the proposed project. Maximum funding amounts will be as follows: CHRBs in jurisdictions with populations under 50,000 may apply for grants up to $15,000. CHRBs in jurisdictions with populations of 50,000 or more may apply for grants up to $25,000. Two categories of funding have been established: *maintenance*, where VAMAs have been fully implemented, and *improvement*, where VAMAs have not been fully implemented. Projects will be evaluated for funding separately within each category, to avoid a disadvantage to less experienced CHRBs.

Sixty percent of the funds to be awarded will be allocated to proposals from CHRBs seeking grants for the first

time. Forty pecent of the funds will be for proposals from CHRB seeking additional funding. If funds remain in either category (first-time or refunding) after all acceptable proposals have been funded, the remaining funds can be used for the other category. This will allow HUD to fund as many acceptable proposals as possible (regardless of their area of submission).

Although HUD does not intend to differentiate between maintenance and improvement in terms of funding levels, information received through the Voluntary Affirmative Marketing Monitoring Form, HUD 941A, indicates that a larger number of CHRBs will be funded in the improvement category, since the majority of CHRBs assist local housing industry groups that have not fully accomplished the goals of the VAMA.

It is important to note that, although funds may be used for operating costs associated with the specific funded activities of the CHRB program, all applications should use the major portion of the funds for *program costs* (as opposed to admininistrative costs).

In previous years, most responses to HUD's solicitations of applications for funding under the CHRB Program have failed to indicate the extent to which the CHRB's program would address concerns relating to the rental housing market. This year HUD wishes to assure that adequate emphasis is placed on affirmative marketing in the rental housing area. Accordingly, the selection criteria for this funding round will reflect HUD's desire that proposals include a program component relating to affirmative marketing in rental housing as part of a CHRB's overall program.

Application Requirements

Congress has appropriated $2 million to fund the fair housing technical assistance efforts of CHRBs. As indicated above, HUD intends to allocate the major part of this funding to first-time proposals for a one-year effort. Following that, CHRBs will be encouraged to seek at least part of their funding for continuing projects from other sources. Accordingly, applications from CHRBs seeking additional funding will not be accepted unless accompanied by letters of financial or in-kind support from the private sector or from State or local governmental entities. HUD believes that these funds can provide the assistance necessary to afford existing CHRBs the capability of rendering more effective assistance to local housing industry groups. As stated above, grant amounts will depend upon the size of the jurisdiction where the CHRB operates, with CHRBs in large jurisdictions receiving larger grants than those in small jurisdictions.

Since training is an essential part of this program, all funded CHRBs are required to set aside five percent of the HUD funds for training purposes. Further information on training requirements will be provided by HUD Headquarters during the funding year.

The format and content requirements for all applications are described in application kits which will be provided to each CHRB interested in applying. Application kits will be sent upon written request, made after August 7, 1986, to the HUD Office of Procurement and Contracts at the address set forth above. All applicants will receive the same application kits. Where the factors for award differ for maintenance and improvement funding, and for refunding, such differences will be explained in the kit.

In reviewing applications, the Assistant Secretary for Fair Housing and Equal Opportunity will give consideration to projects that will have a significant impact in areas with substantial minority populations. In addition, the Assistant Secretary may take into account the location of applicants, to assure a broad geographic distribution of projects under the program.

Regional Offices will be advised of the CHRBs within their jurisdictions that submit applications for funding and will be informed of the Assistant Secretary's awards in advance of public announcement. In addition, field Government Technical Monitors will be required to submit grant monitoring reports on the activities of the funded CHRBs to the Government Technical Representative, accompanied by a recommendation to approve or disapprove the payment voucher that will accompany each CHRB work product.

Selection Criteria

Projects proposed in applications will be ranked on the basis of five criteria.

The first criterion is the relationship of the proposed project to the goals of the VAMA. The principal purpose of the CHRB is to assess the implementation of the VAMA and to assist in the solution of problems associated with the implementation of the VAMA. HUD, therefore, has decided to focus on specific eligible projects that emphasize VAMA implementation and monitoring activities. Accordingly, eligible projects that will earn the maximum number of points under this first criterion are those that: (1) Will assess the effectiveness of the VAMA; (2) Will expand minority involvement in the industry; (3) Will develop cooperative solutions to problems associated with the implementation of the VAMA. Eligible projects that will receive a lower priority (*i.e.*, less completely meet the goals of the VAMA) are those that: (1) Will make information public regarding the goals of fair housing and the VAMA; (2) Will assess community fair housing needs; or (3) Will expand public awareness of housing opportunities in the community.

The other selection criteria are:

(1) The extent to which the proposed project will affect the groups the VAMA is designed to reach, e.g., significant impact in areas with substantial minority populations;

(2) The commitment of the CHRB members, as indicated through regular attendance at meetings and by demonstrated results of activities (for CHRBs requiring maintenance funding), and expected results of activities (for CHRBs requiring improvement funding);

(3) The amount of relevant professional or organizational experience, including experience in fair housing, available to the CHRB to implement the projects proposed; and

(4) The extent to which the proposed projects do not duplicate other community efforts.

The relative weights of the criteria for selection will be:

Criteria	Points
Relationship of projects to VAMA Goals [1]	30
Extent to which groups VAMA is designed to reach are affected	25
Documentation of commitment of CHRB Members	15
Experience available to implement projects	20
Extent to which projects do not duplicate other community efforts	10
Total	100

Additionally, the technical evaluation panel will take into consideration an independent performance rating of CHRBs by field offices. The details of the ratings and the integration of this rating system into the criteria for selection are contained in the application kit.

[1] Furtherance of the goals of the VAMA includes emphasis on rental housing as well as housing offered for sale. Therefore, proposals which do not include a rental housing affirmative marketing component will receive less than full credit in meeting this criterion, even if all other VAMA goals are addressed.

Notification of Applicants

All applicants will be notified by mail of the action on their applications, as soon as review and evaluation of the applications are completed. No information will be available to applicants during the period of HUD review and evaluation, except for notification to those applicants that are determined to be ineligible or late.

All awards are expected to be announced by HUD within 90 days of the final submission date. Applications for funding must be submitted by

September 8, 1986. No application received by HUD after the date will be considered, unless the application is received before awards are made and meets one of the late application exceptions set forth in the application kit.

Authority: Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601–19).

Dated: August 1, 1986.

William E. Wynn,

Acting General Deputy Assistant, Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 86–17832 Filed 8–6–86; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6664-B]

Alaska Native Claims Selection; the English Bay Corp.

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(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613 (a), will be issued to The English Bay Corporation for 6.89 acres. The lands involved are in the vicinity of English Bay, Alaska.

U.S. Survey No. 4778, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the ANCHORAGE TIMES. 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 September 8, 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.

Joe J. Labay,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86–17761 Filed 8–6–86; 8:45 am]

BILLING CODE 4310-JA-M

[NV-060-4331-13]

Battle Mountain District, Tonopah Resource Area, Nye County, NV; Emergency Closure

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Emergency Road Closure, Nye County, Nevada.

SUMMARY: Notice is hereby given that the road which crosses the following described public lands was closed to all vehicle travel to protect cultural resources.

Mount Diablo Meridian

T. 9 N., R. 56 E.,
Sec. 24, NE¼SW¼.

Mount Diablo Meridian

T. 9 N., R. 57 E.,
Sec. 19, lot 3, NE¼SE¼N½SW¼;
Sec. 20, SE¼NW¼N½SW¼.

DATES: This action will be effective July 17, 1986.

FOR FURTHER INFORMATION CONTACT: Terry L. Plummer, Bureau of Land Management, P.O. Box 1420, Battle Mountain, Nevada 89820.

Dated: July 30,1986.

Thomas H. Jury,

Acting District Manager.

[FR Doc. 86–17750 Filed 8–6–86; 8:45 am]

BILLING CODE 4310-HC-M

[WY-040-06-4212-08; W-96315]

Intent To Amend Big Sandy Management Framework Plan, Green River Planning Unit; Sweetwater County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent To Amend Big Sandy Management Framework Plan, Green River Planning Unit, Sweetwater County, Wyoming.

SUMMARY: This notice issued pursuant to 43 CFR Parts 1600 and 2200 invites public review and comment on preliminary issues and planning criteria to be used in identifying and evaluating proposals in preparing a plan amendment to address the offer for exchange of certain lands in Sweetwater County, Wyoming.

The proposed planning action involves preparation of an environmental assessment utilizing input received from the public. The environmental assessment to be issued on or about September 15, 1986, will be prepared in accordance with 40 CFR Part 1500 and will include a determination of the proposed action's consistency with the policies and programs of local, State, and other Federal agencies. Upon approval of the plan amendment by the Wyoming State Director, a public notice will be issued by the District Manager and a thirty (30) day protest period will be allowed (43 CFR 1610.5–2).

The public lands being considered for exchange are described as Section 36, T. 22 N., R. 102 W., 6th P.M., WY; containing 640 acres.

The purpose of the exchange is to acquire at the States' request 640 acres of State of Wyoming land (Section 16, T. 23 N., R. 103 W.) for off-road vehicle use. The BLM has constructed an unloading ramp and parking area in this section.

Preliminary issues identified include: Public recreation and wildlife needs, rights of permittees and lessees, interests of adjoining landowners, and consistency with the plans and programs of other governmental entities.

The following criteria, as set forth in section 206 of the Federal Land Policy and Management Act of 1976, will be used to evaluate the exchange proposals:

1. Disposal of the lands will serve important public objectives, including but not limited to recreation use.

2. Value and public objectives served by retention of the lands to be conveyed are not greater than those of the lands to be acquired.

The environmental assessment will be prepared by an interdisciplinary team which will determine the impacts of the exchange on present and future use of the affected lands and adjoining properties.

DATE: The public is invited to submit written comments, including any issues for consideration, to the following address until September 8, 1986.

FOR FURTHER INFORMATION CONTACT: Sally J. Haverly, Realty Specialist, Green River Resource Area, Bureau of Land Management, P.O. Box 1170, Rock Springs, Wyoming 82902–1170, (307) 362–6422.

Donald H. Sweep,

District Manager.

July 28, 1986.

[FR Doc. 86–17751 Filed 8–6–86; 8:45 am]

BILLING CODE 4310-22-M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Bureau of Land Management, Medford District Advisory Council will be held September 4, 1986.

On September 4, the meeting will begin at 9:00 a.m., in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon. The agenda for the meeting will include:

Election of officers, the Council's recommendation of the District's Public Involvement Handbook and the District's Resource Management Plan—Planning for the '90s.

The meeting of the advisory council is open to the public. Interested persons may make oral statements to the board following conclusion of its other agenda items on September 4, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97504, by September 3, 1986. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 30, 1986.

David A. Jones,

Manager.

[FR Doc. 86-17762 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-33-M

[CO-030-06-4322-02]

Montrose District Grazing Advisory Board meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Montrose District Grazing Advisory Board will be held September 11, 1986 in Montrose, Colorado.

DATE: Requests to present oral comments must be received by September 5, 1986. A meeting is scheduled September 11, 1986.

ADDRESS: District Manager, Bureau of Land Management, Montrose District Office, 2465 South Townsend, Montrose, Colorado 81401.

SUPPLEMENTARY INFORMATION: The District Grazing Advisory Board meeting will convene at 10:00 a.m. in the Montrose District conference room. The meeting is open to the public. Anyone wishing to make an oral statement must notify the District Manager by September 5, 1986.

The agenda will include:

1. Election of officers.
2. Update on Montrose District Planning efforts.
3. Discussion on the non-use situation.
4. Review FY87 Range Improvement project proposals.
5. Advisory Board expenditures for Range Improvement work.
6. Arrangements for the next meeting.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Dated: August 1, 1986.

Robert S. Schmidt,

Associate District Manager.

[FR Doc. 86-17759 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-JB-M

[OR-100-04-6310-02: GP6-304]

Roseburg District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management's Roseburg District Advisory Council will tour the South Umpqua Resource Area where they will observe and discuss reforestation and vegetation management practices, timber harvest and associated road construction issues, and forest practices.

DATE: September 5, 1986 at 8:15 a.m.

ADDRESS: Bureau of Land Management, 777 NW Garden Valley Blvd., Roseburg, Oregon 97470.

SUPPLEMENTARY INFORMATION: The tour is opened to the public and time will be provided for public comment. Members of the public are responsible for their own transportation.

Summary minutes of the meeting will be maintained at the District Office and will be available for public inspection and reproduction within 30 days following meeting.

FOR FURTHER INFORMATION CONTACT: Larry Lee, BLM Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, Oregon 97470. (Telephone (503) 672-4491, Ext. 230.)

Dated: July 29, 1986.

M.D. Berg,

District Manager.

[FR Doc. 86-17758 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-33-M

Montana Off-Road Vehicle Designation

AGENCY: Bureau of Land Management, Miles City District, Billings Resource Area.

(MT-020-06-4333-02)

ACTION: Notice to Limit Off-Road Vehicle Use on Public Land.

SUMMARY: Notice is hereby given that the use of off-road vehicles is limited on public land known as Pole Creek and Gage Dome Special Management Areas, Musselshell County, Montana in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations 43 CFR 8340.

DATES: These designations become effective August 7, 1986 and will remain in effect for a period of 5 years or until rescinded or modified by the authorized officer

These areas are designated as limited to designated open roads and trails during the regular antelope hunting season (normally from *October 1*, to *November 30*) of each year, as established by the Montana Department of Fish, Wildlife and Parks. Vehicle use may be authorized for administrative purposes during this period.

SUPPLEMENTARY INFORMATION: The 11,140 acre Pole Creek and the 6,560 acre Gage Dome areas affected by the designation as described below are administered by the Billings Resource Area, Miles City District, BLM. The designation is the result of a cooperative effort between Montana Department of Fish, Wildlife and Parks and adjacent private landowners, based upon public input from two public meetings held in Roundup and in Billings. The purpose of the limitations are to prevent damage to the vetegation and soil, open additional private lands adjacent to public lands to hunting, and to provide a higher quality hunt.

A. Pole Creek Special Management Area

This area consists of approximately 11,140 acres which is located in T. 10 N., R. 23 E., T. 10 N., R. 24 E., which is approximately 10 miles northeast of Roundup, Montana.

B. Gage Dome Special Management Area

This area consists of approximately 6,560 acres which is located in T. 9 N., R. 26 E., and T. 10 N., R. 26 E., which is approximately 5 miles northeast of Roundup, Montana.

Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

FOR FURTHER INFORMATION CONTACT: For further information about these designations contact either of the following Bureau of Land Management Officials.

Mat Millenbach, District Manager, Miles City District, P.O. Box 940, Miles City, MT 59301, 406-232-4331

Jerry Jack, Area Manager, Billings Resource Area, 810 East Main, Billings, MT 59105, 406-657-6262.

Mat Millenbach,

District Manager.

[FR Doc. 86-17760 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-DN-M

Bureau of Reclamation

Realty Action; Competitive Sale of Federal Land

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The following described land has been identified for disposal under the Act of February 2, 1911 (36 Stat. 895, 43 U.S.C. 374). The Bureau of Reclamation will accept bids on the following land, and will reject any bid, written or oral, for less than $75,000, the appraised fair market value.

DATE: August 7, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Schweitzer, Bureau of Reclamation, Arizona Projects Office, 23636 North Seventh Street, P.O. Box 9980, Phoenix, Arizona 85068, telephone (602) 870-6750.

Land Identified for Disposal as Follows

A parcel of land situated within the East half (E½) of Section Seventeen (17), Township Two (2) North, Range One (1) East of the Gila and Salt River Base and Meridian, city of Phoenix, Maricopa County, Arizona, and being a strip of land 25 feet in width, lying 18.5 feet North and 6.5 feet South of a line described for a ditch according to Deed Book 118, Page 279, Records of Maricopa County, Arizona.

Said above-described parcel of land contains 66,544 square feet or 1.5276 acres, more or less.

The parcel will be offered for sale through the competitive bidding process. The sale will be held at the Bureau of Reclamation, Arizona Projects Office, 23636 North Seventh Street, Phoenix, Arizona 85068, Main Conference Room on October 20, 1986, at 9:00 a.m. The Bureau of Reclamation may accept or reject any or all offers; or withdraw any land or interest in land for sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the Act of February 2, 1911 (36 Stat. 895, 43 U.S.C. 374), or other applicable laws.

The parcel is located approximately one-half mile south of Bethany Home Road adjacent and perpendicular to 99th Avenue within the incorporated city of Phoenix, county of Maricopa, State of Arizona, and has a potential for urban-suburban development. The sale is consistent with the Salt River Project and the Bureau of Reclamation land use planning and it was determined that the public interest would be served by offering these lands for sale; the parcel listed and platted is offered for sale "as is" and "where is."

Resource clearances consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et. seq.) requirements have been completed and approved. A categorical exclusion for cultural resources and a land report have been completed and approved, and are available for public review at the Bureau of Reclamation, Arizona Projects Office, 23636 North Seventh Street, Phoenix, Arizona 85068.

The deed issued for the parcel sold will be subject to right-of-way for ditches and canals constructed by the authority of the United States in accordance with the Act of August 30, 1890 (26 Stat. 391, 86 U.S.C. 945), and reservations for public road and utility easements identified by the city of Phoenix and the county of Maricopa. This land sale will be for surface estates only.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Regional Director, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005. Any adverse comments will be evaluated by the Regional Director who may vacate or modify this Notice of Realty Action and issue a final determination. In the absence of any action by the Regional Director, this Notice of Realty Action will become final determination of the Department of the Interior.

Dated: July 30, 1986.

John D. Brown,

Regional Director, Lower Colorado Region, Bureau of Reclamation.

[FR Doc. 86-17744 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Availability of a Final Environmental Impact Statement on the Honeoye Creek Wetland Project, Ontario County, NY

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Final Enviromental Impact Statement on the Honeoye Creek Wetland Project in Ontario County, New York is available for public review. Comments and suggestions are requested. As a result of extensive interaction between the New York Department of Environmental Conservation (NYDEC), local landowners and others, subsequent to the release of the Draft EIS, a new proposed action has been developed. This alternative is entitled The Proposed Action—Cooperative Agreement Alternative. For the purpose of this alternative, the project area is defined as the regulated freshwater wetlands and a 100-foot adjacent upland area as well as property of The Nature Conservancy north and south of County Route 15.

For lands within the project area, cooperative agreement would be voluntarily entered into by the landowners, NYDEC and where appropriate the Town of Richmond. Landowners could also sell their lands to NYDEC. Such agreements would provide additional protection to the wetlands and increased levels of access for various recreational and educational activities while granting immunity to participating landowners to the use of eminent domain. Optional cooperative purchase agreements could also be negotiated for certain upland areas adjacent to the lands within the project area. Lands which are acquired, or become subject to cooperative agreements, would be developed as a Wildlife Management Area used for both consumptive and non-consumptive outdoor recreation. NYDEC will likely use use state and federal funds (Pittman-Robertson Act) for the project.

DATES: EPA published the notice of availability of the environmental impact statement in the August 1, 1986 **Federal Register** (51 FR 27597). Written comments are requested by September 2, 1986.

ADDRESS: Comments should be addressed to Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts, 02158.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph W. Abele, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts, 02158 (671) 965-5100, X382 or Mr. David C. Woodruff, New York Department of Environmental Conservation, 6274 East Avon-Lima Road, Avon, New York 14414 (716) 226-2466

Individuals wishing copies of the FEIS should immediately contact either of the above individuals. Copies have been

sent to all agencies and organizations who received copies of the DEIS. Copies will be available for examination at U.S. Fish and Wildlife Service in Newton Corner, Massachusetts, New York Department of Environmental Conservation in Avon, New York and at the Town Hall in Richmond, New York.

SUPPLEMENTARY INFORMATION: This environmental impact statement addresses the acquisition and development of the Honeoye Creek wetland project area. It poses five alternative sets of actions, in addition to the proposed action and discusses how each would address the goals of the Department of Environmental Conservation; it related to the pertinent environmental characteristics of the area and it projects how the environment would be affected with the implementation of each of the six alternatives.

Within the project area at the present time, The Nature Conservancy is offering the Department of Environmental Conservation title to a large parcel of land which governs the northern end of the wetland and beyond. This alternative, known as The Nature Conservancy Alternative, involves accepting just this parcel and leaving the remainder of the wetland in private hands.

The Full Potential Alternative includes: Acquisition of real property interests to approximately 800 acres of wetlands, a 100-foot buffer around the wetlands property now owned by The Nature Conservancy north of the wetland and sufficient interests in adjacent upland parcels to give DEC sufficient control over activities which would adversely affect the wetland resource. A shallow impoundment would be created in the center of the project area. Public access, small parking areas and trails will be created.

An additional alternative involves similar land acquisition to the full potential alternative but with a smaller impoundment. With this alternative, fewer access points would be constructed. However, the same number of potholes, ponds, and nesting structures and islands would be placed on the site. The uplands would be managed to provide cover and food for wildlife. In addition, DEC would require conservation practices of permit-holders who would farm the slopes adjacent to the wetlands. This alternative is known as the Reduced Impoundment Alternative.

The Wetland Preservation Alternative includes DEC acquiring the wetland proper and a narrow, 100-foot buffer about its perimeter. DEC could insure that part of the project area, the most sensitive and valuable part, would be preserved forever. DEC would also develop access and parking areas to allow the public to enjoy the wetland resource. It would create no impoundment, potholes, nor implement other management practices to enhance the marsh environment. Additionally, it would not implement any conservation practices on the uplands.

Dale T. Coggeshall,

Acting Regional Director.

[FR Doc. 86-17657 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 1089, Block 90, 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 Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on July 28, 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 29, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-17764 Filed 8-7-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Conoco Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 7917, Block 306, Ewing Bank 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 Grand Isle, Louisiana.

DATE: The subject DOCD was deemed submitted on July 31, 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 31, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-17766 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Hall-Houston Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of 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 4103, Block 69, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide the development and production of hydrocarbons with support activities to be conducted from a onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on July 31, 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 plan 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 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 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. 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: August 1, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-17765 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Shell Offshore Inc., Unit Operator of the Brazos Block A-20 Federal Unit Agreement No. 14-08-0001-20251, submitted on July 11 and July 23, 1986, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Brazos Block A-20 Federal unit.

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 plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Parkway, New Orleans, Louisiana 70123.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 114, open weekdays 9:00 a.m. to 3:30 p.m., 1420 South Clearview Parkway, New Orleans, Louisiana 70123, phone (504) 736-2519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 29, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-17767 Filed 8-6-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Report to the President on Investigation No. TA-201-59]

Apple Juice; Import Investigation

June 13, 1986.

Determination

On the basis of the information developed in the subject investigation, the Commission has determined [1] that apple juice, not mixed and not containing over 1.0 percent of ethyl alcohol by volume, provided for in item 165.15 of the Tariff Schedules of the United States, is not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Background

The United States International Trade Commission instituted investigation No. TA-201-59, under section 201(b)(1) of the Trade Act of 1974 (19 U.S.C. 2251(b)(1)), in order to determine whether the above described apple juice is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. The investigation resulted from a request received by the Commission on December 27, 1985, from the United States Trade Representative.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary,

[1] Commissioner Rohr dissenting.

U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 24, 1986 (51 FR 3266). The hearing was held in Washington, DC, on April 17, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

This report is being furnished to the President in accordance with section 201(d)(1) of the Trade Act of 1974. The information in the report was obtained from responses to Commission questionnaires, fieldwork and interviews by members of the Commission's staff, other agencies, information presented at the public hearing, briefs submitted by interested parties, the Commission's files, and other sources.

The Commission transmitted its determination in this investigation to the President in accordance with section 201(d)(1) of the Trade Act of 1974. The views of the Commission are contained in USITC Publication 1861 (June 1986), entitled "Apple Juice: Report to the President on Investigation No. TA-201-59 Under Section 201 of the Trade Act of 1974", together with the information obtained in the investigation.

Issued: June 13, 1986.

By order of the Commissioner.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-17699 Filed 8-6-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-235]

Certain Human-Powered Vehicles With Combination Steering, Braking, and Propulsion Means; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to the last three remaining respondents.

SUMMARY: The U.S. International Trade Commission has determined not to review an initial determination (ID) granting a joint motion to terminate one respondent based on a settlement agreement and granting a motion to terminate one respondent based on a settlement agreement and granting a motion to terminate the two remaining respondents.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0079.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and the Commission rule 210.53 (19 CFR 210.53).

On May 27, 1986 complainant Nashville Diversified, Inc. (NDI) and respondent Axis World Trade, Inc. (AWT), filed a joint motion (Motion No. 235-4) to terminate the investigation as to respondent AWT based on a settlement agreement. On the same day, complainant NDI filed a motion (Motion No. 235-5) to terminate the investigation as to the two remaining respondents, Cargee Enterprises Co., Ltd. (Cargee) and Cutimax Enterprises Co., Ltd. (Cutimax), without prejudice.

The presiding administrative law judge issued an ID (Order No. 7) granting the joint motion to terminate the investigation as to AWT. The ID also granted the motion to terminate the investigation as to Cargee and Cutimax, but qualified it by determining that complainant NDI may not refile another complaint under section 337 against either of those respondents on the basis of alleged infringement of U.S. Letters Patent 3,663,038 unless NDI presents evidence of changed conditions sufficient to satisfy Commission rule 211.57 (19 CFR 211.57).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Issued: July 28, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-17700 Filed 8-6-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-235 (Final)]

Iron Ore Pellets From Brazil; Import Investigation

Determination

On the basis of the record[1] developed in the subject investigation, the Commission unanimously determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Brazil of iron ore pellets,[2] provided for in item 601.24 of the Tariff Schedules of the United States, which have been found by the Department of Commerce to be subsidized by the Government of Brazil.

Background

The Commission instituted this investigation effective March 22, 1985, following a preliminary determination by the Department of Commerce that imports of iron ore pellets from Brazil were being subsidized within the meaning of section 701 of the Act (19 U.S.C. 1671). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 24, 1985 (50 FR 16174). Subsequently, however, Commerce suspended its investigation on the basis of a suspension agreement with Brazil (50 FR 24265, June 10, 1985); the Commission then suspended its investigation (50 FR 25478, June 19, 1985).

Effective March 31, 1986, Commerce continued its investigation following cancellation of the suspension agreement. Consequently, effective March 31, 1986, the Commission resumed its final countervailing duty investigation (51 FR 12938, April 16, 1986). The hearing was held in Washington, DC, on June 19, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on July 28, 1986. The views of the Commission are contained in USITC Publication 1880 (July 1986), entitled "Iron Ore Pellets from Brazil: Determination of the Commission in Investigation No. 701-TA-235 (Final) Under the Tariff Act of

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] The term iron ore pellets covers fine particles of iron oxide hardened by heating and formed into balls from ⅜-inch to ⅝-inch in diameter, for use in blast furnaces to obtain pig iron, reported for statistical purposes in item 601.2450 of the Tariff Schedules of the United States Annotated (TSUSA). The term does not include pellets for use in electric furnaces unless such pellets contain more than 3 percent by weight of silica.

1930, Together With the Information Obtained in the Investigation."

Issued: July 28, 1986.

By Order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 86-17701 Filed 8-6-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation Nos. 731-TA-304 and 305 (Final)]

Top-of-the Stove Stainless Steel Cooking Ware From Korea and Taiwan; Import Investigation

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with these investigations.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation Nos. 731-TA-304 and 305 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Korea and Taiwan of cooking ware of stainless steel, including skillets, frying pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots dutch ovens, casseroles, steamers, and similar stainless steel vessels (but not including teakettles), all the foregoing for cooking on stove-top burners,[1] provided for in item 653.94 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in its preliminary determinations, to be sold in the United States at less than fair value (LTFV). Subsequently, Commerce extended its investigations and will make its final LTFV determinations on or before November 19, 1986, and the Commission will make its final injury determinations 45 days after receipt of Commerce's final determinations (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk (202-523-0165), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of certain stainless steel cooking ware from Korea and Taiwan are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). These investigations were requested in a petition filed on January 21, 1986, by counsel on behalf of the Fair Trade Committee of the Cookware Manufacturers Association, Walworth, Wisconsin. In response to those petitions the Commission conducted preliminary antidumping investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (51 FR 9541, March 19, 1986).

Participation in the investigations

Persons wishing to to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report

A public version of the prehearing staff report in these investigations will be placed in the public record on November 10, 1986, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 9:30 a.m. on November 24, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on November 20, 1986. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on November 20, 1986, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is November 20, 1986.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on December 1, 1986. In addition, any person who has not entered an appearance as a party to the

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[1] The products are made of stainless steel and may either have plain bottoms or contain one or more layers of aluminum, copper, or carbon steel for more even heat distribution.

investigations may submit a written statement of information pertinent to the subject of these investigations on or before December 1, 1986.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: July 29, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-17703 Filed 8-6-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-239]

Certain Non-Contact Laser Precision Dimensional Measuring Devices and Components Thereof; Termination of Investigation on the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Nonreview of an initial determination granting a motion to terminate the investigation on the basis of a settlement agreement.

SUMMARY: On June 26, 1986, complainant Techmet Company and respondents Mitutoyo Manufacturing Company, Ltd., Mitutoyo Corporation, MTI Corporation, and MTI Engineering Corporation, filed a joint motion to terminate the investigation on the basis of a settlement agreement. On July 7, 1986, the presiding administrative law judge issued an initial determination (ID) granting the motion to terminate the investigation. Pursuant to section 337 of the Tariff Act of 1930, the Commission determined not to review the ID. The Commission's decision terminates the investigation.

FOR FURTHER INFORMATION CONTACT: Jean Heck, Esq., Office of the General Counsel, U.S. International Trade Commission, Washington, DC 20436, telephone 202-523-1693.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rules 210.51 and 210.53 (19 CFR 210.51 and 210.53).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Issued: August 1, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-17702 Filed 8-6-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-174]

Certain Woodworking Machines; Rejection of Motion for Modification of Final Commission Action

AGENCY: International Trade Commission.

ACTION: Rejection of a motion for modification of final Commission action pursuant to 19 CFR 211.57.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Assistant General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202-523-0311.

SUPPLEMENTARY INFORMATION: The subject investigation was conducted to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of various woodworking machines and certain components thereof. The investigation was instituted on the basis of a complaint alleging patent infringement, registered trademark and logo infringement, common-law trademark infringement (the term "Contractor's Saw" and the external designs of certain machines), false representation of manufacturing source, passing off, and false or deceptive advertising. The complainant was Delta International Machinery Corp. There were 51 respondents, 29 of which were companies in Taiwan. *See* 49 FR 55786 (Dec. 15, 1983); 49 FR 20767 (May 16, 1984); 49 FR 23463 (June 6, 1984); Verified Revised Amended Complaint of Delta International Machinery Corp. (Apr. 6, 1984).

Twenty-two respondents from Taiwan settled with Delta and were terminated from the investigation on the basis of consent orders directing them to cease and desist from engaging in unfair acts and unfair methods of competition as provided in the settlement agreements. The settlement agreements acknowledged complainant Delta's allegations, but contained no admission that the settling respondents had engaged in infringement or any other unfair act. The settlement agreements also permitted the respondents from Taiwan to export to, import into, and sell in the United States redesigned machines that do not infringe Delta's patents and are not confusingly similar in appearance to Delta's machines. *See* Order No. 45, 50 FR 1138 (Jan. 9, 1985); Orders Nos. 47-50, 50 FR 7969 (Feb. 27, 1985), as amended at 50 FR 10326 (Mar. 14, 1985); Order No. 51, 50 FR 9142 (Mar. 6, 1985); Order No. 53, 50 FR 9141 (Mar. 6, 1985); Commission Action and Order of June 18, 1985, 50 FR 26639 (June 27, 1985).

Six respondents from Taiwan were dismissed (or a finding of "no violation" was entered) owing to lack of evidence to support Delta's allegations against them. *See* Order No. 46, 50 FR 43423 (Jan. 24, 1985); Initial Determination (ID) of Feb. 7, 1985 at 4, 50 FR 14172 (Apr. 10, 1985); 19 CFR 210.53(h); Commission Action and Order of June 18, 1985, 50 FR 26639 (June 27, 1985). The remaining respondent from Taiwan neither settled with Delta nor defended against Delta's charges. (The unfair act with which that respondent was charged was rejected by the Commission, however. Hence there was no finding of a section 337 violation by that respondent.)

The Commission's final determination concerning the violation of section 337 was negative in part and affirmative in part. See 50 FR 26639 (June 27, 1985). No violation was found in respondents' unauthorized use of the external designs of Delta's 10-inch table saw and 14-inch band saw. The Commission concluded that those designs had not acquired secondary meaning and thus were not entitled to common-law trademark protection. *See* Commission Action and Order of June 18, 1985; Opinion of Vice Chairman Liebeler et al. at 1-5, 16-28; Opinion of Chairwoman Stern at 1-5, 17-30. The Commission reached an affirmative determination on the basis

of respondents' patent infringement, registered trademark and logo infringement, common-law trademark infringement (the term "Contractor's Saw"), passing off, or false or deceptive advertising. A general exclusion order was issued to prevent future violations. *See* Commission Action and Order of June 18, 1985; Opinion of Vice Chairman Liebeler et al. at 1–5, 29–33; Additional Views of Vice Chairman Liebeler; Opinion of Chairwoman Stern at 1–5, 30–34; 50 FR 26639 (June 27, 1985); ID of Feb. 7, 1985, at 22–28, 41–42; 50 FR 14172 (Apr. 10, 1985).

Several months after the investigation had been terminated, the respondents from Taiwan filed a joint motion (Motion No. 174–78"C") for modification of the final action in this investigation, pursuant to 19 CFR 211.57. The asserted grounds were complainant Delta's alleged breach of the settlement agreements and its allegedly tortuous midconduct in the distributing an allegedly unfair and misleading patent and trademark "policing" letter. The respondents from Taiwan contended that the letter was confusing and misleading as to the Commission's findings and orders and the enforceability of the asserted patents and trademarks. The motion for modification requested the following relief: (1) That Delta be directed to cease and desist from distributing the policing letter; (2) that Delta be directed to issue clarifying letters to recipients of the policing letter; (3) that Delta be divested of the patent and trademark rights which the Commission upheld; and (4) that Delta's settlement agreements with the respondents from Taiwan be declared null and void.

After reviewing the motion, the Commission declined to accept it for further processing under 19 CFR 211.57. The Commission concluded that the paucity of substantive information and corroborating documents to support the factual allegations in the motion—coupled with the absence of a discussion of the applicable Commission precedent, judicial decisions, and/or statutory authority for granting the relief requested—constituted noncompliance with the requirement of 19 CFR 211.57(a) that motions for modification include "materials and arguments in support thereof." The Commission also found that the moving respondents did not allege actual injury caused by Delta's letter, and the motion did not demonstrate the existence of an effect or tendency to restrain or monopolize trade or commerce in the United States.

Copies of the Commission's Action and Order and all other nonconfidential documents on the record of the investigation are available for public for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0471. Copies of such documents may be obtained (at the cost of 10 cents per page) by calling or writing to the Secretary's Office.

Interested persons are encouraged to inspect or obtain copies of the exclusion order, the consent orders, the Commissioners' final opinions concerning the violation of section 337, and the parties' findings of fact concerning the violation of section 337 (some of which were adopted by the Commission). Any questions regarding the Commission's findings and orders in this investigation may be directed to the Commission attorney listed above or to Commission investigative attorney Juan Cockburn, Esq., Office of Unfair Import Investigations, Room 128, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202–523–1272. Hearing impaired individuals are advised that information concerning this investigation can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: July 29, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–17704 Filed 8–6–86; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-288 and 300 (Final)]

Erasable Programmable Read Only Memories (EPROM's) and Dynamic Random Access Memory Semiconductors (DRAM's) of 256 Kilobits and Above From Japan

AGENCY: United States International Trade Commission.

ACTION: Indefinite postponement of schedules.

EFFECTIVE DATE: August 1, 1986.

FOR FURTHER INFORMATION CONTACT: Judith C. Zeck (202–523–0339) or Ilene Hersher (202–523–4616), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contracting the Commission's TDD terminal on 202–724–0002.

SUMMARY: On July 31, 1986, the President announced that the United States and Japan had reached an agreement on semiconductor trade that, among other things, requires the suspension of the ongoing antidumping investigations on EPROM's and DRAM's from Japan. Accordingly, pending formal suspension of the investigations by the Department of Commerce, the Commission announces the indefinite postponement of its briefing and hearing schedules for the subject investigations.

Issued: August 4, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–17833 Filed 8–6–86; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

Criminal Justice Discretionary Grants

AGENCY: Bureau of Justice Assistance, Department of Justice, Mack M. Vines, Director.

ACTION: Final notice.

SUMMARY: The Bureau of Justice Assistance is publishing a final notice to implement the criminal justice discretionary grant program authorized by the Justice Assistance Act of 1984 Pub. L. 98–473 (Oct. 12, 1984), 42 U.S.C. 3711 et sec. This notice describes procedures and requirements for applying for and administering discretionary grant funds.

EFFECTIVE DATE: This notice is effective on August 7, 1986.

FOR FURTHER INFORMATION CONTACT: For general questions about the priorities and range of discretionary grant programs contact Curtis H. Straub II, Director, Program Policy and Management Division, Bureau of Justice Assistance, 633 Indiana Avenue NW., Washington, DC 20531, (202) 272–6838.

ADDRESS: All concept papers (original plus two copies) should be addressed to: Bureau of Justice Assistance, 633 Indiana Avenue NW., Washington, DC 20531.

ADDRESS: All final applications (original plus two copies) should be addressed to: Control Desk, Office of Comptroller, Room 948, Bureau of Justice Assistance, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531.

SUPPLEMENTARY INFORMATION: The Justice Assistance Act of 1984 established the Bureau of Justice Assistance within the Office of Justice

Programs. The Act authorizes the award of discretionary grants to public and nonprofit agencies. Four purposes are specified for which discretionary grants can be made: (1) Demonstration programs; (2) educational and training programs for criminal justice personnel; (3) technical assistance to states and local governments; and (4) national or multi-state projects.

The Discretionary grant program is intended to complement and enhance the Criminal Justice Block Grant Program administered by the Bureau of Justice Assistance pursuant to Part D of the Act. These latter grants are designed to carry out state and local programs which exhibit a high probability of improving the criminal justice system, with emphasis on violent crime and serious offenders. The large investment of discretionary funds in technical assistance and training is intended as a means of quality control in a program carefully designed to eliminate red tape for the Block Grant Program. States agree to apply the Block Grant funding to proven program concepts such as are found in career criminal projects. BJA releases the funding based on this pledge and thus projects can quickly commence without bureaucratic delay. It is then the availability of technical assistance and training for all projects that helps the states fulfill their pledge and insure that these federal funds produce the optimum result intended by Congress. In related fashion, the BJA investment in demonstration projects which are in turn carefully evaluated insures a steady stream of future quality candidates for block grant funding.

Of the total funds appropriated for state and local assistance 20 percent is reserved for the discretionary grant program. The total FY 1986 and unawarded FY 1985 funds available under this announcement is approximately $12.6 million.

The Bureau published in the **Federal Register**, Vol. 51, No. 92 and solicited public comment on proposed discretionary grant regulations on May 13, 1986. Approximately 80 individuals and organizations provided written comment on the proposed priorities. Comments were generally favorable. Overall, the comments may be characterized as suggestions for the funding or particular projects or types of projects. There was wide support for organized crime/narcotics trafficking, victims and information system programs. Written responses will be sent to each individual or organization who submitted a comment.

Application and Award Process

The Bureau of Justice Assistance has made an effort to establish an open and competitive application process. Applications or concept papers are being requested from any and all eligible jurisdictions in several program areas. A panel of experts in the program field will be established to provide an objective review of the proposals and to make funding recommendations.

Because the FY 1986 funds were not available for distribution until late in the fiscal year, awards will be made in several program areas using a modified competitive process. In these areas, the Bureau will make use of non-profit organizations to assist in identifying jurisdictions which are interested in submitting an application and meet the primary technical criteria necessary for immediate program implementation. Ultimate selection of grantees from among these applicants will be made by BJA. This process will reduce time required for both the application process and the implementation phase. Jurisdictions meeting the primary technical criteria who are interested in implementing one of these programs, should contact the BJA program contact person listed in the program description, to insure that they are considered during the site selection process.

A number of projects will be awarded directly to a grantee rather than requesting applications on a competitive basis. This will be done for several reasons. First, many of the awards will be continuations of existing projects, which were originally selected on a competitive basis. Awards will be made to the present grantees to insure continuity of service. Second, several existing cooperative agreements will be supplemented to extend their grant period through the next fiscal year. Continuations beyond the end of the fiscal year will be considered for open competition. The Bureau will negotiate several awards with organizations which are uniquely qualified to provide the required service. Generally, this is a service that is an implementation phase of work previously completed by the grantee.

All grants and cooperative agreements will be reviewed to insure that they are cost effective. Geographic distribution of projects will be considered for all programs which result in implementation in several sites.

Criminal Justice Discretionary Grants

The following is an index of the programs included in this announcement:

SUBPART I—DEMONSTRATION PROGRAMS

Purpose
Evaluation of Programs
Organized Crime/Narcotics Trafficking Enforcement Program
Police/School Drug Use Prevention Program
Detection and Monitoring of Drug-Using Arrestees Program
Intensive Probation Supervision Program
Family Violence Intervention Program

SUBPART II—TECHNICAL ASSISTANCE AND TRAINING PROGRAMS

Purpose
Organized Crime/Drug Prosecution Program
Community Crime Prevention Program
Arson Training Program
Asset Forfeiture Program
Targeting Law Enforcement Resources Program
Assistance to the Courts Program
Information Systems Program
Intensive Probation Support Services Program
Victim Assistance Program

SUBPART III—NATIONAL/MULTI-STATE PROGRAMS

Purpose
National Crime Prevention Campaign
Alternatives to Deadly Force
Victims Assistance

SUBPART I—DEMONSTRATION PROGRAMS

Purpose

Demonstration programs provide a means of testing state-of-the-art knowledge in priority criminal justice areas at a variety of sites. The models are based on substantial research and program documentation. All demonstration programs will be independently evaluated. Programs that prove successful may be certified as approved programs for state Block Grant funding in future years.

Due Dates

Demonstration programs will be initiated in five program areas. The application process, which is outlined in more detail in the program description, will vary among the program areas. The due dates for concept papers and/or applications are summarized as follows:

Program	Concept paper	Application
Evaluation of Demonstration Programs		09/05/86
Organized Crime/Narcotics Trafficking		(1)
Police/School Drug Use Prevention		09/05/86
Detection and Monitoring of Drug Using Arrestees		(1)
Intensive Probation Supervision	09/05/86	10/24/86
Family Violence Intervention		(1)

[1] Invitation.

Evaluation Component

The intent of the Demonstration Programs is to demonstrate that the program concepts being tested are valid and are transferrable to other jurisdictions. Therefore, an objective evaluation of these programs is essential. The Bureau of Justice Assistance will award a grant for the evaluation of the Organized Crime/Narcotics Trafficking Enforcement program in an amount up to $100,000. The Intensive Probation Supervision Program will be evaluated under a grant of up to $75,000. In addition, an award of up to $175,000 to evaluate the National Crime Prevention Campaign described under National/Multi-State Programs will be made. Applicants should provide the methodology to be employed in these impact evaluations, the data collection techniques and the types of data to be studied.

The Family Violence Intervention Program described in this announcement, will expand the number of sites funded under the program in FY 1985. The evaluation of these programs will be included in the original evaluation plan through a supplement of up to $75,000 to the Institute for Social Analysis. The Detection and Monitoring of Drug-Using Arrestees Projects will be evaluated under a national evaluation sponsored by the National Institute of Justice.

Applications are due by September 5, 1986.

Note.—Since there will be insufficient funding for independent data collection, each demonstration project will be required to maintain core data elements and to cooperate with the evaluator. The evaluator will assist in defining the core data elements.

For additional information on the evaluation component, contact the program contact person listed in the program description.

Organized Crime/Narcotics Trafficking Enforcement Program

Background

Drug trafficking is a major cause of violence and crime in our cities. Development of successful cases against organized crime and narcotics trafficking conspiracies and offenders require utilization of unique investigative techniques.

The diffusion of responsibility among Federal, state, and local jurisdictions for organized crime and narcotics control works to the advantage of the criminal groups. Major criminal conspiracies often span jurisdictional boundaries to the extent that two or more state or local jurisdictions may be required to respond to the same offense or conspirators. The enforcement community's response to the conspiracy/offense may be fragmented, duplicative, counterproductive, or limited resulting in lack of prosecuting or a reduction in the level of conspirator investigated/prosecuted.

A formal mechanism whereby shared interdisciplinary resources are centrally coordinated can work to immobilize targeted offenders who manage these networks and organizations.

Goal/Objective

To develop regional enforcement projects to assist state and local law enforcement agencies through joint operations with Federal personnel and to remove specifically targeted major organized crime and narcotics trafficking conspiracies and offenders through investigation, arrest, prosecution, and conviction.

Program Description

Up to ten regional enforcement projects will be funded to develop and implement centrally coordinated multijurisdictional activities to investigate and prosecute complex multistate crimes and their perpetrators. Emphasis will be on establishment of an interdisciplinary response to commonly shared major crimes throughout a regional area and a formal mechanism whereby investigative and prosecutorial resources can be allocated, focused, and managed against targeted offenses and high level offenders to achieve maximum criminal and civil remedies. Critical to the success of this program is a shared management system of intergovernmental law enforcement/prosecutorial resources.

The Bureau of Justice Assistance will accomplish this demonstration through a cooperative agreement with the Institute for Intergovernmental Research as explained below under Eligibility Criteria.

Grant Period

Projects will be funded for 18 months, with the expectation that they will go through a 3 month organization and planning phase, and a 15 month implementation phase.

Award Amounts

Up to ten awards are estimated at approximately $170,000 each.

Eligibility Criteria

Potential applicant agencies will be identified by the Institute for Intergovernmental Research (IIR), based on their observed capacity to conduct a complete and fully coordinated program. Of these agencies identified, BJA will make final site selection based on the following criteria:

—Joint agency management and direction of investigations and prosecutions including the presentation of signed formal intergovernmental agreements
—A coordinated approach to the crime problem which results in a major impact on the problem not achievable through a single agency case by case approach
—Standardized procedures for central collection and dissemination of information, for joint case administration, and for investigative techniques and approaches
—Organizational and staffing plan
—The proposed case threshold or selection criteria to be used in the selection and prosecution of complaints and
—Anticipated impact upon the criminal justice system and on the crime problem.

Due Dates

Since these funds will be contracted by IIR to BJA selected sites, after completion of the above described process, no due dates are being announced.

Contact Person

The BJA contact for additional information on this program is Richard Ward, Law Enforcement/Crime Prevention Division, (202) 272-6838.

Police/School Drug Use Prevention Program

Background

Project DARE in Los Angeles is the most comprehensive example of police/school prevention efforts being mounted around the country. DARE (which stands for Drug Abuse Resistance Education) is conducted jointly by the Los Angeles Police Department and the Los Angeles Unified School District. It is a departure from past approaches by both police and educators. The use of uniformed police officers as classroom instructors reflects strong, involved police support for demand reduction, replacing the earlier reliance on supply interdiction. The presentation of a 17 part curriculum reflects comprehensive coverage of the knowledge and skills required to deal with the complex forces that often lead young people to experiment with and use drugs, replacing the earlier reliance on the provision of information regarding drugs and the negative consequences of abuse.

Through the semester-long presentation of a highly-structured,

cumulative curriculum, DARE officers attempt to provide fifth and sixth grade students with:

• knowledge about themselves, about their peers and other societal forces that influence them and about drugs and the consequences of use and abuse

• analytical and social skills that enable them to identify, distinguish, plan for, and resist the temptations to use drugs

• motivation to employ the skills they have learned.

Two short-term evaluations have been done of this program since its inception in September of 1983. Both have found positive results. The more recent evaluation, funded by the National Institute of Justice, compared DARE students with other students and found that DARE students: were significantly less likely to accept an offer of drugs; used refusal strategies significantly more often; and indicated significantly less substance use. Plans are in place for long-term evaluation to determine the duration and scope of impact of the DARE program.

It is the intention of the Bureau of Justice Assistance to demonstrate the transferability of this program to other sites. There are obstacles to such transfer. Few other police departments could match the fulltime assignment of 19 uniformed officers as the Los Angeles Police Department did for the 1985–86 school year. The projected assignment of 52 officers in 1986–87 is clearly not subject to wide replication. The coterminous boundaries of police department/school district found in Los Angeles, which simplified some of the logistics of program delivery, are not likely to be widely duplicated.

The program itself is not as yet structured for formal transfer. Much of its discipline and success appears to be drawn from the nature of the agreement between the police and the schools, from the rigorous manner in which officers are selected for participation and from the rigorous manner in which participating officers are trained for the classroom presentation of the DARE curriculum. Although a detailed methodology manual is not anticipated in the near future, the National Institute of Justice has recently funded an "Issues and Practices Monograph" which will be available in the spring of 1987 and will describe the various elements of the DARE program in some detail.

The Bureau of Justice Assistance has determined to proceed with the demonstration of the DARE concept at this time, rather than waiting for a fully structured transfer package, for four reasons:

• The promise of school-based prevention programs in general, and police-school progams like DARE is particular, in substantial.

• There is a growing resolve among local police departments and local schools to take the necessary actions to prevent drug abuse and a large and growing demand for a thorough, effective approach.

• The planning lead time required to put in place a program like DARE is substantial. Communities should review now the organizational, administrative, and resource requirements for DARE to be able to offer an effective program in the 1987–88 school year.

• The involvement of demonstration sites at this time should accelerate and refine the process of program development and documentation necessary for future widespread transfer.

Goal/Objective

To demonstrate effective police/school efforts to reduce the level of acceptance, by school children, of drug use and to increase the capacity of school children to resist the inclination to experiment with or use drugs.

Program Description

Five to seven projects will be funded to plan for and organize the implementation of the DARE program at the demonstration sites beginning with the 1987–88 school year. It is hoped that these sites will complete a planning and organization process sufficient to to provide an actual program comparable in substantive performance to the original DARE program. Action funding for such programs could be accomplished through the Block Grant Program.

At a minimum, these planning sites must address and document the following elements:

—Program Initiation and Oversight

• garnering support from police, educators, the community

• relative roles of police and educators

• areas of required consensus

• the kinds of formal agreements needed

—Program Administration

• staff and resource requirements

• duties and lines of authority

• management/evaluation information to be collected

—Curriculum

• lead and other review roles

• modifications to DARE curriculum required

• final curriculum

—Scope of the Program

• selection of schools to be included

• outreach to private schools, other organizations

• involvement of administrators, teachers and parents at selected schools

—Instructors

• selection criteria and procedures

• training criteria and procedures

• monitoring criteria and procedures

• duration of assignment and questions of turnover

—Community Support

• public information required

• possible sources of financial support

A separate award will be made to the City of Los Angeles for the provision of program development assistance, technical assistance, and training to the planning sites. This effort will draw heavily on the documentation and expertise developed by the Los Angeles Police Department.

Grant Period

Planning/organization grants will start on or about October 1, 1986 and run through September 30, 1987.

The technical assistance and training grant will start on or about October 1, 1986 and run through December 31, 1987.

Award Amounts

Planning/organization grants will be awarded for up to $560,000. The technical assistance and training grant will be awarded for $140,000.

Eligibility Criteria

This is primarily a local government program. Of the five to seven projects anticipated, at least five will go to local governments and no more than two will go to state governments.

Priority consideration will be given to local applications which involve the fewest governmental entities and the fewest police departments and school districts.

Applications which document a history of substantial police-school cooperation will be given most favorable consideration.

Eligible applications will be reviewed in light of the six elements of coverage listed and the most thorough and responsive will be selected.

References

J.M. Pollich, "Strategies for Controlling Adolescent Drug Use," Rand Report, 1984.

C.S. Bell and R. Battjes, "Prevention Research: Deterring Drug Abuse among Children and Adolescents," (National Institute on Drug Abuse: Rockville, Maryland, 1985).

William DeJong, "Project DARE: Teaching Kids to Say No to Drugs and

Alcohol," (NCJRS: National Institute of Justice Reports, SNI 196, March 1986).

Due Dates

Full applications are due on September 5, 1986. An application kit will be made available by the Bureau of Justice Assistance upon request. The kit includes: grant-in-aid forms and guidance; a brief overview of the DARE program; the DARE training syllabus; the DARE teacher instructional packet.

Program Contract

The Bureau of Justice Assistance contact person for additional information on this program is John Gregrich, Law Enforcement/Crime Prevention Division, (202) 272-4605.

Detection and Monitoring of Drug-using Arrestees Program

Background

Over a decade of experience with programs such as TASC (Treatment Alternatives to Street Crime) and with pre-trial service agencies, buttressed by the findings of a growing body of research, supported by the National Institute of Justice (NIJ), has led to some virtually certain conclusions regarding drugs, crime, and the required criminal justice system response.

Drug-abusing offenders have been found to be more criminally active than non-abusers. Multiple drug users appear to be even more active than single drug users. Drug use is much more prevalent than had been anticipated; NIJ research indicates that over half of those arrested in two major cities over the past two years had used drugs just prior to arrest. This same research supports earlier findings that drug-using arrestees released before trial are twice as likely to be rearrested before trial than are non-users. The growth in use of less predictable, and potentially more volatile, drugs like PCP and cocaine may well exacerbate this problem. Given this risk to public safety, it is significant that self-reporting of drug use is not reliable, identifying only half of the users.

This serious, but progressively better defined, problem is balanced in part by the technical and administrative resources and experience at the disposal of the criminal justice system. Intensive monitoring of drug-using offenders, to keep them off of drugs, has been long established by TASC programs as an effective way to significantly reduce criminal activity. Recent experience with pre-trial urine testing and monitoring has yielded the same results; drug users subjected to intensive monitoring as a condition of release experienced a pre-trial rearrest rate no higher than that for non-users.

Credible and timely information, by which to identify and monitor drug users, is assured through the use of EMIT (Enzyme Multiplied Immunoassay Technique) urine testing technology. This technology has proven 97% effective, with no false positives, in identifying the presence of specific drugs. Thus, at the point of decision regarding pre-trial release, judges are provided with reliable information upon which to base release conditions and treatment referrals.

It has been long established that court involvement is essential to get drug users into monitoring and treatment programs and to keep them there. The threatened or actual use of incarceration for those who refuse or resist monitoring or treatment, is required to make such programs work. The reliability of the technology involved enables judges to exercise this authority with greater confidence.

This technology, with the administration and information systems required to support it properly, is expensive. However, the expense will be justified, in terms of public safety, if continuing NIJ research confirms the view that drug use is as prevalent nationwide as it has been documented to be in New York and in Washington, DC.

It is the intention of the Bureau of Justice Assistance to demonstrate the proper use and application of this technology in selected sites and to cooperate with the National Institute of Justice in exploring ways to reduce costs.

Goal/Objective

To demonstrate the technology and administrative procedures which have been proven effective in detecting and monitoring drug-using arrestees.

Program Description

The Bureau of Justice Assistance will accomplish this demonstration through a cooperative agreement with the Pre-trial Services Resource Center. Through the Center, up to ten demonstration sites will be funded. To accomplish this, the Center will take into account: related National Institute of Justice research; Bureau of Justice Assistance's desire to create continuing host/assistance sites for further transfer of this technology; the requirements for evaluation of this demonstration; and, its detailed knowledge of the capacities of individual sites to utilize and apply this technology.

The Center will:

—identify potential sites

—advise and make recommendations regarding the most cost-effective sites

—transfer funds to the sites selected by the Bureau of Justice Assistance and oversee the administration of those funds

—provide program development and technical assistance to the demonstration sites

—monitor the progress of the demonstration sites and report to the Bureau of Justice Assistance.

The Center will enter into such formal agreements as necessary to provide demonstration sites access to the documents and expertise of the Washington, D.C. Pre-trial Services Agency and access to the drug testing and monitoring expertise in other pre-trial services agencies and TASC programs.

Grant Period

The cooperative agreement will start on or about October 1, 1986 and run through December 31, 1987.

Award Amount

The cooperative agreement will be awarded for approximately $1.8 million dollars.

Program Contact

The Bureau of Justice Assistance contact for additional information on this program is John Gregrich, Law Enforcement/Crime Prevention Division, (202) 272-4605.

Intensive Probation Supervision Program

Background

In recent years several states have tested various models of intensive probation supervision, notably Georgia and New Jersey. States have looked at probation options as a means to restrain growth of prison populations, reduce costs associated with incarceration, satisfy the public demand for punishment of criminal offenders, and secure the public safety.

Current evaluations show that tightly managed intensive probation supervision is both safe and cost effective. It directs the offender toward productive activities that promote both personal and social responsibility. Experience to date suggests that intensive probation provides sufficient controls to markedly limit the risk to the community, as compared to regular probation and those released directly from prison.

Preliminary estimates of the Georgia program indicate a savings of $6,775 for each case diverted from prison, with a total three year saving of over $13

million. In addition, probationers donate thousands of hours of community service.

New Jersey's more recent intensive probation supervision program is reflecting similar results relative to cost savings, recidivism, and risk, and is enjoying acceptance from judges and the community.

Goal/Objective

The goal of this program is to establish a series of demonstration projects located within state probation departments that effectively develop and implement intensive probation supervision. The objectives include demonstration of effective offender rehabilitation, cost savings versus other alternatives, and community safety.

Program Description

This program is basically a replication of the intensive probation supervision models implemented in the States of Georgia and New Jersey. The program emphasizes highly-structured, non-custodial supervision as an alternative to or in conjuction with incarceration, so that the penalties are both punitive and rehabilitative. The demonstration projects should maintain an experimental character to the extent possible so as to reinforce current research findings.

Intensive probation supervision would be selected as one of a range of alternatives that a state has explored. The concept paper should explain how intensive probation fits into the total range of corrections programs contemplated. Priority will be given to statewide efforts, but a state may propose pilot efforts in two or more counties. The demonstration projects should emphasize the following:

—Intensive supervision contacts, including considerable face-to-face contacts in the field, particularly in the early phases of the project
—Community service work
—Employment and/or vocational training
—Selective intake, barring offenders convicted of violent crimes, i.e., homicide, robbery, sex crimes.
—Special counseling
—Curfews
—Frequent checks of local arrest records
—Automatic notification of arrest elsewhere via state crime information network
—Routine and unannounced alcohol and drug testing.

Applicants should indicate the legislative base for the program and how guidelines and procedures will be established. The Bureau of Justice Assistance will provide technical assistance to each site during the planning and implementation phases.

Grant Period

Projects will be funded for 18 months. Projects are expected to start no later then the fourth quarter of calendar year 1986.

Award Amounts

An estimated five project awards will be made in the range of $100,000 to $150,000 for the 18-month period. A total of $600,000 has been budgeted for this purpose.

Eligibility Criteria

Applicants should submit a concept paper of approximately 10 pages, plus a one-page summary budget. State Departments of Corrections, State courts, and probation departments are eligible.

The concept paper should provide summary descriptions of how the project will be developed and administered, including the elements listed in the Program Description Section. Projects must agree to participate in the Bureau of Justice Assistance supported training and evaluation efforts.

Selection will in part be dependent on the level, commitment, and effective utilization of an organization's own resources in the development and implementation of the project.

References

"Granting Felons Probation: Public Risks and Alternatives", National Institute of Justice study by Rand Corporation, January, 1985.

"Intensive Supervision Program: Report to the Judicial College", New Jersey Administrative Office of the Courts, November, 1985.

"Taking Quality into Account: Assessing the Benefits and Costs of New Jersey's Intensive Supervision Program", Institute for Criminal Research, Rutgers University, 1986.

"New Dimensions in Probation: Georgia's Experience with Intensive Probation Supervision (IPS)", National Institute of Justice Draft Report, 1986.

Due Dates

Concept papers of approximately 10 pages in length are due at BJA on September 5, 1986. BJA will select sites based on the recommendations of the selection panel. Final applications from the selected sites will be due by October 24, with projected award dates in mid-November, 1986.

Program Contact

The Bureau of Justice Assistance contacts for additional information on this program are: Nicholas Demos or Kim Rendelson, Courts/Corrections Division, (202) 272–4605.

Family Violence Intervention Projects Program

This program will continue the Family Violence Intervention Demonstration Program initiated with FY 1985 funds. The goal of the program is to reduce domestic violence in adult relationships by instituting a comprehensive, effective criminal justice intervention program, with an emphasis on arrest and prosecution, in domestic violence cases.

Emphasis will be on the establishment of a multi-disciplinary approach, i.e., a cooperative effort among law enforcement, prosecutors, shelter providers, social services, and the courts. Each project will establish a model that includes written policies for law enforcement's response to domestic violence cases, including reporting requirements; enforcement of restraining or no-contact orders; guidelines for determining misdemeanor vs. felony offenses; assigning a high priority to domestic violence calls by dispatchers; and a provision for training. The policies should also include the protocols established between the law enforcement agencies and the prosecutors' offices defining how cases are to be identified, charges filed, complaints issued, and cases assigned. The projects should also identify the types of services available for victims and offenders, including shelter facilities, and how networking and cooperation will be achieved.

The Bureau of Justice Assistance will provide $600,000 to support four additional projects in this program area. However, given the considerable number and high quality of applications submitted as a result of the initial program announcement, those four projects will be chosen from that already available pool of applications.

Program Contact

The Bureau of Justice Assistance contact for additional information on this program is Doug Brown, Courts/Corrections Division, (202) 272–4605.

SUBPART II—TECHNICAL ASSISTANCE/TRAINING PRIORITIES

Purpose

Through the provisions of the Justice Assistance Act of 1984, Congress has clearly intended to fund programs that will have a profound and immediate

effect on violent crime. To ensure that the Block Grant Programs mandated by Congress have every means of successful implementation, technical assistance and training support will be provided. This assistance will be extended to those projects funded under the State Block Grants, as well as, those which fit within the Congressional mandate but for which no block funds can be allocated.

Technical assistance and training will be provided at the lowest cost possible, emphasizing the use of short-term practitioner-consultants from states, and regional grouping of assistance whenever possible. Technical assistance and training support will involve: (1) The use of staff specialists from the Office of Justice Programs; (2) individual purchase orders for expert services; (3) expansion of current grants and contracts when cost effective to do so; and (4) cooperative agreements to engage nonprofit agencies.

Application deadlines and dollar amounts are noted in the program descriptions. Cooperative agreements and grants will be awarded for 100 percent of project costs. Public agencies and private non-profit organizations are eligible to apply.

Organized Crime/Drug Prosecutor Program

Background

BJA is undertaking a Demonstration Program that is designed to attack organized crime/narcotics traffickers by way of regionally based shared management and resource task forces. A secondary approach, although not yet fully developed, is in the area of statewide drug prosecution. Both of these efforts will require technical assistance in the identification of potentially eligible jurisdictions. The Demonstration Program will also require assistance in the establishment of appropriate organizational arrangements, the identification and development of specialized skills and other resources among participating agencies, continuing assessment of the shared management process, and contract administration.

Goal/Objective

The goal of this effort is the provision of technical assistance and ongoing monitoring in programs undertaken by BJA in the area of organized crime/drug trafficking. A secondary goal is the identification of states that have statewide drug prosecutors or the capability for statewide drug prosecution. Identification of these jurisdictions may lead to either a technical assistance or demonstration program in FY 1987. Contract processing and administration for the Organized Crime/Narcotics Trafficking Demonstration Program will also be an activity under this effort.

Program Description

A grant to the Institute for Intergovernmental Research (IIR) will be made for the provision of technical assistance administration and monitoring in the described areas. Specific tasks will focus on the identification of jurisdictions that possess the organizational structure, crime problems, legal authorities and resources available to successfully implement the objectives of the organized crime/narcotics trafficking demonstration program. Upon BJA selection of the participating jurisdictions the grantee will assist in the development of criteria to identify, select and prioritize investigative targets, assist in the development of cooperative interdisciplinary and interjurisdictional working relationships, develop educational and training programs to upgrade the skills of enforcement and prosecutive personnel, assist in the implementation of the shared management process, and provide for contract administration and monitoring.

In the area of statewide drug prosecution, the grantee will undertake a research effort designed to identify states with either a statewide drug prosecutor or statewide drug prosecution capability, provide assistance to the states in the further development of refinement of that capability, and respond to inquiries from State officials interested in developing a statewide drug prosecution program. It is anticipated that the TA provided under this effort may lead to the development of a Technical Assistance or Demonstration Program for FY 1987.

Grant Period

This project will be funded for 18 months.

Award Amount

One award in the amount of $250,000 will be made to the Institute for Intergovernmental Research (IIR).

Program Contact

The Bureau of Justice Assistance contact for additional information on this program is Richard Ward, Law Enforcement/Crime Prevention Division, (202) 272–6838.

Community Crime Prevention Program

Assistance will be provided in support of Community Crime Prevention Programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime.

Technical assistance and training will be provided to Block Grant projects and a limited range of non-block grant projects through expansion of the current grant to the National Crime Prevention Council. Council staff will evaluate requests for assistance and recommend the most cost effective method of technical assistance delivery.

On-site technical assistance will be provided by a core group of experienced practitioners who will be trained and used as a team to assist state and local governments. All on-site assistance will be approved by the BJA and implemented under established procedures by the National Crime Prevention Council.

Two regional project "cluster" conferences will be conducted to distribute pertinent information and to exchange experiences on implementing crime prevention projects. A cluster conference will be held for eastern states and another for western states during 1987.

Technical Assistance will be provided by NCPC through their National Resource Library of pamphlets, brochures, slides, and literature as well as their computer center of over 25,000 active crime prevention programs

Funding

This effort will expand on the current capabilities of the National Crime Prevention Council which is already heavily involved in a number of the described components. The current Council grant will be supplemented in the amount of $800,000.

The BJA contact for additional information on this program area is Ronald Steger, Community Crime Prevention Program, 202/272–6838.

Arson for Profit Investigation Training for Prosecutors Program

Background

In 1979 the Bureau of Alcohol, Tobacco and Firearms (ATF) initiated the Arson Task Force concept as an enforcement approach to arson for profit investigations. This concept materialized into an effective approach in complex arson-for-profit investigations with its focus on the early and continued involvement of the prosecutor as an integral member of the investigative team. The prosecution of an arson case, especially one which is

primarily circumstantial in nature, requires an expertise that is usually not essential in other types of cases. As a result of the concentrated enforcement activities of the task forces, a close cooperative relationship has evolved between ATF and many state and local prosecutors, a relationship which has demonstrated that complex arson-for-profit investigations can be successfully prosecuted in both Federal and State courts. Lessons learned as a result of this approach were developed into a training program by ATF to assist State and local prosecutors gain the skills necessary to successfully prosecute cases of this nature.

Goal/Objective

The goal of this program is the presentation of the ATF developed arson-for-profit training program for state and local prosecutors.

Program Description

The arson-for-profit training program will be presented by ATF to state and local prosecutors at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia. The training will last 4–5 days and each session will include approximately 30 students. Four to five sessions are anticipated during the course of this award. The training will include a comprehensive study of arson investigation and prosecution from origin and cause determinations to trial tactics. ATF will provide a follow-up assessment of the training effectiveness by participant critiques and responses solicited from state and local investigators from those jurisdictions that had prosecutors participate in the training.

Grant Period

The grant period will be for 18 months.

Award Amount

The award will be made for up to $100,000.

Eligibility Criteria

The training that will be provided under this program was developed in 1985 by the ATF. A cooperative agreement will be developed between BJA and ATF for the provision of training in this area.

Asset Seizure and Forfeiture Program

Background

This program is based on previous research and development funded by the National Institute of Justice, and others dealing with asset removal and forfeiture as an effective means of depriving drug traffickers of economic support and incentive. National Institute of Justice research also points to effective application of forfeiture laws and rules as a means of converting illicit capital to law enforcement purposes and generating major financial benefits to the community. Research has been conducted on enhancing the productivity of police narcotics control and asset removal strategies, and a model training curriculum for law enforcement officials and prosecutors has been developed and tested.

Goal/Objective

The BJA Asset Seizure and Forfeiture Program is designed to provide operational training and technical assistance to local law enforcement and prosecution personnel to familiarize them with the pertinent local, state, and Federal laws and protocols.

Program Description

A cooperative agreement will be negotiated to conduct training, to deliver technical assistance and to perform related tasks that may be identified during the negotiations or later. BJA will retain a strong management interest during the development and throughout the life of the program. It is to be expected that successful training and technical assistance efforts may lead to the identification of successful "model" programs that could serve as future demonstration programs. Neither funds nor methodology have been established currently for this purpose.

The recipients of BJA State Block Grant assistance will be the primary targets for the training and technical assistance program; however, other jurisdictions will be eligible providing that all interested primary targets can be accommodated. Interested officials can expect to receive ample notice of program activities/opportunities through their state criminal justice block grant coordinator and through notices in professional publications. The operational training will be delivered to small groups of states so that it can focus on respective state laws, legal culture, and specific problems. Technical assistance will be available to build on the training experience and to assist with implementation of local plans.

Grant Period

The grant period will be 18 months. It is anticipated that six months will be devoted to development and planning, including needs assessment and identifidation of state/local experts to assist in the training, followed by twelve months of operation.

Award Amounts

One award of approximately $250,000 will be made.

Eligibility Criteria

A cooperative agreement will be negotiated to further the work of the investigators who performed the initial phase work with NIJ.

References

Stellwagen and Wylie, "Strategies for Supplementing the Police Budget", National Institute of Justice, Washington, DC, May, 1985.

"The Use of Forfeitures Sanctions in Drug Cases", National Institute of Justice, Washington, DC.

"Enhancing the Productivity of Police Narcotics Control and Asset Removal Strategies—Final Report", National Criminal Justice Association, Washington, DC, June, 1986.

"State Laws and Procedures Affecting Drug Trafficking Control: A National Overview", National Criminal Justice Association, Washington, DC, February, 1986.

Program Contact

The BJA contact for additional information on this program is Richard Ward, Law Enforcement/Crime Prevention Division, (202) 272–6838.

Targeting Law Enforcement Resources Program

Background

Law enforcement agencies have traditionally been concerned with repeat offenders, but now in the face of stable or declining resources, it is essential to concentrate on identifying and successfully prosecuting the high rate offenders. The challenge is to find fiscally efficient ways to target the highly active criminal. In order to meet this challenge, law enforcement managers need practical information about new program approaches—what has been tried in other agencies, how it has worked and at what costs—to make choices consonant with the need for both public safety and fiscal prudence.

Goal/Objective

The goal of this program is to provide training and technical assistance to law enforcement executives and managers in various methods for targeting law enforcement resources on repeat offenders. The focus of this effort will be on transferring methodologies and technologies gained as a result of special initiatives developed by a number of law enforcement agencies throughout the country. As the training

and technical assistance effort develops, it is possible that several model projects will be spun off the training, based on identified successful approaches.

Program Description

The training curriculum will be developed around three basic types of career criminal programs. Pre-arrest targeting programs which use surveillance and other investigative techniques to apprehend repeat offenders during the commission of a crime, special warrant program designed to ensure for special handling of outstanding warrants on repeat offenders, and post arrest case enhancement programs that target special investigative resources on career criminal cases will form the core of the program. The underlying rationale, the benefits and limitations of each will be discussed. A detailed presentation will also be provided concerning the operational strategies and tactics used in each type of program.

Grant Period

The grant period will be 18 months.

Award Amount

One award of approximately $500,000 is anticipated.

Eligibility Criteria

A cooperative agreement will be entered into between BJA and the Police Executive Research Foundation (PERF) to continue PERF's efforts in this area and develop the described training and technical assistance program.

Program Contact

The Bureau of Justice Assistance contact for additional information on this program is Richard Ward, Law Enforcement/Crime Prevention Division, (202) 272-6838.

Technical Assistance to the Courts Program

Background

States have elected to implement programs in the areas of court delay reduction, jury management, jail overcrowding reduction, career criminal prosection, and prosecution management support systems using FY1985 and FY1986 Block grant funds. Assessments indicate jurisdictions need technical assistance and training to achieve proper implementation of intitial or enhanced programs in these areas. Current cooperative agreements with the National Center for State Courts and EMT Group, Inc will not permit delivery of necessary technical assistance and training during the implementation period of these program areas.

Goal/Objectives

To provide on-site, cross site, information dissemination, and structured training for state and local agencies implementing court improvement initiatives under the Justice Assistance Act of 1984.

Program Description

Technical assistance and training will be provided to eligible criminal justice agencies through FY1987. Emphasis will be given to those agencies receiving Block Grant funds for the purpose of implementing court delay reduction, jury management, jail overcrowding reduction, career criminal prosecution, and prosecution management support system programs.

Grant Period/Award Amounts

Up to $100,000 will be awarded to the National Center for State Courts to supplement the existing cooperative agreement and continue training services for the period from February 2, 1987 to September 30, 1987. Up to $60,000 will be awarded to EMT Group, Inc to supplement the existing cooperative agreement and continue technical services from June 1, 1987 to September 30, 1987.

Program Contact

The Bureau of Justice Assistance contact for additional information on this program in Jay Marshall, Courts/Corrections Division, (202) 272-4601.

Information Systems Program

The existing SEARCH GROUP, INC., cooperative agreement will be extended to September 30, 1987. In addition to the continuation of the existing grant provisions of: technical assistance, (site, telephone and documentary) training at regional sites, access to public domain software, systems manuals, and revision and development of Program Briefs, the grantee will develop and distribute a resource catalog of agencies implementing Presecution Management Support Systems and a resource catalog of agencies implementing court management systems. These catalogs will identify and describe various hardware/software systems used and will serve as a resource reference for practitioners. Altheough Block Grant funded projects will receive first priority, assistance will be provided to other criminal justice entities to the degree that the cooperative agreement allows. Approximately $270,000 will be added to the current cooperative agreement.

Contact Person

The Bureau of Justice Assistance contact for additional information on this program is: Eugene H. Dzikiewicz, Courts/Corrections Division, (202) 272-6838.

Intensive Probation Support Services Program

Background

The Intensive Probation Supervision Demonstration program requires a higly structued and tightly managed probation project in five jurisdictions. Intensive probation is designed to handle an intermediate level of offender—those who are too antisocial for the relative freedom of ordinary probation, but not so serious as to require incarceration.

The Bureau of Justice Assistance is committed to providing technical assistance and training to the project staffs and other criminal justice officials in each of the demonstration sites. The technical assistance and training will assist with some of the known problems, namely: the potential for "netwidening" and intake of ordinary probationers; the issue of staff burnout; the need for sophisticated inmate screening criteria; and the criteria for revocation of probation and incarceration to provide credibility.

Goal/Objectives

The goal is to insure successful Intensive Probation Supervision Demonstration projects that draw on the best of current state models.

The objectives are:

—to provide group and project site training in organizational screening, and management techniques
—to provide experienced consultants to resolve specific management issues
—to collect and disseminate current publications on intensive probation practices
—to assist the program evaluator in setting up a uniform data system.

Program Description

A technical assistance grantee will broker technical assistance for the five Intensive Probation sites, and plan and coordinate periodic meetings of key staffs from the demonstration projects. The technical assistance grantee will draw on the experience of the IPS efforts of Georgia, New Jersey, Florida, Illinois, Arizona, and other states. An initial assignment will be writing a handbook outlining organizational issues, staff recruiting and training, risk assessment instruments, range of supervision options, and revocation criteria.

A list of consultants for various management and operational issues will be completed and consultants will be assigned as needed. The grantee will coordinate technical assistance activities and training sessions with the evaluator and assist in establishing comparable data bases for evaluation.

Grant Period

This project will be of 18 months duration and will start up simultaneously with the Demonstration Program.

Award Amounts

The Bureau of Justice Assistance will provide up to $150,000 of discretionary funds for the technical assistance effort.

Eligibility Criteria

A sole source grant will be negotiated with Rutgers University Graduate School of Criminal Justice, Newark, New Jersey. Rutgers was selected for this project because it is currently providing such technical assistance in Oregon, has been training probation and other criminal justice officials throughout the nation and assisted in the evaluations of the New Jersey and Georgia Intensive Probation programs.

References

See Intensive Probation Supervision Demonstration Program.

Due Date

A final application outlining the scope of technical assistance and training activities, a workplan, and detailed budget will be due in the Bureau of Justice Assistance by September 5, 1986.

Program Contact

The Bureau of Justice Assistance contact for additional information on this program is Nicholas Demos, Courts/Corrections Division, (202) 272–4605.

Victim Assistance Program

The existing cooperative agreement with the National Organization for Victim Assistance (NOVA) will be extended to September 30, 1987. In close cooperation with the Bureau of Justice Assistance, NOVA will continue to oversee the delivery of on-site technical assistance primarily to Block Grant recipients, and will provide additional regional training efforts. This effort will support the development and implementation of programs and projects which provide assistance to victims of crime, as provided for in the Justice Assistance Act of 1984. Recipient groups include state legislative and executive officials engaged in victim law reform organizations addressing violence within the family and law enforcement officials, and others seeking to improve victim assistance procedures and otherwise address the suffering of victims of crime. $120,000 will be added to the current cooperative agreement.

Program Contact

The BJA contact person for additional information about this program is Douglas Brown, Courts/Corrections Division (202) 272–4605.

SUBPART III—NATIONAL/MULTI-STATE PROGRAMS

Purpose

National/Multi-state programs address national priorities and initiatives that cannot be met through the State Block Grant Program. They reflect priorities or gaps in criminal justice funding that cannot be met from other sources. In addition to the programs described below the Bureau will sponsor four to six seminars to discuss state and local narcotics/drug problems. The seminars will involve "key" officials from the criminal justice community in each state. The seminar results will be documented through a formal publication. Approximately $600,000 has been allocated under this subpart to pay for the organizing of the seminars, travel costs for participants and publication and distribution of the report. Due to time constraints a national contractor will be selected by BJA to provide services related to this project.

National Crime Prevention Campaign

Background

Law enforcement in partnership with citizens have united in positive activities to combat crime. It is now estimated that 10 million American citizens participate in some kind of neighborhood crime watch activities in 30,000 communities across the country. Programs include Neighborhood Watch, escort services for the elderly, safe homes for children, home security crime prevention public education; arson prevention and urban rural crime prevention. Citizens and law enforcement working together with other local government and community resources have had an impact on restoring a sense of security to communities, schools, and the work places.

The National Citizens Crime Prevention ("McGruff") Campaign provides a national focus on these diverse efforts. This Campaign initiated in 1978 by the Office of Justice Assistance, Research and Statistics and the National Advertising Council, Inc., continue today with funding of both the Bureau of Justice Assistance and the private sector. The Secretariat for the "McGruff" campaign is the National Crime Prevention Council (NCPC) a non-profit organization that provides technical assistance, training and materials to support state and local programs and the National Crime Prevention Coalition.

The Bureau of Justice Assistance in cooperation with the National Crime Prevention Council, develops, distributes and promotes crime prevention technical assistance, training and materials to support citizens activities aimed at impacting crime through crime prevention.

Goal/Objectives

To provide in the most cost effective manner a clearinghouse for crime prevention materials, technical assistance and training through public education, workshops and demonstration programs.

Through this BJA/NCPC Cooperative Agreement, the following objectives will be achieved:

—Support for the McGruff Campaign. Current national issues will be translated into national media campaigns and supported by follow-up materials. $55 million worth of free public advertising will be secured.
—Provide crime prevention public awareness and ability to take positive action through "How to" Kits, newsletters, monographs, and booklets.
—Expand technical assistance to BJA cime prevention block grants, state crime prevention associations and programs, coalition members and citizens seeking advice and assistance.

Assistance will be provided through:

- A National Resource Library of current crime prevention literature, including pamphlets, brochures, slides, etc.
- A computer center housing information on over 25,000 active crime prevention programs.
- Comprehensive package of crime prevention materials designed specifically for BJA block grant recipients.
- Topical workshops and seminars located geographically across the country for basic and advanced programs.
- Crime prevention curriculum assistance including design of specific topical lesson plans to assist law

enforcement training academies throughout the country.

- A national research and policy forum to the crime prevention practitioner. Efforts would include: Eastern and Western Roundtable workshops for state association and state program policy makers;
- Development of crime prevention "How to" kits for seniors or teens;
- A national network of state computers interfacing with the NCPC database;
- Various task forces called by NCPC/BJA to focus on a specific issue or problem.

For the purpose of implementing these national initiatives, BJA will enter into a 12-month Cooperative Agreement with the National Crime Prevention Council, in an amount up to $1 million with a cash match of $400,000.

Program Contact

The Bureau of Justice Assistance contact for additional information on this program is Ronald Steger, (202) 272-6838.

Deadly Force Program

Background

Over the past several years a significant number of research projects have been funded to begin gathering information and to develop a knowledge base on what can be done in organizational terms by police departments to reduce the number of civilians shot by police officers without placing the officers themselves in greater jeopardy. This research has led to the development of "model policies" designed to reduce police homicide while preserving the officers' ability to fulfill their law enforcement duties and protect themselves from personal harm.

Goal/Objective

This program will develop a training and technical assistance program that is based on "model policies" for the use of deadly force and designed to upgrade police administrator's ability to identify the issues inherent in the use of deadly force and to formulate policies and procedures that are tailored to departmental needs.

Program Description

This program will provide training and technical assistance for law enforcement officers in the use of deadly force. It will be based on the research and policy development conducted by the International Association of Chiefs of Police. Information on training dates and technical assistance availability will be disseminated early in the new fiscal year.

Grant Period

This project will be 18 months in duration. It is anticipated that 3-6 months will be spent on curriculum development and course structure. The remaining 12-15 months will be spent on implementation activities.

Award Amount

The Bureau of Justice Assistance will provide up to $250,000 for this effort.

Eligibility Criteria

A national professional law enforcement organization, the International Association of Chiefs of Police (IACP), have developed the Model Policies on Use of Deadly Force. BJA will enter into a cooperative agreement with IACP to provide training in this area based on their model policies.

Contact Person

The BJA contact for additional information on this program is Richard Ward, Law Enforcement/Crime Prevention Division, (202) 272-6838.

Victims Assistance

Discretionary funds have been made available to the Office for Victims of Crime (OVC) for the purpose of implementing programs for Victim Assistance within the intent of the JAA legislation. Two grants have been awarded under the Victims Assistance Program. A cooperative agreement for the Family Violence Prevention Project was awarded for the purpose of educating and activating segments of the population which have not previously been involved in the issue of family violence. The Task Force on Families in Crisis will establish, in five sites, a Community Task Force composed of representatives of the law enforcement/criminal justice system, local government, business, religious, civic and volunteer organizations to assess the family violence problem in their communities, the level of services presently available and services needed; and develop a plan of activities to strengthen families and help prevent family violence. The Task Force on Families in Crisis will also compile and make available for national distribution, a directory of private services to families and victims of family violence including safe home networks, crisis centers, family life centers, shelters and counseling programs for abusers.

The National Network and Services Development Program enables the National Organization for Victims Assistance to resume full operation of its victim advocacy and networking efforts for four additional months. NOVA will engage in the following activities: (1) National advocacy to promote public policy change and public education through maintenance of a state legislative network and publication/distribution of a legislative advocacy information bulletin; (2) enhancement of networking via a meeting of 50-75 representatives of national organizations working in the victim services field to explore ways in which national leadership can improve networking and communications among service agencies at the local, state and national levels; (3) refinement of the Management Information System and Site Assessment Package; and (4) provision of information and referral services.

Contact Person

The contact for additional information in this program area is Verne Speirs, Administrator, Office for Victims of Crime, 202/724-5983.

Mack M. Vines,

Director.

Charles A. Lauer,

General Counsel, Office of General Counsel, Office of Justice Programs.

[FR Doc. 86-17815 Filed 8-6-86; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Task Force on Economic Adjustment and Worker Dislocation; Meeting

Notice is hereby given that the Task Force on Economic Adjustment and Worker Dislocation will hold its fourth meeting at 10:00 a.m. on Tuesday, August 20, 1986, in Room C-5515—Seminar Room 6, 200 Constitution Avenue NW., Washington, DC 20210. The public is invited to attend.

The purpose of the meeting is to discuss and ratify subcommittee progress.

For further information contact: Mr. Gerald Holmes, U.S. Department of Labor, Room S-5014, Washington, DC 20210, (202) 523-7571.

Signed at Washington, DC, this Thursday of July 31, 1986.

Michael E. Baroody,

Assistant Secretary for Policy.

[FR Doc. 86-17738 Filed 8-6-86; 8:45 am]

BILLING CODE 4510-23-M

MERIT SYSTEMS PROTECTION BOARD

Call for GPO Printing Riders for Reprinting of Rules of Practice in Proceedings Before the Merit Systems Protection Board in Pamphlet Form

Correction

In FR Doc. 86-17236 appearing on page 27475 in the issue of Thursday, July 31, 1986, make the following correction: In the second column, in the **SUPPLEMENTARY INFORMATION** paragraph, in the ninth line, "in jobs" should read "in general and especially to those employees in jobs".

BILLING CODE 1505-01-M

NATIONAL ENDOWMENT ON THE ARTS AND HUMANITIES

Media Arts 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 Media Arts Advisory Panel (Media Arts Center Section) to the National Council on the Arts will be held on August 25-27, 1986 from 9:00 a.m.-6:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: July 31, 1986.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86-17752 Filed 8-6-86; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8027]

Sequoyah Fuels Corp. (Sequoyah Facility, Gore, OK); Receipt of Petition for Director's Decision

Notice is hereby given that by Petition dated July 3, 1986, Citizens' Action for a Safe Environment requested that the Director, Office of Inspection and Enforcement, stay the restart of operations of the Sequoyah Fuels facility in Gore, Oklahoma; temporarily suspend Sequoyah Fuels Corporation's (SFC's) license for the facility; serve upon SFC an Order to Show Cause why its license to operate the facility should not be suspended or revoked; and ultimately permanently revoke SFC's license to operate the facility. The Petitioner asserts, as a basis for this request, that the licensee has shown itself to be unfit to operate a facility, as evidenced by its gross negligence in the operation of the Sequoyah Fuels facility, willful violations of the requirements of its license, and making of a material false statement with regard to its probabilistic risk assessment of the likelihood of an accident involving a rupture or value failure of a hot uranium hexafluoride (UF_6) product cylinder. The Petition is being treated as a request for action under 10 CFR 2.206 and, accordingly, the staff will take appropriate action on the request within a reasonable time. A copy of the Petition is available for public inspection in the Commission's public document room at 1717 H Street NW., Washington, DC 20555 and in the local public document room for the facility located at Sallisaw City Library, 101 East Cherokee, Sallisaw, Oklahoma, 74955.

Dated at Bethesda, Maryland, this 31st day of July, 1986.

For The Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

[FR Doc. 86-17792 Filed 8-6-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17 issued to Duke Power Company for operation of the McGuire Nuclear Station, Units 1 and 2, located in Macklenburg County, North Carolina.

By previous notice 51 FR 23484 on June 27, 1986, the Commission discussed proposed amendments which would revise the Technical Specifications (TS) to reflect the third of several refueling stages involved in the continuing transition to the use of optimized fuel assemblies in McGuire Unit 1. The TS changes would provide for plant operation consistent with the design and safety evaluation conclusions in the licensee's McGuire Unit 1 Cycle 4 Reload Safety Evaluation (RSE) which accompanied the license's amendment request of May 15, 1986. The notice also described (1) changes in axial flux difference limits as a function of rated thermal power which are proposed for McGuire Unit 1, and (2) changes associated with a more positive moderator temperature coefficient proposed for both McGuire Unit 1 and Unit 2. Additional information in support of the May 15, 1986, request has subsequently been provided by the licensee by letters dated May 26, June 6 and June 30, 1986. These supplemental letters do not alter the proposed changes as originally requested. However, by letter dated August 4, 1986, the licensee requested additional TS changes for TS 5.3.1, "Fuel Assemblies", which were not included in previous notice 51 FR 23484. These additional proposed changes are the subject of this current notice.

The additional changes would allow use of solid stainless steel (SS) or Zircaloy rods (i.e., fillers) and the use of open water channels (i.e., vacancies) within a fuel assembly. Specifically, the existing requirement of TS 5.3.1 that the fuel assemblies contain "264 fuel rods clad with Zircaloy-4" would be changed to "264 fuel rod locations. Fuel rod locations may at any time during plant life have, as determined by cycle-specific reload analyses, any combination of (1) fuel rods clad with Zircaloy-4, (2) filler rods fabricated from Zircaloy-4 or stainless steel, or (3) vacancies." The additional changes would also delete an obsolete sentence from TS 5.3.1 which states that "The initial core loading shall have a maximum enrichment of 3.15 weight percent U-235."

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

Use of solid SS or Zicaloy-4 fillers and vacancies is proposed in place of fuel rods in fuel assemblies that are

susceptible to problems such as "baffle jetting." For Unit 1 Cycle 4, the licensee's submittal of August 4, 1986 provided a revised Reload Safety Evaluation (RSE) to reflect core changes in which one fuel assembly will have eight fuel rods replaced by eight solid SS fillers, and a second fuel assembly will have eight fuel rods replaced by six solid SS fillers and two vacancies. The SS fillers and vacancies will be located at the periphery of the core (so that any water jetting across the core baffle would impinge on the SS rods and not lead to fuel rod damage) and, therefore, would have little or no effect on core performance. The two fuel assembies will meet essentially the same design requirements, satisfy the same design criteria as the original fuel assemblies, and the use of such assemblies will not result in a change to existing safety criteria and design limits. The revised RSE continues to use analytical methods previously approved by the Commission. For subsequent Unit 1 or Unit 2 cycles, cycle-specific reload analyses will continue to be performed in accordance with the Commission's regulations, as reflected in the proposed change.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance for the application of these criteria by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7744). One of these, example (iii), involving no significant hazards considerations is ". . . a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and the NRC has previously found such methods acceptable." Based upon our review of the licensee's August 1986 letter and its revised RSE as discussed above, we find that the proposed changes to TS 5.3.1 allowing use of solid SS and Zircaloy-4 rods and vacancies in place of fuel rods match the quoted example.

Another example of actions not likely to involve significant hazards considerations is (i), "a purely administrative change to technical specifications." The proposed change to delete the obsolete sentence in existing TS 5.3.1, which applied only to the initial fuel cycles, matches this example.

Therefore, based on these considerations and the examples given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that failure to act in a timely way would result in extending the current refueling shutdown for McGuire Unit 1. The licensee's scheduled date for completing the current refueling outage and achieving criticality is August 26, 1986. Therefore, the Commission has insufficient time to issue its usual 30-day notice of the proposed action for public comment.

Normally, the Commission will not issue the amendment until the expiration of the notice period. However, should circumstances change during the notice period, the Commission may issue the license amendments before the expiration of the notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide the opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendments.

If the Commission decides in its final determination that the amendments do involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephoned to B.J. Youngblood, Director of PWR Project Directorate No. 4, by collect call to 301-492-8060 or submitted in writing to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and should cite the publication date and page number of this **Federal Register** notice. All comments received by August 22, 1986, will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Atkins Library, University of North Carolina, Charlotte (UNCC Section) North Carolina 28233.

Dated at Bethesda, Maryland, this 4th day of August 1986.

For The Nuclear Regulatory Commission.

Dave Wigginton,

Acting Director, PWR Project Directorate No. 4, Division of PWR Licensing-A.

[FR Doc. 86-17790 Filed 8-6-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Niagara Mohawk Power Corporation (the licensee) to withdraw its January 29, 1986 application for amendment to Facility Operating License No. DPR-63 issued to the licensee for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (NMP1) located in Oswego County, New York. Notice of consideration of issuances of this amendment was published in the **Federal Register** on April 9, 1986 (51 FR 12231).

The request proposed changes to section 3.6 of the Appendix A Technical Specifications (TS) regarding the Fire Protection Program. The amendment was to reflect: (1) Changes consistent with the Standard Technical Specifications; (2) Editorial changes; and (3) Changes reflecting plant modifications. As a result of the issuance of Generic Letter 86-10, Implementation of Fire Protection Requirements, the request for amendment is no longer required since the licensee's current fire protection program will be incorporated into the Final Safety Analysis Report.

By letter dated May 15, 1986, the licensee requested, pursuant to 10 CFR

2.107, permission to withdraw its January 29, 1986 application. The Commission has considered the licensee's request and has determined that permission to withdraw the January 29, 1986 application for amendment should be granted.

For further details with respect to this action, see (1) the application for amendment dated January 29, 1986, (2) the licensee's request for withdrawal dated May 15, 1986, and (3) the Commission's letter dated July 30, 1986. All of above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Dated at Bethesda, Maryland, this 30th day of July 1986.

For the Nuclear Regulatory Commission.

Jack N. Donohew, Jr.,

Acting Director, BWR Project Directorate #1, Division of BWR Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 86-17791 Filed 8-6-86; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Extension of Standard Form 113-G

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C. Chapter 35), this notice announces a request submitted to OMB for clearance to continue to collect information for the Monthly Report of Full-time Equivalent/Work-Year Civilian Employment (Standard Form 113-G). The data collected are used by OMB and OPM to (1) monitor agencies' progress in increasing part-time employment; (2) aid OMB and the President in making decisions on agencies' budget appropriations for the next fiscal year; and (3) monitor agency work-year usage under assigned ceilings during the current fiscal year. For copies of this proposal, call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

DATE: Comment on this information collection should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to—.

James M. Farron, Agency Clearance Officer, Office of Personnel Management, Room 6410, 1900 E Street NW., Washington, DC 20415

and

Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building NW., Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: James M. Farron, (202) 632-7714, U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 86-17789 Filed 8-6-86; 8:45 am]

BILLING CODE 6325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Hydropower Assessment Steering Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

Status: Open

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Hydropower Assessment Steering Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Hydro assessment study report (site ranking, protected areas, public review process).
- FERC update.
- Idaho hydro projects slide show.
- Other.
- Public comment.

DATE: August 21, 1986, 10:00 a.m.

ADDRESS: The meeting will be held in the Boise Municipal Airport meeting room, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 86-17736 Filed 8-6-86; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

Agency Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549

Extension

Rule 19d-1 (b) through (i)

No. 270-242

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 19d-1 (b) through (i) (17 CFR 240. 19d-1 (b) through (i)) which prescribes the form and content of notices required to be filed with the Commission by self-regulatory organizations for which the Commission is the appropriate regulatory agency concerning final disciplinary actions, denials of membership, and participations or associations with a member. The potential affected persons are twenty-four self-regulatory organizations.

Submit comments to OMB Desk Officer: Ms. Sheri Fox, (202) 395-3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

July 31, 1986.

[FR Doc. 86-17811 Filed 8-6-86; 8:45 am]

BILLING CODE 8010-01-M

Agency Information Collection Activities Under OMB Review

Agency Clearance Officer—Kenneth Fogash, (202) 272-2142

Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, DC 20549

Revision

Proposed Amendment to Industry Guide 3, "Statistical Disclosure by Bank Holding Companies."

SEC File No. 270-3.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval a proposed amendment regarding disclosures of

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 outstandings to those countries.

The potential respondents include all bank holding companies that have such outstandings and file registration statements or reports pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

Submit comments to OMB Desk Officer: Sheri Fox, (202) 395-3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

By the Commission.

Jonathan G. Katz,

Secretary.

July 31, 1986.

[FR Doc. 86-17786 Filed 8-6-86; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549

Extension

Rule 17Ad-7

No. 270-136.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17Ad-7 (17 CFR 240.17Ad-7) under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) which requires registered transfer agents to retain certain records necessary to permit the appropriate regulatory agency to examine registered transfer agents for compliance with applicable Commission rules. The potential affected persons are approximately 2,500 registered transfer agents.

Submit comments to OMB Desk Officer: Ms. Sheri Fox, (202) 395-3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

July 31, 1986.

[FR Doc. 86-17787 Filed 8-6-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23487; File No. SR-OCC-86-10]

Self-Regulatory Organizations; Options Clearing Corp.; Proposed Rule Change Amending Financial Requirements and Reporting Rules To Facilitate Membership of Foreign Securities Firms in Options Clearing Corp.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(b)(1), notice is hereby given that on May 9, 1986, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described below. OCC amended the proposed rule change on July 2, 1986. The Commission is publishing this notice to solicit comment. The proposal would amend OCC's By-Laws and Rules relating to Foreign Clearing Members ("FCMs"). In general, the proposal would allow qualifying Foreign Clearing Members to elect a special membership status. That status essentially would have the effect of enabling those firms to participate directly in OCC as long as they comply with the financial reporting and financial responsibility standards of their home country.

I. Description of the Proposal

The proposal would create a new type of OCC Clearing Member, an "exempt Foreign Clearing Member" ("exempt FCM"). Article I, Section 1 (rrr) of OCC's By-Laws would be amended to expand the definition of "Foreign Securities Firm" to include an exempt FCM. It would also add the term "Canadian Clearing Member" and define it as an FCM formed and operated under the laws of Canada or a province thereof, with its principal place of business in Canada.

Under OCC Rule 310, the FCM, in its application for admission into OCC, could elect to become an exempt FCM. The election would be irrevocable, except with OCC's approval. The proposal would enable any FCM from any country to elect to become an exempt FCM. As discussed below, however, that election is not self-operative; an FCM must qualify for the status by meeting several requirements. Moreover, while the proposed amendments to OCC's By-Laws and Rules would allow any FCM to elect exempt FCM status, the proposed Interpretations and Policies ("I&Ps") to OCC's Rules limit FCMs eligible for election to become Canadian FCMs.[1]

Generally, the proposal would amend OCC's Rules to specify minimum net capital requirements for exempt Canadian FCMs; to require financial reports from exempt Canadian FCMs, audited, in some cases, consistent with Canadian accounting standards; and to require notice of changes in the exempt Canadian FCM's financial, operational or regulatory condition. These changes are described in greater detail in OCC's filing and are outlined below.

1. Minimum Capital Requirements

The proposal would amend OCC Rules 301 [2] and 302 [3] to authorize OCC to specify special initial and continuous minimum ratios of net capital to aggregate indebtedness for exempt FCMs. The proposed I&Ps under these OCC Rules would modify OCC's financial requirements for new and continuous Canadian FCMs that choose exempt FCM status. A Canadian exempt FCM that has conducted business as a broker-dealer for more than twelve months before its admission into OCC would be required to maintain, for its first three months after admission into OCC, initial "net free capital" [4] of $150,000 U.S. dollars and an amount of additional capital as specified by OCC's membership committee. OCC's membership committee would be authorized to require the electing exempt FCM to maintain net free capital equal to, at most, 10 percent of its "adjusted liabilities."[5] A Canadian

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[1] OCC represents that it will consider expanding the availability of exempt FCM status to other foreign securities firms in the future.

[2] OCC Rule 301 requires OCC Clearing Members to have an initial "net capital" of not less than $150,000 and must be at least 12½ percent of the Clearing Member's "aggregate indebtedness." Moreover, the aggregate principal amount of the Clearing Member's subordination agreements which do not qualify as equity capital under Commission Rule 15c3-1(d) (17 CFR 240.15c3-1) must not initially exceed 70 percent of the Clearing Member's debt-equity ratio. If the Clearing Member elects to operate under alternative net capital requirements, then its initial net capital must total at least 5 percent of its aggregate indebtedness. "Net capital" and "aggregate indebtedness" are used as those terms are defined in Rule 15c3-1.

[3] OCC Rule 302 prohibits every Clearing Member, other than an exempt FCM, to clear any opening purchase or sale transaction when the Clearing Member's net capital is less than the greater of $100,000 or 6⅔ percent of aggregate indebtedness (for a "non-alternative formula" firm) or 2 percent of its aggregate debit items (for an "alternative formula" firm).

[4] "Net free capital" is a term of art in the Canadian broker-dealer scheme and is defined in the Joint Regulatory Financial Questionnaire and Report ("JRFQ Report"), which Canadian broker-dealers must file with Canadian regulatory authorities.

[5] "Adjusted liabilities" is also a Canadian term of art and is used as defined in the JRFQ Report.

exempt FCM that has conducted business as a broker-dealer for less than twelve months prior to admission into OCC would be required to maintain an initial net free capital of not less than ten percent of its adjusted liabilities until three months after its admission into OCC or twelve months after it began conducting business as a broker-dealer, whichever is later. After that initial period, Canadian exempt FCMs would be required to maintain minimum net free capital equal to the minimum net free capital required of an equivalent-sized member of the Investment Dealers Association of Canada ("IDAC") [6] under the terms of section 100.2 of the IDAC By-Laws.[7] The Canadian exempt FCM would be required to compute daily its net free capital and adjusted liabilities.

2. Financial Reports

OCC's proposal would adjust OCC's financial reporting and audit requirements for exempt FCMs.[8] Under new OCC Rule 306(b), exempt FCMs would be required to file with OCC such financial reports as such times as OCC may specify.[9] OCC also at any time could require exempt FCMs to file financial reports on a more frequent basis, or to file such other reports or financial statements containing additional information in such form or detail as may be prescribed by OCC.

Under new OCC Rule 308(e), OCC would be authorized to require exempt FCMs to file with OCC annual financial reports as OCC may prescribe. Those reports would have to be audited in accordance with the generally accepted auditing standards of the country in which the exempt FCM has its principal place of business by an independent public accounting firm satisfactory to OCC.[10]

The proposed I&Ps under the new Rules would require Canadian exempt FCMs to file with OCC a copy of the Joint Regulatory Financial Questionnaire ("JRFQ") Report at the same time the report is filed with its regulatory authority. The JRFQ Report is a financial report filed by the firm twice a year with Canadian financial regulatory authorities, once at the end of the fiscal year (audited) and once as of the end of another month during the year (unaudited). The fiscal year-end JRFQ Report filed with OCC must be audited and accompanied by any report in the natue of a supplemental report on material inadequacies prepared by the auditor. The proposed I&Ps also would require Canadian exempt FCMs to file with OCC a copy of its Joint Industry Monthly Financial ("JIMF") Report [11] within 30 calendar days of the end of the month (except with respect to those two months for which the exempt FCM has filed a JRFQ Report).

3. Special Surveillance Requirements

The proposal would tailor OCC's "early warning system" to the modified financial requirements for exempt FCMs.[12] Under proposed new OCC Rule 303(b), an exempt FCM would be required to inform OCC promptly (and always before 3:00 p.m. Central Time of the next business day) when it has: (1) Violated the financial responsibility or customer property protection rules or regulations of its own Foreign Regulatory Agency; (2) received a notice from that Agency: (i) Alleging a violation of those rules or regulations; (ii) informing the firm of the need to take corrective action without which those rules or regulations may be violated; or (iii) informing the firm that it triggered an early warning parameter in those rules or regulations; or (3) experienced another adverse event as OCC may specify. The proposed I&P under OCC Rule 303 would require every Canadian exempt FCM, in addition to the responsibilities described above, to notify OCC whenever its net free capital falls below the greater of $150,000 (U.S.) [13] or 120 percent of the amount of net free capital required pursuant to Section 100.2 of the By-Laws of IDAC (the "$150,000 (U.S.) or 120 percent requirement").

OCC Rule 310(c) would authorize OCC, where necessary, to convert the exempt FCM's financial information into a form consistent with the accounting concepts and principles of Commission Rule 15c3-1 (17 CFR 240.15c3-1) in evaluating an exempt FCM's compliance with the financial requirements and in determining whether to take action under OCC Rule 305. Proposed I&P No. 9 under OCC Rule 305 [14] would allow OCC to restrict certain transactions and positions of an exempt FCM where the exempt FCM gives notice to OCC of any of the events in proposed new OCC Rule 303(b) or the proposed I&P under the Rule. Under proposed new OCC Rule 1102(b), any (exempt or non-exempt) FCM also would need to notify OCC immediately if it is suspended or expelled by its Foreign Regulatory Agency or any securities exchange of which it is a member.

Under proposed new OCC Rule 304(c), OCC would be authorized to specify modified restrictions on distribution of funds by an exempt FCM. The proposed I&Ps under the Rule authorize OCC to prohibit a Canadian exempt FCM's withdrawal of funds from a subordinated loan account [15] if the withrawal would cause the Canadian FCM's net free capital to fall below the $150,000 (U.S.) or 120 percent requirement described above. The proposed I&Ps would restrict withdrawal of funds from a partnership account if the account is included in the Canadian exempt FCM's net free capital and the withdrawal would cause net free capital to fall below the $150,000 (U.S.) or 120 percent requirement. Finally, the proposed I&Ps would prohibit a Canadian exempt FCM from paying

[6] The Investment Dealers Association of Canada is a self-regulatory organization consisting of most major Canadian securities firms. Its objectives include self-regulation of members and fostering a favorable environment for saving and investing. *See*, IDAC Constitution, section 2.

[7] Section 100.2 of IDAC's By-Laws requires IDAC broker-dealers to maintain net free capital at a percentage of adjusted liabilities as determined by a sliding scale. As the size of the broker-dealer increases, the ratio of required net free capital to adjusted liabilities decreases. Under the formula, large broker-dealers often must maintain a smaller percentage of net free capital than the 6⅔ percent requirement for FCMs and domestic Clearing Members and may be allowed to maintain a percentage as low as 5 percent. OCC states in its filing that required net free capital has been as low as 5½ percent of adjusted liabilities.

[8] OCC Rule 310 generally requires every FCM, except exempt FCMs, to file the financial reports specified in OCC Rules 306 and 308 and to prepare those reports in accordance with U.S. accounting standards and practices. *See, infra*, notes 9 and 10.

[9] OCC Rule 306 generally requires OCC Clearing Members (other than exempt FCMs) to file with OCC those monthly and quarterly financial reports required under Commission Rule 17a-5 (17 CFR 240.17a-5).

[10] OCC Rule 308 generally requires each OCC Clearing Member to file with OCC a copy of its annual report prepared in accordance with Rule 17a-5 (17 CFR 240.17a-5). Clearing Members exempt from Rule 17a-5 under paragraph (d) of that Rule also must prepare and file with OCC an annual report of financial condition, prepared in accordance with generally accepted U.S. auditing standards by a firm of independent public accounts satisfactory to OCC.

[11] The JIMF Report is a monthly financial report filed with Canadian regulatory authorities.

[12] This system is designed to provide OCC with early warning of Clearing Members experiencing financial or operational distress. *See generally*, OCC Rule 303.

[13] The manner of conversion of Canadian dollars to U.S. dollars is to be determined by OCC.

[14] OCC Rule 305 allows OCC, if it determines that the financial or operational condition of a Clearing Member makes it necessary or advisable, to impose restrictions on the Clearing Member's facilities management activities or its positions with OCC. OCC may prohibit, or merely limit, the Clearing Member's facilities management activities on the clearance of opening purchase and/or writing transactions and may require the Clearing Member to eliminate or reduce existing short positions in its account with OCC for which the underlying securities or treasury bills have not been deposited with OCC.

[15] OCC uses the term "subordinated loan" as it is used in Appendix D to Commission Rule 15c3-1 (17 CFR 240.15c3-1d).

dividends or effecting distributions to stockholders, partners or employees if net free capital would fall below the $150,000 (U.S.) or 120 percent requirement.

II. OCC's Rationale for the Proposal

OCC states in its filing that the proposal is designed to permit foreign securities firms to participate in OCC directly while complying with financial reporting and financial responsibility standards of their home country. OCC believes that if it is to facilitate internationalization of the securities markets, OCC should permit foreign participation under the regulatory and accounting standards of other nations, provided those standards yield equivalent protection for investors and other participants in the securities market.

OCC's proposal would allow only Canadian securities firms to become exempt FCMs at this time. OCC believes that the proposal would facilitate the membership of Canadian securities firms in OCC by allowing Canadian securities firms to be held to Canadian financial standards wherever possible. OCC states in its filing that a number of Canadian firms have expressed interest in joining OCC, but only if they are not required to prepare a complete set of financial reports in accordance with U.S. accounting standards and Commission requirements, in addition to the reports they already prepare for Canadian regulatory authorities. OCC states that Canadian standards, although lower than those of the United States, when combined with certain safeguards,[16] are sufficient to allow Canadian securities firms to become Clearing Members. OCC states that the data contained within the JIMF and JRFQ Reports, along with certain additional data, will be sufficient for purposes of monitoring compliance with OCC's financial requirements.

III. Request for Comments

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 by order approve such proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons can submit written comments about the proposal by filing six copies of their comments with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing also will be available for inspection and copying at OCC's principal office. All comments should refer to File No. SR-OCC-86-10 and should be submitted by August 28, 1986.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: July 31, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-17788 Filed 8-6-86; 8:45 am[

BILLING CODE 8010-01-M

[16] OCC states that it will maintain independent surveillance of exempt FCMs, will receive notice of any violation or potential violation of exempt FCMs of Canadian rules and regulations under proposed Rule 303(b), and will subject exempt FCMs to the same net capital, margian and clearing fund requirements as other Clearing Members.

[Release No. 34-23475; File No. SR-CBOE-86-23]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Granting Accelerated Approval of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 17, 1986, the Chicago Board Options Exchange, Incorporated 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. Text of the Proposed Rule Change

The proposed rule change makes three changes to the Exchange's arbitration rules. The first amendment increases from $100,000 to $500,000 the amount in controversy for the appointment of arbitration panels of as few as three arbitrators, and allows appointment of panels of three arbitrators in cases in excess of $500,000 in controversy upon consent of the parties. The second amendment allows the arbitrators to sanction a party for failure to file an answer to a claim, cross-claim or counterclaim in a timely function. The third amendment allows for assessment of a $100 fee against a party seeking to adjourning a hearing. The fee may be waived or returned by the arbitrators.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The proposed rule change amends the arbitration rules to coincide with recent amendments by the other self-regulatory organizations. The following is a summary of the major changes. First, the Director of Arbitration will be given the discretion to appoint a panel of three of five arbitrators where the amount in controversy is less than $500,000. Under the current provisions, a panel of five arbitrators is required in cases involving public customers where the amount in controversy is $100,000 or more. The change is proposed because of the increase in the number of cases in which $100,000 or more is claimed. The ability to choose a panel of three arbitrators will promote economy of effort and facilitate the scheduling of hearings which is especially important in cases that require multiple hearing sessions. The amendment also provides that even where the amount in controversy is $500,000 or more, the parties may agree in writing to a panel of three, rather than five arbitrators.

The second portion of the amendment specifies procedures the arbitrators may follow when a party fails to file an answer within the time period prescribed by the Code or any extension of that time period granted by the Director of Arbitration. While civil court practice provides recourse for the failure to submit a timely answer, the current arbitration code provisions do not explicitly provide a mechanism to

address such occurrences. Under the next provision, prior to the hearing, the adversary party must file a written objection with the Director of Arbitration requesting that the arbitrators bar the respondent, responding claimant, cross-claimant or third-party respondent, from presenting any matter, arguments, or defenses at the hearing. The party is given an opportunity to oppose the ojbection. The arbitrators in their discretion will then decide whether to grant the request.

The third portion of the proposed amendment would require the party requesting an adjournment to submit a written request for adjournment and to pay a fee equal to the filing fee, but no more than $100.[1] All parties are notified of the request and are given an opportunity to oppose it. The request and any opposition is then submitted to the panel of arbitrators. If a request is granted, the arbitrators may waive the fee or return it in the arbitration award. The fee should discourage frivolous, last minutes requests for postponement of hearing dates when a panel of arbitrators has already been appointed. The major reason for such adjournments is counsel's failure to secure all witnesses' availability for the date when it is scheduled. Such adjournments frustrate the Exchange's ability to provide an expeditious resolution to a matter submitted for arbitration. The fee is designed to recoup a portion of the administrative costs associated with rescheduling of a hearing.

The proposed rule change is consistent with the provisions of the Securities Exchange Actof 1934 and, in particular, section 6(b)(5) thereof in that the rule change is designed to protect investors and the public interest and allow for a fair forum for securities-related dispute resolution.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act because the Exchange states that the proposed rule change is substantively the same as rule changes previously filed by the New York Stock Exchange, Inc. ("NYSE") and the National Association of Securities Dealers ("NASD") and approved by the Commission. The Exchange states that the rule change is designed to protect investors and the public interest by allowing for a fair forum for securities-related dispute resolution.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the rule change is substantively the same as rule changes previously filed by six other self-regulatory organizations that were approved by the Commission.[2] Those rule changes and CBOE's proposed rule change are intended to conform the exchanges' rules to recent amendments to the Securities Industry Association's ("SIA") uniform arbitration code approved by the Securities Industry Conference of Arbitration ("SICA"). The CBOE's proposed rule change will help to promote just and equitable principles of trade by ensuring that members, member organizations, and the public have an impartial forum for the resolution of their disputes.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 28, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 29, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-17812 Filed 8-6-86; 8:45 am]

BILLING CODE 8010-01-M

[1] The adjournment fee does not apply to claims filed under the small claims proceedings section.

[2] Similar rule changes were filed by the NASD, NYSE, Midwest, Pacific, and Philadelphia and Boston Stock exchanges. *See* Securities Exchange Act Release Nos. 23211 (May 7, 1986), and 23336 (June 18, 1986).

[Release No. 34-23491; File No. 4-289]

Self Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Plan Relating to the Quarterly Reporting of Minor Disciplinary Rule Violations

The Philadelphia Stock Exchange, Inc. ("Phlx") submitted on May 2, 1986, copies of a proposed plan pursuant to Rule 19d-1(c)(2) under the Securities Exchange Act of 1934 ("Act").[1] The proposed plan specifies those uncontested minor rule violations with sanctions not exceeding $2,500 which would not be subject to the provisions of Rule 19d-1(c)(1) under the Act,[2] which requires that an SRO promptly file notice with the Commission of any final disciplinary action taken with respect to any person or organization. In accordance with paragraph (c)(2) of Rule 19d-1, the Phlx proposed to designate certain specified violations of its Option Floor Procedure Advices as minor rule violations and requested that it be allowed to report these violations on a quarterly, instead of current, reporting basis. The Phlx proposed to include the following violations under its proposed plan: Section A of the Options Floor

[1] *See* Securities Exchange Act Release No. 21013 (June 1, 1984) 49 FR 23828. The Commission adopted amendments to paragraph (c) of Rule 19d-1 to allow self-regulatory organizations ("SROs") to submit, for Commission approval, plans for abbreviated reporting of minor disciplinary infractions. Under the amendments, any disciplinary action taken by an SRO against any person for violation of an SRO rule that has been designated a minor rule subject to a plan shall not be considered "final" for purposes of section 19(d)(1) of the Act if the sanction imposed consists of a fine of less than $2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies.

[2] *See* letter from Douglas Block, Vice President, Phlx, to Michael Cavalier, Branch Chief, Division of Market Regulation, dated May 1, 1986.

Procedure Advices, *Specialists*, Advices A–1 (responsibility for displaying best bid and offer); A–2 (orders to be accepted onto specialist's book); A–6 (acceptance of stop and stop limit orders). Section B, *Registered Options Traders*, Advices B–1 (responsibility to make markets); B–2 (crowd courtesy); B–3 (trading requirements); B–4 (trading from off-floor); B–5 (agency-principal restrictions); B–6 (parity); B–7 (splitting orders); B–8 (use of floor brokers). Section C, *Floor Brokers*, Advices C–1 (presence of registered options traders in trading crowd); C–2 (clocked tickets); C–3 (handling registered options trade orders); C–4 (floor brokers handling orders for same firm); C–5 ("legging" combination orders). Section E, *Staffing*, Advice E–1 (required staffing of options). Section F, *Miscellaneous*, Advices F–1 (use of indentification letters and numbers); F–2 (time-stamping and matching); F–3 (requests for sold sale designations); F–4 (orders executed as spreads, straddles, or combinations); F–5 (changes or corrections to material terms of a cleared trade); F–6 (option quote parameters).[3]

Further, the Phlx noted in its filing that there exists discretion at all levels of the disciplinary process to determine if a particular incident merits more formal disciplinary action than exists under the plan.[4] The Phlx contemplates, subject to Commission approval, the addition of other violations within the minor rule violation plan. According to the Phlx, the quarterly report to be submitted to the Commission would include for each volation the Commission file number, the name of the individual or member organization, the nature of the violation, the specific rule provision violated, the sanction imposed, the date of disposition, and the internal file number.

Notice of the proposed plan, together with the terms of substances of the plan, was given by the issuance of a Commission release (Securities Exchange Act Release No. 23249, May 16, 1986) and by publication in the **Federal Register** (51 FR 19278, May 28, 1986). No comments were received with respect to the proposed plan.

The Commission finds that the proposed plan is consistent with the requirements of sections 6 and 19 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19d–1(c)(2) under the Act, that the proposed plan be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Dated: August 1, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–17813 Filed 8–6–86; 8:45 am]

BILLING CODE 8010–01–M

[3] *See* Securities Exchange Act Release No. 23249 (May 28, 1986) 51 FR 19278. Sanctions applicable to the minor rule violations are outlined in Exhibit B of the Phlx filing.

[4] *See* Phlx Rule 960.2, which gives the Phlx Business Conduct Committee the authority in appropriate circumstances, to issue a complaint for a violation of an Options Floor Procedure Advice.

[5] *See* 17 CFR 200.30–3(a)(44).

[Rel. No. IC–15233; File No. 812–6393]

Application and Opportunity for Hearing; American Pathway Fund et al.

July 31, 1986.

Notice is hereby given that American Pathway Fund ("Fund") and Capital Research and Management Company ("CRMC"), at 333 South Hope Street, Los Angeles, California 90071, and any other similar funds which CRMC may manage in the future (collectively, "Applicants"), filed an application on May 23, 1986, and an amendment thereto on July 18, 1986, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants and certain life insurance companies and their separate accounts from the provisions of sections 9(a), 13(a), 15(a), and 15(b) of the Act and Rule 6e–2(b)(15) and 6e–3(T)(b)(15) promulgated thereunder, to the extent necessary to permit shares of the Fund to be sold to and held by variable annuity and variable life separate accounts of both affilated ("mixed funding") and unaffiliated ("shared funding") life insurance companies. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for lthe complete text of those provisions that are relevant to the application.

According to the application, the Fund is an open-end diversified management investment company currently consisting of five separate series of shares. CRMC is is the Fund's investment adviser. Applilcants state that the Fund currently serves as the underlying investment medium for variable annuity contracts issued by American Pathway II, a separate account of Anchor National Life Insurance Company. The Fund proposes to offer its shares to other separate accounts which issue either variable annuity contracts or scheduled or flexible premium variable life insurance contracts ("Contracts"). These separate accounts will be separate accounts of either affiliated or unaffiliated insurance companies ("Participating Insurance Companies").

Rule 6e–2 and 6e–3(T) of the Act provide certain exemptions with respect to variable life insurance contracts. However, Rule 6e–2(b)(15) precludes mixed and shared funding and Rule 6e–3(T)(b)(15) precludes shared funding.

Applicants assert that following mixed and shared funding will benefit contractowners by: (1) Eliminating costs of establishing and administering separate funds; (2) allowing for the development of larger pools of assets resulting in greater cost efficiencies, diversification, and investment flexibility; (3) making the addition of new series more feasible, thus, providing contractowners with additional investment alternatives; and (4) encouraging more insurance companies to offer variable contracts, thereby increasing competition. Applicants state that the Fund's series will be managed by CRMC, subject to the discretion of the Fund's board of trustees ("Board"), in pursuit of the stated objectives of the series and consistent with their policies and will not be managed to favor or disfavor a particular type of contract or insurance company.

Applicants propose that the relief granted by Rules 6e–2(b)(15) and 6e–3(T)(b)(15) from sections 9(a), 13(a), 15(a) and 15(b) of the Act be extended to a class of insurance companies and their separate accounts which may use the Fund as an investment medium to fund Contracts (and principal underwriters and depositors of such separate accounts) to the extent necessary to permit shares of the Fund to be sold in connection with both shared and mixed funding, subject to the conditions set forth in the application and summarized below.

A. Disqualifications

Applicants assert that the same considerations that led the Commission to limit the provisions of Section 9(a) to those employees of an insurance company engaged in separate account management are equally applicable to mixed and shared funding situations. Applicants maintain that applying the requirements of Section 9(a) merely because of mixed and shared funding would decrease the net rates of return

realized by contractowners due to increased monitoring costs.

B. Voting

Applicants represent that so long as the Commission continues to interpret sections 13(a), 15(a) and 15(b) of the Act to require pass-through voting privileges for contractowners, all contractowners will be provided voting rights with respect to Fund shares attributable to their Contracts inasmuch as all Participating Insurance Companiles will vote these shares in accordance with Contractowners' instructions. Applicants further represent that all other shares of the Fund held will be voted in the same proportion as those shares for which instructions are received. Because Rules 6e-2(b)(15) and 6e-3(T)(b)(15) allow the insurance company to disregard contractowners' voting instructions in certain limited circumstances, Applicants acknowledge that this may cause irreconcilable conflicts to develop among the separate accounts. Applicants propose to resolve such conflicts through undertakings it proposes as conditions to receipt of exemptive relief set out *infra*. Applicants state that the conditions intended to resolve such conflicts will be set forth in agreements that will be entered into by Participating Insurance Companies with respect to participation in the Fund.

C. Conditions

Applicants represent that they will comply with certain conditions set forth in the application, which are summarized as follows: (1) A majority of the Board shall consist of persons who are "interested persons" of the Fund as defined by the Act. (2) The Board will monitor the Fund for the existence of any material irreconcilable conflict between the interests of contractowners of all separate accounts investing in the the Fund. (3) Participating Insurance Companies and CRMC shall report any potential or existing conflicts to the Fund's Board. Participating Insurance Companies and CRMC will be responsible for assisting the Board in carrying out its responsibilities under these conditions, by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This includes, but is not limited to, an obligation by each participating insurance company to inform the Board whenever contractowner voting instructions are disregarded. The responsibility to report such conflicts will be a contractual obligation of all insurers investing in the Fund under their agreements governing participation in the Fund. (4) If a majority of the Board or a majority of the disinterested members of the Board determines that a material irreconcilable conflict exists, the relevant insurance companies shall, to the extent reasonably practicable (as determined by a majority of the disinterested members of the Board), take whatever steps are necessary to eliminate the irreconcilable material conflict, including: (a) Withdrawing the assets allocable to some or all of the separate accounts from the Fund or any series and reinvesting such assets in a different investment medium, including another series of the Fund, or submitting the question whether such segregation should be implemented to a vote of all affected contractowners and, as appropriate, segregating the assets of any appropriate group (i.e., annuity contractowners, life insurance contractowners, or variable contract-owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected contractowners the option of making such a change; and (b) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of an insurer's decision to disregard contractowner voting instructions and that decision represents a minority position or would preclude a majority vote, the insurer may be required, at the Fund's election, to withdraw its separate account's investment in the Fund and no charge or penalty will be imposed as a result of such withdrawal. The Fund will neither be required to bear the costs of remedial actions taken to remedy a material irreconcilable conflict nor will it be requested to pay a higher investment advisory fee for the sole purpose of covering such costs. In addition, no contractowner will be required directly or indirectly to bear the direct or indirect costs of remedial actions taken to remedy a material irreconcilable conflict. A new funding medium for any Contract need not be established under this condition 4, if an offer to do so has been declined by vote of a majority of contractowners materially adversely affected by the irreconcilable material conflict. All reports received by the Board of potential or existing conflicts, and all Board action with regard to determining the existence of a conflict, notifying participating insurance companies and CRMC of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request. (5) The Board's determination of the existence of an irreconcilable material conflict and its implications shall be made known promptly in writing to all Participating Insurance Compaines. (6) Participating Insurance Compaines will provide pass-through voting privileges to all contractowners as required by the Commission. Participating Insurance Companies shall be responsible for assuring that each of their separate accounts participating in the Fund calculates voting privileges in a manner consistent with other Participating Insurance Companies. The obligation to calculate voting privileges in a manner consistent with all other separate accounts investing in the Fund shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in the Fund. (7) The Fund's prospectus shall disclose that (a) shares of the Fund are offered to insurance company separate accoounts funding both variable annuity and variable life insurance contracts, (b) interests of various contractowners participating in a series might be in conflict, and (c) the Board will monitor for the existence of any material conflicts and determine what action, if any, should be taken. The Fund will notify all participating insurance companies that prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate. (8) If and to the extent Rule 6e-2 and Rule 6e-3(T) are amended, or Rule 6e-3 is adopted, to provide exemptive relief from any provision of the Act or the rules promulgated thereunder with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested in this application, then the Fund and/or the Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rules 6e-2 and 6e-3(T), as amended, and Rule 6e-3, as adopted, to the extent such rules are applicable.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 25, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her requet, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the

case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-17783 Filed 8-6-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23485; File No. SR-CBOE-86-16]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

On June 6, 1986, the Chicago Board Options Exchange, Incorporated ("CBOE"), submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change to suspend currency options transaction fees and currency options floor charges from Monday, September 1, 1986 through Monday, August 31, 1987.

The proposed rule change was noticed in Securities Exchange Act release No. 23345 (June 19, 1986), 51 FR 23286 (June 26, 1986). No comments were received on the proposed rule change.

The rule change is designed to facilitate transactions in currency options. The purpose of this proposed rule change is to encourage the trading of foreign currency option contracts as part of a currency options permit and incentive program, which is described in a separate filing.[3] This program's primary objective is to increase the Exchange's capacity to accommodate non-market maker orders in foreign currency options.

In addition, the Exchange will not collect any dues from currency options rights or permit holders and will not collect dues in connection with currency options memberships until September 1, 1988.[4] The Exchange contends that the statutory basis for the proposed rule changes is section 6(b) of the Act in that it is designed to facilitate transactions in foreign currency options.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 30, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 17784 Filed 8-6-86; 8:45 am]

BILLING CODE 8010-01-M

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[1] 15 U.S.C. 78s (b) (1) (1982).

[2] 17 CFR 240.19b-4 (1985).

[3] *See* File No. SR-CBOE-86-13, Securities Exchange Act Release No. 23437 (June 14, 1986).

[4] In its original filing, the Exchange reserved the right to begin charging currency options transactions fees for public customer and firm proprietary orders before August 31, 1987. The Exchange subsequently deleted this language by letter from Anne Taylor, Associate General Counsel, CBOE, to Sharon Lawson, Attorney, Division of Market Regulation, dated June 23, 1986.

[Rel. No. 23482; File No. SR-NASD-86-14]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc. Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD") submitted on June 11, 1986, a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to require NASD members to maintain a record of aggregate "short positions" in NASDAQ securities in all customer and proprietary firm accounts and to report such information to the NASD on a monthly basis. Members' reports will be non-public, and will be used by the NASD solely for an internal study concerning short sales.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission release (Securities Exchange Act Release No. 23352, June 20, 1986) and by publication in the **Federal Register** (51 FR 23867, July 1, 1986). No comments were received with respect to the proposed filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and particularly, 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 hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a).

Jonathan G. Katz,

Secretary.

July 30, 1986.

[FR Doc. 86-17785 Filed 8-6-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24158]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

July 31, 1986.

Notice is hereby given that 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 25, 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.

Middle South Energy, Inc., et al. (70-7272)

Middle South Energy, Inc. ("MSE"), P.O. Box 61000, New Orleans, Louisiana 70161, Arkansas Power & Light Company ("AP&L"), P.O. Box 551, Little Rock, Arkansas 72203, Mississippi Power & Light Company ("MP&L"), P.O. Box 1640, Jackson, Mississippi 39205, Louisiana Power & Light Company ("LP&L"), 142 Delaronde Street, New Orleans, Louisiana 70174, New Orleans Public Service Inc. ("NOPSI"), 317

Baronne Street, New Orleans, Louisiana 70112, and their parent Middle South Utilities, Inc. ("MSU"), P.O. Box 61005, New Orleans, Louisiana 70161, a registered holding company, have filed a declaration pursuant to Sections 6, 7, and 12 of the Act, and Rule 50(a)(5) thereunder.

The proposed transactions relate to the issuance and sale by MSE of its First Mortgage Bonds ("Bonds") in multiple series in an aggregate principal amount not exceeding $750 million, maturing in from 5 to 30 years, by means of negotiated public sale(s) or private placement(s), from time to time through August 31, 1988, subject to Commission approval of the related Supplemental Indenture and the interest rate, security, sinking fund, redemption and other terms and conditions of such Bonds.

MSE, a wholly owned subsidiary of MSU, was formed in 1974 to construct, finance and own certain base-load generating units for MSU subsidiaries. MSE's only project to date has been the construction and financing of the Grand Gulf Nuclear Electric Generating Station ("Grand Gulf Station"), a two-unit, nuclear-fueled generating station located near Natchez, Mississippi. Unit No. 1 of the Grand Gulf Station was placed in commercial operation on July 1, 1985 at a cost (excluding nuclear fuel) for MSE's 90% interest estimated at $3.3 billion. Construction of Unit No. 2 is currently suspended. MSE continues to require substantial external financing to service its bank debt and to meet its sinking fund payments on first mortgage bonds issued during the lengthy construction period of the Grand Gulf Station. MSE proposes to issue and sell the Bonds to help meet these obligations. In addition, MSE plans limited expenditures in 1986–1988 to retrofit and upgrade Unit No. 1 and to maintain Unit No. 2.

The Bonds will be issued and sold under one or more Supplemental Indentures to MSE's existing Mortgage and Deed Trust, as supplemented. As additional security for its obligations with respect to the Bonds, MSE may be required to enter into one or more assignments, for the benefit of the holders of the Bonds, of its rights under the Availability Agreement, of June 21, 1974, as amended ("Availability Agreement"), pursuant to the terms of an additional Assignment of Availability Agreement, Consent and Agreement ("Assignment"). In such event, AP&L, LP&L, MP&L and NOPSI, parties to the Availability Agreement, may be required to consent to and join in any such Assignment. Furthermore, MSE may be required to enter into one or more assignments, for the benefit of the holders of the Bonds, of its rights under the Capital Funds Agreement of June 21, 1974 ("Capital Funds Agreement"), pursuant to the terms of an additional Supplementary Capital Funds Agreement and Assignment ("Supplementary Agreement"). In such event, MSU, a party to the Capital Funds Agreement, may be required to consent to and join in the Supplementary Agreement.

MSE may negotiate the terms and conditions of the Bond offering pursuant to an exception from the competitive bidding requirements as requested.

The Connecticut Light and Power Company (70–7273)

The Connecticut Light and Power Company ("CL&P"), an electric utility subsidiary of Northeast Utilities, P.O. Box 270, Hartford, Connecticut 06101, a registered holding company, has filed an application pursuant to Sections 9 and 10(a) of the Act.

CL&P and other New England utility companies, including the city of Burlington, Vermont, Electric Light Department ("Burlington"), are parties to a sharing agreement dated September 1, 1973, as amended ("Millstone Agreement"), pursuant to which a nuclear generating unit operating in Waterford, Connecticut, Millstone Unit No. 3 ("Millstone 3"), is owned in designated percentage shares by the parties as tenants-in-common. In accordance with the Millstone Agreement, CL&P presently owns a 52.61% (604.69 MW) interest in the site of Millstone 3.

CL&P and Burlington have entered into an agreement to transfer to CL&P, subject to receipt of necessary governmental regulatory approvals, a portion of Burlington's ownership interest. With respect to the proposed transfer, CL&P seeks authorization to acquire from Burlington a 0.3152% (3.67 MW) ownership interest in Millstone 3.

After the proposed transfer, Burlington would retain a 0.0435% (.5 MW) ownership interest in Millstone 3. The consideration to be received by Burlington from CL&P would be CL&P's release of Burlington from all liability to CL&P resulting from the payment by CL&P's service company affiliate and agent, Northeast Utilities Service Company, of Burlington's proportionate share of costs of all capital items for Millstone 3, except nuclear fuel costs (other than costs related to the initial core), from February 1982 through April 23, 1986, the date of commercial operation.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–17814 Filed 8–6–86; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 976]

Agency Forms Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted a proposed collection of information to the Office of Management and Budget for review.

SUMMARY: The following summarizes the information collection proposal submitted to OMB.

Title of information collection—Mailing List Notice.

Originating office—Bureau of Public Affairs.

Type of request—New

Frequency—Biennial

Respondents—Individuals requesting Department of State publications.

Estimated number of responses—3,750.

Estimated number of hours needed to respond—437. Section 3504(h) of Pub. L. 96–511 does not apply.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook (202) 647–4086. Comments and questions should be directed to (OMB) Francine Picoult (202) 395–7231.

Dated: July 30, 1986.

Donald J. Bouchard,

Assistant Secretary for Administration.

[FR Doc. 86–17748 Filed 8–6–86; 8:45 am]

BILLING CODE 4710–24–M

DEPARTMENT OF TRANSPORTATION

[Docket 44016]

U.S.–Japan Small Package Service Proceeding; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding, earlier scheduled to commence on October 1, 1986, has been postponed, and is now scheduled to commence on October 21, 1986, at 9:30 a.m. (local time) in Room 5332 Nassif

Bldg., 400 7th Street SW., Washington, DC, before the undersigned.

Dated at Washington, DC, August 4, 1985.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 86-17817 Filed 8-6-86; 8:45 am]

BILLING CODE 4910-62-M

Saint Lawrence Seaway Development Corporation

Advisory

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 10:30 a.m., September 11, 1986, at the Corporation's Administration Building, 180 Andrews Street, Massena, NY. The agenda for this meeting will be a brief business meeting followed by an inspection of the rehabilitation work at Eisenhower Lock.

Persons wishing further information should contact not later than September 2, 1986, Joan C. Hall, Advisory Board Liaison, 400 Seventh Street SW., Washington, DC 20590; 202-366-0118.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on August 4, 1986.

Joan C. Hall,

Advisory Board Liaison.

[FR Doc. 86-17795 Filed 8-6-86; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 27-86]

7¼ percent Treasury Bonds of 2016

Washington, July 31, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,000,000,000 of United States securities, designated 7¼% Treasury Bonds of 2016 (CUSIP No. 912810 DW 5), hereafter referred to as Bonds. The Bonds will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. Additional amounts of the Bonds may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Bonds may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Bonds will be issued Auguest 15, 1986, and are offered as an additional amount of 7¼% Treasury Bonds of 2016 (CUSIP No. 912810 DW 5) dated May 15, 1986. Payment for the Bonds will be based on the price equivalent to the bid yield determined in accordance with this circular, plus accrued interest from May 15, 1986, to August 15, 1986. Interest on the Bonds offered as an additional issue is payable on a semiannual basis on November 15, 1986, and each subsequent 6 months on May 15 and November 15 through the date that the principal becomes payable. They will mature May 15, 2016, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Bonds are subject to all taxes imposed under the Internal Revenue Code of 1954. The Bonds are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Bonds will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Bonds will be issued only in book-entry form, and in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in bearer form, but, after issuance, exchanges of bonds from book-entry form to registered definitive form, denominational exchanges thereafter of registered definitive Bonds, and transfers of Bonds in either book-entry or registered definitive form will be permitted.

2.5. A Bond may be held in its fully constituted form or it may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, and transfer of Principal and Interest Components are set forth in Section 6 of this circular. Subsections 2.1. through 2.4. of this section are descriptive of Bonds in their fully constituted form; the description of the separate Principal and Interest Components is set forth in Section 6 of this circular.

2.6. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Bonds offered in this circular. 3. Sale Procedures.

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Thursday, August 7, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, August 6, 1986, and received no later than Friday, August 15, 1986.

3.2. The par amount of Bonds bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined

above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Bonds applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the dealine for receipt of tenders, tenders will be opended, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Competitive tenders at yields higher than 7.88% will not be accepted, because the equivalent prices would fall below the original issue discount limit of 92.750. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amont sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Bonds specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Bonds allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from May 15, 1986, to August 15, 1986, in the amount of $18.12500 per $1,000 of Bonds allotted. Settlement on Bonds allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Friday, August 15, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, August 13, 1986. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Bonds allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Friday, August 15, 1986. When payment has been submitted with the tender and the purchase price of the Bonds allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Bonds allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Bonds allotted and to be held in TREASURY DIRECT are required to be assigned to "The Secretary of the Treasury for (Bonds offered by this circular) in the name of (name and taxpayer identifying number) in TREASURY DIRECT." In any such case, the tender form used to place the Bonds allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. Separability of Principal and Interest

6.1. Under the Treasury's STRIPS program (Separate Trading of Registered Interest and Principal of Securities), a Bond may be divided into its separate components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as Fiscal Agents of the United States. The components of a Bond are: each future semiannual interest payment (hereafter referred to as an Interest Component); and the principal payment (hereafter referred to as the Principal Component). Each Interest Component and Principal Component shall have its own CUSIP number and designation, which are set forth in Attachment A hereto.

6.2. In order for a Bond to be separated into the components described in Section 6.1., the par amount of the Bond must be in an amount which, based on the stated interest rate of the Bond, will produce a semiannual interest payment of $1,000 or a multiple of $1,000. The minimum and multiple par amount required to obtain the separate components for this offering is $800,000. Separation of Bonds into their components may be effected at any time from the issue date until maturity. A request to obtain the separate components must be made to the Federal Reserve Bank maintaining the account for the Bonds. Normally, any such request shall be executed by the Federal Reserve Bank within 3 business days after it is received.

6.3. The Principal Component will be payable on May 15, 2016.

6.4. Each Interest Component will be payable on its particular due date designated in Attachment A hereto.

6.5. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amout due will be payable (without additional interest) on the next-succeeding business day.

6.6. Once a Bond has been separated into its components, each Interest Component and the Principal Component may be maintained and transferred in multiples of $1,000, regardless of the par amount initially required for separation or the resulting amount of each Interest Component.

6.7. Once there is a disposition of any amount of an Interest Component or of a Principal Component, the holder of the Bond will be considered for tax purposes to have stripped the amount of principal allocable to the amount of the components disposed of as of the date such first disposition occurs. Both the

retained amount allocable to the stripped principal and the amount disposed of are thereafter treated as discount obligations, and the holders of such are subject to periodic income inclusion and other provisions of the Internal Revenue Code of 1954.

6.8. Interest Components and Principal Components in multiples of $1,000 will be acceptable to secure deposits of Federal public monies at such time and such value as will be determined by the Secretary of the Treasury. They will not be acceptable in payment of Federal taxes.

6.9. Unless otherwise provided in this offering circular, the Department of the Treasury's general regulations governing United States securities apply to the Bonds separated into their components.

7. General Provisions

7.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Bonds.

7.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Bonds. Public announcement of such changes will be promptly provided.

7.3. The Bonds issued under this circular shall be obligations of the United States, whether held in the fully constituted form or as separate Interest and Principal Components, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Bonds.

7.4. Attachment A is incorporated as part of this offering circular.

Gerald Murphy,

Fiscal Assistant Secretary.

Attachment A

CUSIP Numbers and Designations for the Principal Component and Interest Components of Treasury Bonds of May 15, 2016, CUSIP No. 912810 DW 5

The Principal Component is designated (Interest Rate) Treasury Principal (TPRN) 2016 due May 15, 2016, CUSIP No. 912803 AH 6.

INTEREST COMPONENTS

Designation	CUSIP No. 912833
Treasury Interest (TINT) due:	
November 15, 1986	EH 9
May 15, 1987	EJ 5
November 15, 1987	EK 2
May 15, 1988	EL 0
November 15, 1988	EM 8
May 15, 1989	EN 6
November 15, 1989	EP 1
May 15, 1990	EQ 9
November 15, 1990	ER 7
May 15, 1991	ES 5
November 15, 1991	ET 3
May 15, 1992	EU 0
November 15, 1992	EV 8
May 15, 1993	EW 6
November 15, 1993	EX 4
May 15, 1994	EY 2
November 15, 1994	EZ 9
May 15, 1995	FA 3
November 15, 1995	FB 1
May 15, 1996	FC 9
November 15, 1996	FD 7
May 15, 1997	FE 5
November 15, 1997	FF 2
May 15, 1998	FG 0
November 15, 1998	FH 8
May 15, 1999	FJ 4
November 15, 1999	FK 1
May 15, 2000	FL 9
November 15, 2000	FM 7
May 15, 2001	FN 5
November 15, 2001	FP 0
May 15, 2002	FQ 8
November 15, 2002	FR 6
May 15, 2003	FS 4
November 15, 2003	FT 2
May 15, 2004	FU 9
November 15, 2004	FV 7
May 15, 2005	FW 5
November 15, 2005	FX 3
May 15, 2006	FY 1
November 15, 2006	FZ 8
May 15, 2007	GA 2
November 15, 2007	GB 0
May 15, 2008	GC 8
November 15, 2008	GD 6
May 15, 2009	GE 4
November 15, 2009	GF 1
May 15, 2010	JU 5
November 15, 2010	JV 3
May 15, 2011	JW 1
November 15, 2011	JX 9
May 15, 2012	JY 7
November 15, 2012	JZ 4
May 15, 2013	KA 7
November 15, 2013	KB 5
May 15, 2014	KC 3
November 15, 2014	KD 1
May 15, 2015	KE 9
November 15, 2015	KF 6
May 15, 2016	KH 2

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[Department Circular—Public Debt Series No. 26-86]

7⅜% Treasury Notes of May 15, 1996, Series C-1996

Washington, July 31, 1986.

1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,500,000,000 of United States securities, designated 7⅜% Treasury Notes of May 15, 1996, Series C-1996 (CUSIP No. 912827 TQ 5), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be issued August 15, 1986, and are offered as an additional amount of 7⅜% Treasury Notes of May 15, 1996, Series C-1996 (CUSIP No. 912827 TQ 5) dated May 15, 1986. Payment for the Notes will be based on the price equivalent to the bid yield determined in accordance with this circular, plus accrued interest from May 15, 1986, to August 15, 1986. Interest on the Notes offered as an additional issue is payable on a semiannual basis on November 15, 1986, and each subsequent 6 months on May 15 and November 15 through the date that the principal becomes payable. They will mature May 15, 1996, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other non-business day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form, and in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in bearer form, but, after issuance, exchanges of Notes from book-entry form to registered definitive form, denominational exchanges thereafter of registered definitive Notes, and transfers of Notes in either book-entry or registered definitive form will be permitted.

2.5. A Note may be held in its fully constituted form or it may be divided into its separate Principal and Interest

Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, and transfer of Principal and Interest Components are set forth in Section 6 of this circular. Subsections 2.1. through 2.4. of this section are descriptive of Notes in their fully constituted form; the description of the separate Principal and Interest Components is set forth in Section 6 of this circular.

2.6. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, August 6, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 5, 1986, and received no later than Friday, August 15, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Competitive tenders at yields higher than 7.70% will not be accepted, because the equivalent prices would fall below the original issue discount limit of 97.750. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks, will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from May 15, 1986, to August 15, 1986, in the amount of $18.43750 per $1,000 of Notes allotted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Friday, August 15, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, August 13, 1986. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Friday, August 15, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the

Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are required to be assigned to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number) in TREASURY DIRECT." In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. Separability of Principal and Interest

6.1. Under the Treasury's STRIPS program (Separate Trading of Registered Interest and Principal of Securities), a Note may be divided into its separate components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as Fiscal Agents of the United States. The components of a Note are: each future semiannual interest payment (hereafter referred to as an Interest Component); and the principal payment (hereafter referred to as the Principal Component). Each Interest Component and Principal Component shall have its own CUSIP number and designation, which are set forth in Attachment A hereto.

6.2. In order for a Note to be separated into the components described in Section 6.1., the par amount of the Note must be in an amount which, based on the stated interest rate of the Note, will produce a semiannual interest payment of $1,000 or a multiple of $1,000. The minimum and multiple par amount required to obtain the separate components for this offering is $1,600,000. Separation of Notes into their components may be effected at any time from the issue date until maturity. A request to obtain the separate components must be made to the Federal Reserve Bank maintaining the account for the Notes. Normally, any such request shall be executed by the Federal Reserve Bank within 3 business days after it is received.

6.3. The Principal Component will be payable on May 15, 1996.

6.4. Each Interest Component will be payable on its particular due date designated in Attachment A hereto.

6.5. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

6.6. Once a Note has been separated into its components, each Interest Component and the Principal Component may be maintained and transferred in multiples of $1,000, regardless of the par amount initially required for separation or the resulting amount of each Interest Component.

6.7. Once there is a disposition of any amount of an Interest Component or of a Principal Component, the holder of the Note will be considered for tax purposes to have stripped the amount of principal allocable to the amount of the components disposed of as of the date such first disposition occurs. Both the retained amount allocable to the stripped principal and the amount disposed of are thereafter treated as discount obligations, and the holders of such are subject to periodic income inclusion and other provisions of the Internal Revenue Code of 1954.

6.8. Interest Components and Principal Components in multiples of $1,000 will be acceptable to secure deposits of Federal public monies at such time and such value as will be determined by the Secretary of the Treasury. They will not be acceptable in payment of Federal taxes.

6.9. Unless otherwise provided in this offering circular, the Department of the Treasury's general regulations governing United States securities apply to the Notes separated into their components.

7. General Provisions

7.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

7.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

7.3. The Notes issued under this circular shall be obligations of the Untied States, whether held in the fully constituted form or as separate Interest and Principal Components, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

7.4. Attachment A is incorporated as part of this offering circular.

Gerald Murphy,

Fiscal Assistant Secretary.

CUSIP Numbers and designations for the principal component and interest components of Treasury Notes of May 15, 1996, Series C-1996, CUSIP No. 912827 TQ 5

The Principal Component is designated (Interest Rate) Treasury Principal (TPRN) Series C-1996 due May 15, 1996, CUSIP No. 912820 AG 2.

INTEREST COMPONENTS

Designation	CUSIP No. 912833
Treasury Interest (TINT) due:	
November 15, 1986	EH 9
May 15, 1987	EJ 5
November 15, 1987	EK 2
May 15, 1988	EL 0
November 15, 1988	EM 8
May 15, 1989	EN 6
November 15, 1989	EP 1
May 15, 1990	EQ 9
November 15, 1990	ER 7
May 15, 1991	ES 5
November 15, 1991	ET 3
May 15, 1992	EU 0
November 15, 1992	EV 8
May 15, 1993	EW 6
November 15, 1993	EX 4
May 15, 1994	EY 2
November 15, 1994	EZ 9
May 15, 1995	FA 3
November 15, 1995	FB 1
May 15, 1996	FC 9

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[Department Circular—Public Debt Series—No. 25-86]

Treasury Notes of August 15, 1989, Series S-1989

Washington, July 31, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,500,000,000 of United States securities, designated Treasury Notes of August 15, 1989, Series S-1989 (CUSIP No. 912827 TX 0), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks of their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated August 15, 1986, and will accrue interest from

that date, payable on a semiannual basis on February 15, 1987, and each subsequent 6 months on August 15 and February 15 through the date that the principal becomes payable. They will mature August 15, 1989, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Tuesday, August 5, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, August 4, 1986, and received no later than Friday, August 15, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount of each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Friday, August 15, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, August 13, 1986.

In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Friday, August 15, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are required to be assigned to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number) in TREASURY DIRECT." In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-17840 Filed 8-5-86; 10:02 am]

BILLING CODE 4810-40-M

Customs Service

[(T.D. 86-150)]

Recordation of Trade Name: "CHRISTIAN KIM, INC."

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Recordation.

SUMMARY: On April 28, 1986, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "CHRISTIAN KIM, INC." was published in the **Federal Register** (51 FR 15857). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in opposition to the recordation and received not later than June 27, 1986. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "CHRISTIAN KIM, INC." is recorded as the trade name used by Christian Kim, Inc., a corporation organized under the laws of the State of California, located at 124 East Olympic Boulevard, Los Angeles, California 90015. The trade name is used in connection with footwear, manufactured in Korea.

DATE: August 7, 1986.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-5765).

Dated: August 4, 1986.

Edward T. Rosse,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 86-17775 Filed 8-6-86; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

Elimination of Bulk Tax Forms to Tax Practitioners

Correction

In FR Doc. 86-16765 appearing on page 26787 in the issue of Friday, July 25, 1986, make the following corrections:

1. In the first column, in the **"AGENCY"** caption, "International" should have read "Internal". Make the same correction in the last line of the first column.

2. In the second column, in the table, last column, "1000" should have read "1099".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Jill Cottine, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316.

DATE: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: August 4, 1986.

By direction of the Administration.

David A. Cox,

Associate Deputy Administrator for Management.

Extension

1. Department of Medicine and Surgery
2. Prosthetic Authorization and Invoice
3. VA Form 10-2421
4. Non-recurring
5. Businesses or other for-profit
6. 438,836 responses
7. 30,718 hours
8. Not applicable

[FR Doc. 86-17794 Filed 8-6-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 152
Thursday, August 7, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

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 the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, August 12, 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.

Request for modification of conditions imposed in granting Federal deposit insurance:

E. F. Hutton Bank, Wilmington, Delaware.

Application for consent to merge and establish on branch:

Mutual Bank fsb, Boston, Massachusetts, for consent to merge, under its charter and with the title of "Mutual Bank," with Lincoln Savings Bank, Boston, Massachusetts, non-FDIC-insured institution, and for consent to establish the sole office of Lincoln Savings Bank as branch of the resultant bank.

Application for consent to acquire assets, assume liabilities, establish one branch are relocate said branch:

Heritage Thrift and Loan Association, Brea, California, for consent to purchase certain assets of and assume the liability to pay deposits made in the Rancho Cucamonga Branch, Rancho Cucamonga, California, of Anchor Thrift and Loan Association, Orange, California, a non-federally insured institution; for consent to establish the Rancho Cucamonga Branch as a branch of Heritage Thrift and Loan Association; and for consent to relocate the Rancho Cucamonga Branch to Suite D, 9799 Baseline Road, Rancho Cucamonga, California.

Recommendations regarding the liquidation of bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,602–NR (Amendment)
State Bank of Dannebrog, Dannebrog, Nebraska
Case No. 46,605–NR (Amendment)
Uehling State Bank, Uehling, Nebraska
Case No. 46,606–SR
Stewardship Bank of Oregon, Multnomah County (P.O. Portland), Oregon
Case No. 46,607–SR
Heritage Bank, Anaheim, California
Case No. 46,608–SR
West Coast Bank, Los Angeles (Encino), California
Case No. 46,613 (Amended)
The Bowery Savings Bank, New York City (Manhattan), New York

Memorandum and resolution regarding amendments to the delegations of authority relating to liquidation activities.

Reports of comitttees 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 an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Trend Analysis Report re:
Trend Analysis of Liquidation Site Audit Results (Memo dated July 16, 1986)
Summary Audit Report re:
Aurora Bank, Aurora, Colorado (2511) (Memo dated July 16, 1986)
Summary Audit Report re:
Tower Bank, National Association, Hialeah Gardens (P.O. Hialeah), Florida (2500) (Memo dated June 30, 1986)
Summary Audit Report re:
Early Savings Bank, Early, Iowa (2510) (Memo dated July 16, 1986)
Summary Audit Report re:
Farmers State Bank of Kanaranzi, Kanaranzi, Minnesota (2508) (Memo dated July 16, 1986)
Summary Audit Report re:
The First National Bank of St. Joseph, St. Joseph, Missouri (2504) (Memo dated June 27, 1986)
Summary Audit Report re:
Farmers State Bank in Afton, Oklahoma, Afton, Oklahoma (2505) (Memo dated July 16, 1986)
Summary Audit Report re:
Bank of Canton, Canton, Oklahoma (2502) (Memo dated July 10, 1986)
Summary Audit Report re:
First State Bank, Jet, Oklahoma (2506) (Memo dated July 16, 1986)
Summary Audit Report re:
The First National Bank in Terral, Terral, Oklahoma (5614) (Memo dated June 27, 1986)
Summary Audit Report re:
The Early Bank, Early, Texas (2507) (Memo dated July 16, 1986)
Summary Audit Report re:
The Citizens Bank, Ogden, Utah (2509) (Memo dated July 16, 1986)
Summary Audit Report re:
Saratoga State Bank, Saratoga, Wyoming (2503) (Memo dated July 11, 1986)
Summary Audit Report re:
Audit of Duplicate Payments Made in 1985 Through the Public Voucher Subsystem (Memo dated June 27, 1986)
Summary Audit Report re:
Vendor Controls and Payments (Memo dated June 30, 1986)

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: August 5, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary

[FR Doc. 17894 Filed 8–5–86; 3:00 pm]

BILLING CODE 6714-01-M

2

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 2:30 p.m. on Tuesday, August 12, 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), (c)(9)(A)(ii), and (c)(9)(B) 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:

Request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendation regarding the Corporation's corporate activities.

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: August 5, 1986.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–17895 Filed 8–5–86; 3:01 pm]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, August 12, 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, August 14, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Wahington, DC (Ninth Floor).

STATUS: This meeting will be open to the public

MATTER TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approvel of minutes
Draft AO 1986–24—William L. Fallon for Political Action for Candidate Election
Draft AO 1986–26—J. Curtis Herge for National Conservative Foundation
Routine Administrative Matter

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–376–3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86–17900 Filed 8–5–86; 3:27 am]

BILLING CODE 6715-01-M

4

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 10.00 a.m., Friday, July 25, 1986.

PLACE: 1776 G Street, NW., Washington, DC 20456, 6th Floor.

STATUS: Closed.

MATTER CONSIDERED:

1. Administrative Action under section 120 of the Federal Credit Union Act.

The Board unanimously voted that Agency business required that a meeting be held with less than the usual seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (8) and (9)(A)(ii). The General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR 86–17892 Filed 8–5–86; 2:06 pm]

BILLING CODE 7535-01-M

5

SECURITIES AND EXCHANGE COMMISSION

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 August 4, 1986:

Closed meetings will be held on Tuesday, August 5, 1986, at 2:30 p.m. and on Friday, August 8, 1986, at 9:30 a.m. An open meeting will be held on Friday, August 8, 1986, at 10:30 a.m., in Room 1C30.

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 Cox, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 5, 1986, at 2:30 p.m., will be:

Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceeding of an enforcement nature.
Settlement of administrative proceeding of an enforcement nature.

The subject matter of the closed meeting scheduled for Friday, August 8, 1986, at 9:30 a.m., will be:

Regulatory matter regarding financial institution.

The following item previously scheduled for Thursday, August 7, 1986, at 10:00 a.m., has been rescheduled for Friday, August 8, 1986, at 10:30 a.m.:

Consideration of whether to authorize publication of a release requesting comments on the rulemaking petition submitted by the Securities Industry Association. The petition, as supplemented, proposes that the Commission adopt a rule that would allow a written confirmation of a securities purchase to be sent to investors in registered public offerings prior to the time a prospectus that meets the statutory requirements of the Securities Act of 1933 is delivered to them. Currently, a confirmation must be preceded or accompanied by a statutory prospectus. For further information, please contact Brent H. Taylor at (202) 272–2434.

The subject matter of the open meeting scheduled for Friday, August 8, 1986, at 10:30 a.m., will be:

1. Consideration of the manner in which the Commission should regulate over-the-counter trading systems such as, systems operated by the Instinet Corporation and proposed by Security Pacific National Bank. For further information, please contact William M. Harter, Jr. at (202) 2828 and Katherine A. England at (202) 272-2882.

2. Consideration of a request from Citicorp for a no-action position with respect to broker-dealer registration on behalf of certain Citicorp foreign affiliates, or in the alternative an exemption from broker-dealer registration for such foreign affiliates. For further information, please contact Robert L.D. Colby or Amy Natterson Kroll at (202) 272-2848.

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: Kathryn Natale at (202) 272-3195.

Jonathan G. Katz,

Secretary.

August 1, 1986.

[FR Doc. 86-17816 Filed 8-4-86; 4:18 pm]

BILLING CODE 8010-01-M

federal register

Thursday
August 7, 1986

Part II

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments Program; Fair Market Rents for New Construction and Substantial Rehabilitation—All Markets; Final Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-86-1590; FR-2161]

Section 8 Housing Assistance Payments Program; Fair Market Rents for New Construction and Substantial Rehabilitation—All Markets

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final notice.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to establish Fair Market Rents periodically, but not less frequently than annually. This document announces final, Fiscal Year 1986 Fair Market Rents for the Section 8 New Construction Program and the Section 8 Substantial Rehabilitation Program. These proposed Fair Market Rents are based primarily on the level of rentals paid for recently completed or newly-constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. They also reflect the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs.

EFFECTIVE DATE: August 7, 1986.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Insured Multifamily Housing Development, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 426-7624. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (the Act) authorizes a system of housing assistance payments to aid lower income families in renting decent, safe, and sanitary housing. These programs, known collectively as the Section 8 Housing Assistance Payments Program, provide assistance payments for lower income families for a variety of housing options, including new construction and substantial rehabilitation.

Under these programs, HUD or public housing agencies (PHAs) make rental assistance payments on behalf of eligible families to owners. Total housing expense represents the total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance for the assisted unit occupied by the family. Where the unit is leased to an eligible family, the housing assistance payment represents the difference between the total housing expense and the total family contribution. Initial contract rents plus any allowances for utilities generally may not exceed area-wide Fair Market Rents (FMRs) established by the Department.

Section 8(c)(1) of the Act states that the Secretary shall establish FMRs periodically, but not less frequently than annually. Section 8(c)(1) further provides that the Department shall publish FMRs in the **Federal Register**, with reasonable time for public comment, and that the FMRs will become effective upon their publication in final form in the **Federal Register.** The Department published proposed FMRs in the **Federal Register** on April 22, 1986 (51 FR 15174), with a comment due date of May 22, 1986.

This Notice

Today's document announces the Fiscal Year 1986 FMRs for new construction and substantial rehabilitation that apply to Section 8 New Construction under Part 880, Substantial Rehabilitation under Part 881, House Finance and Development Agencies under Part 883, New Construction Set-Aside for Section 515 Rural Rental Housing Projects under Part 884, Housing for the Elderly and Handicapped under Part 885 and Disposition of HUD-owned Projects under Part 886, Subpart C.

FMRs are based primarily on the levels of rent paid for recently completed or newly constructed dwelling units of modest design within each market area, as determined by HUD Field Office Staff, trended ahead to October 1, 1987, to allow for the period of construction or rehabilitation of the projects involved. They are estimates of rentals that prospective tenants who are not receiving Federal rent subsidies would be willing and able to pay for recently completed or newly constructed dwelling units of modest design, with suitable amenities. They do not necessarily represent rents needed to support construction and operating costs.

This Notice includes Fair Market Rents for 0, 1, 2, 3, and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, 2-4 story elevator, and 5-plus story elevator buildings). Construction or rehabilitation of elevator projects for families with children is prohibited unless there is no practical alternative. Fair Market Rents for family units in elevator structures are proposed for appropriate market areas. However, the determination that there is "no practical alterntive" must be made on a project-by-project basis.

In addition, regulations provide that high-rise elevator projects *for the elderly* may be approved *only* if HUD determines that high-rise construction is appropriate after taking into account land costs, safety and security factors.

Section 202/Section 8 Projects

A. For the Section 202/Section 8 program, beginning with Federal Fiscal Year 1986 selections, the Fair Market Rents (FMRs) on which the Contract Rents will be based will be the Fair Market Rents applicable to projects for the elderly or handicapped published and in effect on the date of the Notice of Section 202 Fund Reservation. However, these FMRs may be increased by up to 10 percent with the approval of the Field Office Manager or by up to 20 percent with the approval of the Assistant Secretary for Housing—Federal Housing Commissioner.

B. For the Section 202/Section 8 program, for projects selected during Federal fiscal year 1985 and earlier, the applicable Fair Market Rents are those in effect on the date that the proposal or application for assistance was submitted to HUD (or, in the case of assistance under Part 884, by FmHA, and in the case of assistance under Part 883, by the State Agency). The following exceptions apply:

1. For all projects where the FMRs are increased after the completion date of a processing stage, the increased FMRs will apply to all subsequent processing in reviewing contract rents and utilities. (This does not apply when the borrower agrees to limit the rents to 110 percent of the FMRs in effect at the time of fund reservation in order to enter into a negotiated construction contract, as permitted under the Section 202 competitive bid procedure.) The decision concerning appropriate FMRs to use in project processing will be based upon an entire schedule, rather than selectively choosing the highest unit rents from the currently effective FMR schedule or a previously published schedule for that area.

2. For all projects where the FMRs decreased after the completion date of a processing stage, the applicable FMR will be the higher of:

(a) The FMR set forth in Schedule A of the annual publication of Fair Market Rents or

(b) The FMR set forth in a previously published schedule that was in effect at the time that the application was submitted.

C. With respect to Section 202/Section 8 Projects selected during Federal Fiscal Year 1985 and prior years where 18 months (or 24 months for non-site specific selection) *have* expired since the issuance of the Notice of Section 202 Fund Reservation *and* where an extension of the time to commence construction, substantial rehabilitation or acquisition with or without moderate rehabilitation is approved by the Department, the Federal Fiscal Year 1986 Fair Market Rent Schedule shall apply, except:

For all projects where the FMRs have been revised downward after the completion date of a processing stage, the applicable FMR shall be the higher of:

(1) The FMR set forth in Schedule A of the Fiscal Year 1986 FMRs, or

(2) The FMR set forth in a previously published schedule that was in effect at the time that the processing stage was completed.

Public Comments

The Department received eight comments on the proposed Notice. Five comments were from public housing agencies (PHAs); one was from a nonprofit housing sponsor; one from a contractor; and one from a United States Senator.

All comments included the general statement that the FMRs were inadequate for their particular jurisdiction. In addition to this general comment, the following substantive issues were raised.

1. Three commenters questioned whether the proposed rents met the HUD criteria articulated in the preamble to the proposed notice, that—

Fair Market Rents [are] based primarily on the level of rent paid for recently completed or newly constructed dwelling units of modest design within each market area, as determined by HUD Field Office staff trended to October 1, 1987, to allow for the period of construction or rehabilitation of the projects involved.

The commenters indicated that Field Office staff proposed increases that were much higher than those indicated in the proposed notice, and in one case, the Field Office submitted data to HUD headquarters recommending increases of 14 percent over the 1985 levels. The published proposed rents in this case were 3 percent over 1985 levels.

Another commenter questioned whether HUD had actually trended forward the proposed rents to the October 1, 1987 date, citing the *Engineering New Record* "Market Trends" as indicating that the construction cost index standard shows market areas to expect increases in the range of 3.3 percent for 1987. Another commenter pointed out that, while it recognizes that there may be a legitimate national concern for controlling program costs, establishing caps "will inevitably result in distortions in certain markets and in certain unit types."

We disagree with the commenters. The FMRs have their foundation in local market data, since their genesis is the annual rent survey conducted by each Field Office in preparation of the annual revisions to the FMR schedules. The preamble also states, "They also reflect the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs." Therefore, while we acknowledge that the published rents may, in some cases, be lower than the rents proposed by our Field Offices, the published rents are nonetheless consistent with the considerations specified in the preamble.

2. Almost all commenters made the general point they did not think it appropriate for the Section 8 proposed FMRs to be based on general construction data, when the only viable, remaining program using the New Construction/Substantial Rehabilitation rents where HUD-202 projects. Commenters made different, but consistent, comments to the effect that the HUD-202 Section 8 requirements, such as "site location" and distance-to-shopping requirements, as well as elevators and other amenities required for elderly and handicapped housing, make Section 202 housing more expensive than similarly constructed units not needing special designs. The only relevant comparable housing types on which to base FMRs, the commenters asserted, would be other elderly or handicapped projects. The market costs of units in these projects, because of the specialized design and site location requirements, are higher than the cost of multifamily units constructed for nonspecialized uses.

Construction cost data was never intended to be, and still is not, the primary consideration in establishing FMRs and FMR limits. Moreover, our policies and procedures strictly preclude the selection of HUD subsidized projects as rental comparables in developing FMRs for any given market area. As required by the Congress, HUD procedures for establishing FMRs for any market area rely on market rental comparables reflecting local market conditions. In addition, consistent with our regulations, the FMRs for the elderly and handicapped are increased five percent above the published FMRs specifically to take such special factors into consideration.

3. Finally, several commenters indicated that the proposed FMRs will not support the operating costs and mortgage payments for a project developed under the Section 202 program. This is despite the nonprofit status of the developer and the federally subsidized interest rates for construction and long term financing. All of these projects are coming in, the commenters claim, at or below HUD-approved estimates for Section 202 carrying charges, but their debt-retirement costs result in rents above the proposed FMRs.

The Department makes every effort to work with Section 202 borrowers to assure the development of feasible projects. These efforts include enforcement of our cost containment policies and procedures as well as other suggestions for economies in the management and operation of projects. When all of these efforts fail to produce a financially feasible project, the Department will consider requests for a special revision of one or more of the Fair Market Rent schedules. Such requests may be initiated by a Field Office at any time.

Other Information

HUD regulations in 24 CFR Part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the FMRs announced in this Notice are within the exclusion set forth in § 50.20(*l*), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Housing Assistance Program (Section 8).

Dated: July 31, 1986.

Silvio J. DeBartolomeis,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction—Substantial Rehabilitation

Notes:

Special Category Computations

(1) FMRs for dwelling units designed for the elderly or handicapped are those

for appropriate size units, not to exceed two bedrooms for the elderly, multiplied by 1.05.

(2) Congregate housing dwelling unit FMRs are the same as for noncongregate units.

(3) Single room occupancy dwelling unit FMRs (applicable only for Substantial Rehabilitation projects) are 75 percent of those for zero-bedroom units of the same structural type.

(4) FMRs for living units in a group home developed with a direct loan under section 202 of the Housing Act of 1959 are those for zero-bedroom or a one-bedroom unit of the walk-up structural type (or if the group home contains an elevator, of the 2–4 story elevator structural type). Each living unit in a group home is composed of a bedroom plus a proportionate part of common living space ordinarily included in a living unit. One-bedroom FMRs may be applied only when the bedroom space plus the proportionate part of the common space totals at least 450 square feet.

(5) Manufactured home (unit and space) FMRs shall be 95 percent of the rents for detached units of the appropriate bedroom size (except that where a manufactured home FMR is specified in the schedule for an area, the amount on the schedule shall be the FMR).

(6) FMRs for manufactured home spaces in newly constructed or substantially rehabilitated manufactured home parks are determined by multiplying by 1.25 the FMR for the spaces published for the Existing Housing Program. (For currently effective FMRs for the Existing Housing Program, see **Federal Register** documents published on July 5, 1984 (49 FR 27658); April 16, 1985 (50 FR 14922); April 25, 1985 (50 FR 16229); and April 22, 1986 (51 FR 15120).

Rent Computations

All rents computed in accordance with this note shall be rounded down to the nearest whole dollar.

Similarly, all Fair Market Rents increased by up to 10 percent with the approval of the HUD Field Office Manager, or by up to 20 percent with the approval of the HUD Assistant Secretary for Housing should have the result rounded down to the nearest whole dollar.

BILLING CODE 4210-27-M

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

BOSTON REGIONAL OFFICE

	MARKET: BOSTON NUMBER OF BEDROOMS					MARKET: WORCESTER NUMBER OF BEDROOMS					MARKET: FALL RIVER NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			764	980	1066			709	906	983			732	880	896
SEMI-DETACHED/ROW	638	643	754	891	987	565	570	701	818	938	562	567	717	869	880
WALKUP	555	627	751	829	940	509	542	680	771	886	528	547	677	775	813
ELEVATOR 2-4 STY	575	699	807	1048	1196	520	597	715			546	567	692		
ELEVATOR 5+ STY	575	699	807	1128	1245	545	629	752			548	597	723		
MANUFACTURED HOME															
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

HARTFORD OFFICE

	MARKET: HARTFORD NUMBER OF BEDROOMS					MARKET: NEW HAVEN NUMBER OF BEDROOMS					MARKET: NEW LONDON NUMBER OF BEDROOMS					MARKET: NEW MILFORD NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			676	752	774			657	742	793			654	730	762			610	680	693
SEMI-DETACHED/ROW	545	559	644	730	752	536	541	609	717	771	480	495	621	693	738	520	525	605	675	693
WALKUP	464	538	612	691	713	463	518	587	668	691	433	465	611	687	711	436	506	575	648	670
ELEVATOR 2-4 STY	470	546	616			475	533	624			436	479	634			441	513	579		
ELEVATOR 5+ STY	486	594	684			493	588	695			462	530	654			456	558	643		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

	MARKET: WINDHAM NUMBER OF BEDROOMS					MARKET: BRIDGEPORT NUMBER OF BEDROOMS					MARKET: RIDGEFIELD NUMBER OF BEDROOMS					MARKET: NORWICH NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			561	621	644			656	700	731			761	815	844			610	680	698
SEMI-DETACHED/ROW	473	478	535	599	624	537	542	625	677	708	624	629	725	793	821	529	534	605	675	693
WALKUP	392	456	511	567	584	450	521	591	657	680	521	606	689	771	794	444	517	587	649	669
ELEVATOR 2-4 STY	415	474	522			456	545	598			530	615	696			451	524	592		
ELEVATOR 5+ STY	432	503	574			474	576	664			546	668	769			467	561	654		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

MANCHESTER OFFICE

	MARKET: MAINE STATEWIDE NUMBER OF BEDROOMS					MARKET: VERMONT STATE NUMBER OF BEDROOMS					MARKET: NEW HAMPSHIRE ST. NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED		556	627	715	830		575	674	757	855		554	620	714	830
SEMI-DETACHED/ROW	437	513	586	674	781	479	538	634	711	803	470	524	590	676	784
WALKUP	392	476	558	633	714	429	502	597	673	742	415	466	535	609	693
ELEVATOR 2-4 STY	439	524	660			487	556	659			438	531	611		
ELEVATOR 5+ STY	487	585	734			540	616	732			487	589	679		
MANUFACTURED HOME															
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

PROVIDENCE OFFICE

	MARKET: PROVIDENCE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			680	792	886
SEMI-DETACHED/ROW	413	496	577	639	690
WALKUP	371	484	558	628	674
ELEVATOR 2-4 STY	376	499	648		
ELEVATOR 5+ STY	381	504	655		
MANUFACTURED HOME					
	EFFECTIVE DATE 100185				
	TRENDED DATE 100187				

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

BUFFALO OFFICE

MARKET: BUFFALO

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			566	640	722
SEMI-DETACHED/ROW	406	426	497	584	675
WALKUP	324	383	461	541	576
ELEVATOR 2-4 STY	425	467	619		
ELEVATOR 5+ STY	462	504	656		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ELMIRA

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			534	618	685
SEMI-DETACHED/ROW	334	388	487	576	642
WALKUP	290	335	441	546	619
ELEVATOR 2-4 STY	356	434	557		
ELEVATOR 5+ STY	392	470	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JAMESTOWN

STRUCTURE TYPE	-0-	-1-	2-	-3-	-4+
DETACHED			559	628	704
SEMI-DETACHED/ROW	411	438	509	584	667
WALKUP	337	397	471	511	625
ELEVATOR 2-4 STY	413	487	598		
ELEVATOR 5+ STY	450	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ROCHESTER

STRUCTURE TYPE	-0	-1-	-2-	-3-	-4+
DETACHED			545	611	678
SEMI-DETACHED/ROW	427	430	502	584	660
WALKUP	332	385	464	526	593
ELEVATOR 2-4 STY	428	487	584		
ELEVATOR 5+ STY	465	524	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ALBANY

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			537	649	719
SEMI-DETACHED/ROW	391	396	474	576	638
WALKUP	337	385	452	532	603
ELEVATOR 2-4 STY	337	415	525		
ELEVATOR 5+ STY	367	454	566		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PLATTSBURGH

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			546	644	711
SEMI-DETACHED/ROW	456	461	502	580	647
WALKUP	362	397	459	537	612
ELEVATOR 2-4 STY	403	477	580		
ELEVATOR 5+ STY	440	515	622		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100197

MARKET SYRACUSE

STRUCTURE TYPE	-0-	-1	-2-	-3-	-4+
DETACHED			554	638	730
SEMI-DETACHED/ROW	404	409	486	585	657
WALKUP	319	382	466	532	612
ELEVATOR 2-4 STY	319	425	538		
ELEVATOR 5+ STY	359	463	578		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BINGHAMTON

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			534	644	712
SEMI-DETACHED/ROW	388	393	474	567	630
WALKUP	335	383	450	528	597
ELEVATOR 2-4 STY	335	417	530		
ELEVATOR 5+ STY	372	443	569		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

NEW YORK REGIONAL OFFICE

MARKET: NEW YORK CITY

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	641	646	890	1056	1290
WALKUP	580	606	826	988	1194
ELEVATOR 2-4 STY	620	797	852	1074	1261
ELEVATOR 5+ STY	808	984	1093	1388	1586
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SUFFOLK

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			785	952	1061
SEMI-DETACHED/ROW	594	629	745	779	928
WALKUP	476	555	668	728	804
ELEVATOR 2-4 STY	612	719	876		
ELEVATOR 5+ STY	661	737	921		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET WESTCHESTER

STRUCTURE TYPE	-0-	-1	-2-	-3-	-4+
DETACHED			891	1041	1140
SEMI-DETACHED/ROW	632	637	746	919	1000
WALKUP	498	594	711	859	943
ELEVATOR 2-4 STY	616	705	866	1013	
ELEVATOR 5+ STY	667	792	922		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET ORANGE

STRUCTURE TYPE	-0	-1-	-2-	-3-	-4+
DETACHED			651	739	809
SEMI-DETACHED/ROW	459	464	589	701	767
WALKUP	393	460	558	655	724
ELEVATOR 2-4 STY	536	580	733		
ELEVATOR 5+ STY	576	659	805		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ROCKLAND

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			881	956	1027
SEMI-DETACHED/ROW	547	631	786	915	993
WALKUP	468	594	742	862	954
ELEVATOR 2-4 STY	530	638	792		
ELEVATOR 5+ STY	579	690	834		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NASSAU

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			941	1074	1180
SEMI-DETACHED/ROW	662	667	861	976	1082
WALKUP	516	642	779	895	991
ELEVATOR 2-4 STY	531	657	817		
ELEVATOR 5+ STY	537	754	871		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET PUTNAM

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			821	944	1027
SEMI-DETACHED/ROW	548	553	704	845	922
WALKUP	447	524	604	756	877
ELEVATOR 2-4 STY	628	711	778		
ELEVATOR 5+ STY	672	773	859		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: POUGHKEEPSIE

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			683	798	911
SEMI-DETACHED/ROW	469	499	594	683	750
WALKUP	398	475	592	634	704
ELEVATOR 2-4 STY	605	707	814		
ELEVATOR 5+ STY	633	734	879		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

NEWARK OFFICE

MARKET: NEWARK

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			1086	1213	1290
SEMI-DETACHED/ROW	614	683	866	1004	1092
WALKUP	540	604	774	899	984
ELEVATOR 2-4 STY	624	694	884	1030	1112
ELEVATOR 5+ STY	701	786	1003	1175	1266
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NORTH BERGEN

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			1079	1207	1283
SEMI-DETACHED/ROW	674	742	861	998	1085
WALKUP	598	661	767	891	977
ELEVATOR 2-4 STY	681	751	877	1022	1105
ELEVATOR 5+ STY	759	844	997	1168	1259
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FREEHOLD

STRUCTURE TYPE	-0	-1-	-2-	-3-	-4+
DETACHED			999	1124	1203
SEMI-DETACHED/ROW	605	674	783	917	1004
WALKUP	531	592	693	810	898
ELEVATOR 2-4 STY	612	682	796	942	1023
ELEVATOR 5+ STY	690	775	915	1086	1180
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CAMDEN

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			952	1073	1147
SEMI-DETACHED/ROW	583	588	718	873	954
WALKUP	434	503	618	765	856
ELEVATOR 2-4 STY	559	627	763	915	996
ELEVATOR 5+ STY	638	719	896	1061	1150
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ATLANTIC CITY

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			917	1038	1099
SEMI-DETACHED/ROW	610	615	700	835	919
WALKUP	489	547	620	742	820
ELEVATOR 2-4 STY	589	656	739	879	958
ELEVATOR 5+ STY	667	749	859	1023	1114
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BURLINGTON

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			952	1073	1147
SEMI-DETACHED/ROW	580	588	736	873	954
WALKUP	461	519	656	778	856
ELEVATOR 2-4 STY	560	627	775	915	996
ELEVATOR 5+ STY	638	719	896	1061	1150
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET GLOUCESTER

STRUCTURE TYPE	-0	-1	2-	-3-	-4+
DETACHED			952	1073	1147
SEMI-DETACHED/ROW	536	588	726	873	954
WALKUP	444	517	624	775	856
ELEVATOR 2-4 STY	560	627	773	915	996
ELEVATOR 5+ STY	638	719	896	1061	1150
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TRENTON

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			972	1092	1166
SEMI-DETACHED/ROW	643	661	754	891	973
WALKUP	503	573	675	797	876
ELEVATOR 2-4 STY	628	702	795	934	1014
ELEVATOR 5+ STY	718	801	914	1079	1171
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: VINELAND

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			835	956	1030
SEMI-DETACHED/ROW	523	542	620	754	837
WALKUP	387	462	538	661	739
ELEVATOR 2-4 STY	517	589	659	798	878
ELEVATOR 5+ STY	602	682	778	943	1034
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ASBURY PARK

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			958	1085	1161
SEMI-DETACHED/ROW	554	622	740	877	966
WALKUP	477	540	646	771	857
ELEVATOR 2-4 STY	561	631	757	902	983
ELEVATOR 5+ STY	638	730	876	1046	1140
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

CARIBBEAN OFFICE

	MARKET: SAN JUAN					MARKET: MAYAGUEZ					MARKET: PONCE					MARKET: ARECIBO				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			511	572	628			485	570	638			473	555	601			485	570	638
SEMI-DETACHED/ROW	405	410	491	550	577	425	430	475	561	637	426	431	468	550	596	425	430	475	561	637
WALKUP	337	388	458	519	570	321	381	428	487	560	321	381	425	487	560	321	381	428	487	560
ELEVATOR 2-4 STY																				
ELEVATOR 5+ STY						360	408	507	584	629	360	408	507	584	629	360	408	507	584	629
MANUFACTURED HOME																				
EFFECTIVE DATE	100185					100185					100185					100185				
TRENDED DATE	100187					100187					100187					100187				

	MARKET: ST. CROIX					MARKET: ST. THOMAS					MARKET: OLD SAN JUAN				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			630	688	799			667	729	822					
SEMI-DETACHED/ROW	403	471	553	639	728	456	499	571	658	747	635	640	711	734	875
WALKUP	343	403	491	552	615	365	422	515	575	645	532	589	662	728	791
ELEVATOR 2-4 STY															
ELEVATOR 5+ STY															
MANUFACTURED HOME															
EFFECTIVE DATE	100185					100185					100185				
TRENDED DATE	100187					100187					100187				

REGION 3

BALTIMORE OFFICE

	MARKET: BALTIMORE					MARKET: HAGERSTOWN					MARKET: SALISBURY				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			705	796	935			644	716	826			599	661	775
SEMI-DETACHED/ROW	423	495	571	677	876	411	460	538	625	812	418	423	487	564	726
WALKUP	382	430	563	672	755	351	455	533	621	665	323	418	481	558	628
ELEVATOR 2-4 STY	413	516	611			376	473	538			334	458	501		
ELEVATOR 5+ STY	456	563	687			432	521	652			369	481	612		
MANUFACTURED HOME															
EFFECTIVE DATE	100185					100185					100185				
TRENDED DATE	100187					100187					100187				

CHARLESTON OFFICE

	MARKET: CHARLESTON					MARKET: BLUEFIELD					MARKET: HUNTINGTON					MARKET: PARKERSBURG				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	1-	-2-	-3-	-4+
DETACHED			525	623	707			499	553	615			478	577	628			448	517	568
SEMI-DETACHED/ROW	357	388	502	608	702	304	371	461	517	556	309	377	468	545	602	294	356	421	488	537
WALKUP	304	388	487	498	562	291	360	420	469	516	245	367	465	520	569	277	345	396	463	510
ELEVATOR 2-4 STY	398	489	552			395	469	525			373	443	532			384	463	561		
ELEVATOR 5+ STY	409	496	558			402	475	533			379	450	537			393	469	568		
MANUFACTURED HOME																				
EFFECTIVE DATE	100185					100185					100185					100185				
TRENDED DATE	100187					100187					100187					100187				

	MARKET: WHEELING					MARKET: MARTINSBURG					MARKET: FAIRMONT					MARKET: POINT PLEASANT				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			492	545	610			464	545	610			520	577	646			447	515	562
SEMI-DETACHED/ROW	303	356	459	531	586	282	343	429	514	586	385	434	490	553	620	283	333	417	485	534
WALKUP	275	351	448	492	536	265	320	425	492	556	323	403	471	520	572	242	329	409	456	507
ELEVATOR 2-4 STY	369	441	535			418	460	511			441	485	540			382	456	511		
ELEVATOR 5+ STY	374	448	540			425	465	518			449	491	546			387	465	519		
MANUFACTURED HOME																				
EFFECTIVE DATE	100185					100185					100185					100185				
TRENDED DATE	100187					100187					100187					100187				

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PHILADELPHIA REGIONAL OFFICE

	MARKET: PHILADELPHIA NUMBER OF BEDROOMS					MARKET: ALLENTOWN NUMBER OF BEDROOMS					MARKET: BELLEFONTE NUMBER OF BEDROOMS					MARKET: HARRISBURG NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED																				
SEMI-DETACHED/ROW	566	571	715	848	927	472	477	594	695	767	480	483	591	666	746	482	487	536	683	746
WALKUP	448	504	637	745	826	407	449	559	653	729	384	470	550	650	699	384	449	519	640	697
ELEVATOR 2-4 STY	544	609	736			481	507	595			418	488	606			436	506	559		
ELEVATOR 5+ STY	620	672	793			495	543	666			465	524	647			472	547	606		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

	MARKET: LANCASTER NUMBER OF BEDROOMS					MARKET: YORK NUMBER OF BEDROOMS					MARKET: READING NUMBER OF BEDROOMS					MARKET: SCRANTON NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED																				
SEMI-DETACHED/ROW	448	453	557	685	711	448	453	557	685	711	472	477	571	687	764	444	506	588	668	731
WALKUP	374	437	545	657	684	374	437	545	657	684	380	458	548	648	711	412	465	559	641	711
ELEVATOR 2-4 STY	454	525	682			454	525	682			434	512	594			476	553	624		
ELEVATOR 5+ STY	477	548	705			477	548	705			470	562	659			506	589	664		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

	MARKET: WELLSBORO NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	391	483	591	668	746
WALKUP	384	470	550	650	699
ELEVATOR 2-4 STY	418	488	606		
ELEVATOR 5+ STY	465	524	647		
MANUFACTURED HOME					
	EFFECTIVE DATE				100185
	TRENDED DATE				100187

PITTSBURGH OFFICE

	MARKET: PITTSBURGH NUMBER OF BEDROOMS					MARKET: ERIE NUMBER OF BEDROOMS					MARKET: ALTOONA NUMBER OF BEDROOMS					MARKET: JOHNSTOWN NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			640	711	833			599	666	779			521	627	757			536	637	762
SEMI-DETACHED/ROW	462	548	609	687	803	432	519	570	634	742	352	424	511	597	721	368	436	510	600	726
WALKUP	405	483	580	687	803	345	426	505	587	657	334	412	506	582	669	337	416	500	575	656
ELEVATOR 2-4 STY	497	556	640			487	540	628			487	545	577			452	486	582		
ELEVATOR 5+ STY	512	579	681			508	557	674			497	562	614			461	522	613		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

RICHMOND OFFICE

	MARKET: NORTON NUMBER OF BEDROOMS					MARKET: HARRISONBURG NUMBER OF BEDROOMS					MARKET: NEWPORT NEWS NUMBER OF BEDROOMS					MARKET: NORFOLK NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED																				
SEMI-DETACHED/ROW	340	351	422	511	569	360	392	456	526	596	386	391	450	561	610	413	418	499	561	614
WALKUP	259	321	407	506	558	306	364	451	521	579	307	348	420	502	560	359	404	478	561	607
ELEVATOR 2-4 STY	292	354	440			339	397	485			340	380	452			392	437	511		
ELEVATOR 5+ STY	320	398	526			385	456	605			459	519	633			458	558	690		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

	MARKET: CHARLOTTESVILLE NUMBER OF BEDROOMS					MARKET: RICHMOND NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED										
SEMI-DETACHED/ROW	433	438	518	612	650	399	404	469	548	596
WALKUP	360	407	488	542	603	329	385	460	542	591
ELEVATOR 2-4 STY	393	440	521			362	417	492		
ELEVATOR 5+ STY	434	526	662			409	498	643		
MANUFACTURED HOME										
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187

WASHINGTON D.C. OFFICE

	MARKET: WASHINGTON D.C. NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	543	610	668	743	838
WALKUP	437	517	588	681	760
ELEVATOR 2-4 STY	472	569	734		
ELEVATOR 5+ STY	529	609	790		
MANUFACTURED HOME					
	EFFECTIVE DATE				100185
	TRENDED DATE				100187

SCHEDULE A - FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

WILMINGTON

	MARKET: WILMINGTON, DEL					MARKET: DOVER, DEL				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			615	773	808			589	705	798
SEMI-DETACHED/ROW	444	449	548	659	723	407	412	496	610	665
WALKUP	371	430	507	590	632	363	392	445	531	573
ELEVATOR 2-4 STY	409	478	603			369	453	536		
ELEVATOR 5+ STY	435	555	615			392	500	595		
MANUFACTURED HOME										
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187

REGION 4

ATLANTA REGIONAL OFFICE

	MARKET: ATLANTA					MARKET: ALBANY					MARKET: AUGUSTA					MARKET: BRUNSWICK				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED								460	527	560			432	507	551			469	552	587
SEMI-DETACHED/ROW	435	465	527	636	676	314	351	410	477	521	329	364	408	487	523	340	379	431	500	557
WALKUP	424	450	515	623	662	303	340	400	467	510	319	349	394	471	511	329	367	426	489	534
ELEVATOR 2-4 STY	451	477	541			328	365	425			347	376	421			357	394	454		
ELEVATOR 5+ STY	505	538	616			378	415	475			387	419	484			409	445	508		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

	MARKET: COLUMBUS					MARKET: MACON					MARKET: ROME					MARKET: SAVANNAH				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			440	538	580			450	487	541			400	472	508			501	581	617
SEMI-DETACHED/ROW	318	354	396	507	545	341	374	419	464	521	264	304	348	419	466	351	387	466	528	572
WALKUP	304	340	383	495	533	337	357	408	449	500	253	293	348	407	454	338	374	453	516	561
ELEVATOR 2-4 STY	331	368	409			366	386	433			279	320	374			365	405	479		
ELEVATOR 5+ STY	386	425	463			417	449	483			332	372	428			417	458	532		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

	MARKET: VALDOSTA				
	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			422	483	553
SEMI-DETACHED/ROW	294	333	397	475	521
WALKUP	283	315	387	452	509
ELEVATOR 2-4 STY	309	348	415		
ELEVATOR 5+ STY	360	400	465		
MANUFACTURED HOME					
	EFFECTIVE DATE				100185
	TRENDED DATE				100187

BIRMINGHAM OFFICE

	MARKET: BIRMINGHAM					MARKET: DOTHAN					MARKET: FLORENCE					MARKET HUNTSVILLE				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	3-	4+
DETACHED			582	745	826			491	629	707			546	699	786			544	689	785
SEMI-DETACHED/ROW	355	361	429	519	556	315	345	398	473	516	319	344	408	497	537	373	378	451	533	579
WALKUP	319	355	416	500	538	306	338	389	455	498	299	338	396	477	523	315	372	445	519	571
ELEVATOR 2-4 STY	330	373	440			319	356	413			312	351	418			361	401	484		
ELEVATOR 5+ STY	342	392	466			331	356	438			325	363	430			372	420	508		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

	MARKET: MOBILE					MARKET: MONTGOMERY					MARKET: TUSCALOOSA				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			527	674	756			508	647	726			546	696	778
SEMI-DETACHED/ROW	338	365	435	521	559	343	348	442	524	575	366	371	431	536	572
WALKUP	312	353	424	501	545	318	342	424	519	568	329	366	418	518	557
ELEVATOR 2-4 STY	334	371	449			330	361	448			350	384	442		
ELEVATOR 5+ STY	346	389	472			341	379	473			363	402	467		
MANUFACTURED HOME															
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

COLUMBIA OFFICE

MARKET: GREENVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		458	516	600	649
SEMI-DETACHED/ROW	370	428	481	565	609
WALKUP	360	418	466	550	589
ELEVATOR 2-4 STY	454	521	591		
ELEVATOR 5+ STY	478	545	616		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREENWOOD
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		410	464	518	561
SEMI-DETACHED/ROW	331	383	433	489	528
WALKUP	322	375	420	477	512
ELEVATOR 2-4 STY	414	475	529		
ELEVATOR 5+ STY	436	497	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MYRTLE BEACH
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		443	567	669	719
SEMI-DETACHED/ROW	362	425	548	643	692
WALKUP	353	416	523	626	670
ELEVATOR 2-4 STY	448	520	542		
ELEVATOR 5+ STY	471	543	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ORANGEBURG
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		416	468	523	574
SEMI-DETACHED/ROW	322	400	452	508	559
WALKUP	314	392	441	497	544
ELEVATOR 2-4 STY	399	484	537		
ELEVATOR 5+ STY	419	492	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ROCKHILL
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		484	545	614	672
SEMI-DETACHED/ROW	392	462	527	594	650
WALKUP	382	445	509	578	630
ELEVATOR 2-4 STY	443	502	606		
ELEVATOR 5+ STY	467	527	630		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COLUMBIA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		489	563	630	689
SEMI-DETACHED/ROW	385	468	545	609	667
WALKUP	375	458	521	593	646
ELEVATOR 2-4 STY	454	521	611		
ELEVATOR 5+ STY	478	545	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: AIKEN
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		466	521	567	620
SEMI-DETACHED/ROW	375	447	502	547	602
WALKUP	365	437	489	534	582
ELEVATOR 2-4 STY	443	502	602		
ELEVATOR 5+ STY	467	527	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ANDERSON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		444	496	561	614
SEMI-DETACHED/ROW	326	378	413	489	528
WALKUP	318	369	401	477	512
ELEVATOR 2-4 STY	407	467	504		
ELEVATOR 5+ STY	429	489	525		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BEAUFORT
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		505	580	669	719
SEMI-DETACHED/ROW	415	484	560	647	698
WALKUP	404	467	539	626	670
ELEVATOR 2-4 STY	467	534	642		
ELEVATOR 5+ STY	491	558	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CHARLESTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		481	582	663	714
SEMI-DETACHED/ROW	382	461	561	635	684
WALKUP	371	451	539	620	664
ELEVATOR 2-4 STY	467	534	642		
ELEVATOR 5+ STY	491	558	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FLORENCE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		435	488	546	599
SEMI-DETACHED/ROW	337	418	472	530	583
WALKUP	328	410	460	518	567
ELEVATOR 2-4 STY	418	502	562		
ELEVATOR 5+ STY	439	527	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SPARTANBURG
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		429	465	547	592
SEMI-DETACHED/ROW	347	401	434	515	556
WALKUP	337	392	421	502	538
ELEVATOR 2-4 STY	434	498	531		
ELEVATOR 5+ STY	457	521	553		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NORTH AUGUSTA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		466	521	567	620
SEMI-DETACHED/ROW	378	447	502	547	602
WALKUP	368	437	489	534	582
ELEVATOR 2-4 STY	443	502	499		
ELEVATOR 5+ STY	467	527	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

GREENSBORO OFFICE

MARKET: GREENSBORO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			472	539	639
SEMI-DETACHED/ROW	391	386	461	507	609
WALKUP	327	391	456	502	605
ELEVATOR 2-4 STY	348	415	482		
ELEVATOR 5+ STY	496	533	645		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ASHEVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			451	550	629
SEMI-DETACHED/ROW	364	369	434	528	609
WALKUP	310	364	419	523	604
ELEVATOR 2-4 STY	345	398	453		
ELEVATOR 5+ STY	451	507	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CHARLOTTE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			513	596	668
SEMI-DETACHED/ROW	403	408	483	559	645
WALKUP	345	403	478	554	640
ELEVATOR 2-4 STY	369	431	512		
ELEVATOR 5+ STY	498	534	640		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DURHAM
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			504	579	680
SEMI-DETACHED/ROW	379	384	473	568	649
WALKUP	356	379	468	562	644
ELEVATOR 2-4 STY	389	413	500		
ELEVATOR 5+ STY	495	538	655		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREENVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			438	504	599
SEMI-DETACHED/ROW	330	352	424	482	557
WALKUP	284	348	418	477	552
ELEVATOR 2-4 STY	315	369	439		
ELEVATOR 5+ STY	425	493	591		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: RALEIGH
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			508	605	707
SEMI-DETACHED/ROW	423	428	499	555	638
WALKUP	356	422	493	550	632
ELEVATOR 2-4 STY	384	443	515		
ELEVATOR 5+ STY	539	606	719		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WINSTON-SALEM
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			460	547	651
SEMI-DETACHED/ROW	360	371	434	508	588
WALKUP	302	369	429	503	582
ELEVATOR 2-4 STY	330	391	458		
ELEVATOR 5+ STY	474	507	608		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FAYETTEVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			437	511	586
SEMI-DETACHED/ROW	340	345	409	476	547
WALKUP	301	344	405	471	542
ELEVATOR 2-4 STY	331	376	439		
ELEVATOR 5+ STY	416	467	555		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WILMINGTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			452	534	607
SEMI-DETACHED/ROW	356	361	434	493	559
WALKUP	306	356	429	488	559
ELEVATOR 2-4 STY	337	376	450		
ELEVATOR 5+ STY	442	491	590		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ELIZABETH CITY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			468	555	667
SEMI-DETACHED/ROW	310	328	415	505	594
WALKUP	277	323	409	500	589
ELEVATOR 2-4 STY	302	369	467		
ELEVATOR 5+ STY	463	540	657		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSON OFFICE

	MARKET: JACKSON NUMBER OF BEDROOMS					MARKET CORINTH NUMBER OF BEDROOMS					MARKET GREENVILLE NUMBER OF BEDROOMS					MARKET GREENWOOD NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			497	599	679			406	515	594			492	521	598			457	495	582
SEMI-DETACHED/ROW	363	394	491	580	654	284	332	395	497	575	363	402	466	505	588	309	384	442	473	572
WALKUP	345	394	445	527	589	269	322	390	490	556	327	371	444	470	541	302	356	419	439	504
ELEVATOR 2-4 STY	451	524	614			365	460	532			422	471	591			434	494	555		
ELEVATOR 5+ STY	462	538	631			377	474	549			434	485	608			449	510	569		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

	MARKET: GULFPORT NUMBER OF BEDROOMS					MARKET: HATTIESBURG NUMBER OF BEDROOMS					MARKET: SOUTHAVEN NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			462	541	620			445	528	604			485	561	639
SEMI-DETACHED/ROW	381	396	456	534	572	311	364	428	504	575	328	405	467	547	629
WALKUP	315	365	415	507	567	273	338	410	463	516	315	387	462	535	602
ELEVATOR 2-4 STY	468	541	617			390	439	534			429	475	578		
ELEVATOR 5+ STY	480	555	634			401	453	551			437	488	595		
MANUFACTURED HOME															
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

JACKSONVILLE OFFICE

	MARKET: JACKSONVILLE NUMBER OF BEDROOMS					MARKET: PENSACOLA NUMBER OF BEDROOMS					MARKET KEY WEST NUMBER OF BEDROOMS					MARKET MIAMI NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			566	662	700			526	585	684			707	781	860			707	781	860
SEMI-DETACHED/ROW	400	460	543	602	658	377	422	496	554	610	525	586	650	739	820	525	586	650	739	820
WALKUP	359	406	505	590	651	320	363	443	520	576	422	482	569	678	739	422	482	569	678	739
ELEVATOR 2-4 STY	423	471	590			370	425	513			490	541	673			490	541	673		
ELEVATOR 5+ STY	475	525	662			418	479	572			556	619	769			556	619	769		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

	MARKET: TAMPA NUMBER OF BEDROOMS					MARKET ORLANDO NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			541	615	730			618	690	734
SEMI-DETACHED/ROW	408	467	536	603	675	396	454	559	624	696
WALKUP	362	414	497	590	644	370	429	507	575	647
ELEVATOR 2-4 STY	453	508	623			454	517	630		
ELEVATOR 5+ STY	534	593	713			527	588	696		
MANUFACTURED HOME										
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187				

NASHVILLE OFFICE

	MARKET: NASHVILLE NUMBER OF BEDROOMS					MARKET: CLARKSVILLE NUMBER OF BEDROOMS					MARKET: COLUMBIA NUMBER OF BEDROOMS					MARKET: MEMPHIS NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1	-2-	-3-	-4+
DETACHED			478	558	599			430	516	558			405	500	548			430	483	565
SEMI-DETACHED/ROW	366	406	462	545	588	315	349	419	502	545	300	323	382	433	527	310	353	410	459	524
WALKUP	334	387	454	539	582	287	328	414	486	539	268	316	371	478	521	277	310	362	436	469
ELEVATOR 2-4 STY	345	406	462			310	355	419			275	334	379			323	387	456		
ELEVATOR 5+ STY	352	421	478			316	376	438			286	358	414			363	429	498		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

NO MARKET CODE MATCH IN PRT 44306

	MARKET: JACKSON NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			410	478	560
SEMI-DETACHED/ROW	297	328	385	444	517
WALKUP	269	310	374	433	493
ELEVATOR 2-4 STY	315	355	445		
ELEVATOR 5+ STY	335	393	485		
MANUFACTURED HOME					
	EFFECTIVE DATE 100185				
	TRENDED DATE 100187				

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

LOUISVILLE OFFICE

MARKET LOUISVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			546	620	695
SEMI-DETACHED/ROW	430	456	523	588	657
WALKUP	376	410	482	559	609
ELEVATOR 2-4 STY	409	443	513		
ELEVATOR 5+ STY	491	538	642		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COVINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			520	622	715
SEMI-DETACHED/ROW	410	425	488	563	655
WALKUP	348	388	441	543	603
ELEVATOR 2-4 STY	416	450	512		
ELEVATOR 5+ STY	487	544	632		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET OWENSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			519	614	684
SEMI-DETACHED/ROW	372	399	480	567	631
WALKUP	321	364	435	510	566
ELEVATOR 2-4 STY	409	430	513		
ELEVATOR 5+ STY	453	513	617		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET PADUCAH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			519	615	686
SEMI-DETACHED/ROW	372	399	480	567	631
WALKUP	321	364	435	510	566
ELEVATOR 2-4 STY	409	443	513		
ELEVATOR 5+ STY	452	511	616		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET PIKEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			571	651	714
SEMI-DETACHED/ROW	430	448	534	604	664
WALKUP	381	424	488	559	610
ELEVATOR 2-4 STY	427	457	548		
ELEVATOR 5+ STY	492	539	655		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

KNOXVILLE OFFICE

MARKET: KNOXVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			450	525	560
SEMI-DETACHED/ROW	355	390	435	515	550
WALKUP	340	365	425	505	540
ELEVATOR 2-4 STY	365	385	450		
ELEVATOR 5+ STY	385	410	460		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET CHATTANOOGA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			461	545	582
SEMI-DETACHED/ROW	410	413	450	530	567
WALKUP	375	402	434	519	556
ELEVATOR 2-4 STY	402	424	461		
ELEVATOR 5+ STY	424	450	487		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET JOHNSON CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			440	510	545
SEMI-DETACHED/ROW	335	360	430	500	530
WALKUP	325	345	420	480	520
ELEVATOR 2-4 STY	360	380	440		
ELEVATOR 5+ STY	380	405	465		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET KINGSPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			440	510	545
SEMI-DETACHED/ROW	335	360	430	500	530
WALKUP	330	350	420	465	500
ELEVATOR 2-4 STY	360	380	440		
ELEVATOR 5+ STY	380	405	465		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET OAKRIDGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			450	525	560
SEMI-DETACHED/ROW	355	390	435	515	550
WALKUP	340	365	425	505	540
ELEVATOR 2-4 STY	365	385	450		
ELEVATOR 5+ STY	385	410	460		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CHICAGO REGIONAL OFFICE

MARKET: CHICAGO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			762	905	1044
SEMI-DETACHED/ROW	551	619	699	821	910
WALKUP	467	539	644	772	810
ELEVATOR 2-4 STY	499	587	692	822	824
ELEVATOR 5+ STY	540	676	804	834	882
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BELLEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			646	732	815
SEMI-DETACHED/ROW	405	457	547	636	742
WALKUP	370	443	519	586	647
ELEVATOR 2-4 STY	403	476	555		
ELEVATOR 5+ STY	475	522	606		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MOLINE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			666	815	904
SEMI-DETACHED/ROW	439	476	587	716	803
WALKUP	391	455	539	675	714
ELEVATOR 2-4 STY	414	483	572		
ELEVATOR 5+ STY	467	532	655		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			665	768	871
SEMI-DETACHED/ROW	377	429	520	607	704
WALKUP	343	405	484	575	657
ELEVATOR 2-4 STY	370	441	534		
ELEVATOR 5+ STY	439	490	580		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EAST ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			546	643	724
SEMI-DETACHED/ROW	391	441	506	581	668
WALKUP	349	403	479	545	606
ELEVATOR 2-4 STY	371	430	519		
ELEVATOR 5+ STY	449	509	597		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

CINCINNATI OFFICE

MARKET: CINCINNATI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			679	840	875
SEMI-DETACHED/ROW	418	482	548	658	724
WALKUP	337	397	500	569	657
ELEVATOR 2-4 STY	371	496	591		
ELEVATOR 5+ STY	517	608	692		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DAYTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			596	773	855
SEMI-DETACHED/ROW	410	415	482	577	650
WALKUP	324	404	473	541	605
ELEVATOR 2-4 STY	378	501	599		
ELEVATOR 5+ STY	523	614	664		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

CLEVELAND OFFICE

MARKET: CLEVELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			717	786	851
SEMI-DETACHED/ROW	487	509	576	658	699
WALKUP	365	420	487	568	642
ELEVATOR 2-4 STY	374	444	554		
ELEVATOR 5+ STY	428	453	568		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: AKRON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			697	771	795
SEMI-DETACHED/ROW	469	492	562	643	684
WALKUP	360	410	482	565	612
ELEVATOR 2-4 STY	357	400	451		
ELEVATOR 5+ STY	365	428	485		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FINDLAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	666	723
SEMI-DETACHED/ROW	386	417	464	563	603
WALKUP	321	347	407	496	550
ELEVATOR 2-4 STY	321	347	453		
ELEVATOR 5+ STY	367	421	518		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LORAIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	665	733
SEMI-DETACHED/ROW	375	380	450	526	566
WALKUP	275	302	371	466	505
ELEVATOR 2-4 STY	347	365	434		
ELEVATOR 5+ STY	365	370	452		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MANSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			588	639	707
SEMI-DETACHED/ROW	435	440	486	559	622
WALKUP	322	346	393	488	525
ELEVATOR 2-4 STY	355	390	466		
ELEVATOR 5+ STY	361	415	476		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TOLEDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			661	733	815
SEMI-DETACHED/ROW	413	459	525	602	642
WALKUP	340	378	447	545	579
ELEVATOR 2-4 STY	362	393	481		
ELEVATOR 5+ STY	397	402	490		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: YOUNGSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			582	649	655
SEMI-DETACHED/ROW	396	401	464	541	557
WALKUP	288	325	386	484	528
ELEVATOR 2-4 STY	323	340	424		
ELEVATOR 5+ STY	330	348	432		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

COLUMBUS OFFICE

MARKET: COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	628	638
SEMI-DETACHED/ROW	363	393	453	526	575
WALKUP	311	382	444	505	566
ELEVATOR 2-4 STY	346	422	502		
ELEVATOR 5+ STY	392	474	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ATHENS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			474	549	609
SEMI-DETACHED/ROW	267	353	414	469	519
WALKUP	266	333	402	447	497
ELEVATOR 2-4 STY	297	375	441		
ELEVATOR 5+ STY	337	425	445		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LIMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			492	571	619
SEMI-DETACHED/ROW	253	358	403	491	529
WALKUP	238	305	402	447	497
ELEVATOR 2-4 STY	269	347	462		
ELEVATOR 5+ STY	329	397	522		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NEWARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			507	577	647
SEMI-DETACHED/ROW	297	335	447	497	557
WALKUP	255	322	427	491	541
ELEVATOR 2-4 STY	296	364	485		
ELEVATOR 5+ STY	336	414	566		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	608	663
SEMI-DETACHED/ROW	303	375	453	508	562
WALKUP	299	366	427	492	542
ELEVATOR 2-4 STY	330	408	485		
ELEVATOR 5+ STY	378	458	560		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SIDNEY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			476	546	606
SEMI-DETACHED/ROW	266	336	416	467	507
WALKUP	249	316	386	436	486
ELEVATOR 2-4 STY	280	358	446		
ELEVATOR 5+ STY	320	408	506		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ZANESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			507	577	633
SEMI-DETACHED/ROW	295	355	447	497	557
WALKUP	272	339	408	453	503
ELEVATOR 2-4 STY	303	381	468		
ELEVATOR 5+ STY	363	461	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

DETROIT OFFICE

MARKET: DETROIT

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			642	708	827
SEMI-DETACHED/ROW	408	413	526	616	713
WALKUP	326	408	479	568	661
ELEVATOR 2-4 STY	359	443	498		
ELEVATOR 5+ STY	364	474	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FLINT

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			555	638	758
SEMI-DETACHED/ROW	344	374	467	597	634
WALKUP	321	361	421	552	628
ELEVATOR 2-4 STY	321	379	445		
ELEVATOR 5+ STY	333	440	523		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SAGINAW

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			515	586	625
SEMI-DETACHED/ROW	344	346	467	532	592
WALKUP	292	336	404	527	587
ELEVATOR 2-4 STY	301	369	410		
ELEVATOR 5+ STY	304	382	449		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ANN ARBOR

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			628	708	746
SEMI-DETACHED/ROW	390	395	510	612	674
WALKUP	318	390	479	525	587
ELEVATOR 2-4 STY	357	420	491		
ELEVATOR 5+ STY	356	457	519		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: YPSILANTI

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			628	708	746
SEMI-DETACHED/ROW	390	395	510	612	674
WALKUP	318	390	479	525	587
ELEVATOR 2-4 STY	357	420	498		
ELEVATOR 5+ STY	356	457	519		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

INDIANAPOLIS OFFICE

MARKET: INDIANAPOLIS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			567	632	697
SEMI-DETACHED/ROW	373	412	496	578	620
WALKUP	340	382	458	514	545
ELEVATOR 2-4 STY	371	405	486		
ELEVATOR 5+ STY	458	506	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BLOOMINGTON

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			550	616	687
SEMI-DETACHED/ROW	364	396	472	536	584
WALKUP	324	367	437	496	545
ELEVATOR 2-4 STY	359	385	466		
ELEVATOR 5+ STY	446	493	580		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EVANSVILLE

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			537	601	665
SEMI-DETACHED/ROW	351	398	477	549	602
WALKUP	318	361	437	496	538
ELEVATOR 2-4 STY	350	384	466		
ELEVATOR 5+ STY	428	476	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FORT WAYNE

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			542	604	673
SEMI-DETACHED/ROW	365	395	472	524	585
WALKUP	321	362	430	482	530
ELEVATOR 2-4 STY	355	385	458		
ELEVATOR 5+ STY	444	492	575		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HAMMOND

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			584	651	715
SEMI-DETACHED/ROW	401	452	530	591	667
WALKUP	372	421	491	555	593
ELEVATOR 2-4 STY	413	443	518		
ELEVATOR 5+ STY	478	537	628		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAFAYETTE

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			548	615	686
SEMI-DETACHED/ROW	365	404	481	551	603
WALKUP	329	374	441	499	546
ELEVATOR 2-4 STY	361	397	468		
ELEVATOR 5+ STY	451	501	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SOUTH BEND

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			566	632	705
SEMI-DETACHED/ROW	379	421	496	566	636
WALKUP	333	379	444	502	554
ELEVATOR 2-4 STY	372	403	474		
ELEVATOR 5+ STY	456	515	597		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TERRE HAUTE

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			543	613	688
SEMI-DETACHED/ROW	364	404	483	552	612
WALKUP	324	373	452	518	560
ELEVATOR 2-4 STY	358	395	480		
ELEVATOR 5+ STY	433	490	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GARY

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			584	651	715
SEMI-DETACHED/ROW	401	452	527	591	667
WALKUP	372	421	491	555	593
ELEVATOR 2-4 STY	413	443	518		
ELEVATOR 5+ STY	474	526	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MILWAUKEE OFFICE

MARKET: MADISON

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			650	739	780
SEMI-DETACHED/ROW	359	470	555	674	717
WALKUP	360	412	497	608	
ELEVATOR 2-4 STY	376	430	518		
ELEVATOR 5+ STY	516	562	677		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: REEDSVILLE

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			593	684	720
SEMI-DETACHED/ROW	318	417	503	623	663
WALKUP	313	364	454	566	
ELEVATOR 2-4 STY	331	382	472		
ELEVATOR 5+ STY	460	510	632		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SUPERIOR

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			573	672	712
SEMI-DETACHED/ROW	303	410	481	605	647
WALKUP	298	355	430	551	
ELEVATOR 2-4 STY	315	372	447		
ELEVATOR 5+ STY	456	508	616		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MILWAUKEE

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			703	770	845
SEMI-DETACHED/ROW	402	517	603	736	776
WALKUP	397	456	535	661	
ELEVATOR 2-4 STY	415	473	553		
ELEVATOR 5+ STY	554	616	738		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EAU CLAIRE

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			526	618	655
SEMI-DETACHED/ROW	284	382	435	557	597
WALKUP	279	328	386	499	
ELEVATOR 2-4 STY	299	348	406		
ELEVATOR 5+ STY	427	478	568		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREEN BAY

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			574	665	702
SEMI-DETACHED/ROW	302	399	485	604	645
WALKUP	297	346	436	547	
ELEVATOR 2-4 STY	315	364	453		
ELEVATOR 5+ STY	443	492	614		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WAUSAU

STRUCTURE TYPE	-0-	-1-	-2	-3-	-4+
DETACHED			559	662	698
SEMI-DETACHED/ROW	320	417	481	601	641
WALKUP	315	364	432	544	
ELEVATOR 2-4 STY	332	382	453		
ELEVATOR 5+ STY	460	510	610		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MINNEAPOLIS-ST. PAUL OFFICE

MARKET: MINNEAPOLIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	411	416	557	640	715
WALKUP	339	390	465	594	615
ELEVATOR 2-4 STY	376	447	560		
ELEVATOR 5+ STY	394	507	640		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DULUTH

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	377	398	527	600	669
WALKUP	344	371	446	545	579
ELEVATOR 2-4 STY	356	425	532		
ELEVATOR 5+ STY	374	450	572		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET MANKATO

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	412	424	533	606	678
WALKUP	333	372	464	535	566
ELEVATOR 2-4 STY	368	408	478		
ELEVATOR 5+ STY	382	524	621		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET ROCHESTER

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	437	444	537	623	696
WALKUP	340	380	468	539	571
ELEVATOR 2-4 STY	371	412	486		
ELEVATOR 5+ STY	401	544	616		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET ST. CLOUD

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	359	363	485	551	615
WALKUP	301	337	419	504	535
ELEVATOR 2-4 STY	327	401	455		
ELEVATOR 5+ STY	327	466	550		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET WORTHINGTON

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	318	323	448	509	569
WALKUP	276	303	391	471	500
ELEVATOR 2-4 STY	293	359	428		
ELEVATOR 5+ STY	298	416	507		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

GRAND RAPIDS OFFICE

MARKET: MT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			574	680	725
SEMI-DETACHED/ROW	376	424	488	604	653
WALKUP	258	345	385	478	515
ELEVATOR 2-4 STY	266	361	402		
ELEVATOR 5+ STY	433	493	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GRAND RAPIDS

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			570	674	707
SEMI-DETACHED/ROW	393	398	491	581	628
WALKUP	289	360	457	501	536
ELEVATOR 2-4 STY	306	379	473		
ELEVATOR 5+ STY	417	486	539		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BENTON HARBOR

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			547	650	684
SEMI-DETACHED/ROW	396	401	500	601	634
WALKUP	280	325	401	491	522
ELEVATOR 2-4 STY	297	341	418		
ELEVATOR 5+ STY	404	464	531		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BATTLE CREEK

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			596	681	717
SEMI-DETACHED/ROW	393	398	492	613	660
WALKUP	279	358	440	538	568
ELEVATOR 2-4 STY	297	375	458		
ELEVATOR 5+ STY	428	496	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LANSING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			572	703	744
SEMI-DETACHED/ROW	395	400	478	591	636
WALKUP	307	361	437	527	559
ELEVATOR 2-4 STY	325	379	454		
ELEVATOR 5+ STY	387	437	513		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MUSKEGON

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			578	682	716
SEMI-DETACHED/ROW	445	450	534	627	666
WALKUP	294	371	439	521	532
ELEVATOR 2-4 STY	312	391	457		
ELEVATOR 5+ STY	425	496	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TRAVERSE CITY

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			619	724	758
SEMI-DETACHED/ROW	459	464	543	667	704
WALKUP	297	385	435	534	573
ELEVATOR 2-4 STY	313	401	452		
ELEVATOR 5+ STY	469	542	601		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MARQUETTE

	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			537	643	677
SEMI-DETACHED/ROW	384	389	490	590	624
WALKUP	221	307	398	495	532
ELEVATOR 2-4 STY	237	324	415		
ELEVATOR 5+ STY	432	505	520		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			560	682	734
SEMI-DETACHED/ROW	382	387	468	578	623
WALKUP	300	372	426	523	551
ELEVATOR 2-4 STY	306	390	443		
ELEVATOR 5+ STY	444	507	574		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

FORT WORTH REGIONAL OFFICE

MARKET: DALLAS	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			584	681	727
SEMI-DETACHED/ROW	401	425	537	633	688
WALKUP	331	398	510	589	669
ELEVATOR 2-4 STY	349	439	554		
ELEVATOR 5+ STY	490	556	715		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: SHERMAN	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			450	540	612
SEMI-DETACHED/ROW	310	315	410	484	556
WALKUP	256	303	390	450	524
ELEVATOR 2-4 STY	267	335	422		
ELEVATOR 5+ STY	374	448	586		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: TYLER	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3	-4+
DETACHED			486	605	674
SEMI-DETACHED/ROW	310	344	424	537	627
WALKUP	270	319	402	500	582
ELEVATOR 2-4 STY	282	354	436		
ELEVATOR 5+ STY	395	475	617		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: WACO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			468	554	622
SEMI-DETACHED/ROW	321	337	426	502	577
WALKUP	265	324	404	466	543
ELEVATOR 2-4 STY	276	347	439		
ELEVATOR 5+ STY	383	466	609		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: WICHITA FALLS	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			482	569	641
SEMI-DETACHED/ROW	315	326	429	526	590
WALKUP	274	321	399	506	582
ELEVATOR 2-4 STY	286	359	443		
ELEVATOR 5+ STY	401	482	627		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: SAN ANGELO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			511	636	707
SEMI-DETACHED/ROW	329	334	455	550	641
WALKUP	284	329	425	511	595
ELEVATOR 2-4 STY	299	381	472		
ELEVATOR 5+ STY	426	493	675		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: ABILENE	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			494	575	748
SEMI-DETACHED/ROW	316	350	431	547	638
WALKUP	275	325	409	508	592
ELEVATOR 2-4 STY	287	360	444		
ELEVATOR 5+ STY	402	483	628		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: LUBBOCK	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			479	585	656
SEMI-DETACHED/ROW	306	339	417	529	607
WALKUP	266	314	396	492	573
ELEVATOR 2-4 STY	278	349	430		
ELEVATOR 5+ STY	389	468	608		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: AMARILLO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			484	571	642
SEMI-DETACHED/ROW	351	355	448	527	609
WALKUP	276	319	425	490	572
ELEVATOR 2-4 STY	291	366	461		
ELEVATOR 5+ STY	408	483	612		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: EL PASO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			450	561	629
SEMI-DETACHED/ROW	287	318	392	497	580
WALKUP	250	295	372	462	539
ELEVATOR 2-4 STY	261	327	404		
ELEVATOR 5+ STY	366	439	571		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: MIDLAND	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			437	612	672
SEMI-DETACHED/ROW	280	310	381	484	564
WALKUP	243	287	362	450	524
ELEVATOR 2-4 STY	254	319	393		
ELEVATOR 5+ STY	356	427	556		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: ODESSA	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			429	601	659
SEMI-DETACHED/ROW	274	304	374	475	553
WALKUP	238	282	355	441	514
ELEVATOR 2-4 STY	249	312	385		
ELEVATOR 5+ STY	349	419	545		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: ALBUQUERQUE NM	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			507	592	661
SEMI-DETACHED/ROW	357	362	460	540	626
WALKUP	285	333	433	502	586
ELEVATOR 2-4 STY	299	374	470		
ELEVATOR 5+ STY	419	489	648		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: SANTA FE NM	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			561	729	801
SEMI-DETACHED/ROW	352	388	489	576	672
WALKUP	304	360	464	536	625
ELEVATOR 2-4 STY	318	399	503		
ELEVATOR 5+ STY	447	536	713		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: SILVER CITY NM	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			492	574	641
SEMI-DETACHED/ROW	363	368	469	547	607
WALKUP	300	350	452	523	569
ELEVATOR 2-4 STY	318	385	487		
ELEVATOR 5+ STY	419	474	629		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: TAOS NM	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			517	603	673
SEMI-DETACHED/ROW	352	357	450	533	622
WALKUP	279	334	428	495	577
ELEVATOR 2-4 STY	293	368	464		
ELEVATOR 5+ STY	413	495	659		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

FORT WORTH REGIONAL OFFICE

MARKET: CLOVIS NM	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			497	676	741
SEMI-DETACHED/ROW	335	373	434	534	623
WALKUP	293	346	412	496	578
ELEVATOR 2-4 STY	306	383	447		
ELEVATOR 5+ STY	428	513	633		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

HOUSTON OFFICE

MARKET: HOUSTON	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			630	771	894
SEMI-DETACHED/ROW	370	431	548	666	750
WALKUP	349	411	528	634	724
ELEVATOR 2-4 STY	408	473	607		
ELEVATOR 5+ STY	533	622	719		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: BEAUMONT	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			589	692	825
SEMI-DETACHED/ROW	344	406	481	589	697
WALKUP	324	377	463	561	664
ELEVATOR 2-4 STY	381	450	553		
ELEVATOR 5+ STY	527	560	456		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: BRYAN	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			546	723	838
SEMI-DETACHED/ROW	349	411	521	641	723
WALKUP	329	391	503	597	703
ELEVATOR 2-4 STY	383	451	578		
ELEVATOR 5+ STY	508	610	763		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: LUFKIN	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			521	611	708
SEMI-DETACHED/ROW	310	364	473	560	633
WALKUP	294	347	449	525	616
ELEVATOR 2-4 STY	338	399	524		
ELEVATOR 5+ STY	487	530	650		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: EL CAMPO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			537	629	729
SEMI-DETACHED/ROW	336	370	495	595	668
WALKUP	318	361	467	567	650
ELEVATOR 2-4 STY	369	433	562		
ELEVATOR 5+ STY	450	531	656		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: TEXAS CITY	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			624	711	824
SEMI-DETACHED/ROW	355	427	534	674	754
WALKUP	334	419	532	642	734
ELEVATOR 2-4 STY	424	497	622		
ELEVATOR 5+ STY	533	622	719		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

LITTLE ROCK OFFICE

	MARKET: FAYETTEVILLE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			491	572	647
SEMI-DETACHED/ROW	332	397	466	564	617
WALKUP	319	380	451	537	595
ELEVATOR 2-4 STY	339	407	482		
ELEVATOR 5+ STY	416	486	561		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: LITTLE ROCK NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			513	588	672
SEMI-DETACHED/ROW	344	418	485	563	636
WALKUP	319	403	450	550	615
ELEVATOR 2-4 STY	346	435	490		
ELEVATOR 5+ STY	419	490	572		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: TEXARKANA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			482	581	658
SEMI-DETACHED/ROW	322	374	454	559	615
WALKUP	316	364	449	553	605
ELEVATOR 2-4 STY	344	393	485		
ELEVATOR 5+ STY	416	486	562		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: FORT SMITH NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			464	548	624
SEMI-DETACHED/ROW	311	351	445	515	576
WALKUP	292	339	410	474	531
ELEVATOR 2-4 STY	321	369	452		
ELEVATOR 5+ STY	422	490	576		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: JONESBORO NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			468	562	637
SEMI-DETACHED/ROW	320	371	454	557	608
WALKUP	301	357	430	525	573
ELEVATOR 2-4 STY	333	387	477		
ELEVATOR 5+ STY	409	479	560		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

NEW ORLEANS OFFICE

	MARKET: NEW ORLEANS NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			433	508	597
SEMI-DETACHED/ROW	321	328	422	497	581
WALKUP	299	318	414	486	557
ELEVATOR 2-4 STY	310	329	425		
ELEVATOR 5+ STY	459	483	625		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: LAKE CHARLES NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			382	484	574
SEMI-DETACHED/ROW	307	309	370	472	557
WALKUP	240	287	346	444	513
ELEVATOR 2-4 STY	251	298	357		
ELEVATOR 5+ STY	399	450	553		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: LAFAYETTE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			334	418	506
SEMI-DETACHED/ROW	240	249	322	406	489
WALKUP	193	240	312	396	467
ELEVATOR 2-4 STY	204	251	323		
ELEVATOR 5+ STY	351	402	522		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: BATON ROUGE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			415	500	591
SEMI-DETACHED/ROW	305	331	401	488	575
WALKUP	252	296	362	442	508
ELEVATOR 2-4 STY	263	307	373		
ELEVATOR 5+ STY	417	467	579		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: HOUMA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			393	504	594
SEMI-DETACHED/ROW	272	327	380	492	579
WALKUP	267	315	368	479	553
ELEVATOR 2-4 STY	278	326	379		
ELEVATOR 5+ STY	427	480	580		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: SHREVEPORT NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			483	574	667
SEMI-DETACHED/ROW	325	357	460	551	638
WALKUP	278	327	427	511	578
ELEVATOR 2-4 STY	319	393	447		
ELEVATOR 5+ STY	422	482	616		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: ALEXANDRIA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			428	503	585
SEMI-DETACHED/ROW	289	340	400	473	562
WALKUP	276	323	385	452	527
ELEVATOR 2-4 STY	295	352	405		
ELEVATOR 5+ STY	416	471	591		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: MONROE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			440	554	633
SEMI-DETACHED/ROW	288	339	410	524	614
WALKUP	265	327	403	515	586
ELEVATOR 2-4 STY	282	348	422		
ELEVATOR 5+ STY	421	476	592		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

OKLAHOMA CITY OFFICE

MARKET: OKLAHOMA CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			549	660	721
SEMI-DETACHED/ROW	371	405	450	561	627
WALKUP	317	346	445	540	600
ELEVATOR 2-4 STY	334	369	480		
ELEVATOR 5+ STY	400	435	549		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ADA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	606	661
SEMI-DETACHED/ROW	346	392	499	590	646
WALKUP	285	332	430	495	537
ELEVATOR 2-4 STY	302	356	461		
ELEVATOR 5+ STY	355	392	506		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ARDMORE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			511	603	658
SEMI-DETACHED/ROW	343	385	496	585	643
WALKUP	285	329	430	495	537
ELEVATOR 2-4 STY	302	356	456		
ELEVATOR 5+ STY	355	392	506		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ENID

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			510	586	657
SEMI-DETACHED/ROW	373	419	489	565	637
WALKUP	267	333	394	463	512
ELEVATOR 2-4 STY	300	358	429		
ELEVATOR 5+ STY	325	422	499		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GUYMON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	550	621
SEMI-DETACHED/ROW	297	350	428	529	600
WALKUP	233	273	342	437	484
ELEVATOR 2-4 STY	250	296	377		
ELEVATOR 5+ STY	316	363	447		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAWTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			522	590	676
SEMI-DETACHED/ROW	379	405	500	577	662
WALKUP	284	327	416	500	567
ELEVATOR 2-4 STY	301	351	452		
ELEVATOR 5+ STY	369	420	524		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SHAWNEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			450	495	545
SEMI-DETACHED/ROW	361	367	438	482	530
WALKUP	275	305	370	403	441
ELEVATOR 2-4 STY	286	323	409		
ELEVATOR 5+ STY	332	369	443		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: STILLWATER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			465	536	604
SEMI-DETACHED/ROW	362	384	451	522	585
WALKUP	272	323	384	447	493
ELEVATOR 2-4 STY	295	344	421		
ELEVATOR 5+ STY	331	390	458		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WOODWARD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			447	549	620
SEMI-DETACHED/ROW	295	348	426	529	599
WALKUP	233	273	342	437	484
ELEVATOR 2-4 STY	250	296	377		
ELEVATOR 5+ STY	316	363	447		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BARTLESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			452	532	590
SEMI-DETACHED/ROW	331	361	439	517	575
WALKUP	263	303	378	453	495
ELEVATOR 2-4 STY	280	326	387		
ELEVATOR 5+ STY	316	349	439		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MC ALESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	521	574
SEMI-DETACHED/ROW	323	328	436	507	560
WALKUP	230	260	361	422	467
ELEVATOR 2-4 STY	242	277	380		
ELEVATOR 5+ STY	288	323	429		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MUSKOGEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			408	471	534
SEMI-DETACHED/ROW	353	362	394	458	519
WALKUP	256	295	320	406	440
ELEVATOR 2-4 STY	273	312	340		
ELEVATOR 5+ STY	323	357	390		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TULSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			514	663	734
SEMI-DETACHED/ROW	306	346	431	581	633
WALKUP	264	301	419	557	604
ELEVATOR 2-4 STY	281	324	455		
ELEVATOR 5+ STY	347	391	525		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SAN ANTONIO OFFICE

MARKET: SAN ANTONIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			605	708	780
SEMI-DETACHED/ROW	402	446	546	629	695
WALKUP	366	402	483	543	593
ELEVATOR 2-4 STY	426	472	592		
ELEVATOR 5+ STY	527	599	785		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: AUSTIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			679	858	947
SEMI-DETACHED/ROW	435	499	639	785	875
WALKUP	398	451	568	691	773
ELEVATOR 2-4 STY	462	524	678		
ELEVATOR 5+ STY	568	656	875		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET CORPUS CHRISTY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			623	590	756
SEMI-DETACHED/ROW	386	480	596	632	697
WALKUP	648	431	523	539	583
ELEVATOR 2-4 STY	414	502	632		
ELEVATOR 5+ STY	523	638	835		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EAGLE PASS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			554	675	753
SEMI-DETACHED/ROW	363	413	509	601	717
WALKUP	325	359	427	493	580
ELEVATOR 2-4 STY	398	433	541		
ELEVATOR 5+ STY	505	571	746		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HARLINGEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			569	668	778
SEMI-DETACHED/ROW	340	390	528	627	722
WALKUP	302	333	438	514	585
ELEVATOR 2-4 STY	361	398	551		
ELEVATOR 5+ STY	474	543	757		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAREDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			552	675	753
SEMI-DETACHED/ROW	363	413	509	601	717
WALKUP	325	359	427	493	580
ELEVATOR 2-4 STY	398	433	541		
ELEVATOR 5+ STY	505	571	746		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: VICTORIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			623	690	756
SEMI-DETACHED/ROW	386	480	596	632	697
WALKUP	348	431	523	539	583
ELEVATOR 2-4 STY	414	502	632		
ELEVATOR 5+ STY	523	638	835		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DEL RIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			552	675	753
SEMI-DETACHED/ROW	363	413	509	601	717
WALKUP	325	359	427	493	580
ELEVATOR 2-4 STY	398	433	541		
ELEVATOR 5+ STY	505	571	746		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

KANSAS CITY REGIONAL OFFICE

STRUCTURE TYPE	MARKET: KANSAS CITY NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: JOPLIN NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: ST. JOSEPH NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: SEDALIA NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED																				
SEMI-DETACHED/ROW	405	448	536	603	643	302	342	444	527	572	309	335	405	496	534	278	319	405	498	537
WALKUP	330	389	473	584	623	252	300	385	496	538	289	332	394	485	523	273	315	400	479	523
ELEVATOR 2-4 STY	363	406	535			318	365	455			327	375	469			332	381	476		
ELEVATOR 5+ STY	459	506	649			414	466	598			426	482	617			432	488	626		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

STRUCTURE TYPE	MARKET: SPRINGFIELD NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: TOPEKA NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: GARDEN CITY NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: PITTSBURG NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED																				
SEMI-DETACHED/ROW	284	307	413	499	545	318	375	456	560	598	368	373	445	552	608	314	353	427	523	559
WALKUP	237	287	389	489	534	299	322	421	493	531	295	346	440	500	555	266	305	376	474	512
ELEVATOR 2-4 STY	283	325	406			346	400	497			337	390	487			331	384	479		
ELEVATOR 5+ STY	369	417	535			414	466	609			402	453	593			395	445	584		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

STRUCTURE TYPE	MARKET: SALINA NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: WICHITA NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED										
SEMI-DETACHED/ROW	297	336	422	508	550	339	377	457	557	593
WALKUP	270	313	401	481	545	272	311	404	492	523
ELEVATOR 2-4 STY	337	394	487			344	397	497		
ELEVATOR 5+ STY	402	453	593			409	462	604		
MANUFACTURED HOME										
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187

OMAHA OFFICE

STRUCTURE TYPE	MARKET: OMAHA NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: GRAND ISLAND NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: LINCOLN NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: NORFOLK NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED																				
SEMI-DETACHED/ROW	337	373	476	542	597	312	352	460	532	560	351	365	462	530	584	312	352	460	532	560
WALKUP	289	349	430	532	562	289	348	427	501	537	288	349	430	525	578	289	348	427	501	537
ELEVATOR 2-4 STY	296	392	471			296	387	471			296	394	471			296	387	471		
ELEVATOR 5+ STY	325	405	488			328	405	488			337	405	488			328	405	480		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

STRUCTURE TYPE	MARKET: NORTH PLATTE NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: SCOTTS BLUFF NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED										
SEMI-DETACHED/ROW	294	340	431	495	528	308	347	454	525	553
WALKUP	270	336	396	472	506	288	343	426	494	530
ELEVATOR 2-4 STY	283	358	451			300	381	481		
ELEVATOR 5+ STY	303	383	471			323	408	501		
MANUFACTURED HOME										
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187

ST. LOUIS OFFICE

STRUCTURE TYPE	MARKET: ST. LOUIS NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: CAPE GIRARDEAU NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: COLUMBIA NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+	MARKET: KIRKSVILLE NUMBER OF BEDROOMS -0-	-1-	-2	-3-	-4+
DETACHED			606	713	767			423	508	556			395	519	566			431	529	578
SEMI-DETACHED/ROW	411	488	577	683	752	290	335	407	503	551	295	342	377	514	561	295	347	410	520	573
WALKUP	359	454	541	613	676	251	316	374	444	462	265	336	367	494	544	260	329	403	502	554
ELEVATOR 2-4 STY	390	489	585			278	348	420			287	361	440			283	355	448		
ELEVATOR 5+ STY	434	564	762			306	378	559			320	427	589			315	420	599		
MANUFACTURED HOME																				
	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185	EFFECTIVE DATE				100185
	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187	TRENDED DATE				100187

STRUCTURE TYPE	MARKET: ROLLA NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			441	532	585
SEMI-DETACHED/ROW	295	344	435	527	580
WALKUP	256	324	408	493	540
ELEVATOR 2-4 STY	278	349	440		
ELEVATOR 5+ STY	310	405	581		
MANUFACTURED HOME					
	EFFECTIVE DATE				100185
	TRENDED DATE				100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

DES MOINES OFFICE

MARKET: DES MOINES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			601	694	795
SEMI-DETACHED/ROW	410	433	520	585	669
WALKUP	332	381	443	499	553
ELEVATOR 2-4 STY	400	443	524		
ELEVATOR 5+ STY	465	518	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BETTENDORF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			534	628	719
SEMI-DETACHED/ROW	342	398	468	531	635
WALKUP	287	338	408	490	561
ELEVATOR 2-4 STY	371	422	512		
ELEVATOR 5+ STY	407	464	564		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CEDAR RAPIDS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			576	670	765
SEMI-DETACHED/ROW	353	411	510	582	670
WALKUP	293	343	439	507	575
ELEVATOR 2-4 STY	380	432	532		
ELEVATOR 5+ STY	429	477	580		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COUNCIL BLUFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			548	636	735
SEMI-DETACHED/ROW	388	414	495	557	633
WALKUP	310	357	420	469	520
ELEVATOR 2-4 STY	393	445	512		
ELEVATOR 5+ STY	427	483	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DUBUQUE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			555	650	742
SEMI-DETACHED/ROW	358	415	488	565	657
WALKUP	302	354	423	510	577
ELEVATOR 2-4 STY	382	435	528		
ELEVATOR 5+ STY	417	477	577		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MASON CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			577	670	762
SEMI-DETACHED/ROW	360	418	508	563	678
WALKUP	303	350	424	488	557
ELEVATOR 2-4 STY	384	438	525		
ELEVATOR 5+ STY	431	481	577		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SIOUX CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			594	677	773
SEMI-DETACHED/ROW	379	436	524	592	678
WALKUP	314	351	426	489	568
ELEVATOR 2-4 STY	402	449	528		
ELEVATOR 5+ STY	434	487	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DAVENPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			534	628	719
SEMI-DETACHED/ROW	342	398	468	531	635
WALKUP	287	338	408	490	561
ELEVATOR 2-4 STY	371	422	512		
ELEVATOR 5+ STY	407	464	564		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WATERLOO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			491	581	669
SEMI-DETACHED/ROW	334	388	427	500	589
WALKUP	281	330	369	448	571
ELEVATOR 2-4 STY	357	407	465		
ELEVATOR 5+ STY	390	447	515		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

REGION 8

DENVER, COLORADO REGIONAL OFFICE

MARKET: DENVER, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			696	827	922
SEMI-DETACHED/ROW	444	498	587	692	781
WALKUP	360	421	463	614	697
ELEVATOR 2-4 STY	376	429	544		
ELEVATOR 5+ STY	456	467	606		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GRAND JUNCT,CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			549	638	680
SEMI-DETACHED/ROW	314	361	442	557	639
WALKUP	285	343	404	505	584
ELEVATOR 2-4 STY	353	404	493		
ELEVATOR 5+ STY	377	429	518		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ASPEN/VAIL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			578	661	700
SEMI-DETACHED/ROW	356	409	496	607	653
WALKUP	328	387	458	564	613
ELEVATOR 2-4 STY	380	447	497		
ELEVATOR 5+ STY	392	457	506		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FARGO, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			545	655	704
SEMI-DETACHED/ROW	329	372	463	577	663
WALKUP	276	332	427	478	614
ELEVATOR 2-4 STY	322	377	466		
ELEVATOR 5+ STY	329	387	476		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BISMARK, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			515	621	662
SEMI-DETACHED/ROW	319	353	433	535	609
WALKUP	293	338	398	491	558
ELEVATOR 2-4 STY	311	358	436		
ELEVATOR 5+ STY	319	368	447		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DICKINSON, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			476	587	664
SEMI-DETACHED/ROW	284	327	396	496	568
WALKUP	261	291	361	453	519
ELEVATOR 2-4 STY	311	355	436		
ELEVATOR 5+ STY	319	368	447		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HELENA, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	530	569
SEMI-DETACHED/ROW	287	341	423	520	559
WALKUP	258	316	384	433	551
ELEVATOR 2-4 STY	318	384	451		
ELEVATOR 5+ STY	331	400	464		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BILLINGS, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			536	609	647
SEMI-DETACHED/ROW	342	400	492	598	638
WALKUP	313	375	454	562	628
ELEVATOR 2-4 STY	347	409	530		
ELEVATOR 5+ STY	360	424	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREAT FALLS,MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	547	588
SEMI-DETACHED/ROW	297	346	433	535	578
WALKUP	269	315	395	504	568
ELEVATOR 2-4 STY	325	379	477		
ELEVATOR 5+ STY	339	394	491		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MISSOULA, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			461	542	585
SEMI-DETACHED/ROW	265	317	400	521	575
WALKUP	236	304	361	471	552
ELEVATOR 2-4 STY	305	361	454		
ELEVATOR 5+ STY	331	388	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SALT LAKE CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			532	668	734
SEMI-DETACHED/ROW	348	391	469	603	660
WALKUP	269	378	444	530	613
ELEVATOR 2-4 STY	336	442	499		
ELEVATOR 5+ STY	371	474	554		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CEDAR CITY, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			473	519	564
SEMI-DETACHED/ROW	335	360	424	474	509
WALKUP	260	352	404	469	480
ELEVATOR 2-4 STY	330	397	458		
ELEVATOR 5+ STY	347	441	506		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: VERNAL, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	600	699
SEMI-DETACHED/ROW	229	304	428	507	600
WALKUP	203	252	333	440	527
ELEVATOR 2-4 STY	273	329	424		
ELEVATOR 5+ STY	291	349	446		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SIOUX FALLS,SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			493	534	578
SEMI-DETACHED/ROW	318	361	448	503	550
WALKUP	293	336	413	489	530
ELEVATOR 2-4 STY	327	367	448		
ELEVATOR 5+ STY	334	382	459		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PIERRE, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			503	546	594
SEMI-DETACHED/ROW	249	310	407	524	572
WALKUP	243	294	364	485	546
ELEVATOR 2-4 STY	292	350	431		
ELEVATOR 5+ STY	318	356	442		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: RAPID CITY, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			528	641	682
SEMI-DETACHED/ROW	328	400	495	609	662
WALKUP	301	376	458	567	630
ELEVATOR 2-4 STY	334	392	495		
ELEVATOR 5+ STY	339	400	500		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL OFFICE

MARKET: CASPER, WY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			539	661	751
SEMI-DETACHED/ROW	307	356	436	547	634
WALKUP	281	326	400	503	582
ELEVATOR 2-4 STY	343	395	483		
ELEVATOR 5+ STY	367	421	509		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CHEYENNE, WY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		559	675	759
329	376	454	561	639
304	347	419	517	589
365	416	502		
389	441	529		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CODY, WY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		539	661	751
307	356	436	547	634
281	326	400	503	582
343	395	483		
367	421	509		

EFFECTIVE DATE 100185
TRENDED DATE 100187

REGION 9

SAN FRANCISCO REGIONAL OFFICE

MARKET: SAN FRANCISCO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	802	807	1046	1209	1292
WALKUP	554	640	837	1020	1120
ELEVATOR 2-4 STY	609	735	940		
ELEVATOR 5+ STY	774	899	1138		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FRESNO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
387	392	505	663	728
330	386	475	607	694
414	492	613		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MODESTO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
359	364	436	532	586
339	359	431	527	581
438	492	616		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SAN JOSE
NUMBER OF BEDROOMS

-0-	-1	-2-	-3-	-4+
540	545	665	806	887
450	540	642	766	835
482	560	649		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: OAKLAND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	619	624	794	908	1003
WALKUP	512	596	739	837	928
ELEVATOR 2-4 STY	551	603	813		
ELEVATOR 5+ STY	752	822	1070		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MARIN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	4+
619	624	794	908	1003
512	596	739	837	928
551	603	813		
752	822	1070		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EUREKA
NUMBER OF BEDROOMS

-0-	-1-	2-	-3-	-4+
		583	750	833
291	403	497	729	819
286	398	469	671	773
364	481	619		
707	847	1021		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SANTA ROSA
NUMBER OF BEDROOMS

-0+	-1-	-2-	-3-	-4+
511	516	631	785	851
438	511	631	779	837
542	632	797		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SANTA CRUZ
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	464	469	632	806	888
WALKUP	391	465	594	766	835
ELEVATOR 2-4 STY	482	595	717		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: RENO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
461	466	571	698	768
402	461	546	635	704
518	597	755		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAS VEGAS
NUMBER OF BEDROOMS

-0-	-1-	2	-3-	-4+
375	430	535	658	710
368	413	522	648	702
457	518	682		

EFFECTIVE DATE 100185
TRENDED DATE 100187

HONOLULU OFFICE

MARKET: HONOLULU
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			825	1073	1219
SEMI-DETACHED/ROW	559	580	793	948	1069
WALKUP	487	559	646	941	1059
ELEVATOR 2-4 STY	540	628	674		
ELEVATOR 5+ STY	555	744	917		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GUAM
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		644	738	829
519	522	599	664	782
352	416	496	564	

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KAUAI
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		840	976	1068
666	743	830	966	1056
496	626	697	942	1032
525	657	697		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MAUI
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		759	940	996
627	705	743	929	986
459	593	716	836	893
489	623	747		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HILO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			591	738	857
SEMI-DETACHED/ROW	479	498	580	728	847
WALKUP	404	448	552	700	826
ELEVATOR 2-4 STY	436	476	584		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KONA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		724	861	949
576	632	713	849	939
468	534	623	760	834
497	563	653		

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

LOS ANGELES OFFICE

	MARKET LOS ANGELES NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			791	890	1002
SEMI-DETACHED/ROW	591	633	730	828	949
WALKUP	484	558	673	802	873
ELEVATOR 2-4 STY	523	601	726	832	901
ELEVATOR 5+ STY	658	746	963		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET BAKERSFIELD NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			624	737	843
SEMI-DETACHED/ROW	427	448	572	699	782
WALKUP	344	422	546	674	732
ELEVATOR 2-4 STY	361	441	573		
ELEVATOR 5+ STY	516	605	792		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET SANTA BARBARA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3	-4+
DETACHED			791	879	996
SEMI-DETACHED/ROW	620	625	760	946	957
WALKUP	442	493	637	722	783
ELEVATOR 2-4 STY	460	516	659		
ELEVATOR 5+ STY	598	667	854		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET VENTURA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	3-	-4+
DETACHED			746	847	943
SEMI-DETACHED/ROW	532	551	612	747	814
WALKUP	473	518	580	711	760
ELEVATOR 2-4 STY	495	539	603		
ELEVATOR 5+ STY	644	700	807		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET PASO ROBLES NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			723	806	876
SEMI-DETACHED/ROW	481	486	604	726	807
WALKUP	404	456	562	669	724
ELEVATOR 2-4 STY	424	476	585		
ELEVATOR 5+ STY	575	642	795		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET LANCASTER NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			595	685	799
SEMI-DETACHED/ROW	462	466	562	650	760
WALKUP	364	438	538	622	709
ELEVATOR 2-4 STY	389	463	562		
ELEVATOR 5+ STY	547	626	776		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET OXNARD NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			746	848	943
SEMI-DETACHED/ROW	535	551	612	747	814
WALKUP	473	518	580	711	760
ELEVATOR 2-4 STY	495	539	603		
ELEVATOR 5+ STY	644	700	807		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: SANTA ANA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			786	951	1035
SEMI-DETACHED/ROW	661	666	772	934	1014
WALKUP	533	626	719	863	914
ELEVATOR 2-4 STY	535	644	742		
ELEVATOR 5+ STY	682	804	944		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: SAN DIEGO NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			658	781	864
SEMI-DETACHED/ROW	526	531	633	717	841
WALKUP	428	488	591	693	743
ELEVATOR 2-4 STY	463	534	644		
ELEVATOR 5+ STY	554	646	791		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET EL CAJON NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			658	781	864
SEMI-DETACHED/ROW	526	531	633	717	841
WALKUP	428	488	591	693	743
ELEVATOR 2-4 STY	463	534	644		
ELEVATOR 5+ STY	554	646	791		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET SANTA MARIA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3	-4+
DETACHED			671	762	874
SEMI-DETACHED/ROW	502	561	640	730	833
WALKUP	395	447	518	575	633
ELEVATOR 2-4 STY	417	468	539		
ELEVATOR 5+ STY	560	626	740		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: SAN BERNARDINO NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			598	721	811
SEMI-DETACHED/ROW	466	492	587	682	795
WALKUP	418	471	554	559	729
ELEVATOR 2-4 STY	447	491	574		
ELEVATOR 5+ STY	603	651	780		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PHOENIX OFFICE

	MARKET PHOENIX NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			578	696	787
SEMI-DETACHED/ROW	416	477	571	662	726
WALKUP	397	459	544	637	679
ELEVATOR 2-4 STY	427	485	574		
ELEVATOR 5+ STY	523	597	717		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET CASA GRANDE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			506	598	669
SEMI-DETACHED/ROW	340	389	474	558	622
WALKUP	329	384	463	519	575
ELEVATOR 2-4 STY	357	412	485		
ELEVATOR 5+ STY					
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET FLAGSTAFF NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			616	708	789
SEMI-DETACHED/ROW	414	460	550	615	698
WALKUP	397	445	541	600	664
ELEVATOR 2-4 STY	423	471	567		
ELEVATOR 5+ STY	543	599	700		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: SAFFORD NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1	-2-	-3-	-4+
DETACHED			483	573	665
SEMI-DETACHED/ROW	328	381	455	542	627
WALKUP	307	363	441	520	575
ELEVATOR 2-4 STY	335	391	469		
ELEVATOR 5+ STY					
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET TUCSON NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			527	636	692
SEMI-DETACHED/ROW	348	403	491	568	668
WALKUP	328	380	486	553	624
ELEVATOR 2-4 STY	358	409	516		
ELEVATOR 5+ STY	519	585	744		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET YUMA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			539	638	732
SEMI-DETACHED/ROW	371	424	516	601	688
WALKUP	357	405	508	567	630
ELEVATOR 2-4 STY	385	433	534		
ELEVATOR 5+ STY					
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET KINGMAN NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			520	582	675
SEMI-DETACHED/ROW	328	415	497	561	633
WALKUP	360	410	497	547	600
ELEVATOR 2-4 STY	386	436	513		
ELEVATOR 5+ STY					
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: DOUGLAS NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			502	570	688
SEMI-DETACHED/ROW	367	406	472	536	647
WALKUP	350	405	463	522	613
ELEVATOR 2-4 STY	376	431	489		
ELEVATOR 5+ STY					
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

	MARKET: NOGALES NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			488	573	682
SEMI-DETACHED/ROW	311	370	452	534	633
WALKUP	290	353	441	518	594
ELEVATOR 2-4 STY	313	379	467		
ELEVATOR 5+ STY					
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

SCHEDULE A FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

SACRAMENTO OFFICE

MARKET SACRAMENTO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			564	598	687
SEMI-DETACHED/ROW	456	471	538	592	650
WALKUP	359	427	487	585	650
ELEVATOR 2-4 STY	417	464	550		
ELEVATOR 5+ STY	582	650	739		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET REDDING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			523	547	628
SEMI-DETACHED/ROW	423	444	492	541	607
WALKUP	329	381	441	486	607
ELEVATOR 2-4 STY	374	428	529		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET PLACERVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	628	721
SEMI-DETACHED/ROW	489	494	564	622	683
WALKUP	370	442	504	614	683
ELEVATOR 2-4 STY	458	523	592		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET YREKA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			525	614	660
SEMI-DETACHED/ROW	400	440	505	585	630
WALKUP	345	375	450	555	615
ELEVATOR 2-4 STY	365	395	470		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET S. LAKE TAHOE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			633	733	798
SEMI-DETACHED/ROW	530	535	612	710	762
WALKUP	406	478	545	653	716
ELEVATOR 2-4 STY	475	535	619		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

REGION 10

ANCHORAGE OFFICE

MARKET: ANCHORAGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			750	830	857
SEMI-DETACHED/ROW	639	644	718	783	809
WALKUP	410	526	619	732	759
ELEVATOR 2-4 STY	431	531	680		
ELEVATOR 5+ STY	456	556	705		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FAIRBANKS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			738	805	876
SEMI-DETACHED/ROW	542	632	709	797	860
WALKUP	424	535	681	747	843
ELEVATOR 2-4 STY	528	632	818		
ELEVATOR 5+ STY	553	657	843		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET JUNEAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			782	891	927
SEMI-DETACHED/ROW	622	627	759	849	891
WALKUP	413	561	689	787	857
ELEVATOR 2-4 STY	510	607	729		
ELEVATOR 5+ STY	535	632	759		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET KETCHIKAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			687	782	870
SEMI-DETACHED/ROW	456	557	655	745	829
WALKUP	431	506	594	678	752
ELEVATOR 2-4 STY	481	572	631		
ELEVATOR 5+ STY	506	597	710		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KENAI PENINSULAR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			873	1025	1203
SEMI-DETACHED/ROW	447	594	721	858	1021
WALKUP	381	464	535	599	742
ELEVATOR 2-4 STY	481	581	759		
ELEVATOR 5+ STY	506	606	784		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SITKA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			673	816	978
SEMI-DETACHED/ROW	301	407	530	665	812
WALKUP	291	380	495	598	700
ELEVATOR 2-4 STY	390	489	669		
ELEVATOR 5+ STY	440	539	719		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 10

PORTLAND OFFICE

MARKET: PORTLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			466	575	624
SEMI-DETACHED/ROW	298	355	422	513	562
WALKUP	286	352	408	471	548
ELEVATOR 2-4 STY	297	365	430		
ELEVATOR 5+ STY	359	426	575		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BEND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			356	457	510
SEMI-DETACHED/ROW	266	278	322	395	443
WALKUP	202	261	302	373	413
ELEVATOR 2-4 STY	215	280	320		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COOS BAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	2	-3	-4+
DETACHED			356	416	463
SEMI-DETACHED/ROW	243	275	324	396	440
WALKUP	216	262	313	382	428
ELEVATOR 2-4 STY	227	275	328		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MEDFORD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			405	474	531
SEMI-DETACHED/ROW	278	319	373	425	502
WALKUP	255	305	348	405	441
ELEVATOR 2-4 STY	269	318	360		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ONTARIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			373	444	496
SEMI-DETACHED/ROW	225	277	331	406	451
WALKUP	208	253	321	404	439
ELEVATOR 2-4 STY	219	265	334		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WEST SALEM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			375	463	514
SEMI-DETACHED/ROW	217	286	346	415	470
WALKUP	199	250	303	396	437
ELEVATOR 2-4 STY	212	263	320		
ELEVATOR 5+ STY	293	360	444		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PENDLETON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2	-3-	-4+
DETACHED			400	463	520
SEMI-DETACHED/ROW	267	294	368	412	462
WALKUP	229	281	349	393	432
ELEVATOR 2-4 STY	242	293	363		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BOISE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			443	552	593
SEMI-DETACHED/ROW	309	334	366	475	527
WALKUP	267	317	360	453	494
ELEVATOR 2-4 STY	297	327	373		
ELEVATOR 5+ STY	360	427	489		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EUGENE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			375	472	526
SEMI-DETACHED/ROW	227	260	351	428	469
WALKUP	208	253	318	411	443
ELEVATOR 2-4 STY	221	269	336		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: IDAHO FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			333	375	418
SEMI-DETACHED/ROW	244	249	297	347	390
WALKUP	183	231	276	333	375
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MCCALL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			371	447	483
SEMI-DETACHED/ROW	208	252	329	397	432
WALKUP	184	232	311	368	412
ELEVATOR 2-4 STY	195	245	335		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: POCATELLO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			386	487	522
SEMI-DETACHED/ROW	248	268	367	443	489
WALKUP	201	251	333	402	433
ELEVATOR 2-4 STY	216	262	357		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TWIN FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			363	483	530
SEMI-DETACHED/ROW	249	257	321	381	426
WALKUP	203	245	310	367	404
ELEVATOR 2-4 STY	219	264	335		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LEWISTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			334	426	497
SEMI-DETACHED/ROW	248	253	313	373	410
WALKUP	197	236	288	357	393
ELEVATOR 2-4 STY	229	265	306		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COEUR D'ALEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			373	462	509
SEMI-DETACHED/ROW	250	260	337	394	434
WALKUP	223	238	298	374	407
ELEVATOR 2-4 STY	244	253	316		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

SEATTLE REGIONAL OFFICE

MARKET: SEATTLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	653	736
SEMI-DETACHED/ROW	329	404	494	586	679
WALKUP	321	399	489	556	571
ELEVATOR 2-4 STY	359	429	530		
ELEVATOR 5+ STY	402	501	566		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BELLINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			447	558	603
SEMI-DETACHED/ROW	287	328	397	489	539
WALKUP	245	313	387	472	525
ELEVATOR 2-4 STY	262	330	404		
ELEVATOR 5+ STY	392	464	573		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: OLYMPIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			426	510	606
SEMI-DETACHED/ROW	323	341	367	460	546
WALKUP	246	314	362	435	519
ELEVATOR 2-4 STY	263	331	403		
ELEVATOR 5+ STY	391	463	557		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: YAKIMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			419	525	606
SEMI-DETACHED/ROW	278	320	395	477	564
WALKUP	230	299	356	452	522
ELEVATOR 2-4 STY	246	321	372		
ELEVATOR 5+ STY	382	450	553		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SPOKANE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			441	547	642
SEMI-DETACHED/ROW	269	311	388	477	561
WALKUP	236	289	357	443	502
ELEVATOR 2-4 STY	253	323	373		
ELEVATOR 5+ STY	391	442	538		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KENNEWICK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			387	458	560
SEMI-DETACHED/ROW	267	274	309	388	476
WALKUP	234	261	304	361	448
ELEVATOR 2-4 STY	276	307	380		
ELEVATOR 5+ STY	336	387	462		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

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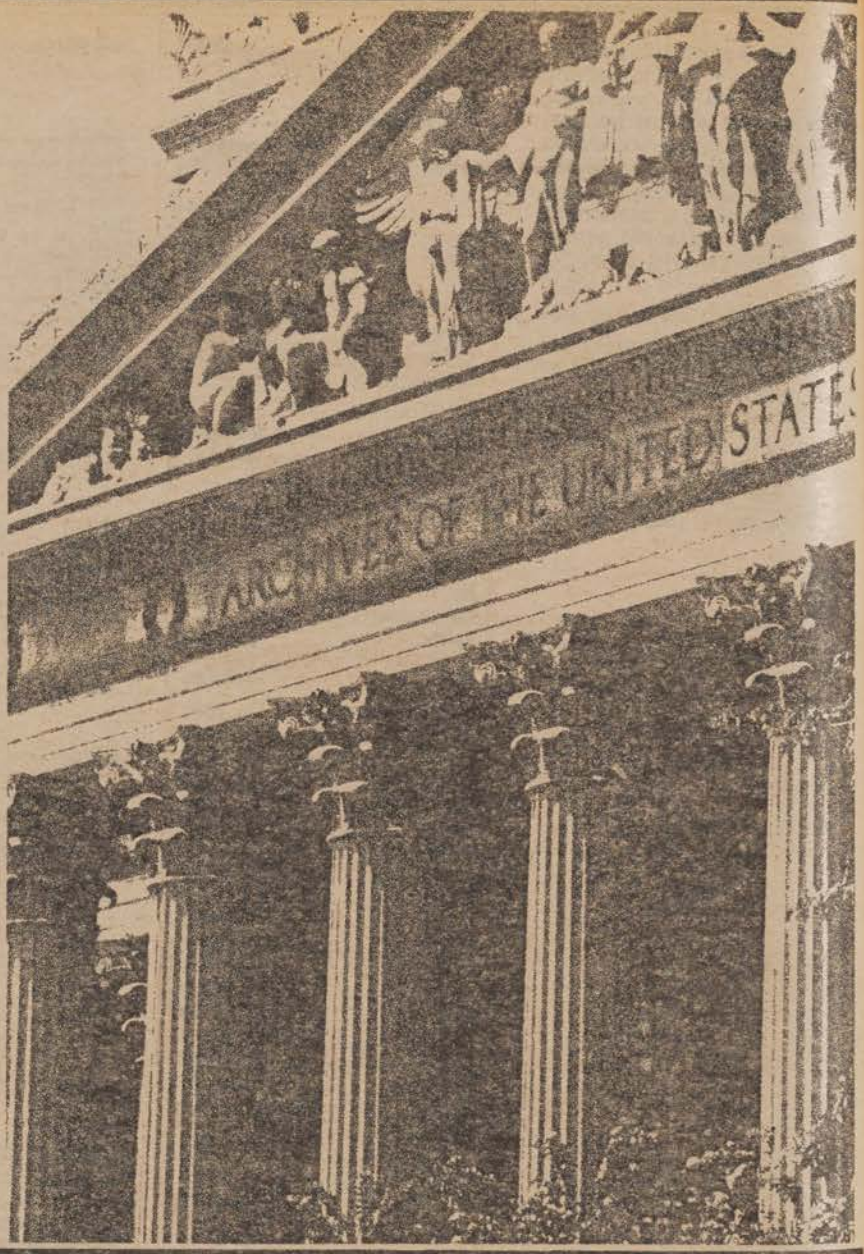

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