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Rules and Regulations

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is amending its regulations governing the establishment and adjustment of appropriated and nonappropriated fund wage schedules in foreign areas and certain U.S. possessions and territories. These revisions will delete the provisions which require that rates be published in the **Federal Register** and, in doing so, will eliminate procedural delays in issuing the overseas schedule.

EFFECTIVE DATE: September 11, 1986.

FOR FURTHER INFORMATION CONTACT: Allan Summers, (202) 632–7830.

SUPPLEMENTARY INFORMATION: Notice of the proposed regulation changes governing the publication of rates for the overseas schedule was published on April 22, 1986 (51 FR 15010). The public comment period ended June 23, 1986. We received three written comments—one each from an employee organization, a Federal agency, and an individual. All were in favor of the proposed change.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they are changes which will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.
Constance Horner,
Director.

Accordingly, OPM is amending 5 CFR Part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for Part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; Section 532.707 also issued under 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92–502.

§ 532.233 [Amended]

2. In § 532.233, paragraph (f) is removed.

§ 532.235 [Amended]

3. In § 532.235, paragraph (e) is removed.

FR Doc. 86–18038 Filed 8–11–86; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 890

Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is amending its regulations under the Federal Employees Health Benefits (FEHB) Program to reflect two statutory changes brought about by the Federal Employees Benefits Improvement Act of 1986. These regulations will specify the conditions requiring OPM to hold an open season and restore payment to all qualified providers in Medically Underserved Areas effective January 1, 1985.

DATES: Interim regulations are effective August 12, 1986.

Comments must be received on or before September 11, 1986.

ADDRESSES: Written comments may be sent to Reginald M. Jones, Jr., Assistant Director for Pay and Benefits Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, Room 4351, 1900 E Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Barbara Myers, (202) 632–0003.

SUPPLEMENTARY INFORMATION: Pub. L. 99–251, enacted on February 27, 1986, and entitled the "Federal Employees Benefits Improvement Act of 1986," amended the FEHB law in several substantive and technical areas. Two areas that require regulatory revisions are outlined in the following paragraphs:

(1) Pub. L. 99–251 requires OPM to conduct an open season of at least 3 weeks' duration if the rates or benefits of any of the health plans change, if a newly-approved health plan is offered, or if an existing health plan ceases to participate in the Program at the end of a contract year.

(2) Pub. L. 99–251 requires restoration of payment to all qualified providers in Medically Underserved Areas effective January 1, 1985. The previous legislation, which permitted such payment by health plans other than comprehensive medical plans for services provided on and after January 1, 1980, expired December 31, 1984. OPM will resume its annual review of current data on primary medical care manpower shortage areas and State populations, and will again publish an amendment to its regulations (5 CFR Part 890, Subpart G) if it determines that the status of any State has changed for purposes of 5 U.S.C. 8902(m)(2). For 1987, OPM has determined that the States that are Medically Underserved Areas effective January 1, 1986 will not change.

Waiver of Notice of Proposed Rulemaking and 30-day Delay in Effectiveness Date

Under sections 553(b)(3)(B) and (d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making this amendment effective in less than 30 days. These regulations are being made effective immediately because the provisions of Pub. L. 99–251 necessitating the changes became effective either upon enactment of the law or on a retroactive basis.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a signficant economic impact on a substantial number of small entities because they primarily affect Federal employees, annuitants, and former spouses.

List of Subjects in 5 CFR Part 890

Administrative practice and procedures, Government employees, Health insurance.

U.S. Office of Personnel Management.

Constance Horner,

Director.

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Accordingly, OPM is amending 5 CFR Part 890 as follows:

1. The authority citation for Part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.102 also issued under 5 U.S.C. 1104 and Sec. 3(5) of Pub. L. 95–454, 92 Stat. 1112; Sec. 890.301 also issued under 5 U.S.C. 8905(b); Sec. 890.302 also issued under 5 U.S.C. 8901(5) and 5 U.S.C. 8901(9); Sec. 890.701 also issued under 5 U.S.C. 8902(m)(2); Subpart H also issued under Title I of Pub. L. 98–615, 98 Stat. 3195, and Title II of Pub. L. 99–251.

2. In § 890.301, paragraph (d) is revised to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* (1) An open season will be held from the Monday of the second full workweek in November through the Friday of the first full workweek in December in any year—

(i) That precedes a year during which the rates or benefits of any health benefits plan in the program will change; or

(ii) That precedes a year during which a newly-approved plan will begin participation in the Program; or

(iii) At the end of which an existing health benefits plan will cease to participate in the Program.

(2) The Director of the Office of Personnel Management may modify the dates specified in this paragraph or announce additional open seasons. Announcements of open seasons will be made by OPM in Federal Personnel Manual (FPM) Bulletins.

(3) During open season—

(i) An eligible unenrolled employee may register to be enrolled.

(ii) An enrolled employee, annuitant, or former spouse may change to another plan, another option, or from self alone to self and family, or may make any combination of these changes.

* * * * *

3. In § 890.701, the second sentence of the paragraph defining "Medically underserved area" is removed and the following three sentences are added to the end of the definition to read as follows:

§ 890.701 Definitions.

* * * * *

"Medically underserved area" * * * OPM has determined that effective January 1, 1985, the following states are "medically underserved areas" for purposes of this subpart: Alabama, Georgia, Louisiana, Mississippi, and West Virginia. Claims for services provided in 1985 must be submitted by December 31, 1987, notwithstanding time limits governing submission of other claims in the plan brochures. OPM has determined that effective January 1, 1986, the following states are "medically underserved areas" for purposes of this subpart: Alabama, Louisiana, Mississippi, West Virginia, and Wyoming.

4. In § 890.702, paragraph (b) is revised to read as follows:

§ 890.702 Payment to any licensed practitioner.

* * * * *

(b) Paragraph (a) of this section applies only to health services provided under contracts which became effective after December 31, 1979.

[FR Doc. 86–18037 Filed 8–11–86; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 26

Determination of World Price for Rice

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to (1) prescribe the formula by which the Secretary of Agriculture will determine the prevailing world market price for rice, adjusted to U.S. quality and location, and (2) provide a mechanism by which such price will be announced periodically. These actions are required by sections 101(i)(1)(B)(ii) and 101A(a)(5)(B) of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: April 15, 1986.

ADDRESS: Dr. Howard C. Williams, Director, Commodity Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Eugene S. Rosera, Agricultural Economist, Commodity Analysis Division, USDA–ASCS, Room 3740 South Building, P.O. Box 2415, Washington, DC 20013 or call (202) 447–5954.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "not major". It has been determined that these provisions will not 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 governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprise in domestic or export markets.

The titles and numbers of the Federal assistance programs to which this notice applies are: Title-Rice Production Stabilization, Number 10.065, and Title-Commodity Loans and Purchases, Number 10.051 as found in the Catalog of Federal Domestic Assistance.

I have determined that this rule will not have a significant economic impact on a substantial number of small entities. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

It has been determined by an environmental evaluation that this notice will have no significant impact on the quality of the human environment.

Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Section 101(i)(1)(B)(ii) and section 101A(a)(5)(B) of the Agricultural Act of 1949, as amended, provided that the Secretary of Agriculture shall prescribe by regulation: (1) a formula to define the prevailing world market price for rice; and (2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for rice.

The prevailing world market price for rice, as determined in accordance with the formula set forth in this rule, shall be utilized under several provisions of the

rice program for the 1985 through 1990 crops of rice which are designed to make domestically produced rice competitive in the world market.

A proposed rule prescribing a formula for determining the prevailing world market price for rice and a mechanism for announcing such price was published in the **Federal Register** on March 21, 1986 (51 FR 9940) and provided for a 15-day comment period which ended on April 7, 1986. During that period, comments were received from one U.S. trade association, one foreign government, one U.S. producer cooperative, one U.S. rice mill, one rice exporting company, and one foreign rice milling association. All of the comments received were considered in developing this final rule.

On April 11, 1986, the Department issued a press release which announced the world price of rice based upon the formula contained in this final rule. Announcements of the world price of rice have been issued subsequently to the original announcement and shall be announced weekly, as provided in the final rule.

Discussion of Comments

Five comments were received regarding the provision in the proposed rule to value broken kernels based on their domestic market price. One of the comments favored the use of domestic prices; three of the comments proposed that broken kernels be valued based on their world price; and one suggested that a world price be determined for brewers rice separately for mother broken kernel prices. After reviewing these comments, it has been determined that the use of domestic prices for valuing broken kernels is appropriate because broken kernels are largely marketed as a rice-milling by-product in the U.S. Price information regarding such U.S. sales is regularly available and can be related to known quality factors. It has also been determined that the value of broken kernels should be based on the domestic prices of broken kernels of all sizes and § 26.12(b)(2) of the final rule has been changed accordingly.

Two comments suggested that world milled-rice prices should not be adjusted to a U.S. grade No. 2 equivalent quality as provided in § 26.11(a) of the proposed rule. These comments asserted that individual world prices should be separately adjusted to their rough rice equivalent prices from which the lowest price would be used to calculate the world prices of rice, loan rate basis. After reviewing the comments received on this issue, it has been determined that the proposed rule should not be changed. It is appropriate to include in the formula this adjustment in order to reflect the quality and value differences that exist in the world rice market. In addition, the lowest world price does not necessarily best reflect the prevailing world market price of rice.

One comment proposed that U.S. rice export prices should be included in the calculation of the world market price because the U.S. has a substantial share of the world rice trade. The proposed rule did not exclude U.S. rice prices from the formula calculation of the prevailing world market price of rice. Currently, export prices of U.S. rice are not competitive in world trade and are higher than the price level at which most rice is traded in the world market. Export prices of U.S. rice may be included in the calculation of the world price when those prices are reflective of the price level at which most rice is traded in the world market.

Two comments suggested that medium and short grain rice be considered as equivalent classes for the purpose of deriving world prices by class. USDA recognizes that medium and short grain rices may be considered substitutes in domestic or export markets. However, the formula incorporates estimates of national average milling outturns which are different for medium and short grain classes. For this reason, and because the Agricultural Act of 1949, as amended, specifically provides that prevailing world market prices be determined for separate classes of rice, this suggestion is not incorporated in the final rule.

One comment suggested that export costs of interest, banking charges, storage, and administrative costs be included in the calculation of costs of exporting rice. It has been determined that this would be an appropriate change to the proposed formula and this suggestion has been incorporated in § 26.12(b) of the final rule.

One comment suggested that the cost of transporting rice from county storage to mill locations be included as an adjustment to rough rice prices. It has been determined that this adjustment would be appropriate and, therefore, this suggestion has been incorporated in § 26.12(b)(5)(iii) of the final rule.

One comment suggested that adjustments should be included, where appropriate, for credit concessions, barter sale, government-to-government sales provisions, and special post-milling processes, coating, and premixes when adjusting prices at which rice has been sold in world markets to the proposed standard basis of U.S. grade No. 2, 4 percent broken kernels. It has been determined that this would be an appropriate change to the proposed formula and this suggestion has been incorporated in § 26.11(a) of the final rule.

One comment suggested that world prices should be announced on Tuesdays rather than Fridays as provided in the proposed rule. It has been determined that the announcement of world prices of rice on Tuesdays would be more compatible with U.S. trade practices and § 26.12(c) of the final rule has been amended accordingly.

One comment suggested that announced world prices should be effective immediately upon announcement. It has been determined that making announced prices effective immediately upon announcement would improve program administration and effectiveness. Accordingly, § 26.12(c) has been changed to provide that the prevailing world market price shall be effective immediately upon announcement.

No other changes have been made in the rule as proposed.

List of Subjects in 7 CFR Part 26

Rice, World market price.

Final Rule

Accordingly, 7 CFR Part 26, is amended by adding a new Subpart B—Determination of World Market Price for Rice as follows:

PART 26—[AMENDED]

Subpart B—Determination of World Market Price for Rice

Sec.
26.10 Applicability.
26.11 Determination of the prevailing world market price for a class of rice.
26.12 Adjustment of world price to loan rate basis.

Authority: Secs. 601, 602, Pub. L. 99–198 (7 U.S.C. 1441, 1441–1).

Subpart B—Determination of World Market Price for Rice

§ 26.10 Applicability.

This subpart sets forth the procedures for determining the prevailing world market price for a class of rice (adjusted to United States quality and location) and the mechanism for periodically announcing such price as required by sections 101(i)(1)(B)(ii) and 101A(a)(5)(B) of the Agricultural Act of 1949, as amended.

§ 26.11 Determination of the prevailing world market price for a class of rice.

(a) The prevailing world market price for a class of rice shall be determined by the Secretary of Agriculture based upon a review of prices at which rice is being

sold in world markets and a weighting of such prices through the use of information such as changes in supply and demand of rice, tender offers, credit concessions, barter sales, government-to-government sales, special processing costs for coatings or premixes, and other relevant price indicators, and shall be expressed in U.S. equivalent values (free-on-board (FOB) vessel, U.S. port of export) per hundredweight as follows:

(1) U.S. grade No. 2, 4 percent broken kernels, long grain milled rice;

(2) U.S. grade No. 2, 4 percent broken kernels, medium grain milled rice; and

(3) U.S. grade No. 2, 4 percent broken kernels, short grain milled rice.

(b) Export transactions involving rice and all other related market information will be monitored on a continuous basis for the purpose of paragraph (a) of this section. Relevant information may be obtained for this purpose from U.S. Department of Agriculture field reports, international organizations, public or private research entities, international rice brokers, and any other source of reliable market information.

§ 26.12 Adjustment of world price to loan rate basis.

(a) The prevailing world market price for a class of rice adjusted to U.S. quality and location (hereinafter referred to as the "adjusted world price, loan rate basis"), which is determined in accordance with paragraph (b) of this section, shall be applicable to the programs of the Department of Agriculture for the 1985 through 1990 crops of rice as provided in sections 101(i)(1)(B)(ii) and 101A(a)(5)(B) of the Agricultural Act of 1949, as amended.

(b) The adjusted world price, loan rate basis, for each class of rice shall equal the prevailing world market price for a class of rice (U.S. equivalent value) as determined in accordance with § 26.11 and adjusted to U.S. quality and location as follows:

(1) The prevailing world market price for a class of rice (U.S. equivalent value) determined in accordance with § 26.11 shall be adjusted to reflect an FOB mill position by deducting from such calculated price an amount which is equal to the estimated national average costs associated with—

(i) The use of bags for the export of U.S. rice; and

(ii) The transfer of such rice from a mill location to FOB vessel (U.S. port of export) with such costs including, but not limited to, freight, unloading, wharfage, insurance, inspection, fumigation, stevedoring, interest, banking changes, storage, and administrative costs.

(2) The price determined in accordance with paragraph (b)(1) of this section shall be adjusted to reflect the market value of the total quantity of whole kernels contained in such milled rice by deducting the value of broken kernels contained therein, with such value of the broken kernels to be determined by multiplying the quantity of such broken kernels (4% per hundredweight) by the market value of such broken kernels. The market value of broken kernels shall be based upon the estimated domestic market values of all sizes of broken kernels.

(3) The price determined in accordance with paragraph (b)(2) of this section shall be adjusted to reflect the per pound market value of whole kernels by dividing the price by the quantity of whole milled kernels contained in the milled rice (96% per hundredweight).

(4) The price determined in accordance with paragraph (b)(3) of this section shall be adjusted to reflect the market value of whole kernels contained in 100 pounds of rough rice by multiplying such price by the estimated national average quantity of whole kernel rice by class obtained from milling 100 pounds of rough rice.

(5) The price determined in accordance with paragraph (b)(4) of this section shall be adjusted to reflect the total market value of rough rice by—

(i) Adding to such price—

(A) the market value of bran contained in the rough rice, computed by multiplying the domestic unit market value of bran by the estimated national average quantity of bran produced in milling 100 pounds of rice; and

(B) The market value of broken kernels contained in the rough rice, computed by multiplying the estimated domestic market values of all sizes of broken kernels by the estimated national average quantity of broken kernels produced in milling 100 pounds of rice;

(ii) Deducting from such price an estimated cost of milling rough rice; and

(iii) Deducting from such price an estimated cost of transporting rough rice from farm to mill locations.

(6) The price determined in accordance with paragraph (b)(5) of this section shall be adjusted to a whole kernel loan rate basis by deducting the estimated domestic market value of the total quantity of broken kernels contained in such rice and dividing the resulting value by the estimated national average quantity of milled whole kernels produced in milling 100 pounds of rice.

(c) The adjusted world prices for rice, loan rate basis, shall be determined by the Secretary of Agriculture and shall be announced, to the extent practicable, on or after 3:00 p.m. Eastern time each Tuesday continuing through the last Tuesday of July 1991, but may be announced more or less frequently, as determined by the Secretary. In the event that Tuesday is a non-workday, the determination will be announced the next workday. The announced prices will be effective upon announcement and will remain effective until the next world price is announced.

Signed at Washington, DC, on July 23, 1986.

Richard E. Lyng,

Secretary.

[FR Doc. 86-18093 Filed 8-11-86; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Pistachio Nuts in the Shell

Correction

In FR Doc. 86-17478 beginning on page 27813 in the issue of Monday, August 4, 1986, make the following correction: On page 27814, in the third column, in § 51.2541(d), in the last line, "hold" should read "hole".

BILLING CODE 1505-01-M

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7 CFR Part 991

Hops of Domestic Production, Marketing Order 991; Termination of Certain Provisions and Referendum Order; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of Certain Provisions, reinstatement of other provisions into the CFR and referendum order; correction.

SUMMARY: This action corrects an error with respect to the termination, in part, of § 991.231 of the rules and regulations of Marketing Order No. 991 (7 CFR Part 991). Section 991.231 was terminated, in part, effective August 1, 1986, and published in the July 31, 1986, Federal Register (51 FR 27400; FR Doc. 86-17237).

That document terminated a portion of § 991.231 pertaining to minimum quality standards, which should remain in effect.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: The Department published an action in the **Federal Register** on July 31, 1986 (51 FR 27400; FR Doc. 86–17237) which terminated certain provisions of Marketing Order No. 991, Hops of Domestic Production, and the administrative rules and regulations issued thereunder, because the Secretary of Agriculture determined that such provisions obstruct and do not tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). However, only those portions of § 991.231 which related to the terminated volume control provisions of the marketing order were to be terminated. Section 991.231 as published in the **Federal Register** terminated more of that section than intended. It was intended that all portions of § 991.231 pertaining to minimum quality standards should remain in effect. Thus, the publication of that section is corrected so that only the words ", nor the Committee accept for reserve pooling,", wherever they appear, are terminated from § 991.231.

Accordingly, § 991.231 of Subpart—Administrative Rules and Regulations (7 CFR Part 991) as terminated, in part, and published in the July 31, 1986, **Federal Register** (51 FR 27400; FR DOC. 86–17237), is correctly revised to read as follows:

PART 991—[CORRECTED]

§ 991.231 Minimum quality standards.

(a) *Hops.* No handler shall acquire, use, or sell hops which have a leaf and stem content of more than 8 percent, as determined by the Federal-State Inspection Service: *Provided,* That lupulin, including lupulin sweepings, that have been packaged and so identified by Committee approved seals or stencils, shall be exempt from this leaf and stem requirement.

(b) *Lupulin, including lupulin sweepings.* No handler shall acquire, use, or sell lupulin, including lupulin sweepings, unless 95 percent by weight of such lupulin, including lupulin sweepings, will pass through a number 10 mesh screen as determined by the Federal-State Inspection Service.

Dated: August 6, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 86–18069 Filed 8–11–86; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1475

Emergency Feed Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to amend the Emergency Feed Program Regulations in order to (1) provide that applications for assistance under the Emergency Feed Program will be accepted beginning August 8, 1986, (2) increase the maximum cost share amount from 3 cents per pound feed grain equivalent to 5 cents per pound feed grain equivalent; (3) make poultry eligible for assistance under the Emergency Feed Program; (4) change an eligibility requirement with respect to the consideration of the quantity of feed that a person has which is suitable for each of such person's respective type of livestock; and (5) provide that payments will be made in the form of commodity certificates. Other changes of an administrative nature are also included in this amendment.

DATES: This interim rule shall become effective for any EFP application filed after August 8, 1986. Comments must be received on or before September 11, 1986 in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Jerry Newcomb, Emergency Operations and Livestock Programs Division, USDA ASCS, P.O. Box 2415, Room 4095 South Building, Washington, DC 20013, (202) 447–5621.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as not "not major" since it will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in cost 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, innovations, or the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this Interim Rules applies to are Title—Emergency Feed Program; Number—10.066 as found in the catalog of Federal Domestic Assistance Programs.

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

Because of the serious drought in the Southeastern part of the United States, it has been determined that this rule shall become effective upon filing this interim rule with the **Federal Register** without prior opportunity for public comment. However, comments on this interim rule are requested. All comments must be received within 30 days after publication of this interim rule in order to be assured of consideration.

The Emergency Feed Program is authorized by section 1105 of the Food and Agriculture Act of 1977, as amended (the "1977 Act"). The program is designed to assist in the preservation and maintenance of livestock in any area of the United States including Puerto Rico, Guam, and Virgin Islands where because of flood, drought, fire, hurricane, earthquake, storm or other natural disaster, the Secretary determines that an emergency exists. In order to receive assistance under the program, a livestock owner must because of conditions created by the disaster: (1) Have suffered a substantial loss in the livestock feed normally produced on the farm for such owner's livestock; (2) not have sufficient feed that has adequate nutritive value and is suitable for each of such owner's respective particular types of livestock for the estimated period of the emergency; and (3) be required to make feed purchases during the period of the emergency in quantities larger than such owner would normally make.

Under the provisions of this interim rule, the Commodity Credit Corporation (CCC) will accept applications for assistance under the Emergency Feed Program beginning August 8, 1986. The program will continue until such time as the Executive Vice President, CCC, announces its termination. This program will be implemented to assist producers in the purchase of livestock feed needed during the emergency period.

This interim rule amends 7 CFR 1475.56(a) to increase the maximum cost share rate from 3 cents per pound feed grain equivalent to 5 cents per pound feed grain equivalent. Discussions with Agricultural Stabilization and Conservation Service ("ASCS") State offices indicate that prices being paid for feed in the drought areas are currently exceeding 6 cents per pound. Continuation of the present 3 cent payment limitation would restrict many

producers to a 30 to 40 percent cost-share, rather than a cost share approximating 50 percent of the feed cost. The additional assistance is critical for continuing livestock production for many producers during the period of the emergency.

Section 1111 of the Food and Agriculture Act of 1981 amended section 1105 of the 1977 Act to include poultry in the program authorized by the 1977 Act. Accordingly, 7 CFR 1475.52(m) is amended to include poultry. Eligible poultry will be limited to chickens, turkeys, geese and ducks which have been owned by the applicant at least 3 months prior to the date of application for assistance under the program.

Section 1763 of the Food Security Act of 1985 further amended section 1105 of the 1977 Act with respect to eligibility requirements for assistance under the program. Section 1105 initially provided that eligible persons were persons who do not have sufficient feed for such persons' livestock. As amended, section 1105 now provides that eligible persons are persons who do not have sufficient feed that has adequate nutritive value and is suitable for each of such persons' respective particular types of livestock. As a result of this amendment, the amount of a producer's assistance could be increased by the amount of feed on a producer's farm that is not suitable feed for eligible livestock owned by the producer. Accordingly, 7 CFR 1475.54 is amended to reflect this change.

CCC may provide other forms of assistance to eligible persons, including the sale of CCC-owned inventory at less than market prices. It has been determined that the commodities obtained by a person from such sales should not also be subject to a cost share reimbursement under the Emergency Feed Program. Accordingly, 7 CFR 1475.52(h) is amended to provide that grain purchased from CCC will not be subject to cost share assistance.

When the program was operated previously, cost share payments were issued by CCC through ASCS county offices in the form of a check. In order to provide greater utilization of CCC-owned inventory, payments made under this program will now be made in the form of commodity certificates issued in accordance with 7 CFR Part 770.

Other changes of an administrative nature are made by this interim rule including an amendment to 7 CFR 1475.56(b) to clarify that in order for purchased feed to be eligible for cost sharing, it must have been purchased after the beginning of the crop year in which the producer's loss of livestock feed production was computed.

7 CFR 1475.58(c) currently provides that the county ASC committee may deny program participation to any person for a period of from one to three years, if it is determined that such person knowingly made a false statement for the purpose of obtaining benefits under the program. It has been determined that the denial of program benefits for three years is unduly harsh. Accordingly, this interim rule amends 7 CFR 1475.58(c) to provide that program participation may be denied by the county ASC committee for the crop year in which a person knowingly made a false statement for the purpose of obtaining benefits under the program.

The information collection requirements of this subpart shall be submitted to the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act and it is anticipated that an OMB Number will be assigned.

Interim Rule

Accordingly, Subpart—Emergency Feed Program, 7 CFR 1475 is amended as follows:

1. The authority citation for Subpart—Emergency Feed Program continues to read as follows:

Authority: Sec. 1105 of the Food and Agriculture Act of 1977, 91 Stat. 955, as amended (7 U.S.C. 2267).

2. Section 1475.52 of the regulations is amended by revising paragraphs (h), (l), (m), and (n) to read as follows:

§ 1475.52 Definitions.

* * * * *

(h) "Eligible Feed" means any type of feed (feed grain, mixed feed, liquid supplemental feed, roughage, pasture, forage, etc.) that best suits the owner's livestock operation, is consistent with acceptable feeding practices and which was not produced by the applicant or upon which assistance has not been paid. Any type of feed not normally considered a feed grain, such as wheat, but which is purchased under the program for livestock feed shall be considered a feed grain when making determinations of feed loss and feed available under § 1475.55(d) and (e). Eligible feed does not include commodities purchased from CCC.

(l) "Livestock" means beef and dairy cattle, horses, mules, sheep, goats, swine and poultry. Buffalo and beefalo are also included when maintained on the same basis as beef cattle in support of the beef industry.

(m) "Eligible livestock" means livestock (excluding poultry) which have been owned by the applicant for at least six months prior to the date of application. Livestock maintained in a feedlot will be considered to be eligible livestock only if the feedlot is owned by the applicant, and all the cattle in the feedlot are owned by the applicant. Notwithstanding any other provision of this paragraph, eligible livestock may include livestock (excluding poultry) owned less than six months or poultry owned less than three months when inherited by the applicant or born as offspring of eligible livestock. Work horses and mules shall be considered to be eligible livestock only if they are used for pulling equipment or for riding purposes necessary to the applicant's agricultural operations. Eligible livestock does not include horses and mules kept in excess of the number needed to produce food and fiber on the applicant's farm. Eligible livestock includes poultry which are chickens, turkeys, geese and ducks and which are owned by the applicant for a least three months prior to the date of application for assistance under the program.

(n) "Eligible animal units" means "eligible livestock" computed as follows: (1) 2.00 units—one dairy cow, one bull two years old or more, (2) 1.00 unit—one horse, mule, bull, cow, heifer or steer one year old or more (excluding dairy cows and bulls two years old or more); two cattle, horses or mules less than one year old and more than six months old; five swine less than six months old; five sheep or goats (excluding lambs and kids); seven lambs and kids: twenty turkeys, geese or ducks weighing eight pound or over per bird; fifty turkeys, geese, or ducks weighing less th an eight pounds per bird; of fifty chickens.

* * * * * *

3. Section 1475.53 of the regulations is revised to read as follows:

§ 1475.53 Availability.

Benefits under the program shall be available to any owner of livestock which are maintained in any area of the United States, including Puerto Rico, Guam, and the Virgin Islands, where the Secretary of Agriculture has determined that an emergency exists due to flood, drought, fire, hurricane, earthquake, storm, or other natural disaster.

4. Section 1475.54 of the regulations is amended by revising paragraph (a) to read as follows:

§ 1475.54 Owner eligibility.

* * * * *

(a) *General.* The disaster has caused a substantial loss of production of feed normally produced for the owner's livestock on the farm owned or operated under a bona fide lease by the owner, (2) the owner does not have sufficient

feed that has adequate nutritive value and is suitable of each of such owner's respective particular types of livestock, and (3) the owner is required to purchase a quantity of feed greater than normal during the crop year.

* * * * *

5. Section 1475.55 of the regulations is amended by revising paragraphs (d)(3), (e)(2), and (e)(3) to read as follows:

§ 1475.55 Application and approval.

* * * * *

(d) * * *

(3) Any loss of production otherwise computed shall be reduced: (i) By the amount of loss attributable to acreage of pasture for which any deferred grazing payment may have been earned in the current crop year; (ii) by the amount of any disaster payments received in the crop year for feed grain and (iii) by the amount of any benefits received through insurance or any other indemnification for current year feed lost either in storage or during production. Where the feeding period begins on or after August 8, 1986, such payment or reimbursement shall be converted to grain equivalent based on the larger of 10 cents per pound or the local market buying price of the crop at the time the application is filed.

* * * * *

(e) * * *

(2) The amount of feed otherwise determined to be on hand shall be (i) reduced by the amount of any purchased feed on hand or any feed which is determined by the county committee to be unsuitable for the owner's livestock; and (ii) increased by the amount of any disaster payments received in the crop year for feed grain and the amount of any benefits received through any Federally subsidized insurance for current year feed lost either in storage or during production.

(3) The determination of feed on hand shall exclude any feed grain (i) reserved specifically for consumption by the applicant's ineligible livestock or which is reserved for use as seed to plant crops on the owner's farm(s) for the next harvest or (ii) of the prior crop year placed in storage under a CCC loan, or used as collateral for a loan and any feed (hay, grain etc.) purchased for resale. Feed utilized in a feedlot for the commercial feeding of livestock is not considered feed purchased for resale and shall be included as feed available.

6. Section 1475.56 of the regulatons is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 1475.56 Amount of assistance.

(a) Based on the presentation of acceptable evidence of purchase, the owner shall be reimbursed with commodity certificates issued in accordance with Part 770 of this chapter at the rate of 50 percent of the cost of eligible feed purchased not to exceed 5 cents per pound feed grain equivalent. In no case may assistance be provided on an amount greater than the total feed allowance computed according to § 1475.55(f)(3).

(b) Acceptable evidence of purchase shall be limited to a sales document or receipt (1) which shall be signed by the seller (signature of seller may be waived when applicant certifies that is not convenient to obtain and the county committee is satisfied the document is a bona fide document), (2) which contains the date of purchase, amount, kind, price of feed purchased, and dates or expected dates of delivery, and (3) where the date of purchase of the feed was after the beginning of the crop year on which the owner's loss of production was computed.

(c) Eligible costs of purchased feed are limited to the purchase price of the point of possession and may include:

(1) Items of cost normally associated with the preparation of mixed feed.

(2) The cost of leasing or purchasing temporary pasture, range or other grazing: Provided, the resulting assistance does not exceed the smaller of (i) 50 percent of the cost of the grazing per eligible animal unit per day or (ii) 50 cents per day per animal unit.

(3) The cost of feed for eligible livestock in a feedlot: Provided, assistance is limited to the smaller of (i) 50 percent of the cost per eligible animal unit per day or (ii) 50 cents per day per eligible animal unit.

5. Section 1475.58 of the regulations is amended by revising paragraph (c) to read as follows:

§ 1475.58 Violations.

* * * * *

(c) The county committee may deny cost share assistance under the program to any person for the current crop year if it is determined that such person knowingly made a false statement for the purpose of obtaining benefits under the program.

Signed at Washington, DC, on August 7, 1986.

Milton J. Hertz

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 86-18174 Filed 8-8-86; 10:13 am]
BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 86-055]

Cattle From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations in 9 CFR Part 92 by designating the Canadian provinces of Ontario and Quebec as brucellosis certified free provinces and by allowing cattle classified as cattle from brucellosis certified free provinces of Canada to enter into the United States at certain existing ports of entry. These amendments are necessary to relieve restrictions on the importation of certain cattle from Canada since it has been determined that these provinces are free of brucellosis.

EFFECTIVE DATE: August 12, 1986.

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

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 (referred to below as the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases. Section 92.20 of the regulations contains specific provisions concerning the importation into the United States of cattle from Canada.

A document published in the **Federal Register** on February 26, 1986 (51 FR 6742-6743), proposed to amend the regulations by designating the Canadian provinces of Ontario and Quebec as brucellosis certified free provinces and by allowing cattle classified as cattle from brucellosis certified free provinces of Canada to enter into the United States at certain existing ports of entry.

Comments were solicited concerning the proposal for a 60-day comment period ending April 28, 1986. The only comment received was from a State department of agriculture. The commenter indicated support for the proposed change if cattle imported from Canada are accompanied by health certificates and if they are properly identified. The regulations in § 92.20(a)

require a health certificate issued or endorsed by a salaried veterinarian of the Canadian government showing that the cattle have been inspected and found to be free from any evidence of communicable disease and that, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. Also, the regulations in § 92.20(d) require that the following information relating to identification be included on a health certificate: dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and eartag numbers. Therefore, no changes are made based on this comment.

Based on the rationale set forth in the proposal and in this document, the regulations are amended as proposed.

Effective Date

This final rule is made effective on the date of publication. The final rule relieves certain restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete these restrictions.

Executive Order 12291 and Regulatory Flexibility Act

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

It is anticipated that this rule will not have a significant effect on the number of cattle imported into the United States from Canada and that there will be no significant change with respect to the cost of importing cattle into the United States from Canada.

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

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 92

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

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

Accordingly, the regulations in 9 CFR Part 92 are amended as follows:

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

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

2. Section 92.1(w) is revised to read:

§ 92.1 Definitions.

* * * * *

(w) *Brucellosis certified free provinces of Canada.* Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland (including Labrador), Nova Scotia, Ontario, Quebec, Prince Edward Island, and Saskatchewan, known in Canada as brucellosis accredited free provinces.

* * * * *

3. The sixth sentence of paragraph (c)(2) of § 92.20 is revised to read as follows:

§ 92.20 Cattle from Canada.

* * * * *

(c) * * *

(2) * * * Cattle to be imported into the United States from brucellosis certified free provinces of Canada shall be moved entirely within the boundaries of the brucellosis certified free provinces of Canada from the farm of origin directly to the United States ports of entry of Eastport, Idaho; Houlton and Jackman, Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Opheim, Raymond, and Sweetgrass, Montana; Alexandria Bay, Buffalo, Champlain, Ogdensburg, and Rooseveltown, New York; Dunseith, Pembina, and Portal, North Dakota; Derby Line and Highgate Springs, Vermont; and Blaine, Lynden, Oroville, and Sumas, Washington; or moved in a vehicle sealed with Canadian governmental seals.

* * * * *

Done at Washington, DC, this 6th day of August 1986.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-18073 Filed 8-11-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-ANE-28; Amendment No. 39-5366]

Airworthiness Directives; Allison Gas Turbine Division, General Motors Corporation, Allison Model 250-C28B and -C28C Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires monitoring for excessive oil consumption and/or smoking on deceleration/shutdown until installation of Number 8 Bearing Scavenge Line Air/Oil Centrifugal Separator Assembly, P/N 23034722, on certain Allison Model 250-C28B and -C28C engines required not later than January 31, 1987. The AD is needed to prevent possible internal oil fires that could lead to an on-speed first stage turbine wheel failure/uncontained failure.

DATE: Effective August 13, 1986.

Compliance schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register as of August 13, 1986.

ADDRESSES: The applicable commercial engine bulletin (CEB) may be obtained from Allison Gas Turbine Division, General Motors Corporation, P.O. Box 420, Indianapolis, Indiana 46206-0420.

A copy of the CEB is contained in the Rules Docket at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 86-ANE-28, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Royace H. Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7132.

SUPPLEMENTARY INFORMATION: There have been reports of excessive Number 8 bearing oil sump pressure resulting in internal oil firms on certain Model 250–C28B and –C28C engines. This condition can lead to cracks under the rim of the first stage of the gas generator turbine rotor. These cracks can progress to where an on-speed first stage turbine wheel failure/uncontained failure occurs. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires monitoring for excessive oil consumption and/or smoking on deceleration/shutdown until installation of Number 8 Bearing Scavenge Line Air/Oil Centrifugal Separator Assembly, P/N 23034722, on certain Allison Model 250–C28B and –C28C engines required not later than January 31, 1987.

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

Conclusion

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

List of Subjects in 14 CFR Part 39.

Air Transportation, Engines, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (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 to § 39.13 the following new airworthiness directive (AD):

Allison Gas Turbine Division, General Motors Corp. (Allison, formerly Detroit Diesel Allison): Applies to Allison Model 250–C28B and –C28C engines installed in aircraft certificated in any category. The following engine models and turbine serial numbers are affected:

Engine model	Engine Serial No.	Turbine Serial No.
250–C28B	CAE 860011 thru 860787.	CAT 70011 thru 70804.
250–C28C	CAE 280001 thru 280097.	CAT 28001 thru 28098.

EXCEPT:

Existing Model 250–C28B and –C28C engines which have incorporated Allison Commercial Engine Alert Bulletin CEB–A–72–2138 dated May 15, 1986, or FAA approved equivalent.

Compliance is required as indicated unless already accomplished.

To prevent possible internal oil fires that can cause cracks under the rim of the first stage turbine wheel which can progress to an on-speed failure/uncontained failure, accomplish the following:

(a) Maintain a record of oil consumed and flight hours, beginning on the effective date of this AD, until compliance with Paragraph (c).

(b) Troubleshoot and repair, before further flight, any engine that exhibits any of the following conditions:

(1) High oil consumption (1 quart in 5 hours, .05 gallons per hour, or .19 liters per hour) or significant step change of 100% or greater in oil consumption.

(2) Excessive smoking or deceleration and/or shutdown with or without associated high oil consumption or significant increase in oil consumption.

Notes.—(1) The checks required by Paragraph (a), (b)(1), and (b)(2) of this AD may be performed by the pilot and must be recorded in accordance with FAR 43.9.

(2) Allison Model 250–C28 Series Operations and Maintenance/Overhaul Manual addresses troubleshooting and repairs.

(c) Install Number 8 Bearing Scavenge Line Air/Oil Centrifugal Separator Assembly, P/N 23034772, in accordance with Allison Commercial Engine Alert Bulletin CEB A–72–2138 dated May 15, 1986, or FAA approved equivalent, not later than January 31, 1987.

Note.—Installation of the Number 8 Bearing Scavenge Line Air/Oil Centrifugal Separator Assembly, P/N 23034772, does not relieve the operator of proper monitoring of oil consumption, changes in oil consumption or smoking during operation as described in the Model 250–C28 Series Engine Operations and Maintenance Manual.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Chicago Aircraft Certification Office may adjust the compliance time specified in this AD.

Allison Commercial Engine Alert Bulletin CEB–A–72–2138 dated May 15, 1986, identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received this document from the manufacturer may obtain a copy upon request to Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, IN 46206–0420. This document also may be examined at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 86–ANE–28, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

This amendment becomes effective August 13, 1986.

Issued in Burlington, Massachusetts, on July 17, 1986.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86–18044 Filed 8–11–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket Number 85–ANE–34; Amdt. 39–5372]

Airworthiness Directives; Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires ongoing inspection of combustion chambers on certain PW JT8D engines. The amendment is needed to correct an omission, clarify existing repair criteria, and allow one time repair of circumferential cracks in the 2–3 seam area of non-fusion weld overlayed chambers.

DATES: Effective August 8, 1986.

Compliance Schedule—As prescribed in the body of the AD.

Comments for inclusion in the docket must be received on or before October 10, 1986.

Incorporation by Reference—Approved by the Director of the Federal Register effective on August 8, 1986.

ADDRESSES: Comments on the amendment may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket Number 85–ANE–34, 12 New England Executive Park, Burlington, Massachusetts 01803.

or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: "Docket Number 85–ANE–34".

Comments may be inspected at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The applicable section of the engine manual may be obtained from Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457. A copy of the applicable section of the engine manual is contained in Rules Docket Number 85–ANE–34, in the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Jim Jones, Engine Certification Branch, ANE–141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7121.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–5277 (51 FR 12684), AD 86–09–02, which currently requires ongoing inspection of combustion chambers on certain PW JT8D engines. After issuing Amendment 39–5277 the FAA determined that, as a result of continued engineering analytical evaluation and service experience, weld repair in the combustion chamber 2–3 seam area is in a non-oxidized zone, and is not exposed to the level of thermal fatigue and distress as other liners in the chamber. Cracking in the 2–3 seam area results from thermally induced mechanical stress, and the metallurgical properties in that area are less susceptible to deterioration. Therefore, it is determined that a relaxation of the repairable crack length limits in the 2–3 seam area is possible, provided that a 360° fusion weld overlay is accomplished following repair. Additionally, patch repair is added to the repair provisions of Paragraph (d)(4), to correct an inadvertent omission in the original AD. A clarification paragraph regarding 2–3 seam area crack length accountability is also added because of the difficulty in interpretation of the repairability criteria noted by some operators. This amendment is considered relaxatory, and the immediate adoption of this regulation is necessary to relieve the shortage of replacement parts that are required for the accomplishment of AD 86–09–02. Therefore, the FAA is amending AD 86–09–02, Amendment 39–5277, by adding patch repair to the provisions of Paragraph (d)(4), clarifying the interpretation of previous weld repairs in or near the 2–3 seam area on fusion weld overlayed chambers, and allowing in the 2–3 seam area of non-fusion weld overlayed (or partially overlayed) chambers, one time repair of circumferential cracks up to 5 inches individual and 7 inches cumulative with at least 1 inch circumferential separation between adjacent cracks. Combustion chambers repaired to the new 2–3 seam provisions will be inspected per category 3 requirements.

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

Although this action is in the form of a final rule which involves requirements affecting flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above.

All communications received on or before the closing date for comments will be considered by the Director. This rule may be amended in light of comments received. Comments that provide a factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effectiveness of the AD and determining whether additional rulemaking is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available for examination in the Rules Docket at the address given above. A report summarizing each FAA-public contact, concerned with the substance of this AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 85–ANE–34". The postcard will be date/time stamped and returned to the commenter.

Conclusion: The FAA has determined that this regulation is relaxatory and is not considered to be major under Executive Order 12291. Therefore, I certify that this action: (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 negligible.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (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.

§ 39.13 [Amended]

2. By amending § 39.13, Amendment 39–5277 (51 FR 12684), Airworthiness Directive (AD) 86–09–02, as follows:

(a) Add to the beginning of Paragraph (d) the words: "Except as provided for in Paragraph (e) below, . . .".

(b) Add at the end of Paragraph (d)(4) the words: "or patch repaired.".

(c) Add a new Paragraph (d)(7) to read: "Previous 2–3 seam area weld repairs that are engulfed by the fusion weld overlayed bead, and are not visible, are not to be included in the crack length indications of Paragraphs (5) and (6) above for determining repairability.".

(d) Add a new Paragraph (e) to read: "Combustion chambers removed from service with the 2–3 seam not fusion weld overlayed (or with a partial overlay), may have the 2–3 seam area weld repaired beyond the limitations of Paragraph (d) above as follows:

(1) Individual circumferential cracks up to 5 inches.

(2) Cumulative circumferential cracks up to 7 inches with 1 inch or greater separation between adjacent cracks.

(3) Previous 2–3 seam circumferential weld repairs that have not recracked, regardless of time in service, should not be included in the crack length indications for determining repairability under this paragraph.

(4) Repair must be accomplished per PW JT8D Engine Manual (EM) 481672, Section 72–41–14, Repair 06 (Temporary Revision Number 72–2741, dated March 31, 1986), or FAA approved equivalent.

(5) A complete 360° fusion weld overlay must be accomplished following the weld repair per PW EM 481672, Section 72–41–14, pages 1–4 of Repair 33 (Temporary Revision Number 72–2824, dated March 31, 1986), or FAA approved equivalent.".

Pratt & Whitney JT8D EM 481672, Section 72–41–14, Repair 06 (Temporary Revision Number 72–2741, dated March 31, 1986) and pages 1–4 of Repair 33 (Temporary Revision Number 72–2824, dated March 31, 1986), identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457. This document also may be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Room 311, Rules Docket Number 85–ANE–34, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

This amendment becomes effective on August 8, 1986.

This amendment amends Amendment 39–5277 (51 FR 12684), AD 86–09–02.

Issued in Burlington, Massachusetts, on July 31, 1986.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86–18055 Filed 8–8–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 75

[Airspace Docket No. 86–AWA–13]

Establishment of Jet Route J–212—AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: This action suspends until further notice a final rule which would have established Jet Route J–212 in the vicinity of Buckeye, AZ, effective August 28, 1986. Due to air traffic control (ATC) sectorization and minimum en route altitude problems associated with the jet route, the effective date of the rule is suspended until further notice pending correction of J–212 to conform to ATC needs.

EFFECTIVE DATE: This suspension is effective August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, 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) 267–9254.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 86–13564, published on June 17, 1986, established Jet Route J–212 in the vicinity of Buckeye, AZ, effective August 28, 1986 (51 FR 21902). This action was taken in conjunction with a companion docket (ASD 85–SWA–48) to realign other jet routes in the area. Both dockets were implemented as a result of analysis and study of air traffic flows in the area with the objective of optimizing the limited airspace available. Due to ATC sector and high minimum en route altitude problems associated with the new jet route in the Los Angeles Air Route Traffic Control Center, the FAA has concluded that this rule should be suspended until further notice pending a correction to resolve the problems associated with J–212.

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 75

Aviation safety, Jet routes.

Accordingly, pursuant to the authority delegated to me, the effective date of the final rule published on page 21902 of the **Federal Register** on June 17, 1986, is suspended until further notice.

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.

Issued in Washington, DC, on August 5, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–18041 Filed 8–11–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 75

[Airspace Docket No. 85–AWA–48]

Realignment and Revocation of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: This action suspends until further notice a final rule which would have realigned Jet Routes J–4, J–104, J–169 and J–50 and revoked J–181 in Arizona and California, effective on August 28, 1986. A companion docket is also being suspended due to air traffic control (ATC) sectorization and minimum en route altitude problems. Since improved flow of traffic relies on simultaneous application of both dockets, this rule is suspended until further notice pending solution of the problems associated with the related action.

EFFECTIVE DATE: This suspension is effective August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, 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) 267–9254.

SUPPLEMENTARY INFORMATION:

History

A Final Rule was published on April 23, 1986, that realigned Jet Routes J–4, J–104, J–169, J–50 and revoked J–181 (51 FR 15310). On June 17, 1986, a correction to the final rule was published changing the effective date to August 28, 1986 (51 FR 21904). This action was taken in conjunction with a related airspace docket, 86–AWA–13, with the objective of improving the efficiency of air traffic flow in the area. The final rule issued in Docket 86–AWA–13, which established J–212, is being suspended pending resolution of ATC sector and minimum en route altitude problems associated with the route. Since the objective of improved traffic flow depends upon simultaneous application of both

dockets, the FAA has concluded that this rule should be suspended pending action to resolve the problems associated with Docket 86-AWA-13.

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 75

Aviation safety, Jet routes.

Accordingly, pursuant to the authority delegated to me, the effective date of the final rule published on page 15310 of the **Federal Register** on April 23, 1986, is suspended until further notice.

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.

Issued in Washington, DC, on August 5, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-18042 Filed 8-11-86; 8:45 am]

BILLING CODE 4910-13-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Amendment of Water Code of the Delaware River Basin and Administrative Manual—Part III Water Quality Regulations

AGENCY: Delaware River Basin Commission.

ACTION: Final rule.

SUMMARY: At its July 30, 1986 business meeting the Delaware River Basin Commission amended its *Water Code* and *Administrative Manual—Part III Water Quality Regulations* in relation to interstate disinfection requirements. The amendment suspends stream bacterial criteria for Delaware River Zones 2, 3 and 4 (from Trenton to Marcus Hook) for a limited period of time to conduct a two-year study to determine whether water quality in shellfishing areas can be adequately protected if dischargers in Zones 2-4 are allowed to practice seasonal disinfection.

EFFECTIVE DATE: October 1, 1987.

ADDRESS: Copies of the Commission's *Water Code* and *Administrative Manual—Part III Water Quality Regulations* are available from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission: Telephone (609) 883-9500.

SUPPLEMENTARY INFORMATION: The Commission held a public hearing on this amendment on July 30, 1986 as noticed in the June 17, 1986 **Federal Register**, Vol. 51, No. 116. At that time, it was believed that related State standards could be revised by October 1, 1986. It has since been determined that applicable Pennsylvania standards cannot be revised in time. Consequently, the study has been rescheduled to begin one year later, October 1, 1987. Based upon testimony received and further deliberation, the Commission has temporarily amended its *Water Code* and *Administrative Manual-Part III Water Quality Regulations.*

List of Subjects in 18 CFR Part 410

Water pollution control.

PART 410—[AMENDED]

1. The authority citation for 18 CFR Part 410 continues to read as follows:

Authority: Delaware River Basin Compact (75 Stat. 688).

2. The *Water Code* and *Administrative Manual—Part III Water Quality Regulations,* which are referenced in 18 CFR Part 410, are amended by inserting the following new temporary section in section 3.30 to read:

The application of subsections 3.30.2C8, 3.30.3C8, and 3.30.4C8 to all existing dischargers in Zones 2, 3 and 4 is temporarily suspended from October 1, 1987 to April 30, 1988 unless reinstated earlier in whole or in part by order of the Executive Director. This section shall expire on May 1, 1988.

Delaware River Basin Compact, 75 Stat. 688.

Susan M. Weisman,

Secretary.

August 5, 1986.

[FR Doc. 86-18046 Filed 8-11-86; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 211, 310, and 314

[Docket No. 84N-0311]

Adverse Drug Experience Reporting Requirements for Marketed Prescription Drugs Without Approved New Drug or Abbreviated New Drug Applications

Correction

In FR Doc. 86-14881 beginning on page 24476 in the issue of Thursday, July 3, 1986, make the following correction: On page 24477, in the second column, in the second complete paragraph, in the eighth line from the botton, "Poisson" was misspelled.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

31 CFR Part 16

Interim Regulations Governing Prepayment of Loans Made by the Federal Financing Bank and Guaranteed by the Rural Electrification Administration

AGENCY: Department of the Treasury.

ACTION: Interim regulations; request for comments.

SUMMARY: The regulations which follow implement the provisions of the undesignated paragraph relating to the prepayment of loans by rural electric and telephone systems of Chapter I of Title I of the Act entitled "An Act Making Urgent Supplemental Appropriations for the Fiscal Year Ending September 30, 1986, and for Other Purposes" (Pub. L. No. 99-349), enacted July 2, 1986 ("Act"). The Act imposes strict limitations on loans that may be prepaid. The Act specifies that certain loans held by the Federal Financing Bank ("FFB"), a wholly-owned government instrumentality under the supervision of the Secretary of the Treasury, and guaranteed by the Administrator of the Rural Electrification Administration ("REA") could be prepaid by the borrower without payment of any premium otherwise legally due the FFB unless the Secretary of the Treasury determines that such prepayment would have an adverse effect on the operation of the FFB.

DATE: This interim regulation is effective on August 12, 1986. However, before

issuing final regulations, the Department will consider comments submitted by the public. Comments must be received on or before September 11, 1986.

ADDRESS: Send comments to the Office of the General Counsel, Department of the Treasury, Room 2026, 15th Street and Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: John E. Bowman, Senior Counsel for Finance, Office of the General Counsel, Department of the Treasury, (202) 566-8737.

Procedural Requirements

The interim rule is not a major rule for purposes of Executive Order 12291. Any annual effect on the economy or increase in costs for any Federal agency associated with the rule results directly from the Act and not from its implementation by the Department. Moreover, since the Act requires that these regulations be published and effective within 30 days of July 2, 1986, it is impracticable to follow the procedures of the Executive Order pursuant to section 8(a)(2) thereof.

Although public comments are being solicited with respect to this interim rule, the notice and public procedure requirements of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2). In addition, because the Act requires that these regulations are to be published and effective within thirty days of July 2, 1986, the Department finds that notice and public procedure thereon are impracticable in accordance with 5 U.S.C. 553(b)(B) and that good cause exists to dispense with the requirement for a delayed effective date in accordance with 5 U.S.C. 553(d)(3). As no notice of proposed rulemaking is required, this interim rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

The requirements to collect information contained in these interim regulations have been reviewed and approved by the Office of Management and Budget pursuant to section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). Comments on these requirements should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of the Secretary, Washington, DC 20503, and to the Department of the Treasury at the address previously specified.

Subtitle A of Title 31, Code of Federal Regulations, is amended by adding Part 16 to read as follows:

PART 16—REGULATIONS GOVERNING THE PREPAYMENT OF LOANS MADE BY THE FEDERAL FINANCING BANK AND GUARANTEED BY THE RURAL ELECTRIFICATION ADMINISTRATION

Subpart A—Definitions

Sec.

16.100 Definitions.

Subpart B—Qualifications for Prepayment

16.200 General rule.
16.201 Lessening the threat of bankruptcy.
16.202 Substantial savings to customers.
16.203 Adverse effect on the operation of the FFB.

Subpart C—Procedures

16.300 Certification by the borrower.
16.301 Verification by the Administrator.
16.302 Notification by the Secretary.
16.303 OMB Control Number.

Authority: Title I, Chapter I, Pub. L. 99-349; 31 U.S.C. 321.

Subpart A—Definitions:

§ 16.100 Definitions.

In this Part, unless the context indicates otherwise:

(a) "Act" means Chapter I of Title I of the Act entitled "An Act Making Urgent Supplemental Appropriations for the Fiscal Year Ending September 30, 1986, and for Other Purposes" (Pub. L. No. 99-349).

(b) "Administrator" means the Administrator of the Rural Electrification Administration.

(c) "Borrower" means any entity defined in sections 904 or 922 of the Rural Electrification Act of 1936, as amended (7 U.S.C. section 901, *et. seq.*), ("React") which had outstanding on July 2, 1986, a loan from the FFB, which loan is guaranteed by the Administrator pursuant to Section 936 of the React.

(d) "Customer" means any person or entity receiving central station electric service or telephone service on a retail basis from a borrower or a member of a borrower.

(e) "FFB" means the Federal Financing Bank.

(f) "Loan" means the entire amount of any obligation, note, bond or other instrument of indebtedness ("Note") of the borrower in favor of the FFB which shall have been outstanding on July 2, 1986. Any Note(s) issued subsequent to the issue date of an original Note in substitution for all or part of the original Note shall, together with the original Note, be deemed one and the same Note.

(g) "Secretary" means the Secretary of the Treasury.

Subpart B—Qualification for Prepayment

§ 16.200 General rule.

To qualify for prepayment of a loan pursuant to the Act, (1) a borrower must certify either that prepayment will lessen the threat of bankruptcy to the borrower as described in § 16.201 below, or that prepayment will result in substantial savings to its customers as described in § 16.202 below, and (2) the Secretary must determine that in his opinion prepayment will not adversely affect the operation of the FFB as described in § 16.203 below.

§ 16.201 Lessening the threat of bankruptcy.

A borrower will be deemed to face a threat of bankruptcy if it is currently unable to meet a substantial portion of its debt service payments to the FFB and other creditors as they fall due in the ordinary course of business or if the borrower may reasonably anticipate, based on cash flow projections, that within the next 6 months it will become unable to pay a substantial portion of its debts as they fall due in the ordinary course of business. To establish that prepayment will lessen the threat of bankruptcy a borrower must show either that prepayment will improve the borrower's cash flow so that the borrower will cease to be unable to pay all or a substantial portion of its debts as they fall due in the ordinary course of business or, if the borrower is participating in a workout plan with its creditors to avoid a probable bankruptcy, that the prepayment will have a significant effect on meeting the objectives of the plan. To be eligible under this provision the borrower must be able to demonstrate that a good faith effort has been made to increase electric or telephone service rates to customers to meet operational and debt service costs. Such efforts would be evidenced by rate filings for increases with State regulatory authorities over the 24 months previous to the application date or increases or evidence of imposition of rate increases by the borrower.

§ 16.202 Substantial savings to customers.

To establish that prepayment will result in substantial savings to customers, a borrower must show that prepayment will result in an immediate reduction in the annual rates of all customers of a borrower equal to a savings of 25% or more of the total dollar amount which would otherwise be paid during the 12 month period immediately

following the date of prepayment for telephone or electric service by a customer. Such reduction must result solely from lower annual accrued (whether or not paid) interest costs required on the same principal balance of the loan following prepayment to the FFB and refinancing.

§ 16.203 Adverse effect on the operation of the FFB.

The FFB was established by Congress expressly to assure the coordination of all Federal and federally assisted borrowing programs with overall Federal fiscal and debt management policies so as to reduce the costs of Federal and federally assisted borrowings from the public and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions through the purchase of obligations issued, sold, or guaranteed by Federal agencies (12 U.S.C. 2281 *et seq.*). In part to implement these goals, the policies and guidelines for Federal credit programs set forth in Circular No. A–70 (Revised) of the Office of Management and Budget generally require that borrowings backed by a 100% Federal guarantee be held only by the FFB or another Federal agency, since such fully guaranteed loans are the credit risk equivalent of a Treasury security. Under OMB Circular No. A–70, the Secretary may waive this requirement if he determines that the loans will be financed in a manner that is least disruptive of the private financial markets. OMB Circular No. A–70 generally directs that loans from private lenders should be structured so that the Federal guarantee does not exceed 80% of the amount borrowed.

The Act provides the Secretary with the discretion, in a particular case of a borrower most in need of financial assistance, to permit a prepayment. In determining in the individual case whether prepayment will adversely affect the operation of the FFB, the Secretary will take into consideration the following factors:

(a) Whether a refinancing involves the issuance in the private market of obligations or derivatives of obligations on which the United States guarantees more than 80% of the payments of principal and interest;

(b) Whether a refinancing involves the issuance in the private market or obligations that are transferrable to third parties without the prior written consent of the Secretary subsequent to initial sale or placement in the private market;

(c) The cost to the FFB of prepayment of a loan by the borrower at par, considering the price the FFB otherwise would be entitled to receive (other than pursuant to the Act).

Subpart C—Procedures

§ 16.300 Certification by the borrower.

(a) *Lessening the threat of bankruptcy of the borrower.* Any borrower seeking to prepay a loan under this subsection shall submit to the Administrator a written statement certifying to the Secretary that prepayment of the loan will lessen the threat of bankruptcy of the borrower. Such statement shall be signed by the chief executive officer of the borrower and shall include and incorporate by reference the following information:

(1) The loan the borrower wishes to prepay.

(2) A certified resolution of the board of directors of the borrower approving the certification to the Secretary pursuant to this section and approving the request for prepayment of the loan.

(3) A detailed analysis certified by a public accounting firm satisfactory to the Secretary of the borrower's cash flow for the next 6 months showing:

(i) That the borrower is unable to meet a substantial portion of its debt service payments to the FFB and other creditors as they fall due in the ordinary course of business, or that the borrower may reasonably anticipate, based on cash flow projections, that within the next 6 months it will become unable to pay a substantial portion of its debts as they fall due in the ordinary course of business; and

(ii) That prepayment will improve the borrower's cash flow so that either the borrower will cease to be unable to pay all or a substantial portion of its debts as they fall due in the ordinary course of business or the prepayment will have a significant effect on meeting the objectives of a workout plan the borrower is then participating in with its creditors to avoid a probable bankruptcy.

(4) A certified copy of all documents of the borrower which will show a description of rates charged by the borrower to each customer category over the past 24 months and all rate filings during this period and the disposition of each.

(5) A statement of expected costs before and after prepayment/refinancing showing expected principal amortization and interest costs, together with underlying interest rates, actual or assumed. Interest costs under the refinancing should include all fees and commissions for legal, underwriting, servicing, and any other costs incurred as a result of refinancing.

(6) A copy of a firm commitment from a purchaser/lender that includes:

(i) Interest rate commitments,

(ii) The expiration of such interest rate commitments,

(iii) A statement that either the obligations shall not be transferrable or assignable by the purchaser/lender purchasing such obligations to another party under any circumstances without specific written consent of the Secretary or that the obligations may be freely transferrable or assignable only as an undivided pro rata interest in a pool of obligations no more than 80% of which (on a par value basis at any time over the life of the pool) is made up of obligations guaranteed by the Administrator pursuant to the REAct. The remaining obligations making up the pool shall not be guaranteed, collateralized or secured in any manner whatsoever, in whole or in part, directly or indirectly by an obligation of the United States Government or any of its agencies.

(7) A certificate of incumbency for the chief executive officer signing the statement.

(b) *Substantial savings to customers.* Any borrower seeking to prepay a loan under this subsection shall submit to the Administrator a written statement certifying to the Secretary that prepayment of the loan will result in substantial savings to customers of at least 25% on an annual basis. Such statement shall be signed by the chief executive officer of the borrower and shall include and incorporate by reference the following information:

(1) The loan the borrower wishes to prepay.

(2) A certified resolution of the board of directors of the borrower approving the statement to be submitted to the Administrator pursuant to this section and approving the request for prepayment of the loan.

(3) A detailed analysis, certified by a public accounting firm satisfactory to the Secretary, showing that the annual interest savings to the borrower, expressed as a percentage of its total operating revenues (including any patronage capital), during the 12 month period immediately following the date of prepayment shall equal or exceed 25%.

(4) A certified resolution of the board of directors of the borrower approving the lower rate to customers on which the analysis in paragraph (b)(3) of this section is based. If the borrower is subject to regulation by a public utility commission, a copy, certified by the board of directors of the borrower, of the appropriate application to the commission requesting the lower rate.

(5) A statement of expected costs before and after prepayment/refinancing showing expected principal amortization and interest costs, together with underlying interest rates, actual or assumed. Interest costs under the refinancing should include all fees and commissions for legal, underwriting, servicing, and any other costs incurred as a result of refinancing.

(6) A copy of a firm commitment from a purchaser/lender that includes:

(i) Interest rate commitments,

(ii) The expiration of such interest rate commitments,

(iii) A statement that either the obligations shall not be transferable or assignable by the purchaser/lender purchasing such obligations to another party under any circumstances without specific written consent of the Secretary or that the obligations may be freely transferable or assignable only as an undivided pro rata interest in a pool of obligations no more than 80% of which (on a par value basis at any time over the life of the pool) is made up of obligations guaranteed by the Administrator pursuant to the REAct. The remaining obligations making up the pool shall not be guaranteed, collateralized or secured in any manner whatsoever, in whole or in part, directly or indirectly by an obligation of the United States Government or any of its agencies.

(7) A certificate of incumbency for the chief executive officer signing the statement.

§ 16.301 Verification by the Administrator.

(a) Upon receipt of a certification described in § 16.300 the Administrator shall review the certification and the accompanying material for accuracy and completeness. If the Administrator finds the certification in order, he shall forward it to the Secretary accompanied by a statement by the Administrator that the certification contains all the information required by § 16.300 above, that any historical data used in the required analysis are accurate and conform to information provided to the REA in accordance with REA filing requirements and that assumptions used in the analysis are reasonable in the opinion of the Administrator. The Administrator shall also affirm to the Secretary that the REA guarantee on amounts loaned or to be advanced by the FFB to the borrower subsequent to July 2, 1986, under a Note which has been prepaid as to the outstanding loan thereunder, shall continue in full force and effect in accordance with the terms of the applicable agreement between REA and the FFB.

(b) In the event that the Administrator is unable to make the findings specified in paragraph (a) of this section, the Administrator shall return the certification to the borrower submitting it and require such additional information as the Administrator determines is necessary to make such findings.

§ 16.302 Notification by the Secretary.

Upon receipt of the certification of a borrower in accordance with § 16.300 above and the statement of the Administrator required under § 16.301 above, the Secretary shall review the information and shall determine whether prepayment of a loan by the borrower will have an adverse effect on the operation of the FFB, as described above in § 16.203. The Secretary shall notify the borrower and the Administrator whether prepayment will be permitted or denied because of adverse effect on the FFB.

§ 16.303 OMB Control Number.

The information collection requirements in this part were approved by the Office of Management and Budget under control no. 1505–0094.

Dated: August 7, 1986.

Charles O. Sethness,

Assistant Secretary of the Treasury (Domestic Finance).

[FR Doc. 86–18060 Filed 8–7–86; 2:32 pm]

BILLING CODE 4812-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3063-2]

Approval and Promulgation of Implementation Plans; Massachusetts; Temporary Sulfur-in-Fuel Revision for the Boston Housing Authority's Mary Ellen McCormick, and Maverick Family Development Facilities in Boston

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a revision to the Massachusetts State Implementation Plan (SIP) which will allow the Boston Housing Authority's Mary Ellen McCormick and Maverick Family Development facilities in Boston, Massachusetts to increase the sulfur content of their residual fuel oil for up to 30 months. The burning of less expensive, higher sulfur content fuel oil will provide these sources with some of the capital needed to implement permanent energy conservation measures.

EFFECTIVE DATE: August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, (617) 223–5133; (FTS) 223–5133.

ADDRESSES: Copies of the Massachusetts submittal, which is incorporated by reference, are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 2313, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC; and the Department of Environmental Quality Engineering, 8th Floor, One Winter Street, Boston, Massachusetts 02108.

SUPPLEMENTARY INFORMATION: On February 19, 1986, the Massachusetts Department of Environmental Quality Engineering (DEQE) submitted a SIP revision for the Boston Housing Authority's Mary Ellen McCormick and Maverick Family Development facilities, in Boston, Massachusetts. The revision allows the burning of 2.2% sulfur fuel oil in their boilers for 30 months or less. During this time period, the Boston Housing Authority's facilities have committed to implementing permanent energy conservation measures. The facilities will use the savings realized during the temporary (30 months or less) utilization of less expensive 2.2% sulfur fuel oil to defray the costs of implementing the permanent energy conservation measures. The facilities will return to burning 0.5% sulfur fuel oil by February 12, 1989.

Background

This temporary sulfur-in-fuel revision is being approved pursuant to the provisions of Regulation 310 CMR 7.19, "Interim Sulfur-in-Fuel Limitation for Fossil Fuel Utilization Facilities Pending Energy Conservation Measures." EPA approved the addition of this regulation to the Massachusetts SIP on March 19, 1981, (46 FR 82677). It specifies the requirements and conditions which sources must meet in order to qualify for temporary sulfur-in-fuel relaxations and the procedures which the Massachusetts DEQE must use to determine that the emissions will not violate any National Ambient Air Quality Standards (NAAQS). Only sources rated at less than 250 million Btu per hour heat input, which are currently burning residual fuel oil, and have made a commitment to

either (a) convert to an alternate fuel, or (b) implement conservation measures, are eligible for a temporary sulfur-in-fuel revision not to exceed 30 months. Further details on the requirements of Regulation 310 CMR 7.19 and EPA's reasons for approving it were discussed in a Notice of Proposed Rulemaking (NPR) published on December 16, 1980 (45 FR 82675). In the NPR, EPA also proposed approval of all individual sources that meet the eligibility requirements of this regulation.

EPA Evaluation

EPA has determined that the DEQE has approved the Boston Housing Authority's request to burn higher sulfur fuel oil at their Mary Ellen McCormick and Maverick Family Development facilities in accordance with the provisions of Regulation 310 CMR 7.19, and agrees that no air quality standards will be violated by the temporary burning of 2.2% sulfur fuel oil at these facilities. EPA received no comments on its December 16, 1980 (45 FR 82675) proposal to approve individual sources of sulfur-in-fuel relaxations, and DEQE received no comments on its proposed approval of the temporary sulfur-in-fuel relaxation at the Boston Housing Authority facilities in Boston. Since the public has had these other opportunities to comment, and since the Boston Housing Authority's facilities are small sources (each piece of equipment is less than 250 million Btu per hour heat input), EPA is taking final action today to approve this SIP revision without first publishing a new proposed rulemaking. EPA believes that publishing a new NPR is unnecessary. EPA finds good cause for making this action effective immediately because the implementation plan is already in effect under State law and imposes no additional regulatory burden.

Final Action

EPA is approving the proposed temporary sulfur-in-fuel relaxation to burn 2.2% sulfur fuel oil for the Boston Housing Authority's Mary Ellen McCormick and Maverick Family Development facilities.

Under 5 U.S.C. section 605(b), the Administrator has certified that this action will not have significant economic impact on a substantial number of small entities (see 46 FR 8709).

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropirate circuit by October 14, 1986. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by Reference for the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: August 1, 1986.

Lee M. Thomas,

Administrator.

Part 52, Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7642.

Subpart W—Massachusetts

2. Section 52.1120, paragraph (c)(70) is added as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(70) A revision submitted on February 19, 1986 allowing the burning of 2.2% sulfur content fuel oil at the Boston Housing Authority, Mary Ellen McCormick and Maverick Family Development facilities in Boston, Massachusetts for a period of up to 30 months, commencing on August 12, 1986.

(i) *Incorporation by reference.*

(A) Letters dated August 30, 1985 and July 11, 1985 for the Mary Ellen McCormick and Maverick Family Development Facilities, respectively, from Richard J. Chalpin, Acting Regional Engineer, allowing the temporary use of less expensive 2.2% sulfur fuel oil for 30 months from August 12, 1986; the savings from which will be used to implement permanent energy conservation measures to reduce the on-site consumption of the petroleum products. At the end of the temporary use period, the Boston Housing Authority, Mary Ellen McCormick and Maverick Family Development facilities will return to the use of 0.5% sulfur fuel oil. The particulate emission rate for these facilities will not exceed 0.12 lbs per million BTU.

(B) Statements of Agreement both signed October 28, 1985 by Doris Bunte, Administrator of Boston Housing Authority.

(C) Memorandum from Bruce K. Maillet to S. Russell Sylva dated January 9, 1986, subject: Decision Memo.

2. Section 52.1167, is amended by adding the following source to Table 52.1167 under the entry "310 CMR 7.19" to read as follows:

§ 52.1167 EPA-approved Massachusetts state regulations.

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved section
*	*	*	*	*	*	*
310 CMR 7.19	Interim sulfur-in-fuel limitations for fossil fuel utilities pending conversion to an alternative fuel or implementation of permanent energy conservation measures.	2/19/86	[Federal Register publication date].	[Federal Register No.].	70	Mary Ellen McCormick and Malverick Family Deveopment facilities in the Boston Housing Authority, Boston to burn 2.2% until [30 months from *FR* citation].

* * * * *

[FR Doc. 86-18084 Filed 8-11-86; 8:45 am]
BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 522 and 552

[APD 2800.12 CHGE 29]

General Services Administration Acquisition Regulation; Price Adjustment and Allocation of Order Clauses

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Service Administration Acquisition Regulation (GSAR), Chapter 5, is amended to revise the contract clauses at § 552.219-71, Allocation of Orders—Partially Set-Aside Items, and § 552.222-43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts). The revision to the Allocation of Orders clause clarifies when the splitting of orders will being if the set-aside portion is awarded to a contractor other than the one receiving the award on the corresponding non-set-aside portion. The revisions to the Price Adjustment clauses clarify the applicability of the ceiling to price adjustments when no Service Contract Act wage determination is issued by the Department of Labor (DOL). In addition, revisions to § 522.1006 make the inclusion of a price adjustment clause optional in fixed price service contracts that do not exceed the small purchase limitation. Other minor editorial changes are made in Parts 552 and 552 for clarity. The intended effect is to clarify contract clauses for the benefit of contractors and GSA contracting officers.

EFFECTIVE DATE: July 10, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott, Office of GSA Acquisition Policy and Regulations, (202) 523-4765.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 1986, the General Services Administration (GSA) published in the **Federal Register** (51 FR 6012) GSAR Notice 5-98 inviting comments from interested parties on these proposed changes to the regulation and provided a 30-day comment period. No comments were received from the public. Comments from various GSA offices have been reviewed, reconciled, and incorporated, when appropriate, in this final rule.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain procurement regulations from Executive Order 12291. The exemption applies to this rule. The GSA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The revisions clarify contract clauses which are already in use throughout the agency. Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.).

List of Subjects in 48 CFR Parts 522 and 552.

Government procurement.

1. The authority citation for 48 CFR Parts, 522 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Section 522.1005 is revised to read as follows:

§ 522.1005 Clause for contracts of $2,500 or less.

The contracting officer shall insert the clause at GSAR 552.222-83, Service Contract Act of 1965-Contracts of $2,500 or less, in solicitations and contracts if the contract amount is expected to be $2,500 or less and the Service Contract Act of 1965 applies. With respect to blanket purchase agreements and basic ordering agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably expected to be placed in a 1-year period.

3. Section 522.1006 is revised to read as follows:

§ 522.1006 Clauses for contracts over $2,500.

(a) The contracting officer shall insert the clause at GSAR 552.222-84, Service Contract Act of 1965 (as amended), in solicitations and contracts if the contract is subject to the Service Contract Act of 1965 and is (1) expected to exceed $2,500 or (2) for an indefinite dollar amount and the contracting officer expects the contract amount to exceed $2,500 during any 12-month period. For blanket purchase agreements and basic ordering agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably expected to be placed in a 1-year period.

(b) Price-adjustment clauses.

(1) Except as required by paragraph (b)(2) of this section, the contracting officer shall insert the clause at GSAR 552.222-86, Fair Labor Standards Act and Service Contract Act-Price Adjustment (Multiyear and Option Contracts) or another clause authorized by FAR 16.203-4 (d) which accomplishes the same purpose, in solicitations and contracts if the contract is expected to be a fixed-price service contract containing the clause at GSAR 552.222-84, Service Contract Act of 1965 (as amended), and is a multiyear contract, or a contract with options to renew that is expected to exceed the small purchase limitation. The clause is optional for small purchases.

(2) The contracting officer shall insert a clause substantially the same as one of the clauses at GSAR 552.222-43, Fair Labor Standards Act and Service Contract Act-Price Adjustment (Multiyear and Option Contracts) or another clause authorized by FAR 16.203-4 (d) which accomplishes the same purpose, in solicitations and fixed price contracts for building services when the contracts contains the clause at GSAR 552.222-84, Service Contract Act of 1965, and is a multiyear contract or a contract with options to renew that is expected to exceed the small purchase limitation. When it is expected that the contract will be negotiated based on certified cost and pricing data, the clause at GSAR 552.222-86 should be used. The clause is optional for small purchases.

(3) The contracting officer shall insert the clause at GSAR 552.222-85, Fair Labor Standards Act and Service Contract Act-Price Adjustment, in solicitations and contracts if the contract is expected to be a fixed price service contract containing the clause at GSAR 552.222-84, Service Contract Act of 1965 (as amended), that exceeds the small purchase limitation and is not a multiyear contract, or is not a contract with options to renew. The clause is optional for small purchases.

(4) The clauses prescribed in this paragraph GSAR 522.1006(b) cover situations in which revised minimum wage rates are applied to contracts by operation of law, or by revision of a wage determination before: (i) Exercise of a contract option or (ii) extension of a multiyear contract into a new program year. If an economic price adjustment clause is developed under FAR 16.203-4 and included in a solicitation contract,

the clauses prescribed in this section normally will not be used. If they are used, the contracting officer must ensure the clauses do not conflict or overlap.

4. Section 522.1007 is revised to read as follows:

§ 522.1007 Notice of intention to make a service contract.

(a) The Department of Labor (DOL) has issued a Service Contract Act Directory of Occupations to use in determining job classifications when procuring services. The directory contains occupational titles and descriptions that contracting offices must use when listing on SF 98a the classes of service employees to be used. When contracting officers are unable to find an appropriate title or description in the directory, they must develop and submit an appropriate occupational title and description for the work to DOL with the SF 98 request. See Appendix C in the GSAR looseleaf for the Service Contract Act Directory of Occupations.

(b) Requests to expedite wage determinations or to check the status of a request may be made by the contracting officer directly to the Wage and Hour Administrator.

5. Section 522.1008 is revised to read as follows:

§ 522.1008 Wage determinations and collective bargaining agreements.

For the purposes of this subpart, the agency labor advisor is the contracting office's assigned legal counsel.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. Sections 552.219–71 is revised to read as follows:

§ 552.219–71 Allocation of Orders—Partially Set-Aside Items.

As prescribed in GSAR 519.502–3(b)(1), insert the following clause:

Allocation of Orders—Partially Set-Aside Items (June 1986)

Where the set-aside portion of an item or group of items is awarded to a Contractor other than the one receiving the award on the corresponding non-set-aside portion, the Government will divide the requirements to be ordered between the two Contractors with the objective of achieving, as nearly as possible, a 50/50 division of the total value of orders placed after the award of the set-aside portion. In no case will this division vary by more than a 60/40 division (with either the non-set-aside or set-aside Contractor receiving the larger portion) from the time of the award of the set-aside portion.

(End of clause)

7. Section 552.222–43 is revised to read as follows:

§ 552.222–43 Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts).

(a) As prescribed in GSAR 522.1006(b)(2), insert the following clause:

Fair Labor Standards Act and Service Contract Act—Price Adjustment (Option Contract) (June 1986)

(a) The Contractor warrants that the prices in this contract do not include an allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(b) The minimum prevailing wage determination, including fringe benefits, issued under the Service Contract Act of 1965 (41 U.S.C. 351–358) by the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, current at the beginning of each renewal option period, shall apply to any renewal of this contract. When a determination does not apply to the renewal option period, the current Federal minimum wage as established by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) will apply to any renewal of this contract.

(c) The *_____ option price(s) will be adjusted upward or downward by the contracting officer, using the formula in paragraph (e) of this clause, when each option is exercised with the adjusted price to be effective beginning the first day of the option period. The Contracting Officer shall notify the Contractor of the adjusted price and incorporate, by contract modification, the most recent wage determination issued under the Service Contract Act of 1965.

(d) In determining the percentage of increase or decrease in labor costs, the wage determination being applied to the option period will be compared with the wage determination that applied during the initial contract period. If a wage determination is not issued for the initial contract period, but is issued for the option period, or if a wage determination is issued for the initial contract period, but not for the option period, the adjustment will be based on the increase or decrease in wages and fringe benefits that the Contractor must pay his employees, under the Fair Labor Standards Act versus the wage determination issued under the Service Contract Act.

(e) **_____ percent of the *_____ option price(s) will be adjusted upward or downward based on the percentage increase or decrease in the minimum hourly wages and fringe benefits to be paid ***_____ under this contract. The *_____ option price(s) will be adjusted using the formula contained herein, provided that the *_____ contract price(s) for the first option period as adjusted does not exceed the *_____ price(s) for the initial contract period by more than **** percent. If the *_____ prices after adjustment exceed the initial contract period by more than **** percent, the ceiling price (the *_____ price for the initial period increased by ****_____ percent) will be the contract price for the first option period. Similarly, the contract price(s) for the second option period as adjusted may not exceed the *_____ price(s) for the first option period by more than ****_____ percent. If the *_____ price(s) after adjustment exceed the contract price(s) for the first option period by more than *** percent, the ceiling price(s) (the *_____ prices for the first option period increased by ****_____ percent) will be the contract price(s) for the second option period.

(End of Clause)

*The contracting officer should insert a description of the unit price, e.g., monthly, hourly, etc.

**The contracting officer should insert the percentage of the option price(s) to be adjusted. The percentage to be used is based on the portion of the total price that represents the labor and labor burden cost.

*** The contracting officer should insert the class of service employee listed in the wage determination that will perform most of the work required by the contract, e.g., janitor, guard, mechanic, etc.

**** The contracting officer should insert a percentage that reflects past increases of wage rates in the locality where services will be performed. For example, if increases over the past 3 years have been 5 percent, 7 percent, and 8 percent, the contracting officer should establish a ceiling of 10 percent. The ceiling is intended to force contractors to bargain with local unions to keep wage increases reasonable from year to year.

Alternate I (June 1986)

To adjust the option price for material as well as labor, the basic clause may be modified by deleting paragraph (e) and substituting the following as paragraph (e).

"(e) *_____ percent of the **_____ option prices(s) will be adjusted upward or downward based on the percentage increase or decrease in the minimum hourly wages and fringe benefits to be paid ***_____ under this contract. *_____ percent of the **_____ option price(s) will be adjusted upward or downward based upon the percentage increase or decrease in material cost reflected on the ***_____ published by the U.S. Department of Labor, Bureau of Labor Statistics. The material cost price adjustment for the first option period will be based on the increase or decrease in wholesale prices for ****_____ period beginning with the month in which the offers were submitted for the requirement. The price adjustment for the second option period will be based upon the increase or decrease in the wholesale prices for the ****_____ period beginning with the month in which the offers were submitted for the requirement. The **_____ option price(s) will be adjusted using the formula contained herein, provided that the total **_____ contract price(s) for the first option period as adjusted does not exceed the **_____ price(s) for the initial contract period by more than *****_____ percent. If the **_____ price(s) after adjustment exceed the initial period by more than *****_____ percent, the ceiling price(s) (the **_____ price(s) for the initial period increased by *****_____ percent) will be the contract price(s) for the first option period. Similarly, the contract price(s) for the second option period as adjusted may not exceed the

**_____ price(s) for the first option period by more than *****_____ percent. If the **_____ price(s) after adjustment exceeds the contract price(s) for the first option period by more than *****_____ percent, the ceiling price(s) (the **_____ price for the first option period increased by *****_____ percent) will be the contract price(s) for the second option period."

(End of clause)

*The contracting officer should insert the percentage of the option price(s) to be adjusted. the percentages to be used are based on the portion of the total price that represents the labor cost (first blank) and the material costs (second blank).

**The contracting officer should insert a description of the unit price, e.g., monthly, hourly, etc.

***The contracting officer should insert the class of service employee listed in the wage determination in the first blank and the index that will be used to compute the adjustment for material cost increases, e.g., Wholesale Commodity Prices for General Purpose Machinery and Equipment, code 114, in the second blank.

****The contracting officer should insert the period of time to be used for computing the adjustment, e.g., 1 year, etc. The first blank will normally read "1 year," the second "2 years."

*****The contracting officer should insert a percentage that reflects the past increases for wages and materials.

(b) As prescribed in GSAR 522.1006(b)(2), insert the following clause:

Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear Contract) (June 1986)

(a) The Contractor warrants that the prices in this contract do not include an allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(b) The *_____ price(s) will be adjusted upward or downward before the end of the first year of the contract period, with the adjusted price to be effective beginning the first day of the thirteenth month. The *_____ price(s) will be adjusted again before the end of the second year of the contract period with the adjusted price(s) to be effective beginning the first day of the twenty-fifth month.

(c) The Contracting Officer shall notify the Contractor of the adjusted price(s) and incorporate, by contract modification, the most recent wage determination issued under the Service Contract Act of 1965 by the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor (DOL). If a wage determination is not issued by the DOL, the Federal minimum wage established by Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 206) applies to this contract.

(d) In determining the percentage of the increase or decrease in labor cost, the wage determination being applied to the second or third year will be compared with the wage determination that applied to the first year. If a wage determination is not issued for the initial 12-month period but is issued for the second or third year period, or if a wage determination is issued for the initial contract period but not for the second or third period, the adjustment will be based on the increase or decrease in wages and fringe benefits that the contractor must pay the employees under the Fair Labor Standards Act versus the wage determination issued under the Service Contract Act.

(e) **_____ percent of the *_____ price(s) will be adjusted upward or downward based on the percentage increase or decrease in the minimum hourly wages and fringe benefits to be paid ***_____ in the locality where the contract work is to be performed as determined by the Administrator, U.S. Department of Labor, and stated on the Register of Wage Determinations and fringe benefits issued under the Service Contract Act of 1965 provided that the *_____ contract price(s) is not escalated more than ****_____ percent per year.

(End of Clause)

*The contracting officer should insert a description of the unit price, e.g., monthly, hourly, etc.

**The contracting officer should insert the percentage of the contract price(s) to be adjusted. The percentage to be used is based on the portion of the total price that represents the labor and labor burden costs.

***The contracting officer should insert the class of service employee listed in the wage determination that is expected to perform most of the work required by the contract, e.g., elevator mechanic, maintenance mechanic, etc.

****The contracting officer should insert a percentage that reflects the past increases of wage rates in the locality where services will be performed. For example, if increases over the past 3 years have been 5 percent, 7 percent, and 8 percent, the contracting officer should establish a ceiling of 10 percent. The ceiling is intended to force contractors to bargain with local unions to keep wage increases reasonable from year to year.

Alternate I (June 1986)

To provide for adjusting the contract price for materials as well as labor, the basic clause may be modified by deleting paragraph (e) and substituting the following paragraph (e).

"(e) *_____ percent of the **_____ price(s) will be adjusted upward or downward based on the percentage increase or decrease in the minimum hourly wages and fringe benefits to be paid ***_____ under this contract and *_____ percent of the **_____ price will be adjusted upward or downward based upon the percentage increase or decrease in material cost reflected on the ***_____ published by the U.S. Department of Labor, Bureau of Labor Statistics, provided that the total **_____ contract price(s) is not escalated more than *****_____ percent per year. The first material price adjustment will be based on the increase or decrease in wholesale price for the ****_____ period beginning with the month in which the offers were submitted for the requirement. The second material price adjustment will be based upon the increase or decrease in the wholesale prices for the ****_____ period beginning with the month in which offers were submitted for the requirements."

*The contracting officer should insert the percentage of the contract price(s) to be adjusted. The percentages to be used are based on the portion of the total price that represents the labor costs (first blank) and the material costs (second blank).

**The contracting officer should insert a description of the unit price, e.g., monthly, hourly, etc.

***The contracting officer should insert the class of service employee listed in the wage determination in the first blank and the index that will be used to compute the adjustment for material cost increases, e.g., Wholesale Commodity Prices for General Purpose Machinery and Equipment, code 114, in the second blank.

****The contracting officer should insert the period of time to be used for computing the adjustment, e.g., 1 year, etc. The first blank will normally read "1 year" the second "2 years".

*****The contracting officer should insert a percentage that reflects past increases for wages and materials.

8. Section 522.222–84 is revised to read as follows:

§ 552.222–84 Service Contract Act of 1965 (as amended).

As prescribed in section 522.1006(a), insert the Service Contract Act of 1965 clause contained on the April 1984 edition of the GSA Form 2166, Service Contract Act of 1965 (as amended) in solicitations and contracts when the contract is subject to the Service Contract Act of 1965 and is (a) for over $2,500 or (b) for an indefinite dollar amount and the contracting officer expects the contract amount will exceed $2,500 during any 12-month period. The GSA Form 2166 may be used or its contents repeated verbatim in solicitations and contracts. With respect to blanket purchase agreements and basic ordering agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably expected to be placed in a 1-year period.

9. Section 552.222–85 is amended by revising the introductory paragraph to read as follows:

§ 552.222–85 Fair Labor Standards Act and Service Contract Act-Price Adjustment.

As prescribed in GSAR 522.1006(b)(3) insert the following clause:

* * * * *

10. Section 552.222–86 is amended by revising the introductory paragraph to read as follows:

§ 552.222–86 Fair Labor Standards Act and Service Contract Act-Price Adjustment (Multiyear and Option Contracts).

As prescribed in GSAR 522.1006(b)(1) insert the following clause:

* * * * *

Dated: July 10, 1986.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 86–18048 Filed 8–11–86; 8:45 am]

BILLING CODE 6820–61–M

Proposed Rules

Federal Register
Vol. 51, No. 155
Tuesday, August 12, 1986

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1065, 1068, and 1079

[Docket Nos. A0-178-A40, A0-86-A44, and A0-295-A37]

Milk in the Upper Midwest, Nebraska-Western Iowa, and Iowa Marketing Areas; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends changes in the plant location adjustments for the Nebraska-Western Iowa, and Iowa Federal milk marketing orders. Proposed changes for the Upper Midwest order are denied. The proposed amendments would change the location adjustment provisions in the Nebraska and Iowa orders to conform with the new Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986. The recommended changes are based on the record of a public hearing held in Minneapolis, Minnesota on April 8–10, 1986, in response to industry proposals.

DATE: Comments are due on or before August 27, 1986.

ADDRESS: Comments (five copies) should be filed with the Hearing Clerk, Room 1079, South Building, United States Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–4829.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 7 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The proposed amendments modify the transportation allowances provided under two orders to make them conform more closely to the economic conditions that currently exist in the marketplace. The main economic condition involved is the Class I differentials that became effective May 1, 1986, as mandated by the Food Security Act of 1985, and the costs of transporting milk as reflected in such Class I differentials. Reflection of these changed marketing conditions through amendments to plant location adjustments to order prices will result in a minor price reduction for some regulated handlers.

Prior document in this proceeding:

Notice of Hearing: Issued February 25, 1986; published March 3, 1986 (51 FR 7280).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Upper Midwest, Nebraska-Western Iowa, and Iowa marketing areas. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250, on or before 15 days after publication in the **Federal Register.** Five copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Minneapolis, Minnesota on April 8–10, 1986, pursuant to notice thereof issued February 25, 1986 (51 FR 7280).

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposals on small businesses. However, no participants at the hearing testified about any potentially adverse impact of any of the proposals on small businesses.

The material issues on the record of the hearing relate to:

1. The location adjustment provisions of the following orders:

A. Upper Midwest;
B. Nebraska-Western Iowa;
C. Iowa; and

2. Whether emergency conditions warrant the omission of a recommended decision and the opportunity to file written exceptions thereto.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Background

The Food Security Act of 1985 increased the Class I milk price differentials in 35 of the 44 Federal milk marketing orders. The Class I differential is the dollar amount specified in each Federal order that is added to the Minnesota-Wisconsin manufacturing grade milk price for the second preceding month to establish for each order the minimum Class I milk price for the current month. The three orders that are involved in this proceeding are among the 35 orders in which increased Class I differentials became effective May 1, 1986.

Since the late 1960's, Class I milk pricing within the system of Fedeal milk order markets has been based on the principle that as distance from the heavy milk producing area (Eau Claire, Wisconsin, for example) increased, the minimum order Class I price for the various markets increased proportionately to reflect the cost of alternative supplies. Under this system, prices in the local markets would not be expected to exceed the cost of milk from

reserve supply sources. Thus, there has been in place a pricing system that generally reflected a milk transportation cost of 1.05 cents per hundredweight per 10 miles to the Southeast, South, or Southwest from Eau Claire.

The mandated differential increases per hundredweight in the markets at issue in this proceeding were 8 cents for the Upper Midwest order and 15 cents for the Iowa and Nebraska-Western Iowa orders. Thus, the Class I price spreads between the Upper Midwest order and the other two orders are now 7 cents per hundredweight larger than prior to May 1, 1986. It is within this context that the proposals were sought and the hearing held.

1A. *The location adjustment provisions of the Upper Midwest order.*

The Upper Midwest order currently provides four milk pricing zones. Zone 1 is comprised of a 3-county metropolitan area that includes the twin cities of Minneapolis and St. Paul, Minnesota, and all other territory not specifically included in Zones 2, 3, or 4.

Zone 2 contains 49 Minnesota counties, 15 Wisconsin counties, four Michigan counties and one Iowa county.

Zone 3 is made up of 28 Wisconsin counties and Zone 4 includes 13 Wisconsin counties.

This pricing structure has been in effect since the Upper Midwest order became effective in 1976, except that in 1982 Washington County was removed from Zone 2 and added to the twin cities metropolitan portion of Zone 1.

At the present time, the Class I price to handlers and the uniform price to producers is adjusted for location as follows:

Zone	Adjustment
1	No adjustment.
2	Minus 6 cents.
3	Minus 10 cents.
4	Minus 16 cents.

The current location adjustments should be continued without any changes.

Proposals to amend the Upper Midwest order were proposed by Associated Milk Producers, Inc. (AMPI), Mid-America Dairymen, Inc. (Mid-Am), and the National Farmers' Organization, Inc. (NFO).

AMPI proposed that the Minnesota counties of Anoka, Carver, Dakota and Scott be removed from Zone 2 (minus 6 cents) and be a part of Zone 1 (no adjustment).

AMPI also proposed a new Zone 5 to include the Minnesota counties of Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, Lyon, Martin, Mower, Murray, Olmsted, Redwood, Watonwan and the Iowa counties of Howard, Kossuth, Mitchell, Winnebago, Winneshiek and Worth. The location adjustment for Zone 5 would be plus 3 cents.

Mid-Am proposed that the Upper Midwest order continue to have four pricing zones as follows:

Zone	Adjustment
1	No adjustment.
2	Minus 7 cents.
3	Minus 10 cents.
4	Minus 16 cents.

Mid-Am's proposed Zone 2 would include the Iowa counties of Howard, Kossuth, Mitchell, Winnebago, Winneshiek, and Worth, and the Minnesota counties of Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, Lyon, Martin, Mower, Murry, Olmsted, Redwood and Watonwan. At the hearing Mid-Am modified proposal no. 5 so that it was exactly the same as AMPI's proposals.

NFO proposed that the present Zone 2 be expanded to include the Minnesota county of Lac Qui Parle and the South Dakota counties of Brown, Day, Edmunds, Grant, Marshall, McPherson, Roberts and Walworth. At the hearing, however, NFO abandoned their proposal.

A witness for AMPI testified that the Minnesota counties of Anoka, Carver, Dakota and Scott should be removed from Zone 2 and placed in Zone 1. The witness referred to the 1976 final decision of the Upper Midwest order, which concluded that there was not enough milk produced in Zone 1 to satisfy all of the fluid demand on a day-to-day basis throughout the year and, therefore, it was necessary to provide a differential to implement the movement of supplemental supplies from Zone 2.

In his opinion, supplemental supplies also are needed for distributing plants located in Carver and Dakota counties. Dakota County, he said had nine percent less milk in December 1985 than in December 1973. He maintained that the metropolitan population is encroaching on the counties and is forming a common distribution area.

The AMPI witness indicated that the Minneapolis-St. Paul fluid milk handlers face considerable competition for sales in and around this area from fluid milk plants located in Zone 2 who are paying 6 cents less for their milk than handlers in Zone 1. On cross-examination, he said that Minneapolis-St. Paul fluid milk plants compete in this 7-county area with the Marigold Foods plant located at Rochester, Minnesota (Olmsted County), two small handlers located in Brown County, Minnesota, a handler located at Fargo, North Dakota, and a handler located at Duluth, Minnesota.

Including Carver and Dakota counties in Zone 1, AMPI's witness maintained, would give producers delivering to distributing plants in these counties a 6-cent higher price. Products delivering their milk to distributing plants in the nearby Minnesota counties of Hennepin, Ramsey, and Washington (Zone 1) are receiving 6 cents more than producers in delivering to distributing plants in Zone 2. Although Anoka and Scott counties do not contain any distributing plants, they should be included, he said, because these two counties would be bordered on three sides by Zone 1 counties and including these counties in Zone 1 would make for a contiguous common area.

The proponent's witness stated that the only manufacturing plants located in the four counties that they proposed to add to Zone 1 are the Marigold Foods plant located in Dakota County and an AMPI plant located in Scott County. The witness said that in 1985 a significant amount of milk associated with the AMPI plant in Scott County was shipped to a distributing plant in Zone 1 and, therefore, would receive the 6-cent higher Zone 1 price regardless of whether Scott County was added to Zone 1.

On cross-examination, the witness stated that he did not have any data to show that supplies needed by distributing plants located in Carver and Dakota counties exceeded the milk supplies available in these two counties. Producers in Scott County, he said, deliver into Carver and Dakota county and there are producers from Scott County who deliver into Hennepin, Ramsey, and Washington counties. The additional 6 cents that these producers receive for deliveries into Zone 1, the witness said, is at least partial compensation for the additional transportation costs that they incur. He indicated that if Scott County were not included in Zone 1, there would be a 6-cent location credit on milk moving to the Marigold Foods manufacturing plant in Dakota County.

The proponent witness, on cross-examination stated that there are ample milk supplies available relatively close to the Minnesota-St. Paul area. He also indicated that there is more overlap in competition for fluid milk sales in this 7-county area than there was 10 years ago and that these handlers are not all paying the same price for their milk supply.

AMPI's proposal to add the Minnesota counties of Anoka, Carver, Dakota and Scott to Zone 1 was supported in its

entirety by three proprietary handlers and Mid-Am. Land O'Lakes, Inc. (LOL), in their brief, supported adding only Carver County and the City of Hastings in Dakota County. Kraft, Inc., although not offering testimony at the hearing, filed a brief opposing the addition of Anoka and Scott counties. Le Suer Cheese Company, Inc. opposed the inclusion of Scott County and NFO opposed the inclusion of Anoka and Scott counties. Oak Grove Dairy objected, in their brief, to Carver County. Falls Dairy Company, Universal Foods and Twin Town Cheese Factory (Falls Dairy, et al.) objected to the addition of Scott County.

A witness for Marigold Foods (Marigold) testified in support of the AMPI proposals. He stated that Marigold operates distributing plants at Rochester, Minneapolis, and Duluth and a manufacturing plant at Farmington in Dakota County.

Since about 1976, he said, fluid milk plants are concentrating in the areas of what is referred to as the 5 or 7-county metro area of Minneapolis-St. Paul, plus the Minnesota area of Rochester and Duluth, and Fargo, North Dakota. The witness indicated that packaged milk from all these plants move both within and among orders in substantial amounts and in all directions. The witness indicated the Marigold plant at Minneapolis sells about 55 percent of its packaged milk in Zone 1 and about 45 percent in Zone 2. Its Rochester plant, he said, sells about 65 percent in Zone 1 and 35 percent in Zone 2 and their Duluth plant disposes of approximately 71 percent of its fulid milk products into Zone 1 and 29 percent into Zone 2.

On cross-examination, the Marigold witness acknowledged that AMPI's proposal would cost them 6 cents on the movement of bulk milk from their manufacturing plant at Farmington to their distributing plant at Rochester. He said this was because the order presently provides 6 cents on the movement of this milk and this 6 cents would not be available to them if Dakota County were added to Zone 1. The witness indicated, however, that Marigold is willing to give up the 6 cents on this milk movement in order to create more equity among all fluid milk plants with whom they compete throughout Zone 2.

The witness said that Marigold now moves more packaged milk "back out" from the metropolitan Minnespolis-St. Paul area than in 1976. He indicated that there were more fluid milk handlers operating in Zone 2 in the past and, therefore, there was less movement of packaged fluid milk products from Zone 1 to Zone 2

The Marigold witness said that there are only two fully regulated distributing plants in the four counties proposed to be deleted from Zone 2 and added to Zone 1: Oak Grove Dairy in Carver County, and Hastings Cooperative Creamery Company in Dakota County.

The Marigold witness stated that even though there are no distributing plants in Anoka and Scott counties, these counties should be added to Zone 1 because they are contiguous to the present Zone 1 area where there is substantial competiton for fluid milk sales. Also, he said, there is enough population in these two counties that it is possible a processing plant could be constructed there which could cause a competitive problem in the future. The witness acknowledged that location of the manufacturing plant in Scott County could provide a disincentive for milk to be moved from that plant to a distributing plant if Scott County were in Zone 1.

Witness for two proprietary handlers located in Zone 1 briefly testified in support of the inclusion of the proposed four counties into Zone 1.

At the hearing a witness for Falls Dairy, et al., all of whom are located in Zone 3, expressed reservations about the proposal to expand Zone 1. In their brief, however, they stated that they are opposed to the proposal.

A witness for Land O'Lakes, Inc. (LOL), opposed the proposal to expand Zone 1 by adding four Zone 2 counties. He maintained that adding Scott County to Zone 1 would increase the price that producers would receive at the AMPI manufacturing plant located at New Prague in Scott County. LOL, he said, operates a reserve supply plant in Rice County, which adjoins Scott County. Therefore, these two plants with similar operations would be competing for a milk supply, but the AMPI plant would be able to pay producers 6 cents more under the order.

LOL, in its brief, supported adding Carver County and the City of Hastings in Dakota County to Zone 1. In the brief, LOL pointed out that the manufacturing facilities located in Scott and Dakota counties transfer milk to distributing plants. In LOL's view, this would not promote orderly marketing because there would be no incentive to transfer milk from the two manufacturing plants to distributing plants. Also LOL claimed that pool funds would be redistributed in favor of producers whose milk is received and priced at the two manufacturing plants at the expense of producers whose milk is received and priced at all other locations.

A witness for Le Sueur Cheese Company also testified in opposition to the proposal to add the four counties to Zone 1. He testified that they operate a reserve supply plant in Le Sueur County and they were concerned that these proposals would disrupt the competitive situation in this area for milk supplies.

In their briefs, Le Sueur Cheese and Glencoe Butter and Produce Association opposed adding Scott County to Zone 1. Both contended that the AMPI plant in Scott County competes for a milk supply from the same area that they do and, therefore, AMPI would have a competitive advantage in acquiring milk supplies because of the additional 6 cents that AMPI would be able to pay.

A witness for Oak Grove Dairy (Oak Grove), a handler that operates a pool distributing plant located in Carver County, opposed adding Carver County to Zone 1. The witness said that it does not take the same price to get milk to the Oak Grove plant that it does to get milk to a plant in Minneapolis-St. Paul. He said that Carver County is distinct from Hennepin and Ramsey counties in that Carver is a rural county and the other two counties are urban. Carver County, he said, produced more milk than Hennepin and Ramsey counties combined and that Carver County has only a fraction of their population.

The Oak Grove witness stated that the minus 6 cents will continue to provide an adequate incentive to move milk to its plant without causing any disruption in the competitive balance among plants distributing in the Minneapolis-St. Paul area. According to the witness, marketing conditions have not changed since the 1976 merger decision and the 8-cent increase in the Class I differential for the Upper Midwest order should not have any effect on the long-existing price relationship between the Minneapolis-St. Paul handlers and Oak Grove.

The Oak Grove spokesman stated that about 60 percent of its milk supply is direct-shipped milk within a 25-mile radius of its plant and that the plant receives milk from the counties of Carver, Wright, McLeod, Sibley and Scott. Oak Grove's brief notes that its plant is the only distributing plant in this 5-county area. The brief further pointed out that milk production in these five counties accounts for more than nine percent of the total milk pooled on the Upper Midwest market, and that production in these counties has increased at a lesser rate than the total of the milk pooled under this order.

NFO supported the addition of Carver and Dakota counties only. In their brief, NFO pointed out that the number of handlers in the Upper Midwest order has declined while the sales area of

those that remain has expanded. Therefore, NFO claims, the remaining handlers have a higher degree of overlap in distribution, suggesting the need for uniform Class I pricing.

NFO's brief stated that the 6-cent differential between Zone 1 and Zone 2 covers part of the cost of moving milk to distributing plants and should be applicable at fluid milk plants in Carver and Dakota counties. NFO opposed the inclusion of Scott County in Zone 1 because it would create unnecessary and inequitable competitive problems among various supply plants and manufacturing plants in Central Minnesota. To increase the price at the AMPI manufacturing plant in Scott County by 6 cents would give it an unfair competitive advantage in acquiring a supply of milk and would eliminate the incentive for this plant to make milk available to distributing plants, according to NFO.

The proposal to shift four Zone 2 counties to Zone 1 is denied. Various alternatives to the proposal were proposed in the testimony at the hearing and in briefs filed by interested parties.

The addition of Anoka and Scott counties was opposed on the basis that there are no pool distributing plants located within those counties, and that higher prices at any manufacturing plants in those counties would discourage the movement of milk to Zone 1 distributing plant handlers that compete for supplies of milk in these counties.

Anoka and Scott counties are contiguous to other counties that are in Zone 1. Although there are no distributing plants in either county, there is a reserve supply plant located in Scott County. The plant is at New Prague, Minnesota, is operated by AMPI, and was described as a small nonfat dry milk plant. In 1985, a significant amount of New Prague Grade A milk was shipped to a distributing plant in Zone, 1, and to a plant at Farmington, Minnesota. The milk at the Farmington plant is used for Class II uses or is shipped to the Marigold distributing plant in Minneapolis (Zone 1).

Both counties should remain in Zone 2. There is no evidence, in either case, to support a higher price. Adoption of a higher price in these two counties would simply remove the 6 cents per hundredweight incentive that now exists for milk to move to distributing plants in Zone 1.

Similarly, Carver County should not be added to Zone 1, even though there is one distributing plant in the county. Oak Grove Dairy, in Norwood, Minnesota, is in Carver County. Oak Grove obtains 60 percent of its milk supplies from farms located within about 25 miles of the plant. The remainder of Oak Grove's milk supply comes from Glencoe, Minnesota, which is 12 miles west of Norwood (McLeod County) and from Litchfield, Minnesota, which is about 50 miles northwest of Norwood (Meeker County). Norwood, on the other hand, is about 40 miles southwest of downtown Minneapolis, and is on the western side of Carver County. The plant is located in a more rural county (1983 population—38,600), and on the opposite side of the county from an area where the record indicates that the metropolitan area is expanding. Thus, the plant is more appropriately described as located in a production area rather than in the heart of the metropolitan area.

The Norwood handler maintained that it cost producers or cooperatives less to supply the Oak Grove plant than to ship milk to plants located in Hennepin, Ramsey, or Washington counties. The brief submitted by Oak Grove Dairy quotes from the 1976 final decision, which found that Carver County should not be included in Zone 1. We must conclude from the evidence contained in this proceeding that there is no basis for reaching a different conclusion now.

The situation for Dakota County is not the same as for Carver County. However, the same conclusion must be reached. A pool distributing plant, which is operated by Hastings Cooperative Creamery Company, is located in Hastings, Minnesota. Marigold Foods operates a reserve supply plant at Farmington, which also is in Dakota County.

The city of Hastings is just across the county line from the southern boundary of Washington County, which is in Zone 1. Thus, the Hastings Cooperative's distributing plant is in closer proximity to the metropolitan counties presently included in Zone 1. Dakota County is an urban county, having a 1983 population of over 207,000 persons.

One basis of opposition to including Dakota County in Zone 1 was that it would result in a 6-cent increase in returns for producer milk delivered to a manufacturing plant. Marigold's witness indicated that the 6-cent differential between Farmington and Minneapolis helped cover the cost of moving bulk milk from Farmington to the Minneapolis distributing plant also operated by Marigold. Marigold nevertheless supported shifting Dakota County to Zone 1.

One approach to overcoming the concern about increasing returns for milk delivered to a manufacturing plant would be to just add the city of Hastings to Zone 1, as was suggested. However, the record in this proceeding simply does not warrant such a decision.

The principal argument for adding Carver and Dakota counties to Zone 1 was that the distributing plants in those two counties compete with Zone 1 plants for sales over a broad geographic area. This argument, by itself, is not a sufficient reason to increase the Class I and blend prices at a given plant location.

The principal function of a location adjustment is to reflect the cost of moving milk from the production area to distributing plants located in or near the major population (consuming) centers of the market, and to provide a price that will attract an adequate supply of milk to such locations. Location adjustments may also be used to achieve price alignment between plants subject to different orders.

There is no basis in the record of this proceeding for concluding that higher Class I and blend prices are needed at the Dakota County plants, especially the Hastings plant. There is no information in the record about where the plant obtains its milk supplies or whether there has been any problem attracting adequate supplies of milk.

Moreover, the production-by-county data provided in the market administrator's exhibit indicate that December 1985 milk production in Dakota County was over 7.3 million pounds. Since the record does not indicate the size of the Class I operation at the Hastings plant, or where the milk produced in Dakota County is used, there is not basis for concluding that a higher price is needed, either for Dakota County or for just the city of Hastings. Dakota County, in its entirety, should remain in Zone 2.

Similarly, the order should not be amended to provide a new Zone 5. AMPI proposed (Proposal no. 3) that a new Zone 5 be created that would include the Minnesota counties of Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, Lyon, Martin, Mower, Murray, Olmsted, Redwood and Watonwan as well as the Iowa counties of Howard, Kossuth, Mitchell, Winnebago and Worth.

The proponent's witness testified that blend prices should increase about 4 cents for the proposed Zone 5 of the Upper Midwest order. This calculation, he said, is based on multiplying the Class I utlization percentage for that market by the increase in the Class I differential (14%×$.08=$.01). This 1-cent increase plus the proposed 3-cent location adjustment for Zone 5 would result in a 4-cent increase in blend prices for producers in Zone 5. Similar

calculations provided by an exhibit submitted by the proponents projected that blend prices under surrounding orders would increase in the proposed Zone 5 area by about 4 to 6 cents per hundredweight. The purpose of the exhibit was to show that the proposed 3-cent adjustment would maintain blend price alignment in the proposed Zone 5 area.

The AMPI witness stated that the proposed Zone 5 is the primary area of the Upper Midwest market where both milk procurement and Class I sales operlap amoung surrounding orders. Because of the new Class I differentials, the Order 68 price in this area needs to be adjusted, he maintained.

AMPI's spokeman said that Brown and Olmsted counties are the only proposed Zone 5 counties with distributing plants. Excluding Brown and Olmsted counties, the remaining proposed Zone 5 counties have more than two-thirds of their remaining milk pooled under the Nebraska-Western Iowa or Iowa orders. Each of the proposed Zone 5 counties has some milk pooled on one of these two neighboring markets and there is considerable blend price competition between these orders. He said that blend prices, premiums, and shipping requirements, for example, can cause milk to move from one market to another, but that it was important to maintain historical price relationships between competing and overlapping procurement areas. AMPI maintains that a higher price at Rochester, Minnesota ((Olmsted County) is needed because the difference between the new Class I differentials applicable to Minnesapolis and the orders is too large.

Proponent's witness stated that the Marigold fluid milk plant at Rochester is one of the largest in the Upper Midwest, and that it purchases a substantial amount of the milk produced in Olmsted County and distributes packaged milk throughout Iowa, Illinois, Wisconsin and Minnesota.

The witness indicated that the proposals to enlarge Zone 1 and create a new Zone 5 represent a compromise between and the need to maintain reasonable blend price relationships as they have been in the past and also recognizes the need to maintain Class I price alignment among competing handlers.

AMPI in their brief, referred to Exhibit no. 15 and said that the plus 3-cent adjustment for Zone 5 with a $1.23 Class I differential at Rochester results in better alignment with nearby markets and other basing points. The plus 3-cent adjustment will provide competitive equity between the Upper Midwest handlers located in the southern part of this market and handlers regulated under adjoining orders.

The AMPI proposal was supported by the spokesman for Marigold. He said that Marigold sells a substantial amount of packaged milk below the top tier of Iowa counties, and outside Zones 1 and 2 of the Upper MIdwest order. He said that while this proposal would put Marigold at a disadvantage with Zone 1 handlers, Mid-Am's orginal proposals nos. 5 and 6 would create an even greater discrepancy between Zone 1 of the Upper Midwest order and the proposed new Zone 5.

Swiss Valley Farms, Co. filed a brief in support of the AMPI proposal for a new Zone 5 and said that it would better align blend prices between the adjoining counties of the Upper Midwest and Iowa orders.

Mid-Am, as indicated previously, amended their proposals no. 5 and 6 so that they were identical to the AMPI proposals. In their brief, however, they said that they supported including only Olmsted County in a new Zone 5.

At the hearing, the witness for Falls Dairy, et al. testified in opposition to the propose new Zone 5. He contended that the proposed plus 3-cent location adjustment for this area would violate the principal of flat or zone down-pricing from major consumption areas within the order. The proposal would also create some inequity between Marigold at Rochester and the two fluid milk plants located in Brown County who compete with the Mineapolis-St. Paul handlers, in his view.

The witness stated that this proposal also would create some equity problems between producers in Zone 5 and other producers on the Upper Midwest order. He contended that the proposal is an attempt to solve a problem of inequity caused by the mandated Class I price increase of 15 cents for the Iowa order and an 8-cent increase for the Upper Midwest order.

The spokesman for Falls Dairy, et al. maintained that this proposal would impede the flow of milk southward by a higher-priced zone in Southern Minnesota and northern Iowa. In the absence of this proposal, he said, some milk may move from the Upper Midwest order to the Iowa order and milk from the Iowa order may move to a higher-priced zone to the south and that there is nothing wrong with such milk movements. Inter-market Class I price aligment problems should not be solved at the expense of maintaining price aligment betwen handlers and producers within the Upper Midwest order, according to the Falls Dairy, et al. witness.

A spokesman for LOL testified in opposition to the proposed Zone 5 on the basis that it would create some distored competitive relationships similar to that described with respect to adding Scott County to Zone 1.

LOL, the spokesman said, operates a cheese plant at Pine Island, Minnesota, just one mile north of Olmsted County in Goodhue County. This plant competes for a milk supply over the same territory as the AMPI manufacturing plant at Rochester. Thus, he contended that the AMPI proposal would put LOL at a 9 cent competitive disadvantage (minum 6 cents in Zone 2 combined with a plus 3 cents in Zone 5).

The LOL witness disagreed with the AMPI position that their proposals would properly neutralize the impact on blend prices. Differences in blend prices, he said, are a normal and healthy adjustment associated with higher Class I prices. Higher Class I prices exist in markets with higher Class I utilization and therefore represent a greater need for Class I milk. Federal orders, he said, have a natural adjusting mechanism in that as the Class I utilization and Class I prices are higher, blend prices will be higher, thereby, attracting additional milk supplies. In its brief, LOL expressed the view that all markets in the region are abundantly supplied with milk, so minor shifts of milk in Southern Minnesota among markets will have no damaging impact.

The LOL brief further contends that even if substantial blend price difference exist among markets, they can be largerly dealt with through the ability of the cooperatives to reblend the proceeds from the sale of their member's milk.

LOL's brief also stated that a new Zone 5 would redistribute pool funds in favor of AMPI at Rochester and New Ulm, and to a lesser extent, LOL at Mountain Lake, Minnesota, at the expense of producers whose milk is priced at all other locations. Producers whose milk is processed at a Zone 5 manufacturing facility, said LOL, would receive a more favorable price than producers whose milk was processed in a Minneapolis-St. Paul distributing plant.

A witness for the Le Sueur Cheese Company (Le Sueur), testified that Le Sueur operates a reserve pool supply plant and a chees manufacturing operation in Le Sueur County (Zone 2), Minnesota. Le Sueur also opposed the Zone 5 proposal. At the hearing and in their brief, Le Sueur indicated concern about the adverse impact that this proposal would have among competing handlers in acquiring milk supplies in

the Zone 5 area. The Le Sueur witness stated that Le Sueur already has a 6-cent disadvantage in competing with the AMPI plant in Scott County, and that the AMPI proposal would increase this disadvantage an additional 3 cents.

NFO supported creating a Zone 5 consisting of only Olmsted County. The NFO witness stated that Olmsted County is unique and that the two fluid milk plants in Brown County are small volume plants with sales only in the Upper Midwest order.

In its brief, NFO stated that including Olmsted County in Zone 5 is appropriate because of the distribution pattern of the Rochester plant. Outside of Olmsted County, there are no other metropolitan centers, or major distributing plants in the counties of southern Minnesota or northern Iowa. There are, the brief notes, a number of reserve supply plants including the AMPI manufacturing plant in Brown County. The AMPI plant and other plants located in the proposed Zone 5 compete with plants located in Zone 2 for milk supplies. This proposal would increase the blend price at manufacturing plants in the proposed Zone 5. This price difference would amount to 9 cents and could lead to disorderly marketing conditions in areas of procurement overlap.

In NFO's view, any substantial misalignment of prices in those areas should be addressed in connection with the proposed amendments to the Nebraska-Western Iowa and Iowa orders. If prices are appropriately aligned, blend prices of the other orders attract milk to those orders and that is an appropriate situation that should not be addressed by creating an inappropriate plus differential in the Upper Midwest order.

A representative of Anderson-Erickson Dairy Company (A–E), a handler fully regulated under the Iowa order, testified in support of the proposals to amend the Upper Midwest order.

In its brief, A–E stated that the proposal to create a plus 3-cent location adjustment is the only proposal which can be said to be necessitated by the new prices established by the Food Security Act of 1985. In their view, this proposal to create a new Zone 5 would improve the alignment between the new base price at Minneapolis-St. Paul and the price in Iowa. The brief, concluded, however, that the plus 3-cent location adjustment should apply for milk delivered to plants in Olmsted County, Minnesota.

Kraft, Inc. filed a brief and stated that the propoosal for a plus 3-cent location adjustment for southern Minnesota should apply, if at all, only to Olmsted County. The AMPI proposal, in Kraft's view, represents an attempt to use this proceeding to gain an advantage for its own manufacturing operations to the disadvantage of competitors in adjacent counties. Kraft contends that it is unnecessary to raise prices, predominately to manufacturing plants, outside of Rochester.

Mid-Am, as indicated previously, amended their proposals for the Upper Midwest order so that they were identical to the AMPI proposals. The Mid-Am brief, however, suggested that only Olmsted County be added to Zone 5.

At the hearing, the Mid-Am witness said the plus 3-cent location adjustment for Olmsted County would improve the alignment between the Upper Midwest and Iowa orders and would help cover the cost of supplying milk to the Rochester location. Olmsted County was their main concern because of the Marigold plant at Rochester which has considerable distribution in Iowa.

Mid-Am's brief stated that to the extent producer milk in the proposed Zone 5 counties exceeds the amount of producer milk classified in Class I in the same counties, the blend price to all producers will be reduced and producers in Zone 5 would be rewarded for producing milk for non-Class I purposes. In Mid-Am's view, limiting the 3-cent location adjustment to only Olmsted County would minimize this unwarranted result.

The proposal to create a new Zone 5 consisting of 13 Minnesota counties and six Iowa counties should not be adopted.

The area that AMPI proposed to include in Zone 5 is an area where substantial overlap of milk procurement occurs for the Upper Midwest, Nebraska-Western Iowa, and Iowa orders. Three of the counties in the proposed Zone 5 have pool plants located in them. In Minnesota there are two distributing plants in Brown County, and a distributing plant in Olmsted County. There is a reserve supply plant in Winneshiek County, Iowa. In addition, there are several nonpool plants that receive milk diveted under the Iowa order, and at least some nonpool plants that receive milk diverted under the Upper Midwest order in these counties. In the latter case, testimony by witnesses for the various parties reveals the presence of manufacturing plants in Brown, Olmsted, and Goodhue Counties in Minnesota. There may be others. The record indicates there is keen competition for milk supplies in this area. Some of the competition must be from manufacturing plants that are not pool plants under any of the three orders being considered here.

The two pool distributing plants in Brown County are small operations that dispose of most of their Class I milk in the Upper Midwest market. There is no basis in the record for concluding that a higher price is needed to help attract milk to distributing plants in Brown County. The distributing plant in Olmsted County is a relatively large plant that distributes milk over a wide area that includes sales in competition with handlers regulated under the Iowa, Nebraska-Western Iowa, and Eastern South Dakota orders. Also the plant secures part of its supply from sources other than Olmsted County, including sources in Wisconsin.

Rochester is about 85 miles south (and a little east) of Minneapolis-St. Paul. It is closer to the boundary of the Upper Midwest and Iowa marketing areas than it is to the twin cities. Since the Rochester distributing plant is so located, and competes with handlers regulated under other orders subject to higher Class I milk prices, it is important that there be reasonable alignment of Class I prices between Rochester and the Nebraska-Western Iowa, and Iowa orders.

Prior to May 1, 1986, the Class I price at Rochester under the Upper Midwest order was 28 cents less than the base zone Class I prices at Omaha, Nebraska, and Des Moines, Iowa. On May 1, the difference increased to 35 cents per hundredweight. Thus, adding 3 cents to the Class I price at Rochester would restore reasonable alignment of Class I prices between the Upper Midwest order at Rochester and the Class I prices at the principal consumption centers of the Nebraska-Western Iowa, and Iowa orders. Inter-order Class I price alignment is one of the functions of location adjustments. However, increasing the Class I price 3 cents per hundredweight at Rochester would create an unacceptable pricing difference between the plants in Rochester and a manufacturing plant located at Pine Island in Goodhue County. The matter of price alignment with other order plants will be addressed through revising the location adjustment rate in the Nebraska-Western Iowa, and Iowa orders.

The distance from Pine Island to Rochester is approximately 17 miles. Rochester (Olmsted County) is in Zone 1, which has a zero location adjustment. Pine Island (Goodhue County) is in Zone 2, which has a minus 6-cent location adjustment. Adding 3 cents to Class I and uniform prices for Olmsted County would create a 9-cent differential

between Goodhue and Olmsted counties. At 17 miles, the rate per 10 miles would be about 4.5 cents per hundredweight, which exceeds the cost of hauling milk. Such a price differential would tend to result in milk being moved just to get the higher price, perhaps at one manufacturing plant rather than another. Moreover, there is no sound basis for increasing producer returns for milk delivered to a manufacturing plant that also is located in Rochester. Therefore, even Olmsted County, by itself, should not be designated as a separate pricing zone with a higher price.

A major argument in support of the proposed Zone 5 was that the higher price to Upper Midwest producers in the area would maintain a historical blend price relationship in an area where there is a substantial overlap of milk procurement for several orders.

As noted earlier, the procurement overlap in the proposed Zone 5 area is substantial. Nevertheless, it is not a function of location adjustment provisions to provide alignment of blend prices among orders in a common procurement area.

The record indicates that cooperatives may, and do, shift milk from one order to another when it is in their best interests to do so. Blend prices of course may be affected by adding milk to the pools, or removing it from the pools. There is no basis for concluding that any alignment of blend prices that was achieved by the application of location adjustments would or should endure. The blend price for a particular order results from a combination of the Class I price and the percentage of the market's milk priced as Class I milk. If the blend price in one market is higher than for another order with respect to a common production area, it should serve to attract more milk to the order that has the higher price. Over time, as milk shifts from one market to another, blend price alignment should result. If blend prices are improperly aligned, the adjustment should be made through changing the Class I differential, not through location adjustments in the milkshed.

1B. *Plant location adjustments for Nebraska-Western Iowa.*

The Nebraska-Western Iowa order should be amended to provide a higher rate of location adjustment for plants located outside of the present Zones 1 and 2. As recommended, the plant location adjustment rate of 1.5 cents per 10 miles per hundredweight would be increased to 1.7-cents with respect to plants located outside of Zones 1 and 2 but located in the States of Nebraska, Iowa, Minnesota, North Dakota, South Dakota (east of State Highway 73 only), or Wisconsin. Norfolk and Omaha would continue to be basing points.

The Nebraska-Western Iowa Order presently provides for two zones with a zero location adjustment for Zone 1 and a plus 15.0-cent location adjustment for two Zone 2. This decision does not recommend any changes to these two zones, or to the 15-cent location adjustment for Zone 2. Zone 1 includes 55 Nebraska counties and Zone 2 includes 13 Nebraska counties.

The order also provides that at a plant located outside of Zone 1 and 2 but located in the States of Nebraska, Iowa, Minnesota, North Dakota, South Dakota (east State Highway 73 only), or Wisconsin, the location adjustment shall be 1.5 cents per 10 miles or fraction thereof (the shortest hard-surfaced highway and/or all weather road distance as measured by the market administrator) that such plant is located from the nearer to the city halls in Norfolk or Omaha, Nebraska. At any other location, no adjustment applies.

Proposals to amend the Nebraska-Western Iowa order were filed by Gillette Dairy, Inc. (Gillette), Mid-Am, Neu Cheese Company and Orchard Dairy, Inc., and Wells Dairy, Inc. (Wells). At the hearing, AMPI also proposed changing this order.

Gillette proposed that the Nebraska counties of Boone, Madison, and Stanton be removed from Zone 1 and that Norfolk, Nebraska be remove as a basing point leaving only Omaha, Nebraska as a basing point.

Gillette's spokesman testified that they operate a fluid milk plant at Norfolk (Madison County), Nebraska, and for several years have competed with Wells, the operator of a fliud milk plant at Le Mars (Plymouth County), Iowa. The witness said that both Gillette and Wells are fully regulated plants and that Wells receives a minus 16.5-cent location adjustment; Gillette, he said, does not receive any location adjustment because it is located at Norfolk.

The witness for Gillette said that this 16.5 cent price advantage that Wells has is not necessary to provide an adequate supply of milk for Gillette. Both Norfolk and Le Mars, he said, are small population centers compared to Omaha, Nebraska.

Gillette's witness testified that location adjustments have been used to reflect a lesser value for milk at points some distance (production area) from the major population centers. A minus differential for Le Mars, he said, fits the pattern in this market with the exception that the differential should be based off of Omaha. The witness said that the same reasons that warrant a lower price for Le Mars as compared to Omaha are valid for a lower price at Norfolk as compared to Omaha. The spokesman said that there is not rational basis for a price difference between Le Mars and Norfolk.

The spokesman for Gillette stated that one way of measuring whether an area has a sufficient or surplus of milk is to compare the population in an area with the pounds of milk produced in that area. He said that milk production in Madison County and the counties adjacent or within 10 miles of it in December 1985 was 12.5 million pounds. According to the witness the population in that same area was 111,078 and results in a daily ratio per capita of 3.6 pounds per day. This ratio, he said, compares to a U.S. average of .058 pounds per day of fluid use and a 1.42 pounds per day of total dairy products use. Therefore, he said, the Norfolk area can be called a surplus production area.

The witness testified that milk production in Plymouth County in Iowa and adjacent counties or within 10 miles of it was 12.2 million pounds for December 1985. He said that the population of this area was 233,197 and results in a ratio of 1.6 pounds of milk production per capita per day and, therefore, is a surplus production area. A similar computation for the Omaha area, he said, results in a ratio of 0.4 pounds and, therefore, it is an area that must attract milk.

The spokesman for Gillette said that a more complex measurement of an area's milk needs is to compare the milk production in the direct-shipped area of a local market to the needs of the fluid milk distributing plants. The witness said that it is reasonable to presume that a plant receiving a significant portion of its milk from supply plants has needs beyond the production available in the direct-shipped area. By this standard, he said, Plymouth and adjacent counties would be a deficit area, while Madison and adjacent counties have a surplus of milk production. The Gillette spokesman said that Gillette receives almost all of its milk directly from farms. This standard of measurement, he said, supports a lower price for Norfolk.

The witness for Gillette stated that since there is no need to attract milk to Norfolk, that Norfolk is not a logical point from which to start such a measurement. Omaha, he said, is the logical point to start and the rate of 1.5 cents now used would produce a minus 18 cents for Norfolk which is 111 miles from Omaha and a minus location adjustment of 19.5 cents for Le Mars which is 122 miles from Omaha.

The witness said Gillette distributes milk to the northeast of Norfolk where it competes with milk originating in a lower priced zone and has been serving this area for over 30 years. In the last five years, he said, Gillette has lost a number of accounts in the Norfolk area to Wells because of the lower cost available to Wells.

No parties, either at the hearing or in briefs, supported the Gillette proposals.

A witness for Wells testified in opposition to the Gillette proposals. The witness said that the Gillette plant in the only distributing plant in the counties of Boone, Madison or Stanton. The Gillette proposals, he said, have nothing to do with the new Class I differentials and that the net effect to Gillette through its proposals would be an 18-cent location adjustment in place of its zero location adjustment.

The spokesman for Wells stated that Gillette is simply trying to gain a competitive advantage over Wells. The witness referred to the 1981 decision for this market that he said concluded that milk marketing would best be served by the Gillette plant being in Zone 1 and the Wells plant benefiting from a 1.5-cent per 10 mile location adjustment. The witness indicated that there have been no changes in Gillette's purchasing patterns with respect to raw milk since the 1980 hearing that would justify any change in Gillette's location adjustment.

The Wells' witness noted that most of Gillette's sales are southwest of Norfolk and that the Department concluded in the earlier decision that since Gillette sold its packaged milk in the area southwest of Norfolk, it would retain its competitive advantage over Le Mars even if Le Mars received a higher location adjustment.

The witness stated that the use of Norfolk and Omaha as basing points results in price alignment with federal orders to the north and west. The witness said that these basing points provide the necessary price alignment to the various plant locations within the marketing area. The spokesman said that nothing has changed in the last five years and that Norfolk is an appropriate basing point because Class I differentials increase as you move west from the Minnesota-Wisconsin area. The plus 15-cent location adjustment, he said, for plants in Zone 2 of the Nebraska-Western Iowa order reflects this milk pricing policy. The witness stated that the Class I differential for the Eastern Colorado order was 70 cents higher than the Nebraska-Western Iowa order and that the Food Security Act of 1985 has increased this difference to 98 cents.

A witness for AMPI testified that AMPI was opposed to all other proposals to amend the Nebraska-Western Iowa order except their own. In their brief, they stated that Gillette's proposals, as well as proposals by Neu Cheese Company and Orchard Dairy, were abandoned by their proponents in favor of the Mid-Am modified proposal no. 10, which is discussed later.

The witness for A–E voiced opposition to all the proposals to change the Nebraska-Western Iowa order. The A–E brief supported only the AMPI proposal to impose a plus 3-cent location adjustment for Olmsted county in the Upper Midwest order. The brief further commented that with this change, no other changes would be necessary in the Nebraska-Western Iowa or Iowa orders and that the adoption of any other changes would distort existing alignment without having any impact of fluid milk supplies.

Mid-Am proposed that the present Zone 1 of the Nebraska-Western Iowa order be amended by deleting the Nebraska counties of Madison and Stanton and adding the Nebraska county of Washington. A new Zone 3 would be added consisting of the Nebraska counties of Antelope, Burt, Cuming, Holt, Madison, Pierce, Stanton, Thurston, and Wayne. Also, their proposal would create a new Zone 4 consisting of Dakota and Dixon counties in Nebraska and Plymouth and Woodbury counties in Iowa. The proposed rate of location adjustment was as follows:

Zone	Adjustment
1	No adjustment.
2	Plus 15 cents.
3	Minus 10 cents.
4	Minus 15 cents.

For a plant located outside of Zones 1, 2, 3, and 4 and in the States of Nebraska, Iowa, Minnesota, North Dakota, South Dakota (east of State Highway 73 only), or Wisconsin, the price would be reduced by 2.0 cents per 10 miles or fraction thereof (by shortest hard-surfaced highway as measured by the market administrator) that such plant is located from the city hall in Omaha, Nebraska. At any other location, no adjustment would apply.

At the hearing, Mid-Am modified their proposal. As modified, Zone 3 would include the Nebraska counties of Pierce, Wayne, Thurston, Madison, Stanton, Cuming, and Burt with a minus location adjustment of 10 cents. Zone 4 would include the Nebraska counties of Holt, Knox, Antelope, Cedar, Dixon, and Dakota, and the Iowa counties of Plymouth and Woodbury with a location adjustment of minus 15 cents. Washington County in Nebraska would be added to Zone 1. Zones 1 and 2, except for adding Washington County to Zone 1, would remain as the order presently provides. Norfolk would also be used as a basing point.

The spokesman for Mid-Am testified that the milkshed for the Nebraska-Western Iowa order extends about 350 miles north of Omaha into North Dakota. Exhibit 5, he says, shows that the amount of milk in South Dakota increased 20 percent between December 1983 and December 1985 while the total milk pooled on the Nebraska-Western Iowa order increased less than eight percent.

The Mid-Am witness said that in designing the proper pricing structure for the Nebraska-Western Iowa order, the first and foremost consideration must be to provide the proper economic incentive to transport milk from the production areas such as South Dakota to the fluid milk distributing areas. The spokesman for Mid-Am said that the combined population of Douglas County (Omaha) and Council Bluffs (Iowa) was 454,333 or about 28 percent of the total of Nebraska plus Council Bluffs.

The spokesman for Mid-Am said that, in determining the proper location adjustment, unless the price is reduced at distant points, pool proceeds would be utilized to pay producers for freight not actually incurred, resulting in lower blend prices to other producers. The rate of location adjustment, he said, should be established at a level that will provide an economic incentive for milk to move from distant points to the central market such as Omaha and at the same time will not result in a penalty for shipping to the central market. Both objectives, he said, can be met by providing that the location adjustment rate be approximately the same as the cost of transporting milk from distant points to the central market.

At the present time, the witness said, the cost of hauling bulk milk is about 3.5 cents per 10 miles per hundredweight. Nevertheless, a rate of 2.0 cents was proposed for two reasons. First, he said, the 2.0-cent rate is the approximate location adjustment rate between Eau Claire and Omaha as reflected in the Class I differentials provided by the Food Security Act of 1985. Second, the resulting Class I differential at the South Dakota locations of Corsica, Freeman, Lake Preston, and Sioux Falls as well as

Dawson, Minnesota, will be approximately the same as those provided by the Upper Midwest and Eastern South Dakota orders.

The Mid-Am witness stated that the new Upper Midwest Class I differential at Dawson, Minnesota, for example, would be $1.20 and it would be $1.21 under the Nebraska-Western Iowa order. At Sioux Falls, he said, the new Eastern South Dakota Class I differential would be $1.50. The Nebraska-Western Iowa adjusted Class I differential at Sioux Falls would be $1.47 under their proposal. Their proposed Zone 3, he said, provides a reasonable relationship between Norfolk and Omaha and their proposed Zone 4 provides an economic incentive for milk to move from the five plants in the proposed Zone 4 to the major population area.

The Mid-Am witness further said that under their proposal the Wells plant in Plymouth County would receive a 15-cent location adjustment, and Gillette at Norfolk would receive a 10-cent location adjustment. He said that the pricing points in South Dakota or outside of the proposed Zone 4 would be calculated at the rate of 2 cents from Norfolk but that sum would be subtraced from the Omaha price rather than the Norfolk price.

The witness further stated that about 50 percent of the milk needed at Omaha is supplied from direct-shipped milk aroung Omaha and that the remainder comes from Iowa. Also, the witness stated that even though there is little milk from South Dakota moving to Omaha, that there still should be an incentive for that milk to move.

The Mid-Am proposal was supported by Neu Cheese and Gillettee. NFO in its brief, supported the proposal with some modifications. Beatrice Dairy Products (Beatrice), and Wells opposed the modified Mid-Am proposal. A–E opposed any changes to the Nebraska-Western Iowa order. The LOL brief suggested several changes to the Mid-Am proposal.

Neu Cheese and Orchard Dairy proposed adding 10 Nebraska counties and two Iowa counties to Zone 1. Their proposal would delete Norfolk as a basing point. At the hearing, the owner and President of Neu Cheese stated that they could support the modified Mid-Am proposal. This modified proposal, he said, would make them competitive with other nearby plants and the elimination of Norfolk as a basing point would also make the costs of acquiring milk more competitive between manufacturing plants.

At the hearing, counsel for Neu Cheese stated that Neu Cheese and Orchard Dairy had not abandoned their proposal but that they could support the modified Mid-Am proposal. Their brief stated that the price at their locations should be the same as those plants in Zone 1. They said the Secretary should adopt location adjustments with as small a differential as possible between their location and Norfolk and Zone 1 (Omaha), and in no event greater, than the modified Mid-Am proposal.

The witness for Gillette stated that Gillette also had not abandoned its proposal but that Gillette could support the modified Mid-Am proposal. Gillette's witness said that the two proposals were consistent insofar as they tend to equate the applicable prices at Le Mars and Norfolk.

NFO's brief supported the Mid-Am proposal with a modification to provide that when milk is priced based on a plant's distance from Norfolk, that the Norfolk price be used and that the Norfolk price be reduced by an additional 2 cents for each 10 miles that a plant is distant from Norfolk. In NFO's view, this would avoid a situation in areas just outside Zone 4 where the price would be higher than in Zone 4. NFO stated in their brief that basing the price at locations such as Freeman, South Dakota on the Norfolk price also would provide an additional incentive to move milk from Freeman to points of Class I need such as Omaha and Le Mars.

Beatrice, the operator of a distributing plant in Lincoln, Nebraska, opposed the Mid-Am modified proposal. A spokesman for Beatrice stated that the new mandated Class I differential increases for the Nebraska-Western Iowa order and surrounding orders do not significantly change the relative pricing relationships between the orders. He further maintained that the Omaha market is adequately supplied with fluid milk under the current provisions of the order. Also, the cretation of new pricing zones within the Nebraska-Western Iowa order is unnecessary and would disrupt competitive relationships.

Wells also opposed the Mid-Am proposal. The reasons for opposing the Mid-Am proposal, according to the spokesman, were very similar to the reasons presented in opposition to the Gillette proposal. Wells expressed the view that the creation of a new Zone 4 would affect only the Wells plant at Le Mars. The Mid-Am proposal, Wells noted, would decrease the present location adjsutment of Le Mars from 16.5 cents to 15 cents and would change the location adjustment applicable at Norfolk from zero to a minus 10 cents. Also, the Mid-Am proposal would apply the location adjustment rate of 2 cents per 10 miles from either Norfolk or Omaha, for plants outside of these zones. This, in Wells' view, would only affect manufacturing plants because there are no pool distributing plants geographically located that could be subject to the 2-cent location adjustment rate.

Wells, in its brief, charged that the Mid-Am proposal to provide a minus 10-cent location adjustment at Norfolk is not unbiased. The brief noted that Mid-Am has an ownership interest in Gillette and, therefore, has a direct vested interest in the location adjustment received by Gillette.

The Well's brief stated that the record contains no substantial evidence to support putting Le Mars in a special zone and thus reducing its current location adjustment. The Mid-Am proposal, in Wells' view, would provide the AMPI plant at Sibley, Iowa, with a minus 36-cent location adjustment. Sibley is only a short distance away from Le Mars. This minus 36-cent location adjustment, according to the brief, appears to be aimed more at inflicting an economic injury upon a competitive cooperative than toward establishing appropriate location adjustments in response to the Food Security Act of 1985.

Wells proposed that the rate of location adjustment for plants outside Zones 1 and 2 but subject to the Nebraska-Western Iowa order, be changed from 1.5 to 2.8 cents per 10 miles and that Norfolk be retained as a pricing point.

The spokesman testified that because of its location, Wells is sensitive to competition from plants located in neighboring orders. Lakeside Dairy (Sioux Falls, South Dakota) is about 85 miles from Le Mars; Anderson-Erickson and Prairie Farms (Des Moines, Iowa) are about 225 miles; Oak Grove (Norwood, Minn.) is about 176 miles; and Marigold (Rochester, Minn.) is about 240 miles from Le Mars. Wells, he said, distributes about 11 percent of its fluid milk products in the Upper Midwest order, eight percent in the Iowa order, 21 percent in the Eastern South Dakota order, 14 percent in Iowa outside of any order, and 47 percent in Nebraska-Western Iowa. The witness said that Wells purchases about 50 percent of its milk from producers within the State of Iowa, 23 percent from farms in South Dakota and 27 percent from producers in Minnesota.

The spokesman testified that a 2.2-cent location adjustment rate per 10 miles would be adequate to restore the current price relationship between the

Le Mars plant and the plants subject to the Upper Midwest order, the Eastern South Dakota order, and the Iowa order. However, the Well's witness said, the Food Security Act of 1985 requires that location adjustments more closely reflect the actual costs of transporting bulk milk. Thus, Wells proposed a location adjustment rate of 2.8 cents, whereas the actual cost is between 3 and 3.4 cents per 10 miles. The witness, in referring to Wells' exhibit, said that the current cost for hauling bulk milk is 3.3 cents.

Wells' witness said that while the Le Mars plant would benefit from a 30.8-cent lower price than plants located in Zone 1, the actual transportation costs of bulk milk for the 125 mile distance from Le Mars to Omaha is over 36 cents. The 30.8-cent location adjustment, he said, would not be disruptive to Zone 1 handlers in competing with Wells for sales in Omaha. Zone 1 handlers, in his view, would still have the cost advantage over Wells for retail sales in Lincoln.

In its brief, Wells maintained that its proposal would not be disruptive with respect to handlers in any neighborhing orders. The brief noted that no pool distributing plant operator located in either the Eastern South Dakota or Upper Midwest orders appeared at the hearing in opposition to the proposal.

The proposed 2.8 cents per 10 miles location adjustment rate was not supported at the hearing or in brief by any proprietary handlers or cooperative associations. A–E did not want any changes to the Nebraska-Western Iowa order, and LOL's brief proposed several changes.

The witness for AMPI stated that they were opposed to the Wells proposal. That opposition was amplified in AMPI's brief, which claimed that the purpose of the Wells proposal was to achieve a competitive advantage over the handlers in surrounding markets.

AMPI noted that the Wells proposal would provide a Class I differential at Le Mars of $1.44 while Wells' competitor in Sioux Falls, South Dakota, will have its Class I differential increased from $1.40 to $1.50. A–E in Des Moines, Iowa, another Wells' competitor, will have its Class I differential increased from $1.40 to $1.55, and Gillette's Class I differential will be increased from $1.60 to $1.75.

LOL, in its breif, proposed a $1.65 Class I differential for Madison County. In LOL's view, Norfolk and Madison County are part of the general supply area for Omaha, and should be priced in a manner that reflects part of the transportation cost to the central market.

LOL opposed the proposed Zone 4 because there are three manufacturing plants located in this proposed zone. The milk supply for these plants, LOL said, has to be delivered to pool distributing plants in Norfolk and/or Omaha to qualify for pooling. The marketing arrangements for this milk, according to LOL, are no different than for milk from South Dakota, Minnesota or Iowa that is pooled on this order and, therefore, all milk from supply plants moving to distributing plants should be priced on the basis of its distance from the market.

In LOL's view, Norfolk should be maintained as a basing point with a 10-cent lower price than Omaha. Norfolk represents a fluid milk market for much of the producer milk located in northern Nebraska and South Dakota and, therefore, it should be a basing point. The price at Norfolk, according to LOL, should be lower because Norfolk is located within the larger procurement area of the Omaha market.

LOL, in its brief, urged that the rate of location adjustment be 2.0 cents per 10 miles. Such rate, in LOL's view, would more closely reflect the differences in Class I prices resulting from the mandated Class I price increases and would also provide a greater price credit for hauling milk long distances to the fluid market.

AMPI proposed that the Nebraska-Western Iowa order be restructured by deleting the Nebraska counties of Madison and Stanton from Zone 1, and adding to Zone 1 the Nebraska county of Washington.

A new Zone 3 would be created that would include the Nebraska counties of Burt, Cumming, Madison and Stanton and the Iowa counties of Cass, Crawford, Freemont, Harrison, Mills, Monona, Montgomery, Page Pottawattamie and Shelby.

Also, a new Zone 4 would be created that would include the Nebraska counties of Antelope, Cedar, Dakota, Dixon, Knox, Pierce, Thurston and Wayne.

The rate of location adjustment proposed would be as follows:

Zone	Adjustment
1	No adjustment.
2	Plus 15 cents.
3	Minus 10 cents.
4	Minus 13 cents.

For a plant located outside of Zone 1, 2, 3, and 4 and in the States of Iowa, Minnesota, Nebraska, North Dakota, South Dakota (east of State Highway 73 only), or Wisconsin, the price would be reduced by 13 cents and by an additional 1.7 cents per 10 miles or fraction thereof (by shortest hard-surfaced highway and/or all weather road distance as measured by the market administrator) that such plant is located more than 75 miles from the nearer of the city halls in Norfolk or Omaha, Nebraska. At any other location, no adjustment would apply.

However, AMPI, in its brief, stated that no changes in the location adjustment provisions are warranted. Therefore, no further consideration of the AMPI proposed modification is necessary.

As indicated previously, the location adjustment rate of 1.5-cents per 10 miles per hundredweight should be increased to 1.7-cents with respect to a plant located outside of Zones 1 and 2 and located in the States of Nebraska, Iowa, Minnesota, North Dakota, South Dakota (east of State Highway 73 only), or Wisconsin. Norfolk and Omaha would continue to be basing points.

This 0.2-cent increase in the location adjustment rate reflects that transportation costs of hauling bulk milk have increased. It is undisputed on the record that actual hauling costs at the present time exceed 3.0-cents per 10 miles per hundredweight. The use of a rate higher than 1.7 cents for the Nebraska-Western Iowa or Iowa markets, however, would create some misalignment problems with other orders at major population centers where distributing plants are located. Some examples of misalignment problems that would arise by the use of a rate higher than 1.7 cents is set forth later in this decision.

Mid-Am and Wells both proposed the use of a location adjustment rate higher than 1.7 cents at certain plant locations. The Mid-Am proposal would apply a location adjustment rate of 2.0-cents for plants outside of their proposed Zones 1 through 4 but located within the States of Nebraska, Iowa, Minnesota, North Dakota, Wisconsin or parts of South Dakota.

The Mid-Am proposal would restructure the Nebraska-Western Iowa order by creating two additional zones. The proposal would not change the counties included in the present Zone 2 or the amount of the location adjustment for that zone.

The Wells' proposals would apply a location adjustment rate of 2.8-cents with respect to plants located outside of the present Zones 1 and 2 but geographically located in the same areas as defined in the present plant location adjustment provisions.

The Gillette proposal to remove the Nebraska counties of Boone, Madison,

and Stanton from Zone 1 and to eliminate Norfolk as a basing point should not be adopted. Gillette's primary concern is competition for retail sales with Wells. The witness for Gillette indicated that Gillette sells most of its packaged milk in areas southwest of Norfolk. Wells is located at Le Mars in Plymouth County, Iowa, which is approximately 100 miles northeast of Norfolk. Thus, the 16.5 cents higher price that Gillette incurs, as the result of being located in Norfolk, does not cover the costs that Wells would incur in hauling packaged milk from Le Mars to Norfolk.

Much of the testimony presented on this issue dealt with the competition for sales of packaged milk among the various handlers. The sales area for packaged milk is not a key factor to consider in determining plant location adjustments. The areas where a handler chooses to sell packaged milk reflect a business decision on the handler's part and, as such, is subject to change.

One of the proposed findings included in the brief submitted on behalf of Neu Cheese and Orchard Dairy would conclude that milk from specific counties moves in a specific direction. This finding is rejected. While the evidence shows that plants in the Omaha area are supplied primarily with milk produced in Nebraska and Iowa, it is not possible to demonstrate from the record that milk from any particular county moves to any particular plant. Moreover, there is no reason to conclude that distributing plants are experiencing any substantial difficulty in acquiring a supply of milk.

Only one instance of difficulty attracting adequate supplies of milk to a distributing plant was alluded to in the testimony of Wells Dairy. However, Wells' own proposal would, if adopted, result in a lower Class I price at the Le Mars location, which would be expected to make it more difficult to attract milk.

The Omaha-Lincoln area comprises the major consumption center in the Nebraska-Western Iowa market. But this has long been the case, and the fact is that fluid milk plants in this area are supplied almost totally by milk produced in Nebraska and Iowa.

The record further shows that although dairy farms in South Dakota produced a larger proportion of the total milk pooled under the order in December 1985 than in December 1983, the South Dakota milk does not generally move to the Omaha area. Some of it does move into the Norfolk plants, according to the testimony. The current organization of zones and location adjustments accommodates that movement. However, in the fall months the limited movements of supply plant milk from Norfolk to Omaha may include South Dakota milk.

The purpose of location adjustments is to provide an incentive for milk to move from the production areas to distributing plants located at or near major population centers and to provide a price that will attract an adequate supply of milk to such locations. Location adjustments may also be used to achieve price alignment between plants subject to different orders.

The recently mandated Class I differential for the Upper Midwest order is $1.20. An adjustment rate of 2.0-cents per ten miles between Omaha, Nebraska, and Minneapolis, Minnesota, a distance of 360 miles, would result in a location adjustment of 72.0 cents. The new Omaha Class I differential of $1.75 less the 72 cents results in an Order 65 Class I differential at Minneapolis of $1.03 or 17 cents less than the $1.20 Minneapolis Class I differential under the Upper Midwest order. A 1.7-cent adjustment rate (61.0 cents) between these same locations would provide a Class I differential at Minneapolis of $1.14, or just 6 cents less than the $1.20 Upper Midwest differential.

Similarly, the new Class I differential at Sioux Falls, South Dakota, under the Eastern South Dakota order in $1.50. It is 139 miles from Norfolk to Sioux Falls, so the location adjustment at 2.0 cents per 10 miles would be 28 cents. The Norfolk Class I differential, $1.75, minus 28 cents would yield an adjusted differential at Sioux Falls of $1.47. Using 1.7 cent per 10 miles gives an adjustment of 23.8 cents, or an adjusted Class I differential at Sioux Falls of $1.512, which is only 1.2 cents different than the $1.50 Class I differential under the Eastern South Dakota order.

These examples demonstrate that the 1.7-cent adjustment rate more nearly reflects the Class I price alignment established between these major population centers by the Congressionally mandated differentials. In addition the 1.7-cent rate provides more incentive under the order for milk to move from production areas to major population centers where distributing plants are located.

Finally, Norfolk should be continued as a basing point. Madison County is one of the more populated counties in northeastern Nebraska and there is a distributing plant at that location. Also, Norfolk has been a basing point for many years. Norfolk, Omaha, and Lincoln historically have been in the base zone of the order. There is no compelling reason to change this historic relationship on the basis of this proceeding.

For these and other reasons set forth in the foregoing discussion, it is concluded that the most appropriate action for this market is to disturb the current situation the least amount necessary to recognize the impact of the Class I differentials that became effective May 1, 1986. This will be accomplished by adopting a 1.7-cents per 10 miles per hundredweight location adjustment rate and otherwise leaving in place the current pricing structure.

1C. *Plant location adjustment for Iowa.*

The Iowa order should be amended to provide a higher rate of location adjustment for plants located in Zone 3. For Zone 3, the price would be reduced by 7 cents and by an additional 1.7 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Ames, Marshalltown, or Cedar Rapids, Iowa.

The Iowa order provides for three zones. Zone 1 includes the territory both inside and outside the marketing area not included in Zones 2 and 3.

Zone 2 includes 15 Iowa counties.

Zone 3 includes 32 Iowa counties, the States of Minnesota, Wisconsin, and that portion of Illinois that is north of Interstate 80.

The Iowa order presently provides for a zero location adjustment for Zone 1 and a minus 7.0 cents for Zone 2. For Zone 3, the price is reduced by 7 cents and by an additional 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Ames, Marshalltown, or Cedar Rapids, Iowa.

Mid-Am and NFO both proposed changes to the Iowa order.

The proposal by Mid-Am would increase the location adjustment rate from 1.5 to 2.0 cents for plants located in Zone 3. the NFO proposal would provide for five zones as follows:

Zone 1 would include the territory both inside and outside the marketing area not included in Zones 2 through 5.

Zone 2 would include the Iowa counties of Benton, Cedar, Clinton, Iowa, Johnson, Jones, Keokuk, Linn, Louisa, Marshall, Muscatine, Poweshiek, Scott, Tama, and Washington, and the Illinois counties of Henry, Mercer and Rock Island.

Zone 3 would include the Iowa counties of Black Hawk, Brenner, Buchanan, Butler, Cerro Gordo, Chickasaw, Delaware, Dubuque,

Fayette, Franklin, Grundy, Hamilton, Hancock, Hardin, Humboldt, Jackson, Pocahontas, Webster and Wright.

Zone 4 would include the Iowa counties of Allamakee, Clay, Clayton, Dickinson, Emmet, Howard, Kossuth, O'Brien, Osceola, Palo Alto, Winnebago and Winneshiek.

Zone 5 would include the States of Minnesota, and Wisconsin, and that portion of the State of Illinois that is north of Interstate 80.

The NFO proposed location adjustment rates were as follows:

Zone	Adjustment
1	No adjustment.
2	Minus 10 cents.
3	Minus 20 cents.
4	Minus 30 cents.

In Zone 5, the price would be reduced by the greater of 30 cents or an amount equal to 2.0 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the Post Office in Des Moines, Iowa.

In the notice of hearing the Iowa county of Pocahontas was included in Zone 4. At the hearing, NFO modified their proposal by placing Pocahontas in Zone 3.

At the hearing, the witness for Mid-Am stated that in considering changes in the pricing structure of the Iowa order, the first and foremost consideration must be to provide the economic incentive for bulk milk to move from the production area to the Class I distributing area. The witness said that the 1980 population for Polk County (Des Moines) was 303,170 and 169,775 for Linn County (Cedar Rapids).

The Mid-Am spokesman said that at the present time, the cost of transporting bulk milk is about 3.5 cents per hundredweight per 10 miles. The witness said that Mid-Am chose the rate of 2.0 cents because it is about the same as the location adjustment rate between Eau Claire, Wisconsin and Des Moines as reflected in the Class I differentials provided by the Food Security Act of 1985.

In their brief, Mid-Am indicated that the NFO proposal provides for a comprehensive restructuring of the location adjustment section of the Iowa order. The NFO proposal, they said, provides the appropriate Class I price relationship between the Iowa order, the Upper Midwest and Chicago orders at plants located in Minnesota and Wisconsin. Mid-Am endorsed the NFO proposal, and emphasized the need for more incentive for Wisconsin milk supplies to move into the major metropolitan areas of the Iowa order.

LOL, in their brief, suggested the use of a 2.0-cent location adjustment rate, which would provide a greater amount of pool compensation for the cost of hauling milk for Class I use. LOL noted that most of the milk delivered to Des Moines originates in northeastern Iowa.

The Mid-Am proposal was opposed by Swiss Valley Farms and Wisconsin Dairies (Swiss, et al.), and AMPI. A–E stated that they were opposed to any changes to the Iowa order.

The witness for Swiss, et al. stated that they were opposed to any changes in the location adjustment provisions of the Iowa order. In their view, the Congressional intent of the Food Security Act of 1985 was to raise Class I prices in the Iowa order by 15 cents and not allow the 15 cents to be applied discriminately.

In their brief, Swiss, et al. pointed out than no fluid milk handlers testified that they have experienced any shortage of milk for Class I use. The NFO proposal, says Swiss, et al., would increase benefits to only direct-shipped milk received in Zones 1 and 2, while penalizing all producers whose milk is received in Zone 3.

The spokesman for NFO, in support of the NFO proposal, said that the most important problem to be addressed is the need to align Iowa prices with those in the nearby reserve supply areas in Minnesota and Wisconsin. In the Iowa order, he said, pooling can be accomplished with very little or no milk moving to the fluid milk markets because of order provisions such as unit pooling, 9(c) provisions, as well as the relaxed shipping percentages during recent years. The NFO proposal, he said, would eliminate the present dual system of flat price zones for part of the state and plant-specific prices elsewhere.

The NFO brief stated that the proposed Zone 4, which represents the tier of counties along the Minnesota and Wisconsin borders, would provide the appropriate pricing for producer milk in those locations to align blend prices with the Upper Midwest and the Chicago orders. The brief states that substantial quantities of Wisconsin milk have recently been pooled on the Iowa order because of misalignment of prices in the Wisconsin area.

NFO comments in their brief that to obtain good alignment in the Wisconsin area it is necessary to remove the eastern Iowa basing points from the order and use only Des Moines to facilitate nearly precise alignment in both Minnesota and Wisconsin.

Kraft, in their brief, stated that the NFO proposal was an equitable proposal. In Kraft's view the need to attract milk from distant sources to Iowa's metropolitan areas is not critical, therefore, location adjustments need not fully or even approximately account for actual costs of transportation at the 3.4-cent rate referred to by Congress. On the other hand, Kraft notes that if location adjustment rates are inadequate as they presently are, then distant manufacturing plants will be compensated for transportation which never takes place and will result in a reduction of blend prices to producers who deliver to the major population centers.

AMPI opposed both the Mid-Am and NFO proposals. They pointed out that both proposals were opposed by A–E, and Swiss, et al. AMPI noted that all opposing parties testified that no change in the pricing structure was warranted on the basis of the Class I differential changes mandated by Congress.

In their brief, AMPI stated that the Eau Claire-Des Moines price difference offered by the Mid-Am witness as the basis for increasing the location adjustment rate to 2.0 cents does not support the increase. AMPI stated that the 51-cent difference ($1.55–$1.04) when divided by the 270 mile distance results in a location adjustment rate of $.0169 and a similar adjustment rate at several other Iowa locations.

The AMPI brief also commented that the mandated Class I price increase of 14 cents for the Chicago order and 15 cents for the Iowa orders provides no support for NFO's proposed pricing structure. The NFO proposal, they said, would result in changes in price and value at each of 37 locations (exhibit 7) ranging from 2 to 24 cents.

The proposal to restructure the pricing zones of the Iowa order should not be adopted. The principal issue raised by the proponents was that blend prices under this order should approximately equate with blend prices under the Chicago Regional order at several Wisconsin locations. NFO's proposal was designed to provide such alignment through location adjustments and related provisions.

As evidence of disorderly marketing conditions, NFO pointed to a substantial increase in Wisconsin-produced milk being pooled under the Iowa order in December 1985 compared to December 1983. In December 1983, milk produced in Wisconsin comprised 7.3 percent of the Iowa order's producer milk. In December 1985, Wisconsin production amounted to 17.6 percent of the milk pooled under the order. Compared to 1983, 1985 receipts from farms in Illinois and Missouri also increased as a

percent of the total. The main change in the opposite direction was in Iowa, which dropped from just above two-thirds of the total to just under two-thirds, and Minnesota, which fell from 21.8 percent of the total in December 1983, to 11.4 percent in December 1985. Total producer milk in December 1985 was up 11.7 percent from December 1983. These changes were cited as resulting from misalignment of producer blend prices between the Chicago Regional and Iowa orders in areas of production overlap, i.e., Southwestern Wisconsin. In NFO's view, the Iowa price adjusted to the Wisconsin locations is too high relative to the Chicago order price at those locations.

The concept of using location adjustments to achieve blend price alignment must be rejected. While it may be possible to equalize prices at a given location, there is no assurance that the alignment would be maintained. Blend prices are primarily a function of Class I price levels and Class I utilization of producer milk. The level of Class I utilization is determined by the amount of producer milk pooled relative to the demand for Class I use.

The proposal would attempt to provide the blend price alignment desired by NFO through two changes in location adjustments. One factor would be to declare Des Moines as the single basing point for computing location adjustments. The other change would fix a minimum 30-cent location adjustment at locations in Illinois north of Interstate 80 and in Minnesota and Wisconsin. If a location adjustment, based on the distance from Des Moines to the applicable plant at a rate of 2.0 cents per 10 miles, exceeded 30 cents, the higher rate would be applicable. The effects of these changes would be substantial at some Wisconsin plant locations. For example, the Iowa order location adjustment at a Shullsburg, Wisconsin, plant currently is 22 cents. As proposed by NFO, the location adjustment would jump to 44 cents per hundredweight.

Shullsburg is in Zone 9 of the Chicago order. The Zone 9 location adjustment is 21.2 cents per hundredweight. In December 1985, the Chicago order blend price adjusted to Shullsburg was $11.65 minus 21.2 cents zone differential, or $11.438 per hundredweight.[1] The Iowa order blend price for the same month at Shullsburg was $11.72 minus 22 cents zone differential, or $11.50. Thus the Iowa order blend price at Shullsburg was about 6 cents higher than the Chicago blend price. If the NFO proposal had been in effect, the Iowa blend would have been only $11.72 minus 44 cents, or $11.28, a difference of 15.8 cents in the opposite direction.

Thus, if the NFO proposal were adopted, the pendulum could swing the other way, which would likely discourage the pooling of milk supplies from the Shullsburg area on the Iowa order. However, there is no assurance that these price differences would be maintained. A change in the location adjustment provisions of the Chicago order could change the relationship again.

This example merely serves to demonstrate that location adjustments are not an appropriate device to achieve equality of blend prices. If prices are determined to be misaligned to the extent that disorderly marketing conditions exist, other means should be utilized to change the alignment.

As has been noted in recapping the testimony, there was substantial opposition to the proposals by other cooperatives and proprietary handlers. One point of view was that if the proposed plus 3-cents adjustment at Rochester, Minnesota, was adopted, there would be no need for any changes to the Iowa order.

The record does not provide compelling evidence that any serious marketing problems need to be addressed by changing the location adjustment zones of the order. The higher Class I differential (effective May 1, 1986) uniformly affects all handlers regulated under the Iowa order.

The mandated Class I differentials did not present any siginficant alignment changes with respect to the Chicago Regional order, since the difference in the increase between Iowa and that order was only 1 cent. As noted earlier, there was no change in alignment between the Nebraska-Western Iowa and Iowa orders, except that as recommended in this decision, the location adjustment applicable to Wells Dairy will increase from 16.5 to 18.7 cents.

We do not conclude that disorderly marketing conditions exist just because the proportion of milk pooled on the Iowa order from Wisconsin sources increased from December 1983 to December 1985. Total producer milk pooled in December 1985 was 11.7 percent greater than in December 1983. However, the percentage utilized as Class I milk was slightly higher in December 1985. Moreover, as long as the pooling provisions of the orders accommodate the shifting of milk supplies between orders with minimal performance requirements, handlers may be expected to take advantage of such provisions whenever there is an economic incentive to do so.

There is no question that inter-order Class I price alignment to the north was changed by the Class I differentials that became effective May 1, 1986. Nevertheless, even the proposed 2.0 cents per 10 miles location adjustment rate is more than the amount needed to restore alignment of Class I prices. In fact, the rate per 10 miles reflected in the mandated Class I differentials for the Iowa and Upper Midwest orders indicates that a rate of 1.7 cents per 10 miles is necessary to provide appropriate inter-market price alignment. The difference between the Class I differential for these two markets was increased 7 cents per hundredweight by the mandated differentials to 35 cents per hundredweight. The distance between Des Moines and the nearest Upper Midwest distributing plant at Rochester is 207 miles, which yields a rate of 1.69 cents per 10 miles per hundredweight. Thus, a change in the current rate of 1.5 cents per 10 miles to 1.7 cents is considered appropriate to maintain Class I price alignment.

Additionally, it is concluded that some increase should be incorporated into the location adjustment rate in recognition that hauling rates are now higher than when the current rate was adopted. Thus, the rate per 10 miles should be increased to 1.7 cents per 10 miles per hundredweight to equate the Iowa order Class I price to the Upper Midwest Class I price in the vicinity of Rochester, Minnesota, where handlers under both orders compete in the procurement of milk supplies.

2. *Whether an emergency exists to warrant the omission of a recommended decision and the opportunity to file written exceptions.*

The notice of hearing stated that evidence will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision

[1] Official Notice is taken for FEDERAL MILK ORDER MARKET STATISTICS for DECEMBER 1985, FMOS–312, Published May 1986, by the Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250.

under the rules of practice and procedure with respect to proposals nos. 1 through 15. At the hearing, counsel for Wells' Dairy Inc. stated that the orders should be amended by May 1, 1986, because the Food Security Act of 1985 mandated that the new Class I differentials for these three markets be effective on May 1, 1986. Mid-Am's brief urged issuance of a decision and amendment of the orders at the earliest possible date. No other parties requested the omission of a recommended decision. One proprietary handler, in its brief, commented that the omission of a recommended decision would be an abuse of the Secretary's discretion because the record would not support such a finding. We conclude that no information of a compelling nature was presented on the record from which to conclude that the issuance of a recommended decision should be omitted. Accordingly, a recommended decision has been issued.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the aforesaid orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing Agreements and Order Amending the Orders

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders as amended regulating the handling of milk in the Nebraska-Western Iowa and Iowa marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

List of Subjects in 7 CFR Parts 1065 and 1079

Milk marketing orders, Milk, Dairy products.

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

No amendatory action taken.

1. The authority citation for 7 CFR Parts 1065 and 1079 continues to read as follows:

Authority. (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

§ 1065.52 [Amended]

2. In § 1065.52, paragraph (b)(3) is amended by changing the number "1.5" to read "1.7."

PART 1079—MILK IN THE IOWA MARKETING AREA

§ 1079.52 [Amended]

3. In § 1079.52, paragraph (b)(3) is amended by changing the number "1.5" to read "1.7"

Signed at Washington, DC, on: August 6, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86–18070 Filed 8–11–86; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–NM–148–AD]

Airworthiness Directives; Boeing Models 727 and 737 Series Airplanes.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would supersede an existing AD that requires inspection and modification of the "B" system hydraulic pump on certain Boeing Model 727 and 737 series airplanes. This AD would require incorporation of the ground fault protection system which is an optional terminating action of the existing AD or replacement of the hydraulic pumps with improved pumps. This action is prompted by two recent reports of pump failures which caused fires which extensively damaged the Model 737 airplanes.

DATE: Comments must be received no later than October 6, 1986.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 86–NM–148–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Alvin Habbestad, Systems and Equipment Branch, ANM–130S, Seattle Aircraft Certification Office; telephone (206) 431–2942. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

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 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 Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-148-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Supplementary Information

Airworthiness Directive AD 76-22-08 was issued October 27, 1976, after several reports of fires in the area of the pump installation. The AD requires installation of a protective sleeve and periodic inspections for fuel leaks of the compartment where the hydraulic pump is located on certain Boeing Model 727 and 737 series airplanes. The AD allowed operators to terminate the periodic inspections by installing a ground fault protection system in the affected hydraulic pump motor electrical circuit. Two recent incidents, however, made it evident that the continued inspection and the protective sleeve are not adequate to prevent a pump failure/fire, and that additional action is required.

One incident involved a fire in the undercarriage bay of a Boeing Model 737 while it was preparing to take off. The fire originated with the "B" system number 2 A.C. hydraulic pump which is an Abex unit. The relevant circuit breaker failed to protect the pump, although it was subsequently found to have tripped at some stage during the event. The pump motor had been equipped with insulating liners in accordance with AD 76-22-08. The liner had melted and was found at one end of the pump. The airplane did not incorporate a ground fault protection system. The second incident is similar to the above and is still under investigation.

The FAA has reviewed and approved Boeing Service Bulletin 727-29-47, Revision 2, dated October 8, 1976, and 737-29-1029, Revision 2, dated October 8, 1976, which describe installation of the ground fault protection system. Service Bulletins 727-29-55, and 737-29-1036, both dated April 30, 1980, describe replacement of the pumps with improved models.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede an existing AD and require the installation of ground fault protection to the existing pumps, or installation of improved pumps, in accordance with the service bulletin previously mentioned.

It is estimated 186 Model 727 and 94 Model 737 airplanes of U.S registry would be affected by this AD and that parts would cost $2,650 per airplane, and it would take approximately 24 manhours per airplane to install the ground fault protection circuit breakers. New pumps for the Model 727 are estimated to cost $10,000 and take 10 manhours to install. Upgraded pumps for the Model 737 would cost $8,400 and take 12 manhours to install. The estimated labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators would be $2,769,120 to replace the pumps, or $1,010,800 to install a ground fault protection system.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Models 727 and 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation Safety, Aircraft.

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 Federal Aviation Regulations as follows:

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

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

§ 39.13 [Amended]

Boeing: Applies to Boeing Models 727, 737-100, and 737-200 series airplanes, equipped with hydraulic system "B" Abex P/N 57186 pump motor, certificated in any category. Compliance required as indicated unless already accomplished.

To prevent a hydraulic system "B" Abex P/N 57186 pump motor internal wiring fault from buring a hole in the case and igniting the escaping hydraulic fluid, which could ignite fuel leakage, accomplish the following:

A. Within one year after the effective date of the AD either:

1. Install the ground fault protection systems in the hydraulic system "B" Abex pump motor electric power circuits in accordance with Boeing Service Bulletin 727-29-47, Revision 2, dated October 8, 1976, or 737-29-1029, Revision 2, dated October 8, 1976, or later FAA-approved revisions; or

2. Install the improved hydraulic "B" system motor driven pumps in accordance with Boeing Service Bulletin 727-29-55 dated April 30, 1980, or 737-29-1036, dated April 30, 1980, or later FAA-approved revisions.

B. An alternate means of compliance or adjustment of compliance time, which provide an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD. This supercedes AD 76-22-08, Amendment 39-2762.

All persons affected by this proposal who have not already received the Service Bulletins specified in this AD may obtain copies upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 5, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-18043 Filed 8-11-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404, 410, and 416

Federal Old-Age, Survivors, and Disability Insurance; Supplemental Security Income for the Aged, Blind, and Disabled; Federal Mine Safety and Health Act of 1977; Own-Motion Review of Fee Determinations

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: We propose to revise our regulations on review of fee determinations approved for services provided by representatives of claimants in proceedings before the Social Security Administration (SSA) under titles II and XVI of the Social Security Act (the Act) and under title IV of the Federal Mine Safety and Health Act of 1977 (Black Lung Benefits). These proposed rules, if adopted, will allow SSA on its own motion to review and revise fee determinations which are based on improper application of the statute or regulations, or an error of fact.

DATE: Your comments will be considered if we receive them no later than October 14, 1986.

ADDRESSES: Send your written comments to the Acting Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or deliver them to the Office of Regulations, Social Security Administration, 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Duane Heaton, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–6629.

SUPPLEMENTARY INFORMATION:

Background

Under sections 206 and 1631 of the Act, and under section 413 of the Federal Mine Safety and Health Act of 1977 (which incorporates by reference section 206), we are authorized in accordance with regulations to set a reasonable fee for service rendered by the representatives (attorney or nonattorney) of claimants in proceedings before the Secretary of Health and Human Services (the Secretary). The current regulations provide that within 30 days either the claimant or representative may request a review of our fee determination. If the request is filed timely, an authorized SSA official who did not take part in the fee determination being questioned will review the determination and may affirm, increase, or decrease the fee amount. This determination is not subject to further review. The current regulations provide for the initiation of a fee review only if it is requested by the claimant or the representative and do not provide for the initiation of such a review by SSA. Thus, if there is an error in a fee determination, we have no means to correct the error unless the claimant or the representative timely requests review.

Proposed Change

The proposed regulations would allow us to review and correct erroneous fee determinations which were based on improper application of the statute or regulations, or on an error of fact. The proposed regulations include a 120-day time limit within which we may initiate a review on our own motion and specify the limited conditions under which we may initiate own-motion review. The proposed regulations permit input from the claimant or representative during the own-motion review process and grant both parties the right to request administrative review of the fee determination after own-motion review.

Own-Motion Review

Our current regulations do not provide for us to initiate an own-motion review of fee determinations, although they do provide for a review that is initiated by either the claimant or representative. We believe we have a duty to review on our own motion and to correct those fee determinations based on improper application of the statute or regulations, or on an error of fact, in order to efficiently and equitably administer programs that are our responsibility.

Current regulations (20 CFR 404.1720(d)), 410.686b(e), 416.1520(d) provide for an administrative review if the claimant or representative files a request within 30 days after the date of the notice of the original fee determination. We believe that this time period would not be adequate for us to initiate an own-motion review. We believe a 120-day period is needed to identify cases for review and to associate and evaluate any new evidence that may be available. Unlike a request for fee review from the claimant or representative, the decision to initiate own-motion review may require development and the evaluation and verification of newly discovered facts that conflict with the record evidence. This process would require additional time.

Notification of the Own-Motion Review

When a case is identified for an own-motion review, we will mail a notice to the last known address of both the claimant and the representative. This notice will advise the claimant and the representative that we are conducting an own-motion review and will invite the submission of any additional evidence or comments. After our review, we will mail a notice of our determination, which will either affirm or revise the original fee determination and explain the right to an administrative appeal of this determination.

Review Level

These proposed regulations provide that the own-motion review will be performed at the same administrative level as the original fee determination. If the claimant or the representative of the claimant disagrees with a fee determination after own-motion review, they may request review of the fee determination by filing a timely request with SSA.

Why We Initiate an Own-Motion Review

We select a case for own-motion review to ensure the correctness of the fee determination. We may review for possible improper application of the statute or regulations, or for possible error of fact. An error of fact may be a clerical error (e.g., a typing error or a miscalculation) or conflicting information that requires verification to ascertain what is correct (e.g., new and material evidence is received).

Regulatory Procedures

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

These proposed regulations impose no reporting/recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act

We certify that these proposed regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because these regulations will affect only individuals. Therefore, a regulatory

flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not required.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.804 Social Security—Survivors Insurance; 13.806 Black Lung Benefits—Special Benefits for Disabled Coal Miners; 13.807—Supplemental Security Income.)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors, and Disability.

20 CFR Part 410

Administrative practice and procedure, Black lung benefits, Death benefits, Disability benefits, Miners.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: May 13, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: June 13, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

For the reasons set out in the preamble, Subpart R of Part 404, Subpart F of Part 410, and Subpart O of Part 416 of Chapter III of Title 20, Code of Federal Regulations, are amended as follows:

PART 404—[AMENDED]

1. The authority citation for Part 404, Subpart R is revised to read as follows:

Authority: Secs. 205, 206, and 1102, Social Security Act; 49 Stat. 647, 53 Stat. 1368 and 1372; 42 U.S.C. 405, 406, and 1302.

2. Section 404.1720 is amended by adding paragraph (e):

§ 404.1720 Fee for a representative's services.

* * * * *

(e) *Own-motion review of fee determinations.*—(1) *When we may conduct own-motion review.* Anytime within 120 days after the date of the notice of a fee determination, we may decide to review the fee determination on our own motion. We may review a determination if:

(i) It is clear on the face of the record that an improper application of the statute or regulations was made in the fee determination; or

(ii) There is an error of fact which could affect the fee determination (some examples are a clerical error, a miscalculation, or new and material evidence is received).

(2) *Notification of own-motion review.* If we decide to review a fee determination on our own motion, we will within 120 days after the date of the notice of the initial fee determination mail notices to both you and your representative at the last known addresses stating the reason for the review, and inviting the submission of any comments or additional evidence you may have. After our review, we will affirm or revise the fee determination and will mail notices of our decision to you and to your representative.

(3) *Request for review after own-motion review.* You or your representative may request a review of a fee determination issued under this paragraph by following the procedure set forth in paragraph (d) of this section.

PART 410—[AMENDED]

3. The authority citation for Part 410, Subpart F is revised to read as set forth below and the authority citation following § 410.699a is removed.

Authority: Secs. 411, 413, 426, 507, and 508, Federal Mine Safety and Health Act of 1977; 83 Stat. 793 and 794; 30 U.S.C. 921, 923, 936, 956, and 957.

4. Section 410.686b is amended by adding paragraph (f):

§ 410.686b Fee for services performed for an individual before the Social Security Administration.

* * * * *

(f) *Own-motion review of fee determinations.*—(1) *When we may conduct own-motion review.* Anytime within 120 days after the date of the notice of a fee determination, we may decide to review the fee determination on our own motion. We may review a determination if:

(i) It is clear on the face of the record that an improper application of the statute or regulations was made in the fee determination: or

(ii) There is an error of fact which could affect the fee determination (some examples are a clerical error, a miscalculation, or new and material evidence is received).

(2) *Notification of own-motion review.* If we decide to review a fee determination on our own motion, we will within 120 days after the date of the notice of the initial fee determination mail notices to both you and your representative at the last known addresses stating the reason for the review, and inviting the submission of any comments or additional evidence you may have. After our review, we will affirm or revise the fee determination and will mail notices of our decision to you and to your representative.

(3) *Request for review after own-motion review.* You or your representative may request a review of a fee determination issued under this paragraph by following the procedure set forth in paragraph (e) of this section.

PART 416—[AMENDED]

5. The authority citation for Part 416, Subpart 0 is revised to read as follows:

Authority: Secs. 1102 and 1631, Social Security Act; 49 Stat. 647, 86 Stat. 1475; 42 U.S.C. 1302 and 1383.

6. Section 416.1520 is amended by adding paragraph (e):

§ 416.1520 Fee for a representative's services.

* * * * *

(e) *Own-motion review of fee determinations.*—(1) *When we may conduct own-motion review.* Anytime within 120 days after the date of the notice of a fee determination, we may decide to review the fee determination on our own motion. We may review a determination if:

(i) It is clear on the face of the record that an improper application of the statute or regulations was made in the fee determination; or

(ii) There is an error of fact which could affect the fee determination (some examples are a clerical error, a miscalculation, or new and material evidence is received).

(2) *Notification of own-motion review.* If we decide to review a fee determination on our own motion, we will within 120 days after the date of the notice of the initial fee determination mail notices to both you and your representative at the last known addresses stating the reason for the review, and inviting the submission of any comments or additional evidence you may have. After our review, we will affirm or revise the fee determination and will mail notices of our decision to you and to your representative.

(3) *Request for review after own-motion review.* You or your representative may request a review of a fee determination issued under this paragraph by following the procedure set forth in paragraph (d) of this section.

[FR Doc. 86-18106 Filed 8-11-86; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[Notice No. 600; Ref: Notice No. 362]

Use of the Word "Light" (Lite) in the Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: As part of an overall revision in the labeling and advertising requirements, ATF is proposing to issue regulations addressing the use of the work "light" (lite) in the labeling and advertising of wine, distilled spirits, and malt beverages. This notice will: (1) Prescribe new regulations; (2) amend current regulations; and (3) incorporate and/or modify prior ATF decisions of labeling and advertising matters issued as rulings, specifically ATF Rul. 80–3, A.T.F. Q.B. 1980–2, 13, into regulations; (4) incorporate other ATF policies into regulations; and (5) incorporate into the regulations ATF Rul. 84–1, A.T.F. Q.B. 1984–2, 35, dealing with low or reduced alcohol malt beverages

These proposals, if adopted, will provide a concise meaning to "light" (lite). This in turn, will provide industry with guidelines on the use of these terms and will minimize consumer confusion in this complex area.

DATE: Comments must be received on or before November 10, 1986.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385, Attn: Notice No. 600.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

Notice No. 362 (December 19, 1980, 45 FR 83530) addressed the use of the word "light" (lite) to a limited extent. Basically, it was proposed that when the word "light" (lite) was used as part of the brand or product name on a label, it must have been accompanied by a statement of average analysis (calorie, carbohydrate, fat, and protein content). No statement of average analysis was required, however, if the word was used in accordance with the current regulations, such as "light wine," or if it was used to describe a characteristic of the product, such as "light taste," "light flavor," etc. Most commenters agreed with the intent and purpose of the proposals, that is, to provide guidelines for the use of "light" (lite). However, the commenters stated that the proposals would require major label revisions.

As expressed in the comments received in response to Notice No. 362, the word "light," especially for malt beverages, has traditionally referred to color, flavor, or taste. Such use of the word extends back many years to describe beers brewed in the style of the renowned light beer of Pilsen, Czechoslovakia. However, as one commenter pointed out, "it is clear that in determining whether a product label or advertisement is misleading, it is the understanding of the ordinary consumer that controls. To many, if not most people in America today, the word "light" in connection with food or drink connotes low or lower calorie content." This statement reflects the view of many of the commenters, both industry and consumers alike. It also expresses the view of the Bureau.

ATF believes further discussion on use of the word "light" (lite) is needed, since this notice proposes additional requirements not originally made in Notice No. 362. In addition, this notice will address a petition received, which requested mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on low or reduced calorie products designated as "light" (lite).

Therefore, to assure everyone the opportunity to comment, we are opening the issue for further comment.

Center for Science Petition

Subsequent to the proposals in Notice No. 362, a petition was submitted by the Center for Science in the Public Interest (Center), requesting mandatory caloric content labeling for all alcohol beverages, as well as the establishment of maximum calorie limits on alcohol beverages designated as "light" (lite) or low-calorie. The upper limit proposed for malt beverages was 100 calories per 12 fl. oz. A malt beverage containing more than 100 calories could not be labeled as "light" (lite).

Having carefully analyzed and evaluated the Center's petition, the Bureau believes that mandatory caloric labeling of all alcohol beverages is unnecessary. In their petition, which deals primarily with the role of alcohol consumption and its contribution to obesity, the Center makes reference to a publication of the Nutrition Foundation, an organization sponsored by the food industry. In that publication, the Foundation cautioned that for someone trying to diet, "[a]lcoholic drinks, of course, are a hazard." Therefore, ATF believes that consumers who wish to regulate their caloric intake will not purchase a "regular" product, but will choose one labeled as "light" (lite), which will have the caloric information disclosed, as part of the statement of average analysis.

The Bureau believes that establishing upper limits on low-calorie alcohol beverages is also unnecessary. Although there is a variance in calories among "light" (lite) alcohol products, particularly malt beverages, in many cases the calories are prominently displayed on a front label. Under these proposed regulations, all statements of caloric content will be required to appear on the brand (front) label, separate and apart from other information. Therefore, the calorie conscious consumer will have the option of purchasing a low calorie beverage with a minimal amount of calories, or one with more calories, but still less than the "regular" product. ATF believes that truthful and accurate disclosure of the caloric content will give the consumer adequate information to make an informed decision as to which products are low enough in calories for his or her dietary needs. Accordingly, ATF does not believe it is necessary to establish an upper limit for alcohol beverages labeled as low-calorie or "light" (lite).

Comparison of "Light" (Lite) to Regular Products

The words "light" or "lite" on labels, and in the advertising of low or reduced calories alcohol beverages, have historically been used (though not required) in comparison to a company's own regular product. For example, as discussed in the Center's petition, one "light" beer is currently labeled as containing 134 calories per 12 fl. oz. However, ATF believes there is no consumer confusion or deception here. The particular product mentioned clearly states that it has fewer calories than the regular one, and indicates the calories on the label.

Previously, brewers of low or reduced calorie products, in accordance with ATF Rul. 80–3, could only make comparisons to their own regular product or a competitor's low or reduced calorie product labeled in accordance with that ruling. Brewers could not compare their low calorie product with a competitor's regular one. However, ATF is now proposing that a low or reduced calorie product can be compared to a

competitor's regular product, in light of its recent decision on reduced alcohol beer (ATF Rul. 84–1). Briefly stated, the comparison of a producer's low or reduced alcohol beer may be made with a competitor's "regular" beer, provided it is not false, misleading, or disparaging of the competitor's product, as prescribed by law (27 U.S.C. 205 (e)(4) and (f)(4). Similarly, a brewer may now compare his "light," low calorie product with a competitor's specifically identified regular product. However, brewers may not compare their low calorie product to "regular" beers in general, which is prohibited under the present requirements. For example, a brewer could not label or advertise his "light" (lite) low calorie beer as "containing ⅓ fewer calories than regular beer."

ATF believes the word "light" (lite) on the label of a food or alcohol beverage connotes to consumers a product that has fewer calories "than something." For example, a "lite" pancake syrup may be labeled as containing less calories than "regular" syrup. A "lite" beer may be labeled as containing "25% less calories than our regular beer." In either case, however, the consumer is given a reference point, and the particular low-calorie product has fewer calories than "something else."

Since most products designated as "light" (lite) usually contain fewer calories than the producer's regular product, ATF requests comment on whether a fractional standard (e.g., ⅓ fewer) should be established before a product can be labeled as "light" (lite).

Under these proposed regulations, the number of calories must be stated on the brand label per serving size (container size for malt beverages less than 12 fl. oz.), as mandatory information, in the correct size of type, separate and apart from other information. Since the caloric content wil be readily available on the label, the consumer will be able to make a more informed choice as to which low-calorie alcohol beverage to purchase.

Consumer Understanding of "Light" (Lite)

Historically, ATF believes "light" had two generally understood meanings in reference to beer. One meaning referred to the color of the beer ("light" as opposed to "dark" beer). The other meaning referred to taste.

However, over the years the words "light" and "lite" have been used extensively and interchangeably to denote (and connote) low-calorie products, both in foods and in non-alcohol and alcohol beverages. As a result, many consumers now generally associate the words "light" and/or "lite" with a reduced caloric content, even though the product may not be low in calories. For example, under the current alcohol regulations, wine having an alcohol content between 7 percent and 14 percent by volume may be labeled and advertised as "light wine." ATF believes that many consumers have come to interpret this designation as meaning the product is low in calories, when in fact, and in many cases, it is not.

Some distilled spirits products also use the words "light" and/or "lite." For example, a rum may be designated as "light," denoting color. A whisky may be referred to as "light," in regard to its taste. One distilled spirits product has been designated as "lite" and states the calories as required, but is not a reduced calorie product since the caloric content of this product is comparable to similar distilled spirits at the same proof. It is easy to see how, with the continued use of the words "light" and "lite" over the years, some consumers may believe the above products are all low or lower in calories.

The Bureau believes that, in an effort to preclude consumer deception and confusion, and as part of its consumer protection responsibilities as mandated by law, a regulatory standard for the use of the words "light" and "lite" needs to be established.

Light Whisky

Under the present regulations, "light whisky" is an acceptable designation for whisky which is produced in the U.S. at more than 160° proof, and stored in used or uncharred new oak containers. The word "light" as it is used here, is not intended to imply a low-calorie product. However, as previously mentioned, it is conceivable that some consumers might interpret this designation "light whisky" as denoting a low or reduced calorie whisky. The possibility of changing the name of this standard of identity, or even eliminating it, due to the small market for light whisky, was addressed in Notice No. 480 (48 FR 35460, August 4, 1983). Of the respondents commenting on "light whisky," the majority favored retaining the current name and class and type for "light whisky." In addition, the most common reason given for retaining the designation was that it has good consumer understanding as a specific product, and is not associated with reduced calories. Since the rulemaking process has not been completed on Notice No. 480, ATF, at this time, is not proposing to make any changes in the standard of identity for "light whisky."

Other Distilled Spirits

As mentioned previously, "light" on a distilled spirits label has usually referred to color and/or taste. Just recently, the words "light" and "lite" have appeared on labels of distilled spirits, denoting a low or reduced calorie product. Generally, these products are also labeled as "Diluted," that is, a product which is bottled at less than the required minimum bottling proof specified in the regulations. For example, a vodka bottled at less than 80 proof would be labeled as "Diluted Vodka," followed by the actual proof.

Therefore, ATF is proposing that no distilled spirit bottled at or above 80 proof may be labeled as "light" (lite), with a reference to low or reduced calorie content. ATF believes that most "straight" distilled spirits (vodka, rum, gin, etc.) purchased by consumers contain approximately 80 to 86 proof. To label such a product as "light" (lite), simply because it has less calories than the producer's similar product of 100 proof is misleading, since many people don't consume the higher proof product.

Again, the above proposal represent those of the Bureau. ATF still requests alternative suggestions and ideas on addressing use of the word "light" (lite) on distilled spirits products.

Light Wine

Under the present regulations in 27 CFR 4.21, certain types of wine containing 14 percent or less alcohol by volume may be designated as "light," e.g., "light wine," "light citrus wine," and "light apple wine." In lieu of the word "light," however, the word "table" may be used. For example, "table wine," "citrus table wine," or "apple table wine." As mentioned previously, ATF believes that many consumers have come to interpret a product designated as "light wine" to be low or lower in calories.

Therefore, ATF is proposing to eliminate the designation "light wine," "light citrus wine," etc. However, winemakers will still be able to designate wines containing 14 percent or less alcohol by volume as "table wine," "citrus table wine," "apple table wine," etc.

Light Sherry, Light Port, etc.

As defined in the standards of identity, 27 CFR 4.21, "light sherry" is dessert wine having an alcohol content in excess of 14 percent by volume, but less than 17 percent. "Light port," "light angelica," "light madeira," and "light muscatel" are dessert wines having an alcohol content in excess of 14 percent by volume, but less than 18 percent. As

with "light whisky," ATF believes it is possible that a consumer might receive the erroneous impression that such products are low or reduced in calories. ATF wishes to solicit comments on this issue. Specifically, do consumers believe such a product is lower in calories? And, if so, is there an alternative word that can be used in lieu of "light" to denote such products? In the event a substitute word can be used, the word "light" in "light sherry", "light port," etc. can be deleted.

Statements of Average Analysis

ATF is proposing that use of the word "light" on a label will require a statement of average analysis, except in certain instances. Those instances are: 1) when "light" is used as authorized in the regulations ("light sherry," "light port," "light whisky"), or; 2) when the word "light" is used to describe a characteristic of the product ("light taste," "light body," etc.). In addition, use of the word "lite" in any instance will require a statement of average analysis.

As mentioned, ATF is proposing to require the caloric content portion of the average analysis statement to appear on the brand label, in the correct size of type, separate and apart from other information. ATF believes this requirement will provide the calorie conscious consumer with the desired information, as well as facilitating cross comparisons among various brands, resulting in a more informed choice.

The remainder of the required average analysis statement (carbohydrate, fat and protein content), may appear on a front, back or side label.

These proposed regulations, as specified in Notice No. 362, will also provide tolerances for labeling with respect to average analysis statements. To privide uniformity in regard to determining caloric content and carbohydrate content, the Bureau is proposing to incorporate by reference the appropriate analysis methods.

The method for determining the carbohydrate content of wine is set forth in the *Official Methods of Analysis of the Association of Official Analytical Chemists,* Thirteenth Edition, 1980, Chapter 11. The formula for calculating the caloric content of wine is set forth in the *Association of Official Analytical Chemists Journal,* Vol. 62, No. 2, March 1979.

The method of determining the caloric and carbohydrate content of malt beverages and distilled spirits is set forth in the *Official Methods of Analysis of the Association of Official Analytical Chemists,* Thirteenth Edition, 1980, Chapter 10

In ATF Rul. 80-3, ATF established tolerance ranges for labeled statements of calories, carbohydrate, protein, and fat contents. ATF is proposing to continue the same tolerance ranges in the proposed regulations. The caloric content statement on labels of alcohol beverages is acceptable as long as the caloric content is within the tolerance plus (+) 5 and minus (−) 10 calories of the labeled caloric content. For example, a wine label showing 70 calories per 100 ml will be acceptable if the ATF analysis of the product shows a caloric content between 60 and 75 calories.

The statements of carbohydrate and fat contents on labels of alcohol beverages will be acceptable provided the carbohydrate and fat contents are within a reasonable range below the labeled amount but, in no case, more than 20 percent above the labeled amount. For example, a wine label showing 2.0 grams per 100 ml carbohydrates, will be acceptable if the ATF analysis of the product shows a carbohydrate content which is under 2.0 grams (within good manufacturing practice limitations), but not more than 2.4 grams.

The statement of protein content on labels of alcohol beverages will be acceptable as long as the protein content is within a reasonable range above the labeled amount, but in no case is less than 80 percent of the labeled amount. For example, a wine label showing 1.0 gram protein per 100 ml, will be acceptable if the ATF analysis of the product shows a protein content which is more than 1.0 gram (within good manufacturing practice limitations), but not less than 0.8 gram.

Statements of average analysis for wine and distilled spirits will be based on serving sizes. The serving size for wine will be 100 ml. As to serving size for distilled spirits, ATF proposed in Notice No. 362 a serving size of 200 ml. However, it was pointed out, both in comments and oral testimony, that the normal consumption size of distilled spirits was considerably less than 200 ml. ATF agrees with this and is amending the original proposal to reflect the usual and normal serving size of distilled spirits. Consumers have a wide range of proof choices in distilled spirits products, the more popular ranging from 24 proof to 100 proof. ATF is making allowances for this, and is now proposing the serving size to be 50 ml for straight products, such as gin, vodka and bourbon, or any distilled spirits product over 50 proof. For products that are 50 proof and under, such as certain liqueurs, cordials and pre-mixed cocktails, the serving size will be 100 ml.

For malt beverages, the statement of average analysis shall be per container size (if less than 12 fl. oz.) or serving size, i.e., 12 fl. oz. No average analysis statement will be required to appear on kegs since they are not the normal and usual consumer package. If a consumer wishes to know the caloric content of a malt beverage packaged in kegs, the information is readily available on bottles or cans of the same brand.

In addition, the average analysis statement for all alcohol beverages will be optional in advertising.

The type size requirement for the caloric content portion of the average analysis statement appearing on the brand label will be the same as the other mandatory information for wine, distilled spirits and malt beverages. That is, the caloric content statement on a wine label must be in the size of type as specified in 27 CFR 4.38(b). For distilled spirits, it would be 27 CFR 5.33(b), and in the case of malt beverages, 27 CFR 7.28(b).

The remainder of the average analysis statement (carbohydrate, fat and protein content) must be at least one millimeter on large containers, and one-half millimeter on small containers. This is the same size type requirement proposed in Notice No. 362.

Comparative Advertising

Specific caloric or carbohydrate comparisons may be made in the advertising of alcohol beverages, provided the product is labeled with a statement of average analysis. These comparisons may not be misleading or disparaging of a competitor's product, as specified in the FAA Act, 27 U.S.C. 205(f).

Examples of allowable comparisons with a competitor's product for wine are: "100 calories per 100 ml—50 calories (or ⅓) fewer than *competitor's name* Light Wine;" "100 calories per 100 ml—50 calories (or ⅓) fewer than *competitor's name* regular wine;" "3.0 grams carbohydrates per 100 ml—1.5 grams (or ½) fewer than *competitor's name* Light Wine;" "*Brand name* contains 75 calories per 100 ml while *competitor's name*) Light Wine contains 110 calories per 100 ml;" "*Brand name* contains 2.0 grams carbohydrates per 100 ml while *competitor's name* Light Wine contains 3.0 grams per 100 ml." The serving size, "per 100 ml," shall be specified for any such caloric or carbohydrate content statements.

Comparisons of caloric or carbohydrate content of a wine a producer has labeled as "light" (lite) may be made to an equal volume of the producer's regular wine. Examples of

allowable comparisons are: "100 calories per 100 ml—50 calories (or ⅓) fewer than our regular wine;" or "3.0 grams carbohydrates per 100 ml—1.5 grams (or ⅓) fewer than our regular wine." The serving size, "per 100 ml," shall be specified for any such caloric or carbohydrate content statements.

Examples of allowable comparisons for a distilled spirit, such as a vodka (over 50 proof) are: "100 calories per 50 ml—50 calories (or ⅓) fewer than *competitor's name* Light Vodka;" "100 calories per 50 ml—50 calories (or ⅓) fewer than *competitor's name* regular (vodka), rum, etc.);" *"Brand name* contains 100 calories per 50 ml while, *competitor's name* Light Vodka contains 150 calories per 50 ml;" "*Brand name* contains 3.0 grams carbohydrates per 50 ml while *competitor's name* Light Vodka contains 4.5 grams per 50 ml." The serving size, "per 50 ml" or "per 100 ml," shall be specific for any such caloric or carbohydrate content statements.

Comparisons of caloric or carbohydrate content of a distilled spirit a producer has labeled as "light" (lite) may be made to an equal volume of the producer's regular distilled spirit. Examples of allowable comparisons on a product over 50 proof are: "100 calories per 50 ml—50 calories (or ⅓) fewer than our regular (*vodka, rum, etc.*)," or "3.0 grams carbohydrates per 50 ml—1.5 grams (⅓) fewer than our regular (*vodka, rum. etc.*);" The serving size, "per 50 ml" or "per 100 ml," shall be specified for any such caloric or carbohydrate content statements.

Examples of allowable comparisons with a competitior's product for malt beverages are: "80 calories per 12 fl. oz.—40 calories (or ⅓) fewer than *competitor's name* Light Beer;" "90 calories per 12 fl. oz.—45 calaories (or ⅓) fewer than *competitor's name* Regular Beer;" "2.8 grams carbohydrates per 12 fl. oz—1.4 grams (or ⅓) fewer than *competitor's name* Light Beer;" *"Brand name* contains 80 calories per 12 fl. oz. while *competitor's name* Light Beer contains 106 calories per fl. oz." *"Brand name* contains 2.6 grams carbpohydrates per 12 fl. oz. while *competitor's name* Light Beer contains 3.0 grams carbohydrates per 12 fl. oz. The container size or serving size shall be specified for any such caloric or carbohydrate content statements.

Comparisons between the caloric or carbohydrate contents of a malt beverage a brewer has labeled as "light" (lite) may be made to an equal volume of the same brewer's regular beer. Examples of allowable comparisons are: "90 calories per 12 fl. oz.—45 calories (or ⅓) fewer than our regular beer;" "2.6 grams carbohydrates per 12 fl. oz.—1.3 grams (or ⅓) fewer than our regular beer." The container size or serving size shall be specified for any such caloric or carbohydrate content statements.

Low or Reduced Alcohol Malt Beverages

ATF is proposing to incorporate into the regulations ATF Rul. 84–1 (A.T.F. Q.B. 1984–2, 35]. In that ruling, ATF permitted malt beverage products containing less than 2.5 percent alcohol by volume to be labled and advertised as a reduced alcohol or low alcohol malt beverage.

Further, labeling and advertising for reduced or low alcohol malt beverages may use statements comparing the alcohol content of the reduced or low alcohol product to the alcohol content of the brewer's regular malt beverage or to any other specific brand of a regular malt beverage. An example of a permissible statement would be, "This product contains less than half the alcohol contained in *Brand name* beer."

However, in accordance with 27 U.S.C. 205(f) of the Federal Alcohol Administration Act (FAA Act), such comparative statements may not refer to the actual alcohol content of either of the products being compared.

Specific Proposals

(1) Under the present regulations, "light wine" and "table wine" are acceptable designations for certain wines containing between 7 percent and 14 percent alcohol by volume. The Bureau is proposing to retain the "table wine" designation, but delete the "light wine" designation. The Bureau is soliciting suggestions for any terms to replace "light wine," which will not be misleading or deceptive.

(2) "Light" or "Lite" may be used as part of the brand or poduct name on the label for malt beverages, wine, or distilled spirits (if less than 80 proof), only when accompanied by a statement of average analysis; except that when the word "light" is used only as specifically authorized or required under §§ 4.21(a)(3), 4.34(a), 5.22(b)(3) or 5.35(a), no statement of average analysis is required. In addition, the word "light" (lite) may not be used if it implies a low or reduced caloric product, when in fact it is not.

(3) The word "light" may be used to describe a sensory characteristic of the product, without a statement of average analysis appearing on the label, e.g., "light color," "light taste," "light flavor," etc. provided that the word "light" is:

(a) Not placed so as to be confused with the class and type designation required by § 4.34 or § 5.35.

(b) Not more prominent than any word it may modify.

(4) The Bureau is proposing that the caloric content portion of the average analysis statement (per serving size, or container size for malt beverages less than 12 fl. oz.), appear on the brand label, in the correct size of type, separate and apart from other information. The remainder of the average analysis statement may appear anywhere on the label, in printing of at least one millimeter on large containers, and one-half millimeter on small containers.

(5) Malt beverages containing less than 2.5 percent alcohol by volume may be labeled and advertised as a reduced or low alcohol malt beverage.

Public Participation

ATF requests comments from all interested persons on the above proposals or any additional suggestions. Although the Bureau is not proposing an upper limit on caloric content to be eligible to be labeled as "light" (lite), or mandatory caloric labeling of all alcohol beverages, we are soliciting comments on these issues. Should there be mandatory caloric labeling on all alcohol beverages, and/or upper limits on alcohol beverages designated as "light" (lite)? In addition, if you think there should be an upper limit, what amount would you suggest, and why? Further, if the regulations are adopted as proposed, what will be a sufficient transition period in which to deplete present label supplies and redesign conforming labels? All comments received on or before the closing date will be carefully considered. Comments received after the closing data and too late for consideration will be treated as possible suggestions for future action.

ATF will not recognize any material as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, 46 FR 13193 (1981), ATF has determined that this proposal is not a major rule since it will not result in:

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

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

(c) Signficant adverse effects on competition, employment, investment, productivity, or on the ability of United State-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens of a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

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

Paperwork Reduction Act

The requirement to collect information proposed in this notice has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35. Comments relating to ATF's compliance with 5 CFR Part 1320—Controlling Paperwork Burdens on the Public should be submitted to: Office of Information and Regulatory Affairs, Attention: ATF Desk Officer, Office of Management and Budget, Washington, DC 20503.

Disclosure

Copies of this noitice and all comments received pursuant to the notice are available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4406, Ariel Rios Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC 20226.

Drafting Information

The principal author of this document is James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 5

Advertising, Consumer protection Customs duties and inspection, Imports, Labeling Liquors, Packaging and containers.

27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, and Labeling.

Authority and Issuance

Accordingly, the Director is issuing this notice of proposed rulemaking under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205.

Signed: March 21, 1986.

W. T. Drake,

Acting Director.

Approved: April 30, 1986.

Francis A. Keating, II,

Assistant Secretary (Enforcement).

[FR Doc. 86-18058 Filed 8-7-86; 11:26 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 602

Closing Date for Comments on Notice of Proposed Rules For Federal-State Unemployment Compensation Program; Unemployment Insurance Quality Control Program; Correction

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of correction of closing date for comments.

SUMMARY: This notice corrects the date of closing for comments on the Notice of Proposed Rulemaking published in the **Federal Register** on July 25, 1986, (51 FR 26846) concerning the establishment of a permanent quality control (QC) program in the Federal-State Unemployment Compensation Program. The former closing date for comments was August 25, 1986. The corrected closing date is close of business on September 9, 1986. The address for comments remains unchanged.

DATE: Written comments must be received by the close of business on September 9, 1986.

FOR FURTHER INFORMATION CONTACT: Carolyn M. Golding (202) 376-6636.

Dated: July 29, 1986.

Roger D. Semerad,

Assistant Secretary of Labor.

[FR Doc. 86-17598 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-30-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS-42082 (FRL-3031-2)]

Toxic Substances, 1,1-Dichloroethylene; Proposed Test Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing that manufacturers and processors of 1,1-dichloroethylene [CAS No. 75-35-4] be required, under section 4 of the Toxic Substances Control Act (TSCA), to conduct distribution, excretion and metabolism (DEM) studies and a two-year inhalation oncogenicity bioassay in mice. The Agency proposes to delay the initiation of the oncogenicity testing until after the DEM data have been completed and evaluated.

DATES: Submit written comments on or before October 14, 1986. If persons request an opportunity to submit oral comment by September 26, 1986, EPA will hold a public meeting on this rule in Washington, DC. For further information on arranging to speak at the meeting see Unit VIII of this preamble.

ADDRESS: Submit written comments, identified by the document control number (OPTS-42082), in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

A public version of the administrative record supporting this action (with any confidential business information deleted) is available for inspection at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll free: (800-424-9065), In Washington, DC:

(554–1404), Outside the USA: (Operator—202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Chemical Recommendation

1,1-Dichloroethylene (vinylidene chloride) was recommended for testing by EPA's Office of Air Quality Planning and Standards. The chemical had been considered for regulation as a potentially toxic air pollutant under the Clean Air Act, but the decision was made not to regulate at that time (50 FR 32632; August 13, 1985). This decision was made because the available information was insufficient to support a decision to regulate, although some data suggest that this chemical may be an oncogen. The Agency proposes to use the testing authority of section 4 of TSCA to obtain data needed to better assess the oncogenic potential of 1,1-dichloroethylene.

B. Test Rule Development Under TSCA

Under section 4(a) of TSCA, EPA shall by rule require testing of a chemical substance or mixture to develop appropriate test data if the Agency finds that:

(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment.

(ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or

(B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture.

(ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data.

EPA uses a weight-of-evidence approach in making a section 4(a)(1)(A)(i) finding; both exposure and toxicity information are considered in determining whether available data support a finding that the chemical may present an unreasonable risk. For the findings under section 4(a)(1)(A)(ii), EPA examines toxicity and fate studies to determine whether existing information is adequate to reasonably determine or predict the effects of human exposure to the chemical. In making the finding under section 4(a)(1)(A)(iii) that testing is necessary, EPA considers whether ongoing testing will satisfy the information needs for the chemical and whether testing which the Agency might require would be capable of developing the necessary information.

EPA's approach to determining when these findings apply is described in detail in its first and second proposed test rules, published in the **Federal Register** of July 18, 1980 (45 FR 48524) and June 5, 1981 (46 FR 30300).

In evaluating the testing recommendations for 1,1-dichloroethylene, EPA considered all available relevant information, including published and unpublished data available to the Agency. From its evaluation, EPA is proposing health effects testing requirements for 1,1-dichloroethylene under section 4(a)(1)(A).

II. Review of Relevant Data

Most of the following material has been reviewed by the Environmental Protection Agency in a published Health Assessment Document (Ref. 1).

1,1-Dichloroethylene production capacity in the United States is approximately 150 million pounds per year (Economic Analysis Support Document). Virtually all of the chemical produced is used in the production of polymers. About 4 percent of 1,1-dichloroethylene is used as a chemical intermediate for non-polymer products.

Because of its high volatility, 1,1-dichloroethylene is lost to the atmosphere during manufacture of the monomer and polymer. The estimated total emission to all media from manufacturing and processing facilities is 1.3 million pounds per year. The estimated median ambient air level in urban/suburban areas of the U.S. is 0.005 parts per billion (ppb). However, for ambient air in the vicinity of point sources of emission the measured median concentration value is substantially higher (2.2 ppb). The estimated population residing within 5 miles of plants producing or processing 1,1-dichloroethylene totals 3.6 million (Ref. 1).

EPA has evaluated 18 chronic studies in animals for evidence of oncogenicity. Positive results were seen in one inhalation study (Ref. 2). "Swiss" mice were exposed to 10 or 25 parts per million (ppm) 1,1-dichloroethylene 4 hours per day, 4 to 5 days per week for 52 weeks. The experiment was terminated at 126 weeks. A significant increase in kidney adenocarcinomas was observed in male mice at 25 ppm, but not at 10 ppm or in controls. Mice were also exposed at higher dose levels, 200, 100 and 50 ppm, but exposure was discontinued because of toxicity after 2 days at the two highest doses, and after 1 week at 50 ppm. These animals were held for the remainder of the 126-week experiment. No renal adenocarcinomas were seen in the animals at 200 or 100 ppm exposure, but two were seen at the 50 ppm level. This study by Maltoni et al. was considered by EPA to provide limited evidence of animal oncogenicity (Ref. 1).

The remaining 17 animal bioassays provide no evidence of oncogenicity. All but one of these studies had significant flaws in design. These included studies in three species (mouse, rat, hamster) by five routes of administration (gavage, ingestion, inhalation, skin-painting, subcutaneous (sc) injection). The Chinese hamster study was by inhalation at the same doses and under the same conditions seen in the mouse study discussed earlier (Ref. 2). The five mouse studies which showed no oncogenic effect used four different strains of mice ($B6C3F_1$, CD, CD–1, Ha-ICR) by four routes of administration (gavage, inhalation, skin-painting, sc injection). The 11 rat studies utilized four different strains of rat (Fischer 344, Sprague-Dawley, CD, Wistar) by three different routes of administration (gavage, ingestion, inhalation).

Exposure to the chemical in these studies ranged from a minimum of one month in two inhalation studies in rats and mice, with 13 months observation, to a maximum of lifetime exposure in the skin-painting and sc injection studies in mice. However, the skin-painting study only included three applications per week and the sc injection study only treated the animals once a week.

The negative findings in these studies may be partially explained by study characteristics such as: dosing regimens of less than 2 years duration; less than a maximally tolerated dose; differences in routes of administration; and testing at a single dose level. These limitations individually or in combination reduce the sensitivity of detecting a positive response (Ref. 1).

The only study considered by EPA to have an adequate protocol to demonstrate a chemical's lack of oncogenic potential was the National Toxicology Program's (NTP) two-year gavage study of 1,1-dichloroethylene in F344 rats and $B6C3F_1$ mice (Ref. 3).

However, this study may not have achieved a sufficiently high dose. Although chronic renal inflammation was seen in high-dose (5 mg/kg) rats of both sexes and increased necrosis of the liver appeared in high-dose (10 mg/kg) male mice and low-dose (2 mg/kg) female mice, no effects on weight or survival on either sex of either species were observed. While the cumulative dose of the NTP high-dose mouse gavage study (130 mg) and the Maltoni 25 ppm mouse inhalation group (112.5 mg) are roughly equivalent, there is a possibility that the route of administration and the strain of mouse used made a difference in the results because of differences in distribution and metabolism in the tissue or if normal metabolic routes are overcome. Further discussion of these areas is detailed in Unit IV.

The authors of an epidemiologic study of 1,1-dichloroethylene (Ref. 4) concluded that it showed no oncogenic effect attributable to the chemical. EPA has reviewed the study (Ref. 1) and has determined that the population examined in this study may be too small to evaluate oncogenic potential for a weak oncogen.

EPA has reviewed several other studies that provide suggestive evidence of 1,1-dichloroethylene's oncogenic potential (Ref. 1). These include several positive responses in bacterial and yeast mutagenicity studies, one positive plant mutagenicity study, binding of 1,1-dichloroethylene to mammalian DNA, and an increase in unscheduled DNA synthesis in mammalian cells. 1,1-Dichloroethylene also acted as an initiator in a mouse skin-painting study, although it did not act as a complete oncogen. Finally 1,1-dichloroethylene is structurally related to a known human oncogen, chloroethylene (vinyl chloride).

III. Findings

EPA finds under TSCA section 4(a)(1)(A) that the manufacture and processing of 1,1-dichloroethylene and its subsequent inhalation by the population living near manufacturing and processing plants may present an unreasonable risk of oncogenicity. These findings are based on: (1) The positive evidence of oncogenicity for 1,1-dichloroethylene in the Maltoni study; (2) its mutagenicity in several test systems; (3) its interaction with DNA; (4) its activity as a tumor initiator; and (5) its structural relationship to chloroethylene. The Agency also finds that available data, as described in Unit II, are not sufficient to reasonably determine or predict the effects to human health of exposure to 1,1-dichloroethylene and that testing is necessary to develop such data.

IV. Proposed Rule

A. Proposed Testing and Test Standards

The Agency is proposing that comparative DEM studies be done as specified in 40 CFR 798.7475 as published in the **Federal Register** of November 6, 1985 (50 FR 46116). These studies shall be done in two mouse strains, the "Swiss" strain used by Maltoni (Ref. 2) and the $B6C3F_1$ strain used by the NTP (Ref. 3). The DEM tests are being proposed because of the differences in protocol and outcome between the negative in the gavage NTP and the positive in the Maltoni inhalation studies. The Maltoni study (Ref. 2) showed renal adenocarcinomas, as well as liver and kidney toxicity in mice. In the mice used for the NTP study only hepatotoxicity was seen (Ref. 3). It may be that the "Swiss" mice used by Maltoni are more sensitive than other strains of mice. It may also be that the maximum tolerated dose was not attained in the NTP study. Furthermore, it is known that differential toxicity may occur as a result of different routes of administration. With dichloromethane, for example, lung oncogenicity was seen in animals exposed by inhalation, but not in those treated orally. Some evidence suggests that differences in the route of administration may be significant for 1,1-dichloroethylene as well. Oral and inhalation exposures are associated with greater distribution of 1,1-dichloroethylene to the liver and kidney, respectively. The influence of these differences in distribution upon potential oncogenic responses are unknown. For 1,1-dichloroethylene, the one gavage study in mice (Ref. 3) may or may not have been adequate, but all three of the known mouse inhalation studies are known to be inadequate, in part because of insufficient periods of exposure and/or observation. However, one of these studies, the Maltoni bioassay (Ref. 2), did give a positive oncogenicity response.

The proposed DEM tests should determine if metabolic and disposition differences due to the strain of mouse or the route of administration may account for the differences in the results of the existing bioassays. The results will be used in decision-making and to aid in the design of the oncogenicity bioassay.

EPA is also proposing that an oncogenicity test be conducted on 1,1-dichloroethylene in accordance with the TSCA test guidelines for oncogenicity specified in 40 CFR 798.3300, published in the **Federal Register** of September 27, 1985 (50 FR 39252) and modified as proposed in the **Federal Register** of January 14, 1986 (51 FR 1522). This testing shall be performed with the "Swiss" mouse, because of its demonstrated sensitivity, and the route of exposure shall be by inhalation.

B. Test Substance

The proposed test substance is 1,1-dichloroethylene (CAS No. 75–35–4), of at least 99.8 percent purity, which is a commercially available grade.

C. Persons Required To Test

Section 4(b)(3)(B) of TSCA specifies that the activities for which the Agency makes section 4(a) findings (manufacture, processing, distribution, use and/or disposal) determine who bears the responsibility for testing. Manufacturers are required to test if the findings are based on manufacturing ("manufacture" is defined in section 3(7) of TSCA to include "import"). Processors are required to test if the findings are based on processing. Both manufacturers and processors are required to test if the exposures giving rise to the potential risk occur during use, distribution, or disposal.

Because EPA has found that existing data and experience are insufficient to reasonably determine or predict the effects of the manufacture or processing of 1,1-dichloroethylene on the potential for oncogenicity, the Agency is proposing that persons who manufacture and/or process, or who intend to manufacture and/or process 1,1-dichloroethylene at any time from the effective date of the final test rule to the end of the reimbursement period be subject to the testing requirements in this proposed rule. The end of the reimbursement period will be 5 years after the last final report is submitted or an amount of time after the submission of the last final report required under the test rule equal to that which was required to develop data, if more than 5 years.

Because TSCA contains provisions to avoid duplicative testing, not every person subject to this rule must individually conduct testing. Section 4(b)(3)(A) of TSCA provides that EPA may permit two or more manufacturers or processors who are subject to the rule to designate on such person or a qualified third person to conduct the tests and submit data on their behalf. Section 4(c) provides that any person required to test may apply to EPA for an exemption from the requirement. EPA promulgated procedures for applying for TSCA section 4(c) exemptions in 40 CFR Part 790.

Manufacturers (including importers) subject to this rule are required to submit either a letter of intent to perform testing or an exemption application within 30 days after the effective date of the final test rule. The required procedures for submitting such letters and applications are described in 40 CFR Part 790.

Processors subject to this rule, unless they are also manufacturers, will not be required to submit letters of intent or exemption applications, or to conduct testing unless manufacturers fail to submit notices of intent to test or later fail to sponsor the required tests. The Agency expects that the manufacturers will pass an appropriate portion of the costs of testing on to processors through the pricing of their products or reimbursement mechanisms. If manufacturers perform all the required tests, processors will be granted exemptions automatically. If manufacturers fail to submit notices of intent to test or fail to sponsor all the required tests, the Agency will publish a separate notice in the **Federal Register** to notify processors to respond; this procedure is described in 40 CFR Part 790.

EPA is not proposing to require the submission of equivalence data as a condition for exemption from the proposed testing for 1,1-dichloroethylene. The EPA is interested in evaluating the effects attributable to 1,1-dichloroethylene itself and has specified a nearly pure substance for testing.

Manufacturers and processors who are subject to this test rule must comply with the test rule development and exemption procedures in 40 CFR Part 790 for single-phase rulemaking.

D. Reporting Requirements

EPA is proposing that all data developed under this rule be reported in accordance with its TSCA Good Laboratory Practice (GLP) standards which appear in 40 CFR Part 792.

In accordance with 40 CFR Part 790 under single-phase rulemaking procedures, test sponsors are required to submit individual study plans no later than 45 days before the start of each study.

EPA is required by TSCA section 4(b)(1)(C) to specify the time period during which persons subject to a test rule must submit test data. The Agency is proposing that the DEM testing be completed and the final report submitted to EPA within 15 months of the effective date of this test rule. The oncogenicity testing shall be completed and the final report submitted to EPA within 68 months of the effective date of this test rule. Progress reports for each proposed test are required at 6-month intervals starting 6 months from the effective date of the final test rule.

TSCA section 14(b) governs Agency disclosure of all test data submitted pursuant to section 4 of TSCA. Upon receipt of data required by this rule, the Agency will publish a notice of receipt in the **Federal Register** as required by section 4(d).

Persons who export a chemical substance or mixture which is subject to a section 4 test rule are subject to the export reporting requirements of section 12(b) of TSCA. Final regulations interpreting the requirements of section 12(b) appear in 40 CFR Part 707. In brief, as of the effective date of this test rule, an exporter of 1,1-dichloroethylene must report to EPA the first annual export or intended export of 1,1-dichloroethylene to any one country. EPA will notify the foreign country about the test rule for the chemical.

E. Enforcement Provisions

The Agency considers failure to comply with any aspect of a section 4 rule to be a violation of section 15 of TSCA. Section 15(1) of TSCA makes it unlawful for any person to fail or refuse to comply with any rule or order issued under section 4. Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to: (1) Establish or maintain records, (2) submit reports, notices, or other information, or (3) permit access to or copying of records required by the Act or any regulation or rule issued under TSCA.

Additionally, TSCA section 15(4) makes it unlawful for any person to fail or refuse to permit entry or inspection as required by section 11. Section 11 applies to any "establishment, facility, or other premises in which chemical substances or mixtures are manufactured, processed, stored, or held before or after their distribution in commerce * * *." The Agency considers a testing facility to be a place where the chemical is held or stored, and therefore, subject to inspection. Laboratory inspections and data audits will be conducted periodically in accordance with the authority and procedures outlined in TSCA section 11 by duly designated EPA representatives to determine compliance with any final rule for 1,1-dichloroethylene. These inspections may be conducted for purposes which include verification that testing has begun, that schedules are being met, and that reports accurately reflect the underlying raw data and interpretations and evaluations to determine compliance with TSCA GLP standards and the test standards established in the rule.

EPA's authority to inspect a testing facility also derives from section 4(b)(1) of TSCA, which directs EPA to promulgate standards for the development of test data. These standards are defined in section 3(12)(B) of TSCA to include those requirements necessary to assure that data developed under testing rules are reliable and adequate, and such other requirements as are necessary to provide such assurance. The Agency maintains that laboratory inspections are necessary to provide this assurance.

Violators of TSCA are subject to criminal and civil liability. Persons who submit materially misleading or false information in connection with the requirement of any provision of this rule may be subject to penalties which may be calculated as if they never submitted their data. Under the penalty provision of section 16 of TSCA, any person who violates section 15 could be subject to a civil penalty of up to $25,000 for each violation with each day of operation in violation constituting a separate violation. This provision would be applicable primarily to manufacturers that fail to submit a letter of intent or an exemption request and that continue manufacturing after the deadlines for such submissions. This provision would also apply to processors that fail to submit a letter of intent or an exemption application and continue processing after the Agency has notified them of their obligation to submit such documents (see 40 CFR 790.28(b)). Intentional violations could lead to the imposition of criminal penalties of up to $25,000 for each day of violation and imprisonment for up to 1 year. In determining the amount of penalty, EPA will take into account the seriousness of the violation and the degree of culpability of the violator as well as all the other factors listed in section 16. Other remedies are available to EPA under section 17 of TSCA, such as seeking an injunction to restrain violations of TSCA section 4.

Individuals as well as corporations could be subject to enforcement actions. Sections 15 and 16 of TSCA apply to "any person" who violates various provisions of TSCA. EPA may, at its discretion, proceed against individuals as well as companies themselves. In particular, this includes individuals who report false information or who cause it to be reported. In addition, the submission of false, fictitious, or fraudulent statements is a violation under 18 U.S.C. 1001.

V. Issues for Comment

1. Are the existing studies of 1,1-dichloroethylene's oncogenic potential adequate to assess the risks of exposure to this substance?

2. The Agency is proposing both the DEM studies and the inhalation bioassay at this time. EPA is requiring the DEM work to be completed before the bioassay is initiated, and the results of the earlier tests to be used to help design the bioassay. Are the DEM studies appropriate for this purpose? Should be bioassay be finalized only after review by the Agency of the DEM results, to allow EPA to include necessary modifications? Will the DEM studies be useful in helping address the need for the bioassay?

3. The Agency is basing the need for a further oncogenicity bioassay in mice on the differential response that can be seen in animal bioassays depending on the route of exposure. EPA solicits comments on this justification.

4. Should EPA require an epidemiology study for 1,1-dichloroethylene in lieu of a 2-year animal bioassay, and can appropriate cohorts be identified? While EPA considers the Ott study (Ref. 4) to be inadequate to determine that 1,1-dichloroethylene is not a human oncogen, it is possible that a well-designed study with a sufficient number of workers followed for a long enough time may be a better choice for evaluating the possible oncogenicity of the compound.

5. Because of the narrow range of toxicity of 1,1-dichloroethylene (Ref. 2) and the lack of positive results seen in most of these bioassays, some modifications to these studies have been considered. Among the possible changes are an increase in the size of the groups to increase the power of the bioassay, particularly at lower doses. The compound is known to have a shorter half-life in the body than some of the other chlorinated ethylenes (e.g., tetrachloroethylene), and using a lower dose while increasing the daily time of exposure to a greater proportion of a 24-hour day would more realistically represent the type of human exposure upon which this proposed rule is based (persons living in the vicinity of the manufacturing or processing plants). The third possible alteration also deals with this exposure problem. Should EPA consider exposing the animals in utero and beyond through exposure of the dams, and/or exposing them to the chemical directly at a younger age? The Agency requests comments on these possible modifications to the proposed testing.

6. Should EPA require that two species be tested in the oncogenicity study in conformance with the Agency's normal test guidelines or are adequate data now available to indicate that the mouse is the most sensitive species and that testing should be limited to that species? In addition, is the "Swiss" mouse the most appropriate strain in which to perform the inhalation bioassay?

VI. Economic Analysis of Proposed Rule

To evaluate the potential economic impact of test rules, EPA has adopted a two-stage approach. All candidates for test rules go through a Level I analysis. This consists of evaluating each chemical or chemical group on four principal market characteristics: (1) Demand sensitivity, (2) cost characteristics, (3) industry structure, and (4) market expectations. The results of the Level I analysis, along with the consideration of the costs of the required tests, indicate whether the possibility of a significant adverse economic impact exists. Where the indication is negative, no further economic analysis is done for the chemical substance or group. However, for those chemical substances or groups where the Level I analysis indicates a potential for significant economic impact, a more comprehensive and detailed analysis is conducted. This Level II analysis attempts to predict more precisely the magnitude of the expected impact.

Total testing costs for the proposed rule for 1,1-dichloroethylene are estimated to range from $734,990 to $959,308. The estimated costs for the comparative oral and inhalation DEM studies for this test rule range from $144,613 to $191,673, while the costs for the other proposed testing, the mouse inhalation bioassay, range from $590,376 to $767,634. The annualized test costs (using a cost of capital of 25 percent over a period of 15 years) range from $190,448 to $248,573. Based on the estimated 1984 production of 150 million pounds, the unit test cost is 0.17 cent per pound. In relation to the current list price of 30 to 37 cents per pound for 1,1-dichloroethylene, this cost is equivalent to 0.45 to 0.55 percent of unit value.

The Level I economic analysis indicates that the potential for adverse economic effects due to the estimated test cost is low. This condition is based on the following observations: (1) Demand for 1,1-dichloroethylene appears relatively inelastic owing to its dominant use as a captive intermediate; (2) the market expectations for 1,1-dichloroethylene are optimistic; and (3) the estimated unit test costs are very low. A Level II analysis is not necessary.

VII. Availability of Test Facilities and Personnel

Section 4(b)(1) of TSCA requires EPA to consider "the reasonably foreseeable availability of the facilities and personnel needed to perform the testing required under the rule." Therefore, EPA conducted a study to assess the availability of test facilities and personnel to handle the additional demand for testing services created by section 4 test rules. Copies of the study, Chemical Testing Industry: Profile of Toxicological Testing, can be obtained through the NTIS (PB 82-140773). On the basis of this study, the Agency believes that there will be available test facilities and personnel to perform the testing in this proposed rule.

VIII. Public Meetings

If persons indicate to EPA that they wish to present oral comments on this proposed rule to EPA officials who are directly responsible for developing the rule and supporting analyses, EPA will hold a public meeting subsequent to the close of the public comment period in Washington, D.C. Persons who wish to attend or to present comments at the meeting should call the TSCA Assistance Office (TAO): Toll Free: (800-424-9065); In Washington, D.C.: (554-1404); Outside the U.S.A. (Operator—202-554-1404), by September 26, 1986. A meeting will not be held if members of the public do not indicate that they wish to make oral presentations. While the meeting will be open to the public, active participation will be limited to those persons who arranged to present comments and to designated EPA participants. Attendees should call the TAO before making travel plans to verify whether a meeting will be held.

Should a meeting be held, the Agency will transcribe the meeting and include the written transcript in the public record. Participants are invited, but not required, to submit copies of their statements prior to or on the day of the meeting. All such written materials will become part of EPA's record for this rulemaking.

IX. Public Record

EPA has established a record for this rulemaking, (docket number OPTS-42082). This record contains the basic information considered by the Agency in developing this proposal and appropriate **Federal Register** notices.

This record includes the following information:

A. Supporting Documentationn

(1) **Federal Register** notices pertaining to this rule consisting of:

(a) Air Pollution Control; Decision Not To Require Vinylidene Chloride and Solicitation of Information (50 FR 32632; August 13, 1985).

(b) Notice of final rule on EPA's TSCA good laboratory practice standards (48 FR 53922; November 29, 1983).

(c) Notice of interim final rule on single-phase test rule development and exemption procedures (50 FR 20652; May 17, 1985).

(d) Notice of final rule on data reimbursement policy and procedures (48 FR 31786; July 11, 1983).

(e) Toxic Substances Control Act Test Guidelines; Final Rules (50 FR 39252; September 27, 1985).

(f) Revisions to the Toxic Substances Control Act Test Guidelnes Proposed Rule (51 FR 1522; January 14, 1986).

(2) Support document consisting of 1,1-dichloroethylene's economic analysis.

(3) Communications before proposal; contact report of telephone coversation.

B. References

(1) U.S. Environmental Protection Agency. "Heath Assessment Document for Vinylidene Chloride". Washington, DC: Office of Health and Environmental Assessment. EPA Report No. 600/8–83–031F (1985).

(2) Maltoni, C., Lefemine, G., Chieco, P., Cotti, G., and Patella, v. *Experimental Research on Vinylidene Chloride Carcinogenesis*. Princeton, N.J.: Princeton Scientific Publishers, Inc. (1985).

(3) National Toxicology Program. "NTP Technical Report on the Carcinogenesis Bioassay of Vinylidene Chloride (CAS No. 75–35–4) in F344/N Rats and B6C3F$_1$/N Mice (Gavage Study)". Washington, DC: National Toxicology Program. NIH Publication No. 82–1784 (1982).

(4) Ott, M.G., Fishbeck, M.D., Townsend, J.C. and Schneider, E.J. "A Health Study of Employees Exposed to Vinylidene Chloride". *Journal of Occupational Medicine* 18: 735–738 (1976).

X. Other Regulatory Requirements

A Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this test rule is not major because it does not meet any of the criteria set forth in section 1(b) of the Order, i.e., it will not have an annual effect on the economy of at least $100 million, will not cause a major increase in prices, and will not have a significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises.

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA response to those comments, are included in the rulemaking record.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (15 U.S.C. 601 *et seq.*, Pub. L. 96–354, September 19, 1980), EPA is certifying that this test rule, if promulgated, will not have a significant impact on a substantial number of small businesses because: (1) They are not expected to perform testing themselves, or to participate in the organization of the testing effort; (2) they will experience only very minor costs in securing exemption from testing requirements; and (3) they are unlikely to be affected by reimbursement requirements.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2070–0033. Submit comments on these requirements to the Office of Information and Regulatory Affairs: OMB; 726 Jackson Place, NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 799

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

Dated: August 4, 1986.

Victor J. Kimm,

Acting Assistant Administrator, for Pesticides, and Toxic Substances.

PART 799—[AMENDED]

Therefore it is proposed that 40 CFR Part 799 be amended as follows:

1. The authority citation for Part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. By adding § 799.1545 to read as follows:

§ 799.1545 1,1-Dichloroethylene.

(a) *Identification of test substance.* (1) 1,1-Dichloroethylene (CAS No. 75–35–4) shall be tested in accordance with this section.

(2) 1,1-Dichloroethylene of at least 99.8-percent purity shall be used as the test substance.

(b) *Person required to submit study plans, conduct tests, and submit data.* (1) All persons who manufacture or process 1,1-dihloroethylene, other than as an impurity, from the effective date of this section (44 days after the publication date of the final rule in the **Federal Register**) to the end of the reimbursement period shall submit letters of intent to conduct testing or exemption applications, submit study plans, conduct tests in accordance with Part 792 of this chapter, and submit data as specified in this section, Subpart A of this Part, and Part 790 of this chapter.

(c) *Health effects*—(1) *Distribution, excretion and metabolism*—(i) *Required testing.* (A) Distribution, excretion and metabolism tests shall be conducted with 1,1-dichloroethylene in accordance with § 798.7475 of this chapter.

(B) Modifications. The following modifications to § 798.7475 of this chapter are required.

(*1*) *Species.* The requirement under § 798.7475(c)(1)(i) shall be modified so that 1,1-dichloroethylene shall be tested in two strains of mice, the "Swiss" mouse used by Maltoni et al. (1985) as cited under paragraph (d) of this section and the B6C3F$_1$ strain of mouse.

(*2*) *Age.* The requirement under § 798.7475(c)(1)(ii) is modified so that 1,1-dichloroethylene shall be tested in mice 6 to 8 weeks old.

(*3*) *Animal care.* The requirement under § 798.7475(c)(1)(iii) is modified so that food and water are provided *ad libitum*, except during the exposure period in the inhalation studies.

(*4*) *Kinetic studies.* The requirements under § 798.7475(c)(2)(iii) (B) (*1*), (*2*), and (*3*) are modified so that they are no longer required. This modification will also cancel the requirement under § 798.7475(c)(2)(iii)(D).

(*5*) *Repeated dosing study.* The requirement under § 798.7475(c)(2)(iii)(E) is modified so that the test species shall undergo repeated dosing by inhalation as well as by oral administration. Mice of both strains (4 animals from each sex) shall receive daily 6-hour exposure to non-radioactive test substance in air for 7 days, followed the next day by a 6-hour exposure to the radioactively by labeled test substance in air. Both high and low-dose levels shall be tested under each route of administration in each strain for each sex. Exposure to

non-radioactive test substance shall be re-instituted following exposure to the label, and shall be continued until sacrifice.

(6) *Blood levels.* The requirement under § 798.7475(c)(3)(i) (A) is modified so that blod levels need by taken only at sacrifice.

(7) *Expired air, urinary and fecal excretion.* The requirement under § 798.7475(c)(3)(i)(B) is modified so that animals in the oral and inhalation repeated dosing studies shall be included. When collection of excreta is ended, the animals shall be sacrificed to determine tissue distribution of the label.

(8) *Tissue distribution.* The requirement under § 798.7475(c)(3)(i)(C) is modified to reduce the number of tissues and organs to be examined for ^{14}C-labeled compounds. Only the liver and kidney need to be checked. However, these tissues shall be analyzed to determine the ^{14}C-label's distribution within the cell, e.g., protein-bound, DNA-bound, or free in the cytoplasm.

(9) *Biotransformation.* The requirement under § 798.7475(c)(3)(ii) is modified to include all repeated dosing groups

(10) *Biotransformation changes.* The requirement under § 798.7475(c)(3)(iii) is modified to add the comparison of the ^{14}C-labeled components of urine collected at 24 and 48 hours after dosing group F, with that collected at similar times in the repeated inhalation dosing studies.

(11) *Test report.* The requirement under § 798.7475(d)(3)(v) is modified so that only the kidney and liver distribution and analysis shall be reported.

(ii) *Reporting requirements.* (A) The distribution, excretion and metabolism testing shall be completed and final results submitted to the Agency with 15 months of the effective date of the final rule.

(B) Progress reports shall be submitted at 6-month intervals beginning 6 months after the effective date of the final rule.

(2) *Oncogenic effects*—(i) *Required testing.* Oncogenicity tests shall be conducted in "Swiss" mice by inhalation with 1,1-dichloroethylene, in accordance with § 798.3300 of this chapter.

(ii) *Reporting requirements.* (A) The oncogenicity testing shall be completed and final results submitted to the Agency within 68 months of the effective date of the final rule.

(B) Progress reports shall be submitted at 6-month intervals beginning 6 months after the effective date of the final rule.

(d) *Reference.* Maltoni, C., Lefemine, G., Chieco, P., Cotti, G., Patella, V. *Experimental Research on Vinylidene Chloride Carcinogenesis.* Princetion, N.J.: Princetion Scientific Publishers, Inc. (1985).

(Approved by the Office of Management and Budget under control number 2070–0033)

[FR Doc. 86–18129 Filed 8–11–86; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Department Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rule.

SUMMARY: This Office is proposing to amend its regulations requiring a hearing transcript to be prepared in all Indian probate proceedings. Because many probate hearings do not involve disputes over questions of fact, the mandatory transcription of all cases has resulted in needless burdens on both Departmental personnel and budgets. The amended regulations would eliminate the requirement of a transcript in every case. It is anticipated that, absent appeal, an administrative law judge will not have a transcript prepared when the hearing testimony merely confirms and does not add to the heirship data provided to the administrative law judge by the Bureau of Indian Affairs. Conforming regulations would provide procedures to be followed when a transcript is not prepared.

DATE: Comments must be received on or before October 14, 1986.

ADDRESS: Comments may be mailed to Bruce A. Johnson, Deputy Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Bruce A. Johnson, Deputy Director, Office of Hearings and Appeals, (703) 235–3810.

SUPPLEMENTARY INFORMATION: Current Department regulations in 43 CFR 4.231(b) require the transcription of all Indian probate hearings. Because it has been determined that transcription is not necessary in many cases, the Department is proposing to amend that regulation to allow for discretion in deciding whether or not a transcript of a particular hearing is necessary.

If transcription is made discretionary, certain other regulations must also be amended to take into account the possibility that a transcript might not have been prepared. Thus, 43 CFR 4.231(b) is further amended to provide for the retention of verbatim recordings of those hearings that are not transcribed until the time allowed for rehearing or appeal has expired.

Under 43 CFR 4.236(a)(3), the official probate record prepared by the Judge and returned to the Bureau of Indian Affairs must include the hearing transcript. This regulation would be amended to show that a transcript might not have been prepared.

43 CFR 4.320(c), which provides procedures to be followed when an Indian probate decision is appealed to the Board of Indian Appeals, would also be amended to require the preparation of a transcript in any appealed case.

Finally, 43 CFR 4.323 would be amended to show that any transcript prepared because of an appeal would become part of the original record after decision by the Board.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This determination is based on the fact that the amendment concerns internal Departmental procedures only.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3051 *et seq.*

The Department of the Interior has determined that the rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969, *as amended* (42 U.S.C. 4321–4347).

This rule was written by Paul T. Baird, Director, Office of Hearings and Appeals.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Indians.

Dated: July 28, 1986.

Paul T. Baird,

Director.

PART 4—[AMENDED]

43 CFR Part 4 is proposed to be amended as follows:

1. The authority citation for Part 4, Subpart D, continues to read as follows:

Authority: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; R.S. 463, 465; 5 U.S.C. 301; 25 U.S.C. secs. 2, 9, 372, 373, 374, 373a, 373b.

2. Section 4.231(b) is proposed to be revised to read as follows:

§ 4.231 Hearings.

* * * * *

(b) The proceedings of hearings shall be recorded verbatim.

* * * * *

3. Section 4.236 (a)(3) and (b) are proposed to be revised to read as follows:

§ 4.236 Record.

(a) * * *

(3) The record of the evidence received at the hearing, including any transcript made of the testimony;

* * * * *

(b) The administrative law judge shall lodge the original record with the designated title plant in accordance with 25 CFR Part 150. A duplicate copy shall be lodged with the Superintendent originating the probate. A partial record may also be furnished to the Superintendents of other affected agencies. In those cases in which a hearing transcript has not been prepared, the verbatim recording of the hearing shall be retained in the office of the administrative law judge issuing the decision until the time allowed for rehearing or appeal has expired. In cases in which a transcript is not prepared, the original record returned to the title plant shall contain a statement indicating no transcript was prepared.

* * * * *

4. Section 4.320(c) is proposed to be revised to read as follows:

§ 4.320 Who may appeal; scope of review.

* * * * *

(c) *Action by administrative law judge; record inspection.* The administrative law judge, upon receiving a copy of the notice of appeal, shall notify the Superintendent concerned to return the duplicate record filed under §§ 4.236(b) and 4.241(d), or under § 4.242(f), to the title plant designated under § 4.236(b). The duplicate record shall be conformed to the original by the title plant and shall thereafter be available for inspection either at the title plant or at the office of the Superintendent. In those cases in which a transcript of the hearing was not prepared, the administrative law judge shall have a transcript prepared which shall be forwarded to the Board within 30 days from receipt of a copy of the notice of appeal.

5. Section 4.323 is proposed to be revised to read as follows:

§ 4.323 Disposition of the record.

Subsequent to a decision of the Board, other than remands, the record filed with the Board and all documents added during the appeal proceedings, including any transcript prepared because of the appeal and the Board's decision, shall be forwarded by the Board to the title plant designated under § 4.236(b). Upon receipt of the record by the title plant, the duplicate record required by § 4.320(c) shall be conformed to the original and forwarded to the Superintendent concerned.

[FR Doc. 86-18116 Filed 8-11-86; 8:45 am]
BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 394 (Sub-3)]

Cost Ratio for Recyclables; Compliance Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments and replies.

SUMMARY: This notice extends the due dates for filing comments and replies as requested by the Norfolk Southern because of the complex issues.

DATES: Initial comments due September 15, 1986; replies due October 15, 1986.

ADDRESS: Send comments and replies referring to Ex Parte no. 394 (Sub No. 3) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Thomas E. Dahl, (202) 275-6448 or 275-7693.

SUPPLEMENTARY INFORMATION: An advance notice of proposed rulemaking published June 16, 1986 (51 FR 21780), set August 15 and September 15, 1986 for filing initial and reply comments, respectively. Norfolk Southern, Inc. filed a request August 5, 1986, to extend the due dates for initial comments to September 15, 1986 and reply comments to October 15, 1986. The extension is necessary for the carriers and National Association of Recycling Industries (NARI) to confer on a joint proposal in conjunction with the requested comments. NARI concurs with the request.

An extension is warranted because of the complex issues. This will enable all parties to better define their positions and will better assist the Commission in reaching its ultimate decision.

Decided: August 6, 1986.

By the Commission, Heather J. Gradison, Chairman.

Noreta McGeee,
Secretary.

[FR Doc. 86-18145 Filed 8-11-86; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 51, No. 155
Tuesday, August 12, 1986

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

ACTION

Special Volunteer Programs; Availability of Funds; Demonstration Grants for Farms Affected by Drought in the Southern and Eastern United States

A. The Office of Voluntarism Initiatives of ACTION announces the availability of funds during fiscal year 1986 for demonstration grants under the Special Volunteer Programs authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, Title I, Part C, 42 U.S.C. 4992).

The purpose of this program is to strengthen and supplement efforts to meet a broad range of needs, particularly those related to economic dislocation, by encouraging and enabling persons for all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs.

Priority consideration will be given to operating projects at the state and local level which use volunteers to address to problem of farm families and rural communities impacted by the recent drought in the Southern and Eastern United States encompassing the affected counties in the Southern and Eastern United States. Projects must utilize volunteers to assist these families and rural communities with financial counselling, vocational training and career training. In addition, volunteers will link those families or individual members with individuals, groups, organizations and agencies that can help them discover new ways to increase income from alternative employment, both on and off the farm. Projects to assist agriculturally dependent communities to cope with probems caused by the drought and/or to deversify their economies will be considered.

B. *Eligible Applicants.* Only applicants from private, non-profit incorporated organizations and public agencies will be considered.

C. *Available Fund and Scope of the Grant.* ACTION anticipates awarding grants ranging in size from $40,000 to a maximum of $100,000, the latter based on the development of statewide or a comparably large geographical area.

Publication of this announcement does not obligate ACTION to award any specific number of grants, or to obligate any specific amount of money for demonstration grants.

D. *General Criteria for Grant Selection.* Grant applications will be reviewed and evaluated in comparison with the criteria outlined below, as appropriate, as well as conformance to the instructions included in the application. Grant applications that have demonstrated competence in using volunteers to work with farm families and rural communities affected by the drought will be given preference.

1. Potential to recruit and train volunteers in areas of priority.

2. Promise of developing innovations of knowledge in solving problems of farm families and rural communities that are significant to national program development.

3. Potential for replication of the project model including: Plans for implementation and dissemination of results of the project including any products such as reports and manuals for use by others.

4. Carefully formulated measurable time phased objectives and feasibility of methods for meeting those objectives.

5. Capability of proposed staff.

6. Likelihood of completion of project within proposed timetable.

7. Feasibility of proposed budget.

8. Adequacy of plans for data gathering and evaluation.

9. Letters of support from collaborating agencies and organizations where such could be expected to contribute to the value or success of the project.

10. Plans for continuation of the activities and self-sufficiency of the program following the completion of the project supported by ACTION funds.

11. While specific levels of matching funds are not a requirement for grants, evidence of local public and private sector support (financial and in-kind) is strongly encouraged and will be considered in the decision making process. Applicants capable of such contributions should specify the sources and nature of in-kind and other non-federal contributions. These contributions must be deemed allowable costs in accordance with ACTION requirements.

E. *Application Review Process.* ACTION's Demonstration Grants Division, in the Office of Voluntarism Initiatives, which has expertise in volunteer demonstration programs, will review and evaluate all eligible applications submitted under this announcement. ACTION's Associate Director for the Office of Voluntarism Initiatives will make the final selection from among the highest ranked applications. ACTION reserves the right to ask for evidence of any claims of past performance or future capability.

F. *Application Submission and Deadline.* One signed original and two copies of all completed applications must be submitted to the Associate Director for the Office of Voluntarism Initiatives, Room M–516, 806 Connecticut Avenue, NW., Washington, DC 20525. The deadline for receipt of applications is September 5, 1986. Only those applications that are received by 5:00 p.m. on this date will be eligible. All grant applications must consist of:

a. Application for Federal Assistance (SF 424, Pages 1–2 and ACTION Form A–1017, pages 3–7) with a narrative budget justification and a narrative of project goals and objectives.

b. CPA certification of accounting capability.

c. Articles of Incorporation.

d. Proof of non-profit status or an application for non-profit status, which should be made through documentation.

e. Resume of candidates for the position of project director, if available, or the resume of the director of the applicant agency or project.

f. Organization chart of the applicant organization showing how the project is related to the organization.

To receive an application form, please call ACTION's Office of Voluntarism Initiatives, (202) 634–9749.

Dated: August 8, 1986.

Donna M. Alvarado,

Director of ACTION.

[FR Doc. 86-18220 Filed 8-11-86; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Burley Tobacco; 1986-87 National Marketing Quota for Burley Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determinations of 1986-87 Burley Tobacco marketing quota.

SUMMARY: The purpose of this notice is to affirm determinations made by the Secretary of Agriculture with respect to the 1986 crop of burley tobacco in accordance with the Agricultural Adjustment Act of 1938, as amended (the Act). In addition to other determinations, the Secretary of Agriculture determined the 1986 marketing quota for burley tobacco to be 493.5 million pounds, approximately 6 percent below last year's quota.

This notice also affirms the proclamation made by the Secretary on February 28, 1986 that marketing quotas will be in effect for burley tobacco for three marketing years beginning October 1, 1986 and sets forth the results of the referendum held during the period March 24-27, 1986, in which producers of burley tobacco approved marketing quotas for the 1986-87, 1987-88, and 1988-89 marketing years.

EFFECTIVE DATE: April 25, 1986.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, Room 3736-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5187.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not 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 governments, or geographical regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loans and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

On December 17, 1985 (50 FR 51438) a notice of proposed determinations was published with respect to the following determinations for the 1986-87 marketing year for tobacco:

1. The amount of the national marketing quota;
2. The reserve supply level;
3. The national reserve:

A. For establishing new farms, and

B. For making corrections and adjusting inequities in old farms;

4. The price support level for burley tobacco if marketing quotas are in effect or not disapproved by producers; and
5. The burley tobacco producer referendum.

Since the 1985-86 marketing year is the last of the three consecutive years for which marketing quotas previously proclaimed on a poundage basis will be in effect, section 319(b) of the Act, (U.S.C. 1314c(d)) provides that the Secretary shall proclaim marketing quotas for burley tobacco on a poundage basis for the 1986-87, 1987-88, and 1988-89 marketing years.

On February 28, 1986, a burley tobacco national marketing quota of 525 million pounds was announced. During the period March 24-27, 1986, eligible burley producers voted in a referendum to determine whether such producers disapprove marketing quotas for the 1986-87, 1987-88, and 1988-89 marketing years for burley tobacco. Of the producers voting, 97.0 percent favored marketing quotas. Accordingly, such quotas are in effect for the 1986-87 marketing year. Subsequently, on April 7, 1986, the Consolidated Omnibus Budget Reconciliation Act of 1985 (The "1985 Act") was approved. Title I of the 1985 Act amended several provisions of the 1938 Act and the Agricultural Act of 1949, as amended, with respect to the tobacco price support and production adjustment program. Sections 1103 and 1104 of the 1985 Act amended several provisions of the 1938 Act with respect to the determination of marketing quotas for burley tobacco, including an amendment to section 319(a) of the 1938 Act (7 U.S.C. 1314e(a)) which provides "Notwithstanding any other provision of law, for the 1986 marketing year, the Secretary shall proclaim the national marketing quota for burley tobacco not later than 21 days after the date of enactment of the Consolidated Omnibus Budget Reconciliation Act of 1985. Any proclamation with respect to the national marketing quota for the 1986 marketing year for burley tobacco made by the Secretary prior to such date of enactment shall become void on enactment of such Act." Therefore, the previous announcement made on February 28, 1986, that the 1986 burley marketing quota would be 535 million pounds is void. Accordingly, this notice affirms the determination made on April 25, 1986 that the 1986 burley tobacco marketing quota would be 493.5 million pounds.

Section 319(c) of the 1938 Act (7 U.S.C. 1314e) provides, in part, that the national marketing quota for a marketing year for burley tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of burley tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the three marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, necessary to adjust loan stocks to the reserve stock level. Section 319(c)(1) further provides that, with respect to the 1986 through 1989 marketing years, any reduction in the national marketing quota being determined shall not exceed six percent of the previous year's national marketing quota.

The "reserve stock level" is defined in section 301(b)(14)(D) of the 1938 Act as the greater of 50 million pounds or 15 percent of the national marketing quota for burley tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 1103 of the 1985 Act added section 320A to the 1938 Act to provide that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall

submit to the Secretary a statement of purchase intentions for the 1986 crop of burley. Six such manufacturers were required to submit such a statement. The total intended purchases of such manufacturers is 303.7 million pounds.

Exports, as recorded by the Bureau of Census for 1983–84, 1984–85, and 1985–86 marketing years (October–September) averaged 93.7 million pounds declared weight, or 145.3 million pounds, farm sales weight. Since the last year marketing year data is incomplete, an estimate made by Economic Research Service, USDA has been used. Further, some domestic cigarette manufacturers export a certain amount of processed tobacco (blends) which are counted as the domestic manufacturers' purchase intentions and some domestic leaf exports may include blends of foreign-grown tobacco as well as domestic-grown tobaccos. Therefore, in order to establish a burley tobacco national marketing quota in accordance with section 319(c) of the 1938 Act, a downward adjustment in reported exports in the amount of 24.8 million pounds is necessary to establish the total quantity of burley tobacco estimated to have been purchased on the average, during the 1983–84, 1984–85, and 1985–86 marketing years. Accordingly, for the purpose of determining the 1986 marketing quota for burley tobacco, exports have been determined to be 120.5 million pounds.

The reserve stock level is 79 million pounds. This is 15 percent of the national marketing quota for the 1985–86 quota of 525 million pounds. The 1985-crop inventory of the two burley associations is 83 million pounds. This total excludes pre-1985 crops tobacco of 494 million pounds which may be purchased by cigarette manufacturers in accordance with section 1109 of the 1985 Act. The Act further provides for initially attaining the reserve stock level over a period of 5 years. In addition, any downward adjustment in such inventories may not exceed the greater of 35 million pounds or 50 percent of the amount which loan stocks exceed the reserve stock level. Since the loan inventory only exceeds the reserve stock level by 4 million pounds it has been determined that the reserve stock level will be attained initially in the 1986 marketing year. Accordingly, the quantity determined to decrease the associations' inventory to reach the reserve stock level is 4.0 million pounds.

Adding these three components, 303.7 million pounds, 120.5 million pounds, and −4.0 million pounds results in a total of 420.2 million pounds. Since this total, including the 3 percent discretionary increase provided in accordance with section 319(c)(7 U.S.C. 1314e) is less than 94 percent of the national marketing quota established for the 1985 crop of burley tobacco, the 1986 marketing quota for burley tobacco is hereby determined to be 493.5 million pounds, the minimum provided by the 1938 Act.

The Secretary has determined to establish a national reserve for the 1986 crop of burley tobacco of 157,000 pounds.

Proclamation of National Marketing Quotas

Since the 1985–86 marketing year is the last of 3 consecutive marketing years for which marketing quotas previously proclaimed will be in effect for burley tobacco, a national marketing quota for such kind of tobacco for each of the 3 marketing years beginning October 1, 1986, October 1, 1987, and October 1, 1988 is hereby proclaimed.

Determinations 1986–87 Marketing Year

Accordingly, the following determinations have been made for burley tobacco for the marketing year beginning October 1, 1986:

(A) Marketing quotas shall be in effect for the 1986–87 marketing year for burley tobacco. In a referendum held during the period March 24–27, 1986, 97.0 percent of producers of burley tobacco voted in favor of marketing quotas.

The following is a summary, by State, of the results of each referendum:

State	Yes	No	Total
Alabama	3	0	3
Arkansas	4	0	4
Georgia	59	3	62
Illinois	0	0	0
Indiana	5,640	250	5,890
Kansas	17	0	17
Kentucky	107,541	1,773	109,314
Missouri	719	35	754
North Carolina	7,423	238	7,661
Ohio	6,997	240	7,237
South Carolina	0	0	0
Tennessee	38,986	2,445	41,431
Virginia	7,885	466	8,351
West Virginia	1,496	67	1,563
Totals	176,770	5,517	182,287

(B) *National marketing quota.* The national marketing quota for the marketing year beginning October 1, 1986 is determined to be 493.5 million pounds.

(C) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm quotas and for establishing quotas for new farms has been determined to be 157,000 pounds.

(D) *National factor.* The national factor is determined to be 0.94.

Authority: Secs. 301, 319, 375, 52 Stat. 38, as amended, 85 Stat. 23, 52 Stat. 66, as amended (7 U.S.C. 1301, 1314e, 1375).

Signed at Washington, DC on August 6, 1986.

Milton J. Hertz,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 86-18071 Filed 8-11-86; 8:45 am]

BILLING CODE 3410-05-M

Flue-Cured Tobacco; 1986–87 National Marketing Quota for Flue-Cured Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1986–87 national marketing quota and announcement of Flue-cured tobacco referendum results.

SUMMARY: The purpose of this notice is to affirm determinations made by the Secretary of Agriculture with respect to the 1986 crop of flue-cured tobacco in accordance with the Agricultural Adjustment Act of 1938, as amended (the "1938 Act"), including the determination that the 1986 marketing quota for flue-cured tobacco is 728.5 million pounds and that the national acreage allotment for flue-cured tobacco shall be 366,264.45 acres.

This notice also affirms the proclamation made by the Secretary on December 31, 1985 that marketing quotas will be in effect for flue-cured tobacco for three marketing years beginning July 1, 1986 and sets forth the results of the referendum held during the period March 10–13, 1986, in which producers of flue-cured tobacco approved marketing quotas for the 1986–87, 1987–88, and 1988–89 marketing years.

EFFECTIVE DATE: April 25, 1986.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, Room 3736-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447–5187.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not 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 governments, or geographical region, or

(3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

On October 17, 1985 (50 FR 42067) a notice of proposed determinations was published with respect to the following determinations for the 1986–87 marketing year for flue-cured tobacco:

1. The amount of the national marketing quota;
2. The national average yield goal;
3. The reserve supply level;
4. The national acreage reserve:

A. For establishing acreage allotments for new farms, and

B. For making corrections and adjusting inequities in old farms;

5. The marketing of N2 or other ineligible grades of tobacco;
6. The price support level for flue-cured tobacco if marketing quotas are in effect or not disapproved by producers; and
7. The flue-cured tobacco producer referendum.

Since the 1985–86 marketing year is the last of the three consecutive years for which marketing quotas previously proclaimed on an acreage-poundage basis will be in effect, section 317(d) of the 1938 Act (U.S.C. 1314c(d)) provides that the Secretary shall proclaim marketing quotas for flue-cured tobacco on either an acreage basis or an acreage-poundage basis for the 1986–87, 1987–88, and 1988–89 marketing years, whichever the Secretary determines would result in a more effective quota. It has been determined that, in view of the better supply control resulting from the acreage-poundage quota program beginning in 1965, a more effective quota would result by continuing marketing quotas on an acreage-poundage basis.

On December 31, 1985, a flue-cured tobacco acreage allotment of 380,593 acres and a marketing quota of 757 million pounds was announced by the Acting Secretary. During the period March 10–13, 1986, flue-cured producers voted in a referendum to determine whether such producers disapprove marketing quotas for the 1986–87, 1987–88, and 1988–89 marketing years for flue-cured tobacco. Of the producers voting, 93.7 percent favored marketing quotas. Accordingly, marketing quotas are in effect for the 1986–87 marketing year.

Subsequently, on April 7, 1986, the Consolidated Omnibus Budget Reconciliation Act of 1985 (The "1985 Act") was approved. Title I of the 1985 Act amended several provisions of the 1938 Act and the Agricultural Act of 1949, as amended, with respect to the tobacco price support and production adjustment program. Sections 1103 and 1104 of the 1985 Act amended several provisions of the 1938 Act with respect to the determination of marketing quotas for flue-cured tobacco, including an amendment to section 317(d) of the 1938 Act (7 U.S.C. 1314c(d)) which provides "Notwithstanding any other provision of law, for the 1986 marketing year, the Secretary shall proclaim the national marketing quota for flue-cured tobacco not later than 21 days after the date of enactment of the Consolidated Omnibus Budget Reconciliation Act of 1985. Any proclamation with respect to the national marketing quota for the 1986 marketing year for flue-cured tobacco made by the Secretary prior to such date of enactment shall become void on enactment of such Act." Accordingly, the announcement of December 31, 1985, with respect to the marketing quota and acreage allotment for the 1986 crop of flue-cured tobacco is void. This notice sets forth the determination of the 1986 flue-cured tobacco marketing quota and acreage allotment which have been determined in accordance with the 1938 Act, as amended by the 1985 Act, and affirms the announcement made on June 17, 1986 that the national marketing quota for the 1986 crop of flue-cured tobacco is 728.5 million pounds.

Section 317(a)(1) of the 1938 Act (7 U.S.C. 1314c(a)(1)) provides, in part, that the national marketing quota for a marketing year for flue-cured tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of flue-cured tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the three marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, necessary to adjust loan stocks to the reserve stock level. Section 317(a)(1)(c) further provides that, with respect to the 1986 through 1989 marketing years, any reduction in the national marketing quota being determined shall not exceed six percent of the previous year's national marketing quota.

The "reserve stock level" is defined in section 301(b)(14)(C) of the 1938 Act as the greater of 100 million pounds or 15 percent of the national marketing quota for flue-cured tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 1103 of the 1985 Act added section 320A to the 1938 Act to provide that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1986 crop of flue-cured. Six such manufacturers were required to submit such a statement. The total intended purchases of such manufacturers is 360.7 million pounds.

Exports, as recorded by the Bureau of Census for 1983–84, 1984–85, and 1985–86 marketing years (July-June) averaged 320 million pounds declared weight, or 471 million pounds, farm sales weight. Since the export data with respect to the 1985–86 marketing year is incomplete, an estimate made by Economic Research Service, USDA has been used for such marketing year. Further, some domestic cigarette manufacturers export a certain amount of processed tobacco (blends of two or more types or kinds of tobacco) which are counted as the domestic manufacturers' purchase intentions and some domestic leaf exports may include blends of foreign-grown tobacco as well as domestic-grown tobaccos.

Therefore, in order to establish a flue-cured tobacco national marketing quota in accordance with section 317(a) of the 1938 Act, a downward adjustment in reported exports in the amount of 127.7 million pounds is necessary to establish the total quantity of flue-cured tobacco estimated to have been exported on the average, during the 1983–84, 1984–85, and 1985–86 marketing years. Accordingly, for the purpose of determining the 1986 marketing quota for flue-cured tobacco, exports have been determined to be 343.3 million pounds.

The reserve stock level is 116 million pounds. This is 15 percent of the national marketing quota for the 1985–86 quota of 775 million pounds. The 1985-

crop inventory of Flue-cured Tobacco Cooperative Stabilization Corporation is 127.3 million pounds. This total excludes pre-1985 crops tobacco of 586 million pounds which may be purchased by cigarette manufacturers in accordance with section 1109 of the 1985 Act. Accordingly, the quantity determined to decrease this inventory to reach the reserve stock level is 11.3 million pounds.

Adding these three components, 360.7 million pounds, 343.0 million pounds, and −11.3 million pounds results in a total of 692.4 million pounds. Since this total, including the 3 percent discretionary increase provided in accordance with section 317(a)(1)(A) (7 U.S.C. 1314c(a)(1)(A)) is less than 94 percent of the national marketing quota established for the 1985 crop of flue-cured tobacco, the 1986 marketing quota for flue-cured tobacco is hereby determined to be 728.5 million pounds, the minimum provided by the 1938 Act.

Section 317(a) of the 1938 Act (7 U.S.C. 1314c(a)), provides that, beginning in 1983 and at 5 year intervals thereafter, the farm acreage allotment and preliminary farm yield for each farm shall be adjusted to reflect increases or decreases in the past 5 years' moving county average yield per acre and the national average yield goal shall be adjusted to the past 5 years' moving national average yield. Accordingly, it has been determined that the national average yield goal of 1989 pounds per acre will be the national average yield goal for the 1986–87 marketing year.

In accordance with section 317(a)(3) of the Act (7 U.S.C. 1314c(a)(3)), the national acreage allotment for the 1986 crop of flue-cured tobacco is determined to be 366,264.45 acres, which is the result of dividing the national marketing quota by the national average yield goal.

In accordance with section 317(e) of the Act (7 U.S.C. 1314c(e)), the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 3 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that a national reserve for the 1986 crop of flue-cured tobacco of 1,356 acres is adequate for these purposes.

Proclamation of National Marketing Quotas

Since the 1985–86 marketing year is the last of 3 consecutive marketing years for which marketing quotas previously proclaimed will be in effect for flue-cured tobacco, a national marketing quota for such kind of tobacco for each of the 3 marketing years beginning July 1, 1986, July 1, 1987, and July 1, 1988 is hereby proclaimed.

Determinations 1986–87 Marketing Year

Accordingly, the following determinations have been made for flue-cured tobacco for the marketing year beginning July 1, 1986:

(A) Marketing quotas shall be in effect for the 1986–87 marketing year for flue-cured tobacco. In a referendum held during the period March 10–13, 1986, 93.7 percent of producers of flue-cured tobacco voted in favor of marketing quotas.

The following is a summary, by State, of the results of each referendum:

State	Yes	No	Total
Alabama	41	3	44
Florida	1,223	133	1,356
Georgia	7,411	788	8,199
North Carolina	52,720	3,149	55,869
South Carolina	6,554	399	6,953
Virginia	10,239	814	11,053
Totals	78,188	5,286	83,474

(B) *National marketing quota.* The national marketing quota on an acreage-poundage basis for the marketing year beginning July 1, 1986 is determined to be 728.5 million pounds, the minimum provided by the 1938 Act. This determination is based on domestic cigarette manufacturers' intended purchases of 360.7 million pounds exports of 343.0 million pounds, and a downward reserve stock level adjustment of 11.3 million pounds. No discretionary adjustment was made in the total of the three components because any upward adjustment would have still resulted in the establishment of a national marketing quota below the minimum quota allowable level.

(C) *National average yield goal.* The national average yield goal is determined to be 1,989 pounds per acre.

(D) *National acreage allotment.* The national acreage allotment on an acreage-poundage basis is determined to be 366,264.45 acres. This allotment is determined by dividing the national marketing quota of 728.5 million pounds by the national average yield goal of 1,989 pounds.

(E) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm acreage allotments and for establishing allotments for new farms has been determined to be 1,356 acres.

(F) *National acreage factor.* The national acreage factor is determined to be 0.94.

(G) *National yield factor.* The national yield factor is determined and announced to be .8955.

(H) *Types of tobacco.* It has been determined that types 11, 12, 13, and 14 of flue-cured tobacco shall constitute one kind of tobacco for the 1986–87, 1987–88, and 1988–89 marketing years. It has been determined also that no substantial difference exists in the usage or market outlets for any one or more of these types of flue-cured tobacco.

Authority: Secs. 301, 313, 317, 375, 52 Stat. 38 as amended, 47 as amended, 66, as amended, 79 Stat. 66 (7 U.S.C. 1301, 1313, 1314c, 1375).

Signed at Washington, DC on August 6, 1986.

Milton J. Hertz,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 86–18072 Filed 8–11–86; 8:45 am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

Final Determinations Regarding Support Prices for Wool and Mohair for the 1986 Marketing Year

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of final determinations.

SUMMARY: This notice sets forth the final determinations concerning the price support levels for wool and mohair for the 1986 marketing year. These determinations are required to be made pursuant to the National Wool Act of 1954 ("the Wool Act"), as amended.

EFFECTIVE DATE: August 12, 1986.

ADDRESS: Dr. Howard C. Williams, Director, Commodity Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Janise A. Zygmont, Agricultural Economist, Commodity Analysis Division, USDA–ASCS, Room 3758, South Building, P.O. Box 2415, Washington, DC 20013 or call (202) 475–4645. The Final Regulatory Impact Analysis describing the actions taken in this notice of determinations and their impact is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "not major." It has been determined that these final determinations will not result in: (1) An

annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that the Commodity Credit Corporation (CCC) publish a notice of proposed rulemaking in accordance with 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this notice.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published by 48 FR 29115 (June 24, 1983).

The title and number of the Federal assistance program to which this notice applies are: Title: National Wool Act Payment, Number: 10.059, as found in the Catalog of Federal Domestic Assistance.

Background

Section 703(a) of the Wool Act was amended by section 201 of the Food Security Act of 1985 to authorize the Secretary of Agriculture to support the price of wool and mohair marketed through December 31, 1990. Section 703(a) further provides that the Secretary shall support the prices of wool and mohair to producers by means of loans, purchases, payments or other operations. Section 704 of the Wool Act provides that if payments are utilized as a means of price support, the payments shall be in such amount as the Secretary determines to be sufficient, when added to the national average price received by all producers, to give producers a national average return for the commodity equal to the support level.

With respect to the 1986 through 1990 marketing years, section 703(b) of the Wool Act provides that the price support level for shorn wool shall be 77.5 percent of an amount which is determined by multiplying 62 cents (the support price in 1986) by the ratio of: (1) The average parity index (the index of prices paid by farmers, including commodities and services, interest, taxes, and farm wage rates) for the three calendar years immediately preceding the calendar year in which such support price is being determined and announced to (2) the average parity index for the three calendar years 1958, 1959, and 1960, rounding the result to the nearest full cent.

Section 703(c) of the Wool Act provides that the support prices for pulled wool and for mohair shall be established at such levels, in relationship to the Support price for shorn wool, as the Secretary of Agriculture determines will maintain normal marketing practices for pulled wool, and as the Secretary determines is necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. Section 703(c) further provides that the support price for mohair must be within a range of 15 percentum above or below the comparable percentage of parity at which shorn wool is supported.

Proposed Determinations

On May 15, 1986, a notice of proposed determinations was published at 51 FR 17759 concerning the methods of calculating the price support level for pulled wool and for mohair for the 1986 marketing year.

The notice also indicated that based on current reported parity indices the calculation for the 1986 shorn wool support price (grease basis) is $1.78 per pound computed as follows:

(1) Average parity index, calendar years 1982–1984	1103.0
(2) Average parity index, calendar years 1958–1960	297.3
(3) Ratio of 1103.0 to 297.3	3.7101
(4) 3.7101 × 62 cents per pound (1965 support price)	$2.3003
(5) 77.5% × 2.3003	$1.7827
(6) 1.7827 rounded to nearest full cent	$1.78

With respect to the method of calculating the support price for pulled wool for the 1986 marketing year, the notice provided that the support price cannot be determined until the 1986 average market price for shorn wool is calculated, which would occur by April 1987. Once the average market price for shorn wool is known, the support price for pulled wool would be determined by subtracting the 1986 average market price for shorn wool from the 1986 support price of shorn wool and multiplying that number by 5 pounds per 100 pounds live weight of unshorn lambs. The result would then be multiplied by 80 percent which is a quality adjustment factor which recognizes that unshorn lamb pelts contain a shorter staple and a lower quality wool than wool shorn from other sheep.

With respect to the method of calculating the support price for Mohair, the notice provided that the support price for mohair for the 1986 marketing year would be determined based on the October 1985 parity prices for mohair and shorn wool and that the following percentages were being considered in the final computation of the mohair support price:

(1) 85 percent of the percent of parity at which shorn wool is supported.

(2) A percentage equal to the percent of parity at which shorn wool is supported.

(3) 115 percent of the percent of parity at which shorn wool is supported.

Discussion of Comments

A total of seven comments (6 with respect to mohair and 1 with respect to both wool and mohair) were received. Of the comments received with regard to mohair, all recommended that mohair be supported at a percentage of parity equal to the percentage of parity at which shorn wool is supported. These comments on the proposed determinations were not adopted. It has been determined that mohair should be supported at a level of 85 percent of the percent of parity at which shorn wool is supported. No additional incentives for the production of mohair are necessary due to the result of recent shifts in the industry from raising sheep to goats. Even with mohair supported at 85 percent of the percent of parity at which wool is supported, the 1986 mohair support price would be the second highest since the program began. At that level of supported projected government outlays in 1986 would be the highest in the history of the program and would contribute about one third of producers' projected total income from mohair.

The one comment received with respect to pulled wool supported the formula proposed, which is the same as that currently in use for determining the pulled wool payment rate.

After taking the foregoing comments into consideration, and in order to implement the statutory requirement that the Secretary shall support the prices of wool and mohair for the 1986 through 1990 marketing years, the following determinations have been made with respect to the wool and mohair price support programs for the 1986 through 1990 marketing years.

Final Determinations

1. The price of wool and mohair will be supported for the 1986 through 1990

marketing years by means of payments to producers.

2. The support price for shorn wool for the 1986 marketing year calculated in accordance with the formula contained in section 703 of the Wool Act and based upon the most recently reported parity indices is $1.78 per pound, grease basis. The calculation is as follows:

The average parity index for shorn wool during the 3-year period 1982–84 is 1104.3. The average parity index for shorn wool during the 3-year base period of 1958–1960 is 297.3. The ratio of these indices is 3.7144. The result of multiplying 3.7144 by the 1965 support price of 62 cents per pound is $2.3029. Applying the formula prescribed in section 703(b) of the Wool Act, 77.5 percent of $2.3029 is $1.78 when rounded to the nearest full cent.

3. The support price for pulled wool for the 1986 marketing year cannot be determined until after the close of the 1986 marketing year. The method for calculating the support price for pulled wool for the 1986 marketing year shall be as follows. Once the 1986 average market price for shorn wool is known, the support price for pulled wool will be determined by subtracting the 1986 average market price for shorn wool from the 1986 support price of shorn wool and multiplying that number by 5 pounds per 100 pounds live weight of unshorn lambs. The result is then multiplied by 80 percent, a quality adjustment factor which recognizes that unshorn lamb pelts contain a shorter staple and a lower quality wool than wool shorn from other sheep.

4. The supoort price for mohair for the 1986 marketing year shall be 85 percent of the comparable percent of parity at which shorn wool is supported. The support price for mohair for the 1986 markeing year is $4.93 per pound. The support price for mohair is based on the October 1985 parity prices for mohair and wool and is calculated as follows:

The October 1985 parity prices for shorn wool and mohair are $2.32 and $7.56 per pound, respectively. The support price for shorn wool for the 1986 marketing year as calculated in accordance with the formula set forth in section 703(b) of the Wool Act is $1.78 per pound or 76.7 percent of the October 1985 parity price for shorn wool. The level of price support for mohair for the 1986 marketing year is equal to 85 percent of the percentage of the parity price at which shorn wool is supported (76.7 percent), which is equal to 65.2 percent of the mohair parity price. Accordingly 65.2 percent of the October 1985 parity price for mohair at $7.56 per pound results in a support price for mohair for the 1986 marketing year of $4.93 per pound.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787))

Signed at Washington, DC on August 4, 1986.

Richard E. Lyng,

Secretary.

[FR Doc. 86–18074 Filed 8–11–86; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–429–601]

Urea From the German Democratic Republic; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether urea from the German Democratic Republic (GDR) is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before September 2, 1986, and we will make ours on or before December 23, 1986.

EFFECTIVE DATE: August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Frank Crowe (202–377–4087) or Mary S. Clapp (202–377–1769), Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On July 16, 1986, we received a petition in proper form filed by the Ad Hoc Committee of Domestic Nitrogen Producers, a coalition of major U.S. producers of urea and other nitrogen fertilizers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the GDR 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 Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

Petitioner was unable to obtain actual prices of GDR urea sold to importers in the United States. Therefore, the United States price is based on U.S. import statistics. Using these statistics, petitioner calculated a weighted-average f.o.b. import price for the period October 1985 through March 1986. The import price was adjusted for foreign inland freight based upon freight charges in a surrogate country as described below. Petitioner had no information concerning other charges or expenses incident to bringing urea from the GDR to the United States. Petitioner also asserts that a significant portion of U.S. urea imports may be obtained through countertrade transactions in which the declared transaction values of the imports may not reflect actual payments by U.S. importers. Petitioner further alleges that countertrade results in distortions that would affect our normal less-than-fair-value analysis. We will examine these transactions to determine what effects, if any, the countertrade transactions have on prices to the United States. We invite comments on how to analyze the effects of countertrade transactions in the context of an antidumping duty investigation.

Petitioner has also alleged that certain importers may be selling urea to unrelated purchasers in the United States at prices below acquisition and marketing costs, so-called middleman dumping. Absent an allegation of a relationship between the exporters and importers or the importers acting as agents for the exporters, we have no basis for investigating the prices charged by the importers. Therefore, we do not plan to investigate this allegation at this time.

Petitioner, alleging that the GDR is a state-controlled-economy country, derived foreign market value from information on the production of the merchandise in a non-state-controlled-economy country (surrogate country) in accordance with the provisions of section 773(c) of the Act and 19 CFR 353.8. Petitioner asserts that the Federal Republic of Germany (FRG), Italy, and France are suitable surrogate countries for the GDR for purposes of this investigation. In selecting the FRG as the most appropriate surrogate country, petitioner considered the following factors: Similar industrial infrastructures, comparable percentages of labor forces in industrial sectors, percent of manufacturing value-added represented by the chemical industry, and the Department's prior designations of the FRG as a suitable surrogate for the GDR

in the investigations of *Potassium Chloride from the German Democratic Republic* 50 FR 4559 (1985) and *Unrefined Montan Wax from the German Democratic Republic* 46 FR 38555 (1981).

Petitioner rejects prices of urea sold in the FRG as a suitable basis for determining foreign market value, alleging that prices in the FRG are artificially depressed by sales of urea by non-market-economy producers and that urea is being sold in the FRG at less than the cost of production. Petitioner further alleges that the same conditions exist in other potential surrogates and that prices must be rejected on a world-wide basis.

Petitioner therefore based foreign market value on constructed value calculations. Petitioner presented two separate constructed values. The first is derived from U.S. producers' costs, adjusted for known differences in the cost of inputs in the FRG in accordance with 19 CFR 353.36(a)(7). For purposes of this analysis, petitioner adjusted for differences in the prices of natural gas, electricity and labor in the FRG.

The second constructed value calculation is based upon average factors of production of urea in developed countries (which petitioner alleges may be representative of GDR production) valued in the FRG. Petitioner suggests this method as an alternative to relying upon U.S. import statistics, in the event that the Department is unable to find an acceptable, cooperative surrogate. The latter methodology is in accordance with 19 CFR 353.8(c). Based upon the foreign market values derived by the two methods, petitioner alleges dumping margins of 167 and 196 percent, respectively.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and further, whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on urea from the GDR and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether urea from the GDR is being, or is likely to be, sold in the United States at less than fair value.

In the course of our investigation, we will determine whether the economy of the GDR is state-controlled to an extent that sales of such or similar merchandise in the home market or to third country markets do not permit determination of foreign market value. If the GDR is determined to be a state-controlled economy, we will then choose a non-state-controlled economy surrogate country for purposes of determining foreign market value. If our investigation proceeds normally, we will make our preliminary determination by December 23, 1986.

Scope of Investigation

The product covered by this investigation is urea, a high-nitrogen content fertilizer which is produced by reacting ammonia with carbon dioxide. The product is currently classified under the *Tariff Schedules of the United States Annotated* (TSUSA) item 480.3000.

Petitioner has requested that in order to avoid possible circumvention of an eventual antidumping duty order we include in the scope of the investigation nitrogen solutions currently classified under TSUSA item 480.6550, as well as solid urea mixed with other fertilizers as currently classifed under TSUSA item 480.8030. Merchandise classified under these two items will be subject to the investigation only if the predominant component is urea.

Allegation of Critical Circumstances

Petitioner alleges that critical circumstances exist with respect to imports of urea from the GDR. We will determine whether critical circumstances exist with respect to these imports in our preliminary determination, and if the investigation proceeds normally, in our final determination.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 2, 1986, whether there is a reasonable indication that imports of urea from the GDR are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 5, 1986.

[FR Doc. 86-18108 Filed 8-11-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-485-601]

Urea From the Socialist Republic of Romania; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether urea from the Socialist Republic of Romania (Romania) is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before September 2, 1986, and we will make ours on or before December 23, 1986.

EFFECTIVE DATE: August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Frank Crowe (202-377-4087) or Mary S. Clapp (202-377-1769), Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On July 16, 1986, we received a petition in proper form filed by the Ad Hoc Committee of Domestic Nitrogen Producers, a coalition of major U.S. producers of urea and other nitrogen fertilizers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Romania 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 Tariff Act of 1930, as amended (the Act), and that these imports are causing material

injury, or threaten material injury, to a United States industry.

Petitioner was unable to obtain actual prices of Romanian urea sold to importers in the United States. Therefore, the United States price is based on U.S. import statistics. Using these statistics, petitioner calculated a weighted-average f.o.b. import price for the period October 1985 through March 1986. The import price was adjusted for foreign inland freight based upon freight charges in a surrogate country as described below. Petitioner had no information concerning other charges or expenses incident to bringing urea from Romania to the United States. Petitioner also asserts that a significant portion of U.S. urea imports may be obtained through countertrade transactions in which the declared transaction values of the imports may not reflect actual payments by U.S. importers. Petitioner further alleges that countertrade results in distortions that would affect our normal less-than-fair-value analysis. We will examine these transactions to determine what effects, if any, the countertrade transactions have on prices to the United States. We invite comments on how to analyze the effects of countertrade transactions in the context of an antidumping duty investigation.

Petitioner has also alleged that certain importers may be selling urea to unrelated purchasers in the United States at prices below acquisition and marketing costs, so-called middleman dumping. Absent an allegation of a relationship between the exporters and importers, or the importers acting as agents for the exporters, we have no basis for investigating the prices charged by the importers. Therefore, we do not plan to investigate this allegation at this time.

Petitioner, alleging that Romania is a state-controlled-economy country, derived foreign market value from information on the production of the merchandise in a non-state-controlled-economy country (surrogate country) in accordance with the provisions of section 773(c) of the Act and 19 CFR 353.8. Petitioner alleges that the Federal Republic of Germany (FRG) is the appropriate surrogate country for Romania for purposes of this investigation. In selecting the FRG as a surrogate country, petitioner considered the following factors: infrastructure development, a similar percentage of manufacturing value-added represented by the chemical industry, and the availability of information on production in the FRG.

Petitioner rejects prices of urea sold in the FRG as a suitable basis for determining foreign market value, alleging that prices in the FRG are artificially depressed by sales of urea by non-market-economy producers and that urea is being sold in the FRG at less than the cost of production. Petitioner further alleges that the same conditions exist in other potential surrogates and that prices must be rejected on a world-wide basis.

Petitioner therefore based foreign market value on constructed value calculations. Petitioner presented two separate constructed values. The first is derived from U.S. producers' costs, adjusted for known differences in the cost of inputs in the FRG in accordance with 19 CFR 353.36(a)(7). For purposes of this analysis, petitioner adjusted for differences in the prices of natural gas, electricity and labor in the FRG. The second constructed value calculation is based upon average factors of production of urea in developed countries (which petitioner alleges may be representative of Romanian production) valued in the FRG. Petitioner suggests this method as an alternative to relying upon U.S. import statistics, in the event that the Department is unable to find an acceptable, cooperative surrogate. The latter methodology is in accordance with 19 CFR 353.8(c). Based upon the foreign market value derived by the two methods, petitioner alleges dumping margins of 211 and 245 percent, respectively.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and further, whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on urea from Romania and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether urea from Romania is being, or is likely to be, sold in the United States at less than fair value.

In the course of our investigation, we will determine whether the economy of Romania is state-controlled to an extent that sales of such or similar merchandise in the home market or to third country markets do not permit determination of foreign market value. If Romania is determined to be a state-controlled economy, we will then choose a non-state-controlled economy surrogate country for purposes of determining foreign market value. If our investigation proceeds normally, we will make our preliminary determination by December 23, 1986.

Scope of Investigation

The product covered by this investigation is urea, a high-nitrogen content fertilizer which is produced by reacting ammonia with carbon dioxide. The product is classified under the *Tariff Schedules of the United States Annotated* (TSUSA) item 480.3000.

Petitioner has requested that in order to avoid possible circumvention of an eventual antidumping duty order we include in the scope of the investigation nitrogen solutions currently classified under TSUSA item 480.6550, as well as solid urea mixed with other fertilizers as currently classified under TSUSA item 480.8030. Merchandise classified under these two items will be subject to the investigation only if the predominant component is urea.

Allegation of Critical Circumstances

Petitioner alleges that critical circumstances exist with respect to imports of urea from Romania. We will determine whether critical circumstances exist with respect to these imports in our preliminary determination, and if the investigation proceeds normally, in our final determination.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 2, 1986, whether there is a reasonable indication that imports of urea from Romania are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investigation will

terminate; otherwise, it will proceed according to the statutory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 5, 1986.

[FR Doc. 86-18109 Filed 8-11-86- 8:45 am]

BILLING CODE 3510-DS-M

[A-461-601]

Urea From the Union of Soviet Socialist Republics; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether urea from the Union of Soviet Socialist Republics (USSR) is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before September 2, 1986, and we will make ours on or before December 23, 1986.

EFFECTIVE DATE: August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Frank Crowe, (202-377-4087) or Mary S. Clapp (202-377-1769) Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On July 16, 1986, we received a petition in proper form filed by the Ad Hoc Committee of Domestic Nitrogen Producers, a coalition of major U.S. producers of urea and other nitrogen fertilizers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the USSR 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 Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

Petitioner was unable to obtain actual prices of Soviet urea sold to importers in the United States. Therefore, the United States price is based on U.S. import statistics. Using these statistics, petitioner calculated a weighted-average f.o.b. import price for the period October 1985 through March 1986. The import price was adjusted for foreign inland freight based upon freight charges in a surrogate country as described below. Petitioner had no information concerning other charges or expenses incident to bringing Soviet urea to the United States. Petitioner also asserts that a significant portion of U.S. urea imports may be obtained through countertrade transactions in which the declared transaction values of the imports may not reflect actual payments by U.S. importers. Petitioner further alleges that countertrade results in distortions that would affect our normal less-than-fair-value analysis. We will examine these transactions to determine what effects, if any, the countertrade transactions have on prices to the United States. We invite comments on how to analyze the effects of countertrade transactions in the context of an antidumping duty investigation.

Petitioner has also alleged that certain importers may be selling urea to unrelated purchasers in the United States at prices below acquisition and marketing costs, so-called middleman dumping. Absent an allegation of a relationship between the exporters and importers, or the importers acting as agents for the exporters, we have no basis for investigating the prices charged by the importers. Therefore, we do not plan to investigate this allegation at this time.

Petitioner, alleging that the USSR is a state-controlled-economy country, derived foreign market value from information on the production of the merchandise in a non-state-controlled-economy country (surrogate country) in accordance with the provisions of section 773(c) of the Act and 19 CFR 353.8. Petitioner asserts that the Federal Republic of Germany (FRG), Italy, and France are suitable surrogate countries for the USSR for purposes of this investigation. In selecting the FRG as the most appropriate surrogate country, petitioner considered the following factors: per capita gross national product, infrastructure development, urea capacity, average plant capacity, overall labor force distribution, percent of manufacturing value-added represented by the chemical industry, the fact that the FRG is a major purchaser to Soviet natural gas, the availability of information on production in the FRG, and the Department's recent designation of the FRG as a suitable surrogate for the USSR in the investigation of *Potassium Chloride from the Union of Soviet Socialist Republics* 50 FR 4562 (1985).

Petitioner rejects prices of urea sold in the FRG as a suitable basis for determining foreign market value, alleging that prices in the FRG are artificially depressed by sales of urea by non-market-economy producers and that urea is being sold in the FRG at less than the cost of production. Petitioner further alleges that the same conditions exist in other potential surrogates and that prices must be rejected on a world-wide basis.

Petitioner therefore based foreign market value on constructed value calculations. Petitioner presented two separate constructed values. The first is derived from U.S. producers' costs, adjusted for known differences in the cost of inputs in the FRG in accordance with 19 CFR 353.36(a)(7). For purposes of this analysis, petitioner adjusted for differences in the prices of natural gas, electricity and labor in the FRG.

The second constructed value calculation is based upon average factors of production of urea in developed countries (which petitioner alleges may be representative of USSR production) valued in the FRG. Petitioner suggests this method as an alternative to relying upon U.S. import statistics, in the event that the Department is unable to find an acceptable, cooperative surrogate. The latter methodology is in accordance with 19 CFR 353.8(c). Based upon the foreign market values derived by the two methods, petitioner alleges dumping margins of 241 and 279 percent, respectively.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and further, whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on urea from the USSR and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether urea from the USSR is being, or is likely to be, sold in the United States at less than fair value.

In the course of our investigation, we will determine whether the economy of the USSR is state-controlled to an extent that sales of such or similar merchandise in the home market or to third country markets do not permit determination of foreign market value. If the USSR is determined to be a state-controlled economy, we will then choose a non-state-controlled economy surrogate country for purposes of determining foreign market value. If our investigation proceeds normally, we will make our preliminary determination by December 23, 1986.

Scope of Investigation

The product covered by this investigation is urea, a high-nitrogen content fertilizer which is produced by reacting ammonia with carbon dioxide. The product is currently classified under the *Tariff Schedules of the United States Annotated* (TSUSA) item 480.3000.

Petitioner has requested that in order to avoid possible circumvention of an eventual antidumping duty order we include in the scope of the investigation nitrogen solutions currently classified under TSUSA item 480.6550, as well as solid urea mixed with other fertilizers as currently classified under TSUSA item 480.8030. Merchandise classified under these two items will be subject to the investigation only if the predominant component is urea.

Allegation of Critical Circumstances

Petitioner alleges that critical circumstances exist with respect to these imports of urea from the USSR. We will determine whether critical circumstances exist with respect to these imports in our preliminary determination, and if the investigation proceeds normally, in our final determination.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 2, 1986, whether there is a reasonable indication that imports of urea from the USSR are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 5, 1986.

[FR Doc. 86-18110 Filed 8-11-86; 8:45 am]

BILLING CODE 3510-DS-M

Louisiana 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 (Public Law 89-651, 808 Stat. 897; 15 CFR 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, N.W., Washington, D.C.

Docket number: 86-209. Applicant: Louisiana State University, Baton Rouge, LA 70803-7511. Instrument: Isotope Ratio Mass Spectrometer, Model Delta E with Accessories. Manufacturer: Finnigan MAT, West Germany Intended Use: See notice at 51 FR 21012.

Comments: None received.

Decision: Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered (August 16, 1985).

Reasons: The foreign article is a fully automated multicollector instrument capable of simultaneous recording of three ion beams and a high internal precision (<0.02°/oo for nitrogen).

This capability is pertinent to the applicant's intended purposes. We know of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domestic availability of instruments, § 301.5(d)(2) of the regulations provides that, in determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument".

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purposes of comparison with the foreign instrument. Where an applicant, as in this case, neither was contacted nor received a response from the only domestic manufacturer to a formal request for quotation it is apparent that the domestic manufacturer was either not able or not willing to produce an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105 Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-18111 Filed 8-11-86; 8:45 am]

BILLING CODE 3510-DS-M

Northwestern University 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 (Public Law 89-651; 80 Stat. 897; 15 CFR 301), we invited 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 § 30.15 (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, D.C. 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, N.W., Washington, D.C.

Docket Number: 86-272. 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.

Docket Number: 86–273. Applicant: University of California at Santa Barbara, Purchasing Department, Santa Barbara, CA 93106. Instrument: Electron Microscope, Model CM 10 with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use: The instrument will be used for studies of various aspects of vertebrate retinal cell biology, genetics and development of Tetrahymena, cytoskeletal proteins extracted from bovine brain and synaptic vesicles isolated from electric fish, Torpedo. The instrument will also be used for educational purposes in the courses Biology 596 and Biology 221. Application received by Commissioner of Customs: July 15, 1986.

Docket Number: 86–274. Applicant: Worcester Foundation for Experimental Bilogy, 222 Maple Avenue, Shrewsbury, MA 01545. Instrument: Electron Microscope, Model CM 10 with Accessories. Manufacturer: Philips Instruments Inc., The Netherlands. Intended use: The instrument will be used in research involving studies in the areas of cell, developmental and reproductive biology dealing mainly with cytoskeleton and cell membranes. Application received by Commissioner of Customs: July 15, 1986.

Docket Number: 86–275. Applicant: Trustees of Dartmouth College, P.O. Box 7, Hanover, NH 03755. Instrument: Electron Microscope, Model JEM–2000 FX/SIP/DP with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use: The instrument is intended to be used to examine a wide variety of biological and non-biological materials. All these materials will have a wide range of physical and chemical characteristics and will range in organization from amorphous to highly crystalline, and from tissues to individual molecules. Experiments to be performed will include full morphological, chemical and structural analyses. These will involve imaging in bright field, dark field, various STEM imaging modes and X-ray micro-analyses. The objectives of the research activities will be to understand the organization of the materials on as fine scale as possible in order to further particular research programs. The instrument will also be an integral part of several undergraduate and graduate courses. Application received by Commissioner of Customs: July 15, 1986.

Docket Number: 86–276. Applicant: Boston University School of Medicine, School of Public Health, 80 East Concord Street, Boston, MA 02118. Instrument: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use: The instrument will be used for studies of pathogenic bacteria, bacterial plasmids and DNA, viruses and proteins. Experiments will be conducted to: (1) obtain a fundamental understanding of the 'virulence' factors associated with bacterial pathogens with respect to their epidemiology and function in the pathogenic process, and the regulation of their expression and (2) decipher the basic mechanisms involved in the determination of viral capsid size. The instrument will also be used for teaching competency in electron microscopy such that students will subsequently be able to use the electron microscope for their own research interests in an independent manner. Application received by Commissioner of Customs: July 15, 1986.

Docket Number: 86–277. Applicant: Woods Hole Oceanographic Institution, Water Street, Woods Hole, MA 02543. Instrument: Mass Spectrometer, Model Delta E. Manufacturer: Finnigan MAT, West Germany. Intended use: The instrument is intended to be used for studies of the rates of certain photochemical reactions in marine systems, especially the formation of the superoxide ion-radical (O_2-) and other reactive chemical species, such as free radicals. 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)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–18112 Filed 8–11–86; 8:45 am]

BILLING CODE 3510-DS-M

State University of New York; 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 (Public Law 89–651, 80 Stat. 897; 15 CFR 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, N.W., Washington, D.C.

Docket number: 86–121. Applicant: State University of New York, New York, NY 10010. Instrument: CRT Display Unit and GRSYS–2 Microprocessor Grating Generator with Interface Hardware. Manufacturer: Joyce Electronics, Ltd., United Kingdom. Intended use: See notice at 51 FR 7845.

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 high luminance (mean of 300 candelas per square meter) and raster rotation through 360 degrees. The National Institutes of Health advises in its memorandum dated July 11, 1986 that (1) this capability is pertient to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–18113 Filed 8–11–86; 8:45 am]

BILLING CODE 3510-DS-M

University of Alaska et al., Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket Number: 86–210. Applicant: University of Alaska, Fairbands, AK 99701. Instrument: Electron Microscope, Model EM 109. Manufacturer:

Carl Zeiss, West Germany. Intended use: See notice at 51 FR 21012. Instrument ordered: January 24, 1986.

Docket number: 86–215. Applicant: The University of Wyoming, Laramine, WY 82071. Instrument: Electron Microscope, Model H–7000 with Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. INTENDED USE: See notice at 51 FR 22098. Instrument Ordered: March 27, 1986.

Docket number: 86–216 Applicant: University of New Mexico, Albuquerque, NM 87131. Instrument: Electron Microscope Model H–600–3 with Accessories. Manufacturer: Hitachi Instruments, Japan. Intended use: See notice at 51 FR 22098. Instrument ordered: February 2, 1986.

Docket number: 86–220. Applicant: Bronx Municipal Hospital Center, Bronx, NY 10461. Instrument: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 51 FR 22844. Application Received by Commissioner of Customs: May 30, 1986.

Docket number: 86–221. Applicant: Albert Einstein College of Medicine, Bronx, NY 10461. Instrument: Electron Microscope, Model JEM–100CX with Accessories. Manufacturer: JEOL, Japan. Intended use: See notice at 51 FR 22844. Instrument ordered: March 8, 1985.

Docket number: 86–224. Applicant: University of Maryland at Baltimore, Baltimore, MD 21201. Instrument: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 51 FR 22844. Instrument ordered: March 25, 1986.

Comments: None reveived.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–18114 Filed 8–11–86; 8:45 am]

BILLING CODE 3510-DS-M

University of California; 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 (Public Law 89–651, 80 Stat. 897; 15 CFR 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, N.W., Washington, D.C.

Docket number: 86–235. Applicant: University of California, Livermore, CA 94550. Instrument: ICP Mass Spectrometer, Model PlasmaQuad. Manufacturer: V.G. Isotopes, Ltd., United Kingdom. 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 foreign instrument provides simultaneous qualitative and semi-quantitative data for major, minor and trace constituents and abundance sensitivity of at least 10^{-5} for both high and low mass. 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)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–18115 Filed 8–11–86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council and its Committees will convene separate public meetings at the Fort Brown Motor Hotel, 1900 East Elizabeth Street, Brownsville, TX, and also at Stokley Hall, Civic Center Complex, 600 International Boulevard, Brownsville, TX, as follows:

Council—will convene September 10, 1986, at 8:30 a.m. at Stokley Hall and recess at 5 p.m.; reconvene September 11 at the Fort Brown Motor Hotel at 8:30 a.m. and recess at 5 p.m.; reconvene September 12 at 8:30 a.m. and adjourn at noon to: (1) Review the proposed emergency rule and Secretarial Fishery Management Plan (FMP), on the red drum fishery, public scoping session on Council Red Drum FMP and (2) review public comments and take action on the Shrimp Amendment Options Paper.

Committees—will convene September 8, 1986, with the Red Drum Management Committee, at 8:30 a.m., adjourn at 5 p.m. and reconvene September 9 at 8:30 a.m. with the Swordfish Management, Habitat and Environmental Protection, Mackerel Management, and Advisory Panel Selection Committees. All of these Committee meetings will be held at the Fort Brown Motor Hotel.

For further information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; (813) 228–2815.

Dated: August 5, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–18080 Filed 8–11–86; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will convene a joint public meeting of its standing Scientific and Statistical, Special Red Drum, and Mackerel Scientific and Statistical Committees, September 2–3, 1986, at the Ramada Inn, 5303 West Kennedy Boulevard, Tampa, FL, to review the Secretarial Red Drum Fishery Management Plan (FMP), and Amendment 2 to the Migratory Coastal Pelagics (Mackerel) FMP. For further information contact Wayne E. Swingle, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228–2815.

Dated: August 6, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–18081 Filed 8–11–86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limits for Certain Cotton Textile Products Produced or Manufactured in India

August 7, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on August 13,

1986. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On December 27, 1985, a notice was published in the **Federal Register** (50 FR 52985) which established limits for certain cotton, wool and man-made fiber textile products, including Categories 313 (cotton sheeting) and 363 (cotton towels), produced or manufactured in India and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986.

At the request of the Government of India, swing is being applied to the restraint limit previously established for cotton textile products in Category 313, increasing it from 11,687,396 square yards to 12,505,514 square yards, for the current agreement year. The limit for Category 363 is being reduced from 18,375,645 numbers to 16,739,409 numbers to account for the amount of swing applied to Category 313, as provided by the agreement between the Governments of the United States and India of December 21, 1982, as amended.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the restraint limits for these categories.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

August 7, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directives issued to you on December 23, 1985 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986.

Effective on August 13, 1986, the directive of December 23, 1985 is hereby amended to include the following adjusted restraint limits: [1]

Category	Adjusted Limits [2]
313	12,505,514 square yards.
363	16,739,409 numbers.

[2] The limits have not been adjusted to account for any imports exported after December 31, 1985.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Ronald I. Levin

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–18090 Filed 8–11–86; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With Mauritius on Trade in Category 331

August 5, 1986.

On June 27, 1986 the Government of the United States, under Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), requested the Government of Mauritius to enter into consultations concerning exports to the United States of cotton gloves in Category 331, produced or manufactured in Mauritius.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements may later establish a limit for entry and withdrawal from warehouse for consumption of textile products in this category, produced or manufactured in Mauritius and exported to the United States during the twelve-month period which began on June 27, 1986 and extends through June 26, 1987, at a level of 244,950 dozen pairs.

A summary market statement for this category follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 331 is invited to submit such comments or information in ten copies to the Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Mauritius—Market Statement Category 331—Cotton Gloves

June 1986.

Summary and Conclusions

U.S. imports of Category 331 from Mauritius were 294,950 dozen pairs during year-ending April 1986, over three times the 85,500 dozen pairs imported in the same period of 1985. In 1984, imports of Category 331 from Mauritius were 33,500 dozen pairs and soared to 198,150 dozen pairs in 1985. Imports reached 148,800 dozen pairs in the first four months of 1986, a 186 percent increase over the same period in 1985.

The U.S. market for Category 331 has been disrupted by imports. The sharp and substantial increase in imports from Mauritius has contributed to this disruption and continuation of the growth would create a real risk of further disruption.

U.S. Production and Market Share

Between 1981 and 1983, U.S. production of cotton gloves declined 31 percent. In 1982, U.S. production fell 26 percent to 15,436,000 dozen pairs. This trend continued in 1983 as production declined an additional 7 percent. In 1984, U.S. production rose moderately, but remained 21 percent below the 1981 level of 20,861,000 dozen pairs. During the four-year period ending with 1984, the market for cotton gloves declined 5 percent from 33,858,000 dozen pairs to 32,028,000 dozen pairs and the domestic producers' share of the market fell from 62 percent in 1981 to 51 percent in 1984.

[1] The agreement provides, in part, that: (1) specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

U.S. Imports and Import Penetration

U.S. imports of Category 331 increased 20 percent between 1981 and 1984, rising from 12,997,000 dozen pairs in 1981 to 15,550,000 dozen pairs in 1984. Imports continued to rise in 1985 increasing 5 percent to 16,265,000 dozen pairs. The import to production ratio correspondingly rose from 62 percent in 1981 to 94 percent in 1984.

Duty–Paid Values and U.S. Producer's Prices

One hundred percent of Category 331 imports during the first four months of 1986 from Mauritius entered under TSUSA number 704.4506—cotton gloves and glove linings, not woven, not ornamented, without fourchettes or sidewalls, lisle type, no pile, not brushed or napped. These garments from Mauritius entered the U.S. at landed, duty paid values below U.S. producer's prices for comparable garments.

[FR Doc. 86–18091 Filed 8–11–86; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 86–1]

Johnson & Johnson Baby Products Co. Prehearing Conference

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of prehearing conference.

DATE: This notice announces a prehearing conference to be held in the matter of Johnson & Johnson Baby Products Company, on August 22, 1986, at 10:00 a.m.

ADDRESS: The prehearing conference will be in the Conference Room, Third Floor, 1111–18th Street NW., Washington, D.C.. For additional information contact: Sheldon D. Butts Deputy Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492–6800.

Notice of Prehearing Conference

Please take notice that a prehearing conference in this proceeding will be held at 10:00 a.m., on August 22, 1986, in the Conference Room, Third Floor, 1111–18th Street NW., Washington, DC, for the purposes outlined in 16 CFR 1025.21(a). The Presiding Officer will be Administrative Law Judge Paul L. Brady. The following issues will be discussed:

1. Establishment of a time schedule for the completion of formal discovery.

2. Establishment of a time schedule for the exchange of final witness lists, prepared testimony and documents, including proposed exhibits.

3. Scheduling the date, and place of the adjudicative hearing.

4. Such other matters as may aid in the efficient presentation or disposition of the matters raised in this proceeding.

Dated: August 7, 1986.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 86–18196 Filed 8–11–86; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command Directorate of Personal Property; Interstate Program

AGENCY: Military Traffic Management Command (MTMC).

ACTION: Notice of invitation to comment on changes in Military Traffic Management Command rate solicitation 6–3.

SUMMARY: MTMC is planning to institute a one time only adjustment of rate tables for accessorial services performed during the interstate movement of household goods. This adjustment will be based on changes in the Consumer Price Index (CPI). Your comments are requested for inclusion in the modification of Rate Solicitation 6–3. Comments from carriers, as well as any other interested persons, parties or agencies, are being solicited for the following proposed provision:

a. Rates paid for accessorial services, except packing, will be adjusted to reflect changes in the Consumer Price Index. Baseline rates for linehaul transportation and packing will remain the same.

b. The adjustments will reflect CPI changes over the period November 1983 to December 1987 inclusive. Changes for 1987 will be based on projections by Office of Management and Budget. Adjustments will go into effect on May 1, 1987. Each rate item will be adjusted by the level of increase in the CPI over the measured period.

c. This proposal is one time only in that MTMC is committed to finding an acquisition procedure which will require independant pricing for all services.

This invitation consists of ideas and issues identified by MTMC. Freight forwarders/carriers interested in participating in the program must write to this office in order to receive a copy of the solicitation.

DATES: Submit written comments by September 15, 1986.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Jeffry McKenzie, HQ, Military Traffic Management Command, ATTN: MT–PPC (Room 408), 5611 Columbia Pike, Falls Church, Virginia 22041–5050. Commercial Phone (202) 756–1190

Address Comments To: HQ, Military Traffic Management Command, ATTN: MT–PPC (Room 408), 5611 Columbia Pike, Falls Church, Virginia 22041–5050

This request for comments and the resulting determinations are being made under the authority of 10 U.S.C. 2301–2314 and DOD Directives 4500.9 and 4500.34.

Joseph R. Marotta,

Colonel, General Staff, Director of Personal Property.

[FR Doc. 86–18087 Filed 8–11–86; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

Atomic Energy Agreements; Proposed Subsequent Arrangement With European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval for the return of 8 kilograms of irradiated research reactor fuel of United States origin from the FRG reactor for reprocessing and storage at Department of Energy facilities. The return of highly enriched uranium to the United States is consistent with United States nonproliferation policy in that it serves to reduce the amount of highly enriched uranium abroad.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 5, 1986.

David B. Waller,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86-18062 Filed 8-11-86; 8:45 am]

BILLING CODE 6450-01-M

Atomic Energy Agreement; Proposed Subsequent Arrangement With International Atomic Energy Agency

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval of the following sale: Contract Number S-BR-37, for the National Nuclear Energy Commission, Rio de Janeiro, Brazil, 94.357 grams of normal uranium, 2.001 grams of uranium depleted in the isotope U-235, and 65.74 grams of uranium enriched to an average of 8.75% in U-235, for use as standard reference material.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 5, 1986.

David B. Waller,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86-18063 Filed 8-11-86; 8:45 am]

BILLING CODE 6450-01-M

Atomic Energy Agreements; Proposed Subsequent Arrangement With Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Japan concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval for the return of 15 kilograms of irradiated research reactor fuel of United States origin from the JMTR reactor in Japan for reprocessing and storage in Department of Energy facilities. The return of highly enriched uranium (HEU) is consistent with United States nonproliferation policy in that it serves to reduce the amount of HEU abroad.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect on sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 5, 1986.

David B. Waller,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86-18064 Filed 8-11-86; 8:45 am]

BILLING CODE 6450-01-M

Atomic Energy Agreements; Proposed Subsequent Arrangement With Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval of the following sale:

Contract Number S-SW-63, for the sale of 339.17 grams of natural uranium to ASEA-ATOM Sweden, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 5, 1986.

David B. Waller,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86-18065 Filed 8-6-86; 8:45 am]

BILLING CODE 6450-01-M

Civilian Radioactive Waste Management Transportation Institutional Plan Availability

AGENCY: Department of Energy.

ACTION: Notice of availability of the civilian radioactive waste management transportation institutional plan.

The Office of Civilian Radioactive Waste Management (OCRWM), U.S. Department of Energy, has developed a Transportation Institutional Plan related to responsibilities assigned by the Nuclear Waste Policy Act of 1982. The document contains information on the plans and strategies for interaction with institutions affected by the transport of high-level waste under the provisions of the Act.

For planning purposes, the institutions have been divided into six main categories: Intergovernmental including other Federal agencies as well as State, Tribal, and local governments; the electric utilities; the transportation industry; the news media; special interest groups; and the public. Planned interaction with these groups will identify both opportunities for cooperative effort and transportation issues of concern. A primary purpose of the Transportation Institutional Plan is to establish a process for addressing and resolving these concerns.

In September 1985, a Draft Transportation Institutional Plan was released for public review. Comments received on the draft have been incorporated in this revised document.

Copies of the Transportation Institutional Plan may be obtained after August 15, 1986, by telephoning (202) 252-5575, by direct pickup from, or by request in writing to:

Office of Public Affairs, U.S. Department of Energy, Room 1E-206, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585

Copies of the document will also be available by writing:

Technical Information Division, Office of Scientific and Technical Information, Technical Information Center, P.O. Box 62, Oak Ridge, TN 37831

Issued in Washington, DC, July 29, 1986.

Ben C. Rusche,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 86-18061 Filed 8-11-86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Petroleum Marketing Division (PMD) Survey Forms

AGENCY: Energy Information Administration, DOE.

ACTION: Solicitation of comments concerning extension and proposed changes to the Petroleum Marketing Program survey forms.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy solicits comments concerning proposed extensions and revisions to the petroleum marketing survey forms.

DATE: Written comments must be submitted on or before September 11, 1986.

ADDRESS: Send written comments to Dr. John S. Cook, Director, Petroleum Marketing Division, Energy Information Administration, Department of Energy, Mail Stop 2H–058, EI–43, 1000 Independence Ave., SW., Washington, DC 20585.

Requests for copies of the following forms and instructions should be directed to Mrs. Sharon Underwood at the address above or telephone (202) 252–5214.

Forms EIA–14, EIA–182, EIA–782A, EIA–782B, EIA–782C, EIA–821, EIA–856, EIA–863.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

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 (DOE) Organization Act (Pub. L. 95–91), the Energy Information Administration (EIA) is obligated to publish, and otherwise make available to the public, high-quality statistical data that accurately reflect national and regional petroleum marketing activity.

To meet this responsibility, as well as internal DOE requirements that are dependent on accurate data, the EIA conducts statistical surveys that encompass major petroleum marketing activities in the United States.

II. Current Actions

In keeping with its mandated responsibilities, EIA proposes to extend for 3 years the following petroleum marketing data collection forms:

Refiners' Monthly Cost Report (Form EIA–14)
Domestic Crude Oil First Purchase Report (Form EIA–182) (monthly)
Refiner's/Gas Plant Operators' Monthly Petroleum Product Sales Report (Form EIA–782A)
Reseller/Retailers' Monthly Petroleum Product Sales Report (Form EIA–782B)
Monthly Report of Petroleum Products Sold into States for Consumption (Form EIA–782C)
Annual Fuel Oil and Kerosene Sales Report (Form EIA–821)
Monthly Foreign Crude Oil Acquisition Report (Form EIA–856)
Petroleum Product Sales Identification Survey (Form EIA–863) (triennial)

EIA only proposes minor modifications to the forms to decrease respondent burden, increase reporting accuracy, and reduce ambiguity in the instructions. All petroleum marketing surveys will require that all revisions be submitted within 120 days after the end of the reference month. The other proposed changes are summarized below:

1. Refiners' Monthly Cost Report (Form EIA–14):

a. Separate current period activity from prior period adjustments when those adjustments exceed 3 percent.

2. Domestic Crude Oil First Purchase Report (Form EIA–182):

a. Reduce current reporting by eliminating the data elements "type of reporter" and "type of firm".

b. Revise the threshold for revisions/prior period adjustments to 3 percent for both volume and price data.

c. Clarify the use of the terms "gross" and "net", and the instructions on who should report buy/sell transactions.

3. Refiners'/Gas Plant Operators' Monthly Petroleum Product Sales Report (Form EIA–782A):

a. Disaggregate sales to refiners and gas plant operators as a separate class of wholesale trade.

4. Reseller/Retailers' Monthly Petroleum Product Sales Report (Form EIA–782B):

a. Disaggregate sales to refiners and gas plant operators as a separate class of wholesale trade.

5. Monthly Report of Petroleum Products Sold into States for Consumption (Form EIA–782C):

a. Eliminate the requirement for a respondent to determine, if a sale is the first sale into a State.

b. Disaggregate the "actual sales" column into two distinct categories, including sales "to other EIA–782C respondents' and "to non-EIA–782C respondents."

c. Begin requiring respondents to annually update a list of all subsidiaries that are involved in the sales of petroleum products.

6. Annual Fuel Oil and Kerosene Sales Report (Form EIA–821):

a. Data elements and instructions remain unchanged.

7. Monthly Foreign Crude Oil Acquisition Report (Form EIA–856):

a. Modify the reporting instructions for reporting a "best estimate' of crude oil cargo costs, if the actual cost is not known when the EIA–856 is submitted. In the cases where cost is determined upon, or after landing (for example, in netback transactions), the respondent will be instructed to submit all cargo data except the financial information. When cost become available, the respondent will file it via the form's resubmission provisions.

b. Add new contract codes for new types of transactions (for example, netback pricing). Add new point codes to delineate cargos whose acquisition point differs from its terms of agreement.

8. Petroleum Product Sales Indentification Survey (Form EIA–863):

a. Data elements and instructions remain unchanged.

III. Request for Comments

Prospective respondents and other interested parties should comment on the proposed extensions within 30 days of the publication of this notice. The following general guidelines are provide to assist in the preparation of responses. When providing comments, please indicate to which form(s) each comment applies.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, what instructions require clarification?

B. Can the data submitted using the definitions included in the instructions?

C. Can data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for preparation and administrative review, will you require to complete and submit the required form(s)?

E. What is the estimated cost of completing this form(s), including the direct and indirect costs associated with the data collection? Direct cost should include all costs, such as administrative costs directly attributable to providing this information.

F. How can the form(s) be inproved?

G. Do you know of other Federal, State, or local agencies that collect similar data? If you do, specify the agency, the data elements, and the means of collection.

As a potential user:

A. Can you use data at the levels of detail indicated on the form(s)?

B. For what purposes would you use the data? Be specific.

C. How could the form(s) be improved to better meet your specific needs?

D. Are there alternate sources of data and do you use them?

What are their deficiencies and/or strengths?

EIA is also interested in receiving comments from persons regarding their views on the need for the collection of the information contained in the petroleum marketing surveys.

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval of these data surveys and will become a matter of public record.

Issued in Washington, DC, August 5, 1986.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 86-18067 Filed 8-11-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA86-17-20-000 and 001]

Algonquin Gas Transmission Co., Proposed Changes in FERC Gas Tariff

August 7, 1986.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on July 31, 1986, tendered for filing Sixteenth Revised Sheet No. 201 and Seventh Revised Sheet No. 231 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that Sixteenth Revised Sheet No. 201 and Seventh Revised Sheet No. 231 are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision as set forth in section 17 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1. The rates as shown on Sixteenth Revised Sheet No. 201 reflect an adjustment to amortize the June 30, 1986 balance in Algonquin Gas' Unrecovered Purchased Gas Cost Account (Account No. 191). Seventh Revised Sheet No. 231 reflects Projected Incremental Pricing Surcharges for the period September, 1986 through February, 1987.

Algonquin Gas proposes the effective date of Sixteenth Revised Sheet No. 201 and Seventh Revised Sheet No. 231 to be September 1, 1986.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 8-14-86. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18096 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-63-000, 001]

Carnegie Natural Gas Co.; Proposed Changes in FERC Gas Tariff

August 7, 1986.

Take notice that Carnegie Natural Gas Company, ("Carnegie") on August 1, 1986, tendered for filing as a part of its FERC Gas Tariff, First Revised Volume No. 1, six copies each of the following revised tariff sheets:

First Revised Sheet No. 47
First Revised Sheet No. 48

The above revised tariff sheets are being issued to reflect a reduction in purchased gas cost reflecting cost reductions Carnegie has experienced from its pipeline supplier, Texas Eastern Transmission Corporation ("TETCO"), and from a modification of purchase pattern in its producer purchases. The effect of such cost reductions is to change its demand component from $7.9571/Dth to $10.2654/Dth and its commodity component from $3.6255 to $2.7763, the combined effect of which results in an overall reduction of its LVWS Rate. Carnegie's current interruptible rate of $3.8871/Dth is likewise reduced to $3.1138 for its LVIS Rate.

The above described changes in rates primarily reflect the current rates charged to Carnegie by its pipeline supplier, TETCO. Carnegie's existing rates are the initial rates proposed in FERC Docket No. CP85-406-000, which service was approved by Commission Order on June 3, 1986, and filed on July 1, 1986, in compliance with the Commission's Order.

The proposed effective date of the above tariff sheets is September 1, 1986.

Carnegie respectfully requests waiver of any provisions of its tariff, and any Regulations that the Commission may deem necessary to accept the above tariff sheets to be effective September 1, 1986, so as to provide rate reduction as soon as possible and to have said reduction commerce on the first day of a billing period.

Copies of the filing were served on Carnegie's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of practice and procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18097 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-4-21-000, 001]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 7, 1986.

Take notice that Columbia Gas Transmission Corporation (Columbia) on July 31, 1986, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective on September 1, 1986:

One hundred and ninth Revised Sheet No. 16
Ninth Revised Sheet No. 16B
Forty-fourth Revised Sheet No. 64
Thirty-first Revised Sheet No. 64A
Twenty-fifth Revised Sheet No. 64B
Sixth Revised Sheet No. 64C
Fifth Revised Sheet No. 64D
Third Revised Sheet No. 64D1
First Revised Sheet No. 64D2

Columbia states that consistent with the terms of the Stipulation and Agreement in Docket No. TA82-1-21-001, *et al.*, approved by the Commission's order dated June 14, 1985, as modified by order dated June 25, 1985, this filing reflects only changes in Columbia's demand charges applicable to its sales rate schedules.

Columbia further states that the rates set forth on one hundred and ninth Revised Sheet No. 16 reflect a $1.214/Dth increase in the Demand Rate

Applicable to Non-Shielded Customers and a $.998/Dth increase in Demand Rate Applicable to Shielded Customers, which results in an approximate increase of $36.8 million for the subject PGA period. This increase is comprised of the net of (1) a Demand Purchased Gas Cost Adjustment which reflects an increase in the current cost of gas, and (2) a net decrease in the Demand Surcharge Adjustment.

In addition, this filing includes an amended PGA Tariff to reflect the elimination of the procedures which (1) allocate purchased gas costs to Rate Schedule SGES and (2) develop the Purchased Gas Surcharge Applicable to Rate Schedules SGES.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capital Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and procedure. All such motions or protests should be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18098 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-3-22-000, 001]

Consolidated Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 7, 1986.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on August 1, 1986, filed a revised tariff sheet pursuant to sections 12 (PGA Clause), 12A (Incremental Pricing Surcharges), and 13 (Research, Development and Demonstration Cost Adjustment) of the General Terms and Conditions of its tariff. The revisions, shown on Eleventh Revised Sheet No. 31 to Original Volume No. 1 of Consolidated's tariff, provide for Consolidated's semiannual PGA to be effective September 1, 1986.

Consolidated has included in its filing:

(a) Rate increase from pipeline suppliers in the amount of $47.7 million;

(b) Rate decreases from producer suppliers in the amount of $24.7 million;

(c) A surcharge of 12.42 cents per dekatherm to recoup amounts accumulated in Account 191, Unrecovered Purchased Gas Costs;

(d) A refund credit of 12.98 cents per dekatherm to flow through supplier refunds.

Copies of the filing were served upon Consolidated's sales customers as well as interested state commissions.

Concurrently with these PGA changes, Consolidated also includes a separately stated rate surcharge to recover its funding of take-or-pay payments made by Tennessee Gas Pipeline Company under the procedures approved in the Commission's order issued on April 16, 1985, in *Columbia Gas Transmission Corporation* v. *Tennessee Gas Pipeline Company, et al.*, in Docket Nos. RP83-8, *et al.* The take-or-pay surcharge is 0.05 cents per dekatherm.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of practice and procedure (18 CFR §§ 385.214 and 385.211). All motions or protests should be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18099 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-46-000]

The Kansas Power & Light Co. v. Northwest Central Pipeline Corp., Mobil Oil Corp., Phillips Petroleum Co., and ARCO Oil and Gas Co., a Division of Atlantic Richfield Co., Complaint

August 7, 1986.

On July 10, 1986, The Kansas Power and Light Company (KPL) filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of practice and procedure, 18 CFR 385.206. KPL requests the Production-Related Costs Board (Board) to find that the 5.0 cents per MMBtu delivery allowance previously paid by Northwest Central Pipeline Corporation (NWC) to Mobil Oil Corporation (Mobil), Phillips Petroleum Company and ARCO Oil and Gas Company, a Division of Atlantic Richfield Company (collectively referred to as the "subject producers") and subsequently passed on as charges to NWC's customers, including KPL, for production-related services, were prohibited under the effective gas sales contracts and under the terms of Commission Order No. 94.

On November 14, 1985, NWC filed in Docket No. GP86-10-000 a request asking the Board to determine whether the 5.0 cents per MMBtu allowance previously paid for production-related delivery services was expressly authorized under gas sales contracts with Mobil. Inasmuch as both contract parties, NWC and Mobil, agreed the amounts were expressly authorized by the contracts, NWC's filing was dismissed by the Board by order of June 20, 1986 as not fulfilling the requirements under § 271.1105(d). The order noted that KPL had filed an intervention which challenged the parties' interpretation of their contracts, and also informed KPL that if it wanted to continue its challenge to the contract interpretation, it could file a complaint with the Board. It has not done so and KPL incorporates by reference material previously filed in Docket No. GP86-10-000.

In order No. 94-A [1] the Commission stated:

> Should a contract contain both a provision specifying an amount to be paid for delivering gas and an area rate clause, the specific provision will control unless the two are phrased as operating in the alternative. If the two are phrased as operating in the alternative, the parties must mutually agree as to which will control.

KPL states that the contracts under dispute, between NWC and the subject producers, contain both specific contractual provisions for production-related costs allowances and area rate clauses. The specific provisions permit maximum allowances of only 1.0 cent or 2.5 cents per Mcf for delivery and compression compared to the 5.0 cents per MMBtu delivery allowance prescribed in § 271.1104(d)(1)(i) which was paid by NWC to the subject producers.

KPL claims that NWC's payments of the 5.0 cents delivery allowance to the subject producers are improper because the contracts do not specify that the area rate clauses operate in the alternative to the lower, specific

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[1] FERC Statutes & Regulations, Regulations Preambles (1982-1985), ¶ 30,419 at p. 30,360.

delivery allowances set forth in the disputed contracts as required by Order No. 94–A.

KPL requests that the Board direct repayment by the subject producers to NWC for refund, with interest, to NWC's customers of the disputed production-related costs.

Under the Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), NWC and the subject producers must file answers to KPL's complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. NWC and the subject producers should file their answers with the Commission not later than August 28, 1986.

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protests or motions should be filed not later than August 28, 1986.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb

Secretary.

[FR Doc. 86–18094 Filed 8–11–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86–149–000]

Mississippi River Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 7, 1986.

Take notice that on August 4, 1986, Mississippi River Transmission Corporation (MRT) submitted for filing Original Sheet Nos. 59A and 59B to its FERC Gas Tariff, Second Revised Volume No. 1. The Proposed effective date for each of the tariff sheets is September 1, 1986.

MRT states that the above-referenced tariff sheets revise Paragraph 17 (Purchase Gas Cost Adjustment) of the General Terms and Conditions of MRT's FERC Gas Tariff, Second Revised Volume No. 1. MRT claims that the revision is limited solely to the addition of a new Paragraph 17.5 "Interim Commodity Unit Adjustments Between Effective Dates" (Interim Adjustment) which, if approved, would permit MRT, from time to time and at any time in its sole discretion, to adjust its jurisdictional rates between Purchased Gas Adjustment (PGA) Effective Dates to recognize the effect of a change in the cost of purchased gas from that reflected in MRT's immediately preceding semiannual PGA filing. It is indicated that the filings will be limited to current commodity cost of gas adjustments only, and may reflect changes in the commodity cost of gas from either pipeline or producer suppliers, or both.

MRT proposes that the Interim Adjustment may reflect either an increase or decrease in MRT's jurisdictional rates, provided however, that MRT shall be precluded from adjusting its rates, pursuant to the new Section 17.5, above the level established in MRT's last approved semiannual Purchase Gas Cost Adjustment filing.

MRT states that tariff sheets being filed require it to file Interim Adjustments with the FERC at least one (1) day prior to the proposed effective date. Such filing will not be subject to the notice requirements established by the Commission's Regulations. However, at the time of each Interim Adjustment filing, MRT will serve the tariff change and supporting computations on its affected customers, state commissions, and any other interested persons.

MRT states that the tariff changes proposed would provide greater flexibility within the PGA framework by permitting MRT to adjust its jurisdictional rates in response to changes in purchased gas costs more frequently than twice a year, and thereby better match the level of gas costs included in MRT's jurisdictional rates with the level of gas costs expected to be incurred.

MRT requests waiver of the Commission's PGA regulations (§ 154.38(d)(4)), and notice requirements (§ 154.22) to permit the implementation of MRT's flexible PGA proposal.

MRT states that a copy of this filing is being mailed to each of MRT's jurisdictional customers and to the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–18100 Filed 8–11–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86–5–25–000, 001]

Mississippi River Transmission Corp.; Rate Change Filing

August 7, 1986.

Take notice that on August 1, 1986 Mississippi River Transmission Corporation ("Mississippi") tendered for filing Sixteenth Revised Sheet No. 4 and Sixth Revised Sheet No. 4A to its FERC Gas Tariff, Second Revised Volume No. 1. An effective date of September 1, 1986 is proposed.

Sixteenth Revised Sheet No. 4 is being submitted pursuant to Mississippi's gas tariff to track pipeline and producer rate changes and to recover gas costs which have accumulated in Mississippi's Unrecovered Purchased Gas Cost Account. Mississippi states that the filing reflects a decrease under Rate Schedule CD–1 of $.799 per Mcf in Demand Charge D–1, an increase of $0.397 per Mcf in the D–2 Demand Charge and a commodity rate decrease of $.3763 per Mcf. The single part rate under Rate Schedule SGS–1 reflects a purchased gas cost decrease of $.4139 per Mcf. The overall cost impact of such rate changes when applied to annual jurisdictional billing determinants is a $46 million reduction.

Mississippi states that Sixth Revised Sheet No. 4A indicates zero incremental pricing surcharges.

Mississippi also submits for filing Third Revised Sheet No. 41 and Substitute Third Revised Sheet No. 52 to be effective to September 1, 1986 and July 1, 1985, respectively. Mississippi states that such tariff pages reflect changes of an adminstrative nature. Third Revised Sheet No. 41 modifies Paragraph 17.12 to reflect all "pipeline suppliers" rather than "Natural Gas Pipeline Company of America" for the purchased gas cost flow through of D–2 Demand Charges so identified and billed to MRT. Substitute Third Revised Sheet No. 52 reflects language requested by FERC technical staff to clarify in Paragraph 17.44 the handling of out of balance concurrent gas exchanges.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of practice and procedure (18 CFR 385.211, 385.215). All such motions or protests should be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18104 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-146-000]

Natural Gas Pipeline Co. of America; Change in FERC Gas Tariff

August 7, 1986.

Take Notice that on August 1, 1986, Natural Gas Pipeline Company of America (Natural) submitted for filing to be a part of its FERC Gas Tariff, Second Revised Volume No. 2, tariff sheets to be effective July 1, 1986.

Natural states that the purpose of the filing is to revise the rates under Rate Schedules X-142 through X-152 to reflect the rate levels authorized for Rate Schedule TRT-1.

A copy of this filing was mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18105 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-3-28-000, 001]

Panhandle Eastern Pipe Line Co.; Change in Tariff

August 7, 1986.

Take notice that on August 1, 1986 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Fifty-Sixth Revised Sheet No. 3-A
Thirty-Third Revised Sheet No. 3-B
Fifteenth Revised Sheet No. 3-C.1
Fifteenth Revised Sheet No. 3-C.2
Fifteenth Revised Sheet No. 3-C.3

The proposed effective date of these revised tariff sheets is September 1, 1986.

Panhandle states that these revised tariff sheets reflect a commodity rate decrease of (54.06¢) per Dt. This decrease includes:

(1) A (48.60¢) per Dt decrease in the surcharge for the current period amortization of the Deferred Account Balance at May 31, 1983, pursuant to Docket No. TA83-2-28-000;

(2) A (5.68¢) per Dt decrease in the projected purchased gas cost component; and

(3) A 0.22¢ per Dt increase in the surcharge to recover the Current Deferred Account Balance at May 31, 1986 and related carrying charges.

Panhandle further states that the revised tariff sheets filed herewith reflect the following changes to Panhandle's D_1 and D_2 demand rates:

(1) An increase of $.21 for D_1 and 0.90¢ for D_2, pursuant to section 22 of the General Terms and Conditions of Panhandle's tariff (ANGTS tracking mechanism); and

(2) An increase of $.03 for D_1 and .12¢ for D_2, to reflect an increase in the section 18.4 pipeline supplier demand costs.

Additionally, the revised tariff sheets filed herewith reflect Projected Incremental Pricing Surcharges in accordance with section 21 of the General Terms and Conditions of Panhandle's Tariff.

Panhandle has included in this filing projected gas purchase volumes from its suppliers for the six (6) month period commencing September 1, 1986, as detailed in section 18.2, Schedule A.

Panhandle's previous PGA filing, effective March 1, 1986 through August 31, 1986, includes the last six-months of the three-year amortization of the deferred account balance at May 31, 1983 as approved by the Commission Order dated August 31, 1983 in Docket No. TA83-2-28-000. Therefore, Panhandle has in the instant filing reflected the elimination of the currently effective surcharge of 48.60¢ per Dt which was designed to recover this amortized deferred account balance through the period ending August 31, 1986. Moreover, Panhandle will continue to record the actual recoveries of these amortized amounts through August 31, 1986. Panhandle will, after completion of the actual recovery of the balance in Sub-Account 191.1005 at August 31, 1986, flow-through any remaining overrecovery or underrecovery in Panhandle's next regularly scheduled PGA filing.

A report which shows producer-supplier refunds recovered through billing adjustments is submitted in section 18.2 of this filing.

Panhandle's Schedule A included herein reflects costs under the Commission's Order No. 94-A for gas to be acquired by Panhandle during the six-month period commencing September 1, 1986. Panhandle will supply to the Commission within thirty (30) days hereof, under separate cover, additional workpapers containing the information requried under § 271.1104(f) of the Commission's Regulations for production-related costs reflected in this filing to the extent such information has not already been provided.

On November 14, 1985 in Docket No. RP85-203 the Commission issued an order granting Panhandle's petition to institute a direct billing procedure for retroactive production-related cost. Pursuant to the Commission's order, Panhandle established a separate sub-account, Sub-Account 191.1012, to account for this procedure. Panhandle charged to this sub-account its payments to suppliers and is crediting the amounts received under its direct billing procedure. The amounts in this production-related cost sub-account are not included in the PGA calculations, and therefore they do not affect in any manner the instant PGA rate adjustments.

Panhandle states that it is also filing herewith six (6) copies each of the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 43.4.2
Original Sheet No. 43.4.3

The proposed effective date of these revised sheets is September 1, 1986.

Panhandle is proposing to revise section 18 (Purchased Gas Cost Rate Adjustment (PGA)) of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1, to permit Panhandle to make appropriate changes from time to time, in its gas rates in order to recognize in a more timely manner, the rate impact of known and measurable changes in the current cost of purchased gas included in the rates established in the most recent PGA filing.

Currently, Panhandle is permitted to adjust its jurisdictional rates pursuant to the Commission's PGA Regulations semi-annually on March 1 and September 1 of each calendar year by filing the appropriate tariff sheets and supporting materially by January 29 and August 1, respectively. Because of the semi-annual nature of Panhandle's PGA provisions, major changes in Panhandle's purchased gas costs due to changes in price, contract renegotiations, changes in the purchase mix, changes in sales volumes or actions taken by Panhandle to reduce its gas costs can not currently be reflected in a timely manner in its jurisdictional rates. The proposed new "flexible" PGA tariff provisions will provide Panhandle with the means to adjust its jurisdictional rates between the semi-annual effective dates of adjustment to respond to the changes in its revised average cost of gas more quickly than twice a year. These proposed tariff changes also will allow Panhandle's customers to receive the benefits of reduced purchased gas costs almost immediately while protecting its customers by not allowing a rate to be charged higher than the rate established in the last PGA filing not governed by the interim provisions.

Given the competitive situation in Panhandle's market areas, Panhandle's sales can fluctuate greatly because of rate differences of a few cents per dekatherm. Additionally, under Panhandle's current tariff provisions, Panhandle cannot adjust its jurisdictional rates between the effective dates of adjustments to respond to changes in its gas costs more quickly than twice a year. Panhandle's gas costs could also be reduced by increasing its sales level. Again however, Panhandle's current PGA tariff provisions preclude Panhandle from passing any reductions through to its jurisdictional customers in a timely manner. These proposed revisions to Section 18 would permit Panhandle to adjust its gas rates by giving at least twenty-four (24) hours notice to reflect known and measurable changes in Panhandle's purchased gas costs and sales for the remainder of the regular PGA period.

The revisions to section 18 include the following provisions:

(a) Panhandle will continue to file semi-annual PGAs to be effective March 1 and September 1;

(b) Panhandle will be permitted to file from time to time at its discretion to adjust its jurisdictional rate to reflect a revised current cost of gas;

(c) The interim rate adjustment will allow Panhandle to reflect changes in purchased gas costs by adjusting its commodity sales rates to levels no higher than those established in Panhandle's last PGA filing not governed by the interim provisions;

(d) Provides for the Commission, all affected customers, state commissions or any other persons to raise in Panhandle's next regular PGA filing any issues concerning the interim adjustment to assure the adjustments, if any, are just and reasonable;

(e) Actual cost of purchased gas shall exclude retroactive payments, refunds, other out-of-period adjustments and the effect of concurrent exchange gas imbalances; and

(f) Proposal will allow Panhandle to respond to the current competitive situation in its markets and pass through to its jurisdictional customers the benefits of reduced gas costs.

Similar to other recently approved flexible PGA tariffs, Panhandle's proposed tariff sheets include the provision requiring Panhandle to demonstrate in subsequent PGA filings that its actions were appropriate and that it is entitled to recover the deferred purchased gas costs which may result. In recognizing the fact that Panhandle may not be able to control its average cost of purchased gas, Panhandle's potential liability and demonstration of appropriateness will be limited only to amounts in excess of three (3) percent of the known and measurable changes in the actual cost of purchased gas during any portion of the PGA period in which Panhandle has elected to use the proposed interim rate adjustment pursuant to the revisions to Section 18 as set forth in this filing. However, Panhandle shall support its deferred balances, if any, including the three (3) percent margin, to the extent that it is required to demonstrate the adjustments were not used to track known and measurable changes in gas costs.

Because these interim rate adjustment filings pursuant to the revisions in section 18 are interim adjustments to existing rates and because supporting detail will be provided in subsequent PGA filings, the revisions to section 18 provide that Panhandle shall give appropriate notice by filing with the Commission and serving its affected customers and state commissions at least twenty-four (24) hours prior to the effective date of such interim rate change.The interim tariff change will consist of revised tariff sheet(s) reflecting the revised cost of purchased gas and summary computation sheets showing the calculation of the interim rate adjustment using the same methodology as reflected in Panhandle's currently effective semi-annual PGA adjustment, and will be based on its estimates of purchases, costs and sales for the remainder of the semi-annual PGA period. This interim rate adjustment filing will not be subject to the notice requirements established by the Commission's Regulations.

Panhandle respectively requests that the Commission grant waiver of § 154.38(d)(4) (the PGA regulations) and § 154.22 (the 30-day notice requirement) of the Commission's Regulations in order to implement the instant flexible PGA proposal.

To the extent required, if any, Panhandle requests that the Commission grant such waivers as may be necessary for the acceptance of these tariff sheets submitted herewith, to become effective September 1, 1986, as previously described.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of practice and procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18101 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-44-000]

SKZ Inc. v. Tennessee Gas Pipeline Co.; Complaint

August 7, 1986.

On June 25, 1986, SKZ Inc. (SKZ), successor to Towner Petroleum Company (Towner), filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206. SKZ requests the Production-Related Costs Board (Board) to find that Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) is in violation of 18 CFR 271.1104 by refusing to reimburse SKZ for $295,774.31 in production-related costs incurred between June 1981 through December 1984.

SKZ states that on September 19, 1980, Towner (seller) and Tennessee (buyer) entered into a 20-year gas sale contract covering sales located in Guernsey and Noble Counties, Ohio. Towner commenced sales to Tennessee in June 1981 pursuant to Commission Order No. 411. On December 27, 1985, following the corporate reorganization of Towner under Chapter 11 of the Bankruptcy Code, the name Towner was changed to SKZ. SKZ was granted a small producer certificate in Docket No. CS86-47-000 by Commission order of April 24, 1986.

SKZ further states that under the terms of the 1980 agreement, Tennessee agreed to reimburse Towner for various production-related costs, including dehydration. Tennessee has previously reimbursed Towner for other production-related costs related to the subject sale, transmission and compression, but has refused to reimburse Towner/SKZ for retroactive dehydration costs.

SKZ requests the Board to issue an order directing Tennessee to pay the $295,774.31 dehydration costs plus contractual interest of 9 percent.

Under the Rules 206(d) and 213(a), 18 CFR 385.206(b) and 385.213(a), Tennessee must file an answer to SKZ's complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. Tennessee shall file its answer with the Commission not later than August 28, 1986.

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protests or motions should be filed not later than August 28, 1986.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18095 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-147-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Tariff Change

August 7, 1986.

Take notice that on August 1, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing First Revised Sheet No. 98, to First Revised Volume No. 1 of its FERC Gas Tariff.

The proposed effective date for this revised tariff is September 1, 1986.

Tennessee states that it is modifying the Fuel and Losses provision of its Rate Schedule IT to eliminate Tennessee's option to provide gas to shippers for fuel and losses associated with interruptible transportation. Upon the effective date of the revised tariff sheet, Tennessee will retain appropriate quantities of gas tendered for interruptible transportation by all shippers for fuel and losses.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of practice and procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18102 Filed 8-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-3-30-000, 001]

Trunkline Gas Co.; Change in Tariff

August 7, 1986.

Take notice that on August 1, 1986 Trunkline Gas Company (Trunkline) tendered for filing Fiftieth Revised Sheet No. 3-A and Thirteenth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1.

The proposed effective date of these revised tariff sheets is September 1, 1986.

Trunkline states that these revised tariff sheets reflect a commodity rate decrease of (20.76¢) per Dt. This decrease includes:

(1) A (72.15¢) per Dt decrease in the surcharge for the current period amortization of the Deferred Account Balance at May 31, 1983 pursuant to Docket No. TA83-2-30-000;

(2) A 4.20¢ per Dt increase in the surcharge to recover transportation refunds pursuant to the Commission's Orders dated October 25, 1985 and February 20, 1986 in Docket Nos. RP83-93, *et al.*;

(3) A 2.08¢ per Dt increase in the carrying cost surcharge account balance; and

(4) A 45.11¢ per Dt increase in the projected purchased gas cost component.

Trunkline further states that the revised tariff sheets filed herewith reflect Projected Incremental Pricing Surcharges in accordance with Section 21 of the General Terms and Conditions in Trunkline's Tariff.

Trunkline has included in this filing projected gas purchase volumes from its producer-suppliers for the twelve (12) month period commencing September 1, 1986, as detailed in section 18, Schedule A.

Trunkline's previous PGA filing, effective March 1, 1986 through August 31, 1986, includes the last six-months of the three-year amortization of the deferred account balance at May 31, 1983 as approved by Commission Order dated August 31, 1983 in Docket No. TA83-2-30-000. Therefore, Trunkline has in the instant filing reflected the elimination of the currently effective surcharge of 72.15¢ per Dt which was designed to recover this amortized deferred account balance through the period ending August 31, 1986. Moreover, Trunkline will continue to record the actual recoveries of these amortized amounts through August 31, 1986. Trunkline will, after completion of the actual recovery of the balance in Sub-Account 191.1005 at August 31, 1986, flow-through any remaining

overrecovery or underrecovery in Trunkline's next regularly scheduled PGA filing.

In accordance with the Commission's Order dated October 28, 1985 in Docket No. TA83–2–30–000 which approved the collection of associated carrying charges for the full amortization period, rather than just the initial twelve-month period, as affirmed by the Commission's Order denying rehearing issued February 28, 1986, Trunkline has reflected in the instant filing an adjustment in rates, with the attendant supporting workpapers, which would properly collect the additional carrying charges associated with the three years of the amortization period. However, Trunkline has made the decision to forego at this time the collection of these interest costs, although it is authorized to collect these amounts. Trunkline reserves the right to include such amounts for collection in an appropriate subsequent filing. Therefore, the instant filing reflects an adjustment removing the 19.38¢ per Dt surcharge associated with the recovery of these carrying charges for the rates effective during this PGA period.

Trunkline's previous PGA filing in Docket Nos. TA86–2–30–000 and TA86–2–30–001 (March 1, 1986 PGA) included a line-item adjustment which projected a potential purchased gas cost reduction associated with its ongoing negotiations with its producer-suppliers during the six-month PGA period ending August 31, 1986. The Commission's Order issued February 28, 1986 in Docket Nos. TA86–2–30–000 and TA86–2–30–001, accepted this adjustment, subject to Trunkline assuming the risk of any undercollection that might result and the burden of showing why it should be permitted to recover any such undercollection.

Inasmuch as the instant filing includes only the first three (3) months (March-May) of the six-month PGA period, Trunkline is unable to determine at this time the full impact of its projected cost of gas reduction because the full six-month period has not elapsed, and because negotiations are continuing with its producer-suppliers. Trunkline will meet the burden of responsibility it has with respect to any undercollections that occurred, if any, during the full six-month PGA period, and will be able to do so when it can review the deferred account activities for the entire March through August 1986 period. Accordingly, as the Commission has required of the pipelines where the deferred accounting period has not been concluded, Trunkline has in the instant PGA filing excluded the unrecovered purchased gas costs for March through May 1986, and any effects of such costs, pertaining to Trunkline's PGA line-item adjustment which are subject to the "at risk" condition imposed by the Commission in Docket Nos. TA86–2–30–000 and TA86–2–30–001. Trunkline's holding in abeyance the recovery of any such amounts in its deferred purchase gas cost account at this time is without prejudice to Trunkline's rights (1) to recover subsequently any net deferrals incurred during the period March through August 1986, and (2) to collect carrying charges on all amounts for which it is able to meet the burden of proof imposed in the underlying docket.

Trunkline has also included in the instant filing a debit adjustment of $3,884,799 to its Deferred Purchased Gas Cost Account No. 191 to reflect the refund amount paid by Trunkline to its transportation customers in accordance with the Commission's Orders dated October 25, 1985 and February 20, 1986 in Docket Nos. RP83–93, *et al.*

A report which shows producer-supplier refunds recovered through billing adjustments is not provided in this filing because Trunkline has not recovered any such producer-supplier refunds through billing adjustments.

Trunkline's Schedule A included herein reflects costs under the Commission's Order No. 94–A for gas to be acquired by Trunkline during the twelve-month period commencing September 1, 1986. Trunkline will supply to the Commission within thirty (30) days hereof, under separate cover, additional workpapers containing the information required under Section 271.1104(f) of the Commission's Regulations for production-related costs reflected in this filing to the extent such information has not already been provided.

Trunkline further states that it is also submitting herewith for filing six (6) copies each of the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Tenth Revised Sheet No. 21–F
Fourth Revised Sheet No. 21–I

The proposed effective date of these revised sheets is March 1, 1986.

On March 5, 1986, in Docket Nos. TA86–2–30–000 and TA86–2–30–001 Trunkline filed Tenth Revised Sheet No. 21–F and Second Revised Sheet No. 21–F.1 to conform its PGA tariff language to implement the Commission's adjusted methodology for the treatment of concurrent exchange imbalances. Trunkline's March 5, 1986 tariff sheets were accepted by letter order dated May 9, 1986 with an effective date of March 1, 1986. First Substitute Tenth Revised Sheet No. 21–F and Fourth Revised Sheet No. 21–I submitted herewith reflect additional modifications of Trunkline's PGA tariff to clarify the implementation of the Commission's new methodology for the treatment of exchange gas imbalances.

The instant filing utilizes the Commission's adjusted methodology for treatment of concurrent exchange imbalances in compliance with the Commission's Order issued February 28, 1986, and letter order issued May 9, 1986, in Docket Nos. TA86–2–30–000 and TA86–2–30–001. Accordingly, Trunkline has included a one-time adjustment to the Account No. 191 to reflect the appropriate concurrent exchange balance. This one-time adjustment reflects the elimination of a cumulative exchange-out position as of February 28, 1986. Submitted herewith are workpapers supporting this one-time adjustment, monthly concurrent exchange gas volumes and costs, and monthly concurrent exchange gas costs elimination for purposes of computing carrying charges.

On November 14, 1985 in Docket No. RP85–202 the Commission issued an order granting Trunkline's petition to institute a direct billing procedure for retroactive production-related costs. Pursuant to the Commission's order, Trunkline established a separate sub-account, Sub-Account 191.1009, to account for this procedure. Trunkline charged to this sub-account its payments to producer-suppliers and is crediting the amounts received under its direct billing procedure. The amounts in this production-related cost sub-account are not included in the PGA calculations, and therefore they do not affect in any manner the instant PGA rate adjustments.

Trunkline states that it is also filing herewith six (6) copies each of the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 21–J.1
Original Sheet No. 21–J.2

The proposed effective date of these tariff sheets is September 1, 1986.

Trunkline is proposing to revise section 18 (Purchased Gas Cost Rate Adjustment (PGA)) of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1, to permit Trunkline to make appropriate changes from time to time, in its gas rates in order to recognize in a more timely manner, the rate impact of known and measurable changes in the current cost of purchased gas included in the rates established in the most recent PGA filing.

Currently, Trunkline is permitted to adjust its jurisdictional rates pursuant to the Commission's PGA Regulations annually on September 1 of each calendar year by filing the appropriate tariff sheets and supporting material by August 1. Because of the annual nature of Trunkline's PGA provisions, major changes in Trunkline's purchased gas costs due to changes in price, contract renegotiations, changes in the purchase mix, changes in the sales volumes or other actions taken by Trunkline to reduce its gas costs can not currently be reflected in a timely manner in its jurisdictional rates. The proposed new "flexible" PGA tariff provisions will provide Trunkline with the means to adjust its jurisdictional rates between the annual effective dates of adjustment to respond to the changes in its revised average cost of gas more quickly than once a year. These proposed tariff changes also will allow Trunkline's customers to receive the benefits of reduced purchased gas costs almost immediately while protecting its customers by not allowing a rate to be charged higher than the rate established in the last PGA filing not governed by the interim provisions.

Given the competitive situation in Trunkline's market areas, Trunkline's sales can fluctuate greatly because of rate differences of a few cents per dekatherm. Additionally, under Trunkline's current tariff provisions, Trunkline cannot adjust its jurisdictional rates between the effective dates of adjustments to respond to changes in its gas costs more quickly than once a year. Trunkline's gas costs could also be reduced by increasing its sales level. Again however, Trunkline's current PGA tariff provisions preclude Trunkline from passing any reductions through to its jurisdictional customers in a timely manner. These proposed revisions to section 18 would permit Trunkline to adjust its gas rates by giving at least twenty-four (24) hours notice to reflect known and measurable changes in Trunkline's purchased gas costs and sales for the remainder of the regular PGA period.

The revisions to section 18 include the following provisions:

(a) Trunkline will continue to file an annual PGA to be effective September 1;

(b) Trunkline will be permitted to file from time to time at its discretion to adjust its jurisdictional rates to reflect a revised current cost of gas;

(c) The interim rate adjustment will allow Trunkline to reflect changes in purchased gas costs by adjusting its commodity sales rates to levels no higher than those established in Trunkline's last PGA filing not governed by the interim provisions;

(d) Provides for the Commission, all affected customers, state commissions or any other persons to raise in Trunkline's next regular PGA filing any issues concerning the interim adjustment to assure that the adjustments, if any, are just and reasonable;

(e) Actual cost of purchased gas shall exclude retroactive payments, refunds, other out-of-period adjustments and the effect of concurrrent exchange gas imbalances; and

(f) Proposal will allow Trunkline to respond to the current competitive situation in its markets and pass through to its jurisdictional customers the benefits of any reduced gas costs.

Similar to other recently approved flexible PGA tariffs, Trunkline's proposed tariff sheets include the provision requiring Trunkline to demonstrate in subsequent PGA filings that its actions were appropriate and that it is entitled to recover any deferred purchased gas costs which may result. In recognizing the fact that Trunkline may not be able to control its average cost of purchased gas, Trunkline's potential liability and demonstration of appropriateness will be limited only to amounts in excess of three (3) percent of the known and measurable changes in the actual cost of purchased gas during any portion of the PGA period in which Trunkline has elected to use the proposed interim rate adjustment pursuant to the revisions to Section 18 as set forth in this filing. However, Trunkline shall support its deferred balances, if any, including the three (3) percent margin, to the extent that it is required to demonstrate the adjustments were not used to track known and measurable changes in gas costs.

Because these interim rate adjustments filings pursuant to the revisions in Section 18 are interim adjustments to existing rates and because supporting detail will be provided in subsequent PGA filings, the revisions to Section 18 provide that Trunkline shall give appropriate notice by filing with the Commission and serving its affected customers and state commissions at least twenty-four (24) hours prior to the effective date of such interim rate change. The interim tariff change will consist of revised tariff sheet(s) reflecting the revised cost of purchased gas and summary computations sheets showing the calculation of the interim rate adjustment using the same methodology as reflected in Trunkline's currently effective annual PGA adjustment, and will be basded on its estimates of purchases, costs and sales for the remainder of the annual PGA period. This interim rate adjustment filing will not be subject to the notice requirements established by the Commission's Regulations.

Trunkline respectively requests that the Commission grant waiver of § 154.38 (d)(4) (the PGA regulations) and § 154.22 (the 30-day notice requirement) of the Commission's Regulations in order to implement the instant flexible PGA proposal.

To the extent required, if any, Trunkline requests that the Commission grant such waivers as may be necessary for acceptance of the tariffs sheets submitted herewith, to become effective March 1, 1986, or September 1, 1986, as previously described.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18103 Filed 8-11-86; 8:45 pm]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OMS-FRL-3063-1]

Final Agency Actions Regarding the Motor Vehicle Provisions of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of mobile source final agency actions.

SUMMARY: This notice announces final EPA actions taken in conjunction with its mobile source program. With the exception of the final actions taken with respect to Azle Research Labs, Inc. (Azle), Custom Engineering, Inc. (Custom), and Fairway Environmental

Engineering (Fairway), persons seeking judicial review of these final actions must petition the United States Court of Appeals for the District of Columbia Circuit for review of these actions. Persons seeking judicial review of final action taken with regard to certain import testing laboratories and their test results must petition the United States Court of Appeals for the Fifth Circuit for review of the decision concerning Azle, and the Ninth Circuit for review of the decisions concerning Custom and Fairway. Failure to petitoin for review of any of these actions on or before October 14, 1986 will preclude a challenge later in an EPA enforcement action.

FOR FURTHER INFORMATION CONTACT: Steven M. Spiegel, Attorney/Advisor, Manufacturers Operations Division, (EN–340F), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382–2526.

SUPPLEMENTARY INFORMATION: EPA has determined that all of the actions summarized below are final. Where possible, the specific date on which the action became final is specified.

Under section 307(b)(1) of the Clean Air Act (Act), EPA has determined that, except for the decisions on the import testing laboratories, these actions are nationally applicable. Accordingly, judicial review of these actions, exclusive of those pertaining to testing laboratories, is available *only* by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit on or before October 14, 1986. EPA has determined that the decisions on the import testing laboratories are locally or regionally applicable. Accordingly, judicial review of either the Custom or Fairway decisions is available only by filing a petition for review in the United States Court of Appeals for the Ninth Circuit, and judicial review of the Azle decision is available only by filing a petition for review in the United States Court of Appeals for the Fifth Circuit on or before October 14, 1986. Under Section 307(b)(2) of the Act, these final actions may not be challenged later in civil or criminal proceedings brought by EPA to enforce these actions.

The following EPA actions regarding motor vehicles have become final:

1. In a letter dated September 12, 1985, General Motors Corporation (GM) submitted a plan to remedy the oxides of nitrogen (NOx) nonconformities in 1979 and 1980 GM vehicles of engine families 920X2EU and 02S4V. EPA approved this plan as a remedy for the NOx nonconformities in a letter dated October 7, 1985. Therefore, on October 7, 1985, EPA's approval of GM's remedial plan for engine families 920X2EU and 02S4V became final.

2. GM submitted remedial plans in a December 12, 1984 letter, which were amended by July 31, 1985 and August 23, 1985 letters, to remedy the NOx nonconformities in 1978 engine families 840B2/840E5VU and 810Y2 and 1980 engine family 04E2A. EPA approved these plans in a letter dated December 9, 1985, as a remedy for the NOx nonconformities in these engine families. Therefore, on December 9, 1985, EPA's approval of GM's remedial plans for engine families 840B2/840E5VU, 810Y2 and 04E2A became final.

3. By letter of March 4, 1986, GM submitted a plan to remedy the hydrocarbon (HC) nonconformity in those 1980 GM vehicles of engine family 03L4F with 5.0-liter engines. EPA approved this plan as a remedy for the HC nonconformity in a letter dated March 11, 1986. The plan was submitted under the terms of a negotiated settlement between EPA and GM of administrative litigation involving this engine family. The remainder of the vehicles in the engine family which have 5.7 liter engines were not included in the recall plan since additional testing showed lower emissions for those vehicles. Based on a joint motion filed by EPA and GM, the Administrative Law Judge dismissed the administrative proceeding with prejudice on March 25, 1986. Therefore, on March 11, 1986, EPA's approval of GM's remedial plan for engine family 03L4F became final.

4. GM submitted a revised remedial plan by letter of March 26, 1986, to remedy the carbon monoxide (CO) nonconformity in 1975 GM vehicles of engine family 60V45. EPA approved this plan as a remedy for the CO nonconformity in a letter dated April 3, 1986. GM submitted this revised plan subsequent to the April 29, 1985, denial of certiorari by the U.S. Supreme Court to review a decision of the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). *General Motors Corp. v. Thomas*, 742 F.2d 1561 (D.C. Cir. 1984) (*en banc*), *cert. denied*, 105 S. Ct. 2153 (1985). The D.C. Circuit upheld EPA's June 1980 partial disapproval of GM's earlier plan which would not have remedied those vehicles which exceeded their useful lives (five years or 50,000 miles) at the time they are brought in for repair. On April 3, 1986, EPA's approval of GM's revised remedial plan for engine family 60V45 became final.

5. By letter of September 5, 1985, EPA removed Azle Research Labs, Inc., (Azle) of Azle, Texas, for at least one year from the list of laboratories recognized as capable of performing the Federal Test Procedure (FTP) for determining emissions compliance of imported nonconforming vehicles under 40 CFR 85.1504. EPA found Azle was not capable of performing the FTP due to inadequacies in its testing procedures and laboratory personnel which were found in the course of an inspection of the laboratory and a review of its test packet submissions. Further, EPA decided to reject all pending test packets from Azle. This decision became final on September 5, 1985.

6. By letter of December 3, 1985, EPA removed Custom Engineering, Inc., (Custom), of Garden Grove, California, for at least three years from the list of laboratories recognized as capable of performing the FTP. EPA found Custom was not capable of performing the FTP due to apparent fraud and inadequancies in its testing procedures which were found in the course of an inspection and a review of its test packet submissions. Further, EPA decided to reject all pending test packets from Custom. This decision became final on December 3, 1985.

7. By letter of March 6, 1986 EPA removed Fairway Environmental Engineering, Inc., (Fairway), for at least three years from the list of laboratories recognized as capable of performing the FTP. EPA found Fairway was not capable of performing the FTP due to the submission of false or fradulent information and inadequacies in its testing procedures which were found in the course of an inspection and a review of its test packet submissions. Further, EPA decided to reject all pending test packets from Fairway. This decision became final on March 6, 1986.

Dated: August 6, 1986.

Richard D. Wilson,

Director, Office of Mobile Sources.

[FR Doc. 86–18085 Filed 8–11–86; 8:45 am]

BILLING CODE 6560–50–M

[AD–FRL–3062–9]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

ACTION: Notice of open meeting.

SUMMARY: A meeting of the National Air Pollution Control Techniques Advisory Committee will be held at the Sheraton University Center, Greenbriar Ballroom (2nd Floor), 2800 Middleton Avenue at Morreene Road and 15–501, Durham, North Carolina 27705. The commercial telephone number is (919) 383–8575.

DATES: September 17 and 18, 1986.

FOR FURTHER INFORMATION CONTACT: All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by September 9, 1985. The commercial telephone number is (919) 541–5571, and the FTS number is 629–5571.

SUPPLEMENTARY INFORMATION: The agenda for the meeting is as follows:

September 17 (Wednesday)–9:00 a.m.

Primary Aluminum, Review of Standards of Performance for New Stationary Sources (Section 111 of the Clear Air Act).

Residential wood combustion units, Status Report to the Committee on Regulatory Development (section 111 of the Clear Air Act).

Hazardous organics, National Emission Standards for Hazardous Air Pollutants (section 112 of the Clear Air Act).

Chromium—Comfort cooling towers, Status Report to the Committee on Regulatory Development (section 112 of the Clear Air Act).

September 18 (Thursday)–9:00 a.m.

Asbestos, Revision of National Emission Standards for Hazardous Air Pollutants (section 112 of the Clear Air Act).

Refinery fuel gas, Review of Standards of Performance for New Stationary Sources (section 111 of the Clear Air Act).

The dockets containing material relevant to primary aluminum (A–86–07), residential wood combustion (A–84–49), hazardous organics (A–86–11), chromium—comfort cooling towers (A–86–10), asbestos (A–80–47), and refinery fuel gas (A–84–44) are located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, SW., Washington, DC 20460. The dockets may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

(Pub. L. 92–463)

Dated: August 7, 1986.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86–18086 Filed 8–11–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59226; FRL–3063–7]

Ammonio Derivative of a Copolymer of Polyalkyl Glycols Toluene Diisocyanated and Alkyl Polyamine; Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: August 27, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS–59225]" and the specific TME number should be sent to: Document Control Officer (TS–790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room E–201, 401 M Street SW., Washington, DC 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Room E–611, 401 M Street SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86–54

Close of Review Period. September 4, 1986.

Manufacturer. Tennant Company.

Chemical. (G) Ammonio derivative of a copolymer of polyalkyl glycols toluene diisocyanate, an alkyl polyamine.

Use/Production. (S) Curing agent for aqueous epoxy resin dispersion. Prod. range: Confidential.

Toxicity Data. No data on PMN substance submitted.

Exposure. Manufacturer: dermal and inhalation, a total of 15 workers, up to 15 hrs/day.

Environmental Release/Disposal. No release.

Dated: August 4, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86–18121 Filed 8–11–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59778; FRL–3063–6]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any persons who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of eleven such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 86–195, 86–196, 86–197 and 86–198, August 7, 1986.

Y 86–199, August 10, 1986.

Y 86–200, 86–201, 86–202, 86–203 and 86–204, August 11, 1986.

Y 86–205, August 13, 1986

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–

794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-195

Manufacturer. Confidential.
Chemical. (G) Acrylic polymer.
Use/Production. (S) Site-limited and industrial spray applied coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-196

Manufacturer. Confidential.
Chemical. (S) Polymer of 4,4-isopropylidenedicyclohexanol epichlorolydrin bisphenol A linseed fatty acids conjugated tall oil fatty acids glacial acrylic acid butyl acrylate stryrene.
Use/Production. (S) Industrial polymer for industrial metal coatings. Prod. range: 45,000 to 115,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 3 hrs/day, up to 5 day/yr.
Environmental Release/Disposal. 24 kg/batch released to air and landfill. Disposal by publicly owned treatment works (POTW) and incineration.

Y 86-197

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Site-limited and industrial coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Y 86-198

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Site-limited and industrial coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Y 86-199

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Y 86-200

Importer. Confidential.
Chemical. (G) Acrylic polymer.
Use/Import. (G) Metal coatings. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No release.

Y 86-201

Manufacturer. Confidential.
Chemical. (G) Acrylic modified epoxy.
Use/Production. (G) Resin, for coastings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-202

Manufacturer. Confidential.
Chemical. (G) Saturated polyester.
Use/Production. (G) Molding resin additive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Y 86-203

Manufacturer. Confidential.
Chemical. (G) Saturated polyester.
Use/Production. (G) Molding resin additive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Y 86-204

Importer. Dynamit Nobel Chemical.
Chemical. (G) Polyester resin or aryl dicarboxylic acids plus alkane diols.
Use/Import. (S) Industrial metal decorating and protecting laquers and enamels. Import range: 180,000 to 450,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-205

Manufacturer. Confidential.
Chemical. (G) Water reducible alkyd resin.
Use/Production. (G) Manufacture of clear and pigmented water reducible metal coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Dated: August 4, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86-18120 Filed 8-11-86; 8:45 am]

BILLING CODE 8560-50-M

[OPTS-51634; FRL-3064-6]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of eighty-six such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-1322, 86-1323, 86-1324, 86-1325 and 86-1326, October 15, 1986.
P 86-1327, 86-1328, 86-1329, 86-1330, 86-1331 and 86-1332, October 18, 1986.
P 86-1333, 86-1334, 86-1335, 86-1336, 86-1337, 86-1338, 86-1339, 86-1340, 86-1341, 86-1342, 86-1343, 86-1344 and 86-1345, October 20, 1986.
P 86-1346 and 86-1347, October 21, 1986.
P 86-1348, October 22, 1986.
P 86-1351, August 24, 1986.
P 86-1352, 86-1353, 86-1354, 86-1355, 86-1356, 86-1357, 86-1358, 86-1359, 86-1360, 86-1361, 86-1362, 86-1363, 86-1364, 86-1365, 86-1366, 86-1368, 86-1369, 86-1370, 86-1371, 86-1372, 86-1373, 86-1374, 86-1375, 86-1376, 86-1377, 86-1378, 86-1379, 86-1380, 86-1381, 86-1382, 86-1383, 86-1384, 86-1385, 86-1386, 86-1387, 86-1388, 86-1389, 86-1390, 86-1391, 86-1392, 86-1393, 86-1394, 86-1395, 86-1396, 86-1397, 86-1398, 86-1399, 86-1400, 86-1401, 86-1402, 86-1403, 86-1404, 86-1405, 86-1406, 86-1407, 86-1408, 86-1409 and 86-1410, October 22, 1986.

Written comments by:

P 86–1322, 86–1323, 86–1324, 86–1325 and 86–1326, September 16, 1986.
P 86–1327, 86–1328, 86–1329, 86–1330, 86–1331 and 86–1332, September 18, 1986.
P 86–1333, 86–1334, 86–1335, 86–1336, 86–1337, 86–1338, 86–1339, 86–1340, 86–1341, 86–1342, 86–1343, 86–1344, and 86–1345, September 20, 1986
P 86–1346 and 86–1347, September 21, 1986
P 86–1348, September 22, 1986
P 86–1351, July 25, 1986.
P 86–1352, 86–1353, 86–1354, 86–1355, 86–1356, 86–1357, 86–1358, 86–1359, 86–1360, 86–1361, 86–1362, 86–1363, 86–1364, 86–1365, 86–1366, 86–1368, 86–1369, 86–1370, 86–1371, 86–1372, 86–1373, 86–1374, 86–1375, 86–1376, 86–1377, 86–1378, 86–1379, 86–1380, 86–1381, 86–1382, 86–1383, 86–1384, 86–1385, 86–1386, 86–1387, 86–1388, 86–1389, 86–1390, 86–1391, 86–1392, 86–1393, 86–1394, 86–1395, 86–1396, 86–1397, 86–1398, 86–1399, 86–1400, 86–1401, 86–1402, 86–1403, 86–1404, 86–1405, 86–1406, 86–1407, 86–1408, 86–1409, and 86–1410, September 22, 1986

ADDRESS: Written comments, identified by the document control number "[OPTS–51634]" and the specific PMN number should be sent to: Document Control Office (TS–790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–201, 401 M Street, S.W., Washington, D.C. 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street, S.W., Washington, D.C. 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room NE–G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86–1322

Manufacturer. Ethyl Corporation.
Chemical. (G) Aromatic diamine, thiomethylated.
Use/Production. (S) Curative or chain extender for polyurethane cast molded elastomer production. Prod. range: Confidential.
Toxicity Data. Acute oral: 1,515 mg/kg; Acute dermal: >2 g/kg; Irritation: Skin—Non-irritant, Eye—Irritant; Amest test: Non-mutagenic; HPC/DNA Repair: no genotoxic; CHO/HGPRT: No genotoxic; In vitro cytogenetic: Toxic.
Exposure. Confidential.
Environmental Release/ Disposals. Confidiential.

P 86–1323

Manufacturer. Confidential.
Chemical. (G) Substituted vinyl acetate/ethylene polymer.
Use/Production. (G) Industrial polymeric bonding of cellulosic fibers. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1324

Manufacturer. Confidential.
Chemical. (G) Copolymer of methacrylic esters.
Use/Production. (S) Industrial, commercial, and consumer general purpose coating, modifier for coatings, inks and adhesives. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1325

Manufacturer. Confidential.
Chemical. (G) Functional acrylate methacrylate polymer.
Use/Production. (S) Industrial automotive coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 29 workers, up to 8 hrs/da, up to 90 da/yr.
Environmental Release/Disposal. 8 to 140 kg/batch released to land.

P 86–1326

Importer. Confidential.
Chemical. (G) RTV–1 silicone rubber actoxy crosslinker.
Use/Import. (G) Destructive use.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86–1327

Manufacturer. Confidential.
Chemical. (G) Non-paintable silicone wax.
Use/Manufacturer. (G) Defoamer agent. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1328

Manufacture. Confidential.
Chemical. (G) Substituted polyhydroxy aromatic compound.
Use/Production. (G) Metal treatment for corrosion inhibition. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Irritation; Skin—Moderate.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by on site treatment plant

P 86–1329

Manufacturer. H. B. Fuller Company.
Chemical. (G) C_{18} unsaturated dimer, sebacic acid, peperazine, ethylenediamine, hydrocarbonamine polymer.
Use/Production. (S) Industrial adhesive. Prod. range: 200,000 to 800,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacturer: dermal, a total of 6 workers, up to 6 hrs/da, up to 60 da/yr.
Environmental Release/Disposal. 20 kg/batch released to water.

P 86–1330

Manufacturer. Ferro Corporation.
Chemical. (G) Methylesters of a carboxylic acid in solution.
Use/Production. (G) Site-limited and industrial monomer for high temperature laminating resin and prerequisite. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–1331

Manufacturer. PMC Specialties Group, Inc.
Chemical. (G) Alkyl benzotriazole.
Use/Production. (S) Corrosion inhibitor. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by publicly owned treatment works (POTW).

P 86–1332

Manufacturer. PMC Specialties Group, Inc.
Chemical. (G) Alkyl benzotriazole sodium salt solution.
Use/Production. (S) Corrosion inhibitor. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by POTW.

P 86–1333

Importer. Albright and Wilson, Inc.
Chemical. (G) Mixed haloalkyl phosphates.

Use/Import. (G) Flame retardant. Import range: Confidential

Toxicity Data. Ames test: Not mutagenic; Micronucleus study: Negative; Acute oral; Males—2,236 mg/kg, Females—2,489 mg/kg, Combined—2,359 mg/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1334

Manufacturer. Werner G. Smith, Inc.

Chemical. (S) Monohydric alcohol ester of tall oil fatty acids, oxidized fatty acids, tall oil ester of heavy oxo alcohol distillation bottoms, oxidized.

Use/Production. (S) Industrial leather treating chemicals additive as a lubricant in can making. Prod. range: 240,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal, a total of 20 workers up to 6 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. 2 to 10 kg/batch released to water. Disposal by POTW.

P 86–1335

Manufacturer. Confidential.

Chemical. (G) Alkyldiol polyester polyurethane.

Use/Production. (G) New substance will be used in preparation of coatings. Prod. range: 40,000 to 251,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 45 workers, up to 8 hrs/da, up to 47 da/yr.

Environmental Release/Disposal. 1 to 325 kg/batch released to land.

P 86–1336

Manufacturer. Confidential.

Chemical. (G) Hexanediol polyester polyurethane.

Use/Production. (G) New substance will be used in preparation of coatings. Prod. range: 40,000 to 250,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 45 workers, up to 8 hrs/da, up to 47 da/yr.

Environmental Release/Disposal. 1 to 5 kg/batch released to land.

P 86–1337

Manufacturer. Confidential.

Chemical. (G) Polyester of 1,6-hexanediol.

Use/Production. (S) Site-limited and industrial isolated intermediate. Prod. range; 66,000 to 405,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 52 workers, up to 8 hrs/da, up to 25 da/yr.

Environmental Release/Disposal. 1 to 207 kg/batch released to land.

P 86–1338

Manufacturer. Confidential.

Chemical. (G) Alkanediol polyester polyurethane.

Use/Production. (G) New substance will be used in preparation of coatings. Prod. range: 40,000 to 250,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 8 workers, up to 2 hrs/da, up to 14 da/yr.

Environmental Release/Disposal. 1 to 19 kg/batch released to land.

P 86–1339

Manufacturer. Confidential.

Chemical. (G) Mercapto functional paintable silicone fluid.

Use/Production. (G) Mold release agent. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1340

Manufacturer. The Dow Chemical Company.

Chemical. (G) Unsaturated aromatic hydrocarbon.

Use/Production. (S) Electronic protective polymers. Prod. range: Confidential.

Toxicity Data. Acute oral: >2,000 mg/kg; Skin sensitization: Irritant; Irritation: Eye—Irritant.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1341

Manufacturer. The Dow Chemical Company.

Chemical. (G) Unsaturated aromatic hydrocarbon.

Use/Production. (S) Intermediate for electronic protective polymer and polymer manufacture. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1342

Manufacturer. Confidential.

Chemical. (G) Acrylate capped brominated polyether ester of benzophenone tetracarboxylic dianhydride reaction product with isocyanate adduct of alkoxylated polyol.

Use/Production. (S) Electronic photoresist and solder mask. Prod range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No release.

P 86–1343

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyether urethane.

Use/Production. (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000 to 40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 4 workers, up to 4 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. Minimal release.

P 86–1344

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyester urethane.

Use/Production. (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000 to 40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 4 workers, up to 4 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. Minimal release.

P 86–1345

Importer. DSM Resins, Inc.

Chemical. (G) Polyurethane modified polymer.

Use/Import. (S) Coatings for plastics. Prod range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 86–1346

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl benzene diol.

Use/Production. (G) Intermediate in polyol synthesis. Prod. range: Confidential.

Toxicity Data. Acute oral: 790 mg/kg; Irritation: Skin—Irritant; Ames test: Non-mutagenic.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1347

Manufacturer. Confidential.

Chemical. (G) Perfluoro dialkanol of iodobenzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 422 mg/kg; Ames test: Not-mutagenic; Skin Sensitization: Severe.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1348

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl polyol.
Use/Production. (G) Protective coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1351

Importer. Confidential.
Chemical. (G) Potassium alkenyl succinate.
Use/Import. (G) Polyvinyl chloride additive. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1352

Manufacturer. Koppers Company, Inc.
Chemical. (G) Dialkylated naphthalene sulfonic acid calcium salt.
Use/Production. (G) Coating and lube oil component. Prod. range: Confidential.
Toxicity Data. Acute oral: >2,000 mg/kg; Irritation: Eye—Mild; Inhalation: >5 mg/1; Ames test: Non-mutagenic; Skin Sensitization: Mild.
Exposure. Manufacture and processing: dermal.
Environmental Release/Disposal. Confidential.

P 86–1353

Importer. Himont, Inc.
Chemical. (G) Dialkyl dimethoxysilane.
Use/Import. (G) Co-catalyst in plastic manufacture. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Import: dermal, a total of 2 workers, up to 3 hrs/da, up to 300 da/yr.
Environmental Release/Disposal. No release.

P 86–1354

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Siloxanes and silicones, alkyl methyl, dimethyl-.
Use/Import. (S) Base oil for greases, lubricant by itself or with others. Import range: 500 to 2,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1355

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Amino functional polydimethylsiloxane.
Use/Import. (G) Finishing agent or softner for polyester cotton fibers. Import range: 7,000 to 10,000 kg/yr.
Toxicity Data. Irritation: Eye—More irritating; Skin sensitization: Moderate.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1356

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Vinylsiloxy and hydroxy terminated fluorosilicone gum.
Use/Import. (S) Industrial ingredient for silicone rubber compound. Import range: 500 to 3,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86–1357

Manufacturer. Confidential.
Chemical. (G) (Alkylarylheterocycle) alkenyl substituted quinolinium salt with trifluoromethanesulfonic acid.
Use/Production. (G) Contained use in an article. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 36 workers, up to 0.5 hr/da, up to 4 da/yr.
Environmental Release/Disposal. No release.

P 86–1358

Manufacturer. Confidential.
Chemical. (G) Hydroxy substituted benzoic acid derivative.
Use/Production. (G) Site-limited chemical intermediate. Prod. range: 50,000 to 100,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 85 workers, up to 1 hr/da, up to 20 da/yr.
Environmental Release/Disposal. Confidential.

P 86–1359

Manufacturer. Confidential.
Chemical. (G) Alkyl and aryl substituted quinoline.
Use/Production. (G) Chemical intermediate. Prod. range: 5 to 100 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 11 workers, up to 0.3 hr/da, up to 4 da/yr.
Environmental Release/Disposal. Minimal release to air.

P 86–1360

Manufacturer. Confidential.
Chemical. (G) Dialkyl quinoline.
Use/Production. (G) Site-limited chemical intermediate. Prod. range: 5 to 100 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 17 workers, up to 0.4 hr/da, up to 20 da/yr.
Environmental Release/Disposal. Minimal release to air.

P 86–1361

Manufacturer. Confidential.
Chemical. (G) Di(alkylaryl) substituted cyclopropene.
Use/Production. (G) Chemical intermediate. Prod. range: 10 to 200 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 18 workers, up to 0.5 hr/da, up to 2 da/yr.
Environmental Release/Disposal. Minimal release to air. Disposal by incineration.

P 86–1362

Manufacturer. Confidential.
Chemical. (G) Alkylarylindole, alkyl and oxo substituted dioxane.
Use/Production. (G) Chemical intermediate. Prod. range: 10 to 300 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 6 workers, up to 0.5 hr/da, up to 2 da/yr.
Environmental Release/Disposal. No release.

P 86–1363

Manufacturer. Confidential.
Chemical. (G) Dialkyl quinolinium methylsulfate.
Use/Production. (G) Chemical intermediate. Prod. range: 10 to 250 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 8 workers, up to 0.5 hr/da, up to 20 da/yr.
Environmental Release/Disposal. No release.

P 86–1364

Importer. Confidential.
Chemical. (G) 1, 1' biphenyl, substituted.
Use/Import. (G) Colorant for plastics. Import range: Confidential.
Toxicity Data. Acute oral: >15,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames test: Non-mutagenic.
Exposure. Confidential. Manufacture, processing, use: dermal,
Environmental Release/Disposal. Confidential. No data submitted.

P 86–1365

Importer. Biosynth-International.

Chemical. (S) Indole-3-butyric acid, potassium salt.

Use/Import. (S) Industrial promote and accelerate root formation of plant clippings. Import range: 5 to 25 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 86-1366

Manufacturer. Confidential.

Chemical. (G) Nitrogen heterocycle.

Use/Production. (S) Industrial and commercial corrosion inhibitor in gas wells. Prod. range: Confidential.

Toxicity Data. Acute oral: Males—3.0 g/kg, Females—2.6 g/kg, Combined—2.8 g/kg. Irritation: Skin—Severe, Eye—Severe.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1368

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Evironmental Release/Disposal. Confidential.

P 86-1369

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Evironmental Release/Disposal. Confidential.

P 86-1370

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Evironmental Release/Disposal. Confidential.

P 86-1371

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Evironmental Release/Disposal. Confidential.

P 86-1372

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Evironmental Release/Disposal. Confidential.

P 86-1373

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1374

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1375

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1376

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1377

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1378

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1379

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1380

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1381

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin-Irritant, Eye-Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye,—Irritant; Ames test: Non-mutagenic: Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 96–1383

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe: Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1384

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant: Ames Test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1385

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames Test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1386

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames Test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.
Exposure. Confidential
Environmental Release/Disposal. Confidential.

P 86–1387

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames Test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1388

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl perfluoro dialkanol of benzene.
Use/Production. (G) Chemical Intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: Males—1.86 mL/kg, Females—1.08 mL/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1389

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severer; Acute oral: > 4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1390

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl epoxy either.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1391

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy either.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1392

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral:> 4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1393

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1394

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.

Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1395

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1396

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1397

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1398

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidenital.

P 86-1399

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range; Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1400

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range; Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1401

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range; Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1402

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range; Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1403

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range; Confidential.
Toxicity Data Irritation: Skin—Irritant, Eye—Irritant; Ames test: Non-mutagenic; Skin sensitization: Severe; Acute oral: >4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1404

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test; Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1405

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test; Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1406

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test; Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1407

Manufacturer. Confidential.
Chemical. (G) Perfluoro alkyl benzene epoxy ether.
Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test; Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1408

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl benzene epoxy ether.

Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test; Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1409

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl benzene epoxy ether.

Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test; Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1410

Manufacturer. Confidential.

Chemical. (G) Perfluoro alkyl benzene epoxy ether.

Use/Production. (G) Producing resins and polymers for coatings. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Irritant, Eye—Irritant; Ames test; Non-mutagenic; Skin sensitization: Severe; Acute oral: > 4.0 mg/kg.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: August 4, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86-18117 Filed 8-11-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51635; FRL-3064-5]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of fifty-one such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-1367, October 22, 1986.

P 86-1411, 86-1412, 86-1413, 86-1414, 86-1415, 86-1416, 86-1417, 86-1418, 86-1419, 86-1420, 86-1421, 86-1422, 86-1423, 86-1424, 86-1425, 86-1426, 86-1427, 86-1428, 86-1429, 86-1430, 86-1431, 86-1432, 86-1433, 86-1434, 86-1435, 86-1436, 86-1437, 86-1438, and 86-1439, October 26, 1986.

P 86-1440, 86-1441, 86-1442, 86-1443, 86-1444, 86-1445, 86-1446, 86-1447, 86-1448, 86-1449, 86-1450, 86-1451, 86-1452, 86-1453, 86-1454, 86-1455, 86-1456, 86-1457, 86-1458, 86-1459, and 86-1460, October 27, 1986.

Written comments by:

P 86-1367, Sepember 22, 1986.

P 86-1411, 86-1412, 86-1413, 86-1414, 86-1415, 86-1416, 86-1417, 86-1418, 86-1419, 86-1420, 86-1421, 86-1422, 86-1423, 86-1424, 86-1425, 86-1426, 86-1427, 86-1428, 86-1429, 86-1430, 86-1431, 86-1432, 86-1433, 86-1434, 86-1435, 86-1436, 86-1437, 86-1438, and 86-1439, September 26, 1986.

P 86-1440, 86-1441, 86-1442, 86-1443, 86-1444, 86-1445, 86-1446, 86-1447, 86-1448, 86-1449, 86-1450, 86-1451, 86-1452, 86-1453, 86-1454, 86-1455, 86-1456, 86-1457, 86-1458, 86-1459, and 86-1460, September 27, 1986.

number "[OPTS-51635]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3531.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-1367

Manufacturer. Lonza Incorporated.

Chemical. (G) Acetoacet amide.

Use/Production (S) Industrial intermediate for agriculture chemicals. Prod. range: Confidential

Toxicity Data. Acute oral: 5000 mg/kg; Irritation: Skin-Slight.

Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da.

Environmental Release/Disposal. Less than 1 lb released to air.

P 86-1411

Importer. American Hoechst Corporation.

Chemical. (G) Urethane additive for electrophoresis.

Use/Import. (S) Industrial resin for pigment dispersion. Import range: 2,500 to 7,500 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 1 worker.

Environmental Release/Disposal. No data submitted.

P 86-1412

Importer. American Hoechst Corporation.

Chemical. (G) Urethane additive for electrophoresis.

Use/Import. (S) Industrial resin for pigment dispersion. Import range: 2,500 to 7,500 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 1 worker.

Environmental Release/Disposal. Minimal release.

P 86-1413

Importer. American Hoechst Corporation.

Chemical. (G) Polyester modified epoxy resin.

Use/Import. (S) Industrial binder for paints. Import range: 300,000 to 1,500,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 1 worker.

Environmental Release/Disposal. Minimal release.

P 86-1414

Importer. American Hoechst Corporation.

Chemical. (G) Polyester resin.

Use/Import. (S) Industrial polyester resin binder for paints. Import range: 40,000 to 120,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 1 worker.

Environmental Release/Disposal. minimal release.

P 86-1415

Importer. American Hoechst Corporation.

Chemical. (G) Epoxy resin.
Use/Import. (S) Industrial binder for paints. Import range: 100,000 to 500,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 1 worker.
Environmental Release/Disposal. Minimal release.

P 86-1416

Importer. American Hoechst Corporation.
Chemical. (G) Epoxy resin.
Use/Import. (S) Industrial modifier for resin binder for paints. Import range: 10,000 to 50,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 1 worker.
Environmental Release/Disposal. Minimal release.

P 86-1417

Importer. American Hoechst Corporation.
Chemical. (G) Epoxy modified polyester resin..
Use/Import. (S) Industrial resin for pigment dispersion. Import range: 2,500 to 7,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 1 worker.
Environmental Release/Disposal. Minimal release.

P 86-1418

Importer. American Hoechst Corporation.
Chemical. (G) Fatty acid ester.
Use/Import. (S) Industrial intermediate for polyester resin manufacture. Import range: 2,500 to 7,500 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 1 worker.
Environmental Release/Disposal. Minimal release.

P 86-1419

Importer. American Hoechst Corporation.
Chemical. (G) Modified epoxy diamine resin.
Use/Import. (S) Industrial binder for paints. Import range: 100,000 to 300,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, up to 1 worker.
Environmental Release/Disposal. Minimal release

P 86-1420

Importer. American Hoechst Corporation.
Chemical. (G) Polyester resin.
Use/Import. (S) Industrial paint binder. Import range: 10,000 to 30,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, up to 1 worker.
Environmental Release/Disposal. Minimal release.

P 86-1421

Importer. American Hoechst Corporation.
Chemical. (G) Modified epoxy resin.
Use/Import. (S) Industrial flow control for paints. Import range: 2,500 to 7,500 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, up to 1 worker.
Environmental Release/Disposal. Minimal release.

P 86-1422

Importer. American Hoechst Corporation.
Chemical. (G) Modified acrylic resin.
Use/Import. (S) Industrial crosslinking agent for paints. Import range: 20,000 to 60,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, up to 1 worker.
Environmental Release/Disposal. Minimal release.

P 86-1423

Importer. American Hoechst Corporation.
Chemical. (G) Epoxy modified acrylic resin.
Use/Import. (S) Industrial crosslinking agent for paints. Import range: 20,000 to 60,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, up to 1 worker.
Environmental Release/Disposal. Minimal release.

P 86-1424

Manufacturer. Confidential.
Chemical. (G) Dibenzoate ester.
Use/Production. (G) Plasticizer for open, non-dispersive uses. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Slight, Eye—Mild; Ames test: Non-mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1425

Manufacturer. Confidential.
Chemical. (G) Unsaturated polyester.
Use/Production. (G) Coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1426

Importer. Confidential.
Chemical. (G) Phenolic acrylic.
Use/Import. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1427

Importer. Confidential.
Chemical. (G) Phenolic acrylic.
Use/Import. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1428

Manufacturer. Confidential.
Chemical. (G) Phenolic acrylic.
Use/Production. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1429

Manufacturer. Confidential.
Chemical. (G) Phenolic acrylic.
Use/Production. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1430

Manufacturer. Confidential.
Chemical. (G) Phenolic acrylic/ polyester resin.
Use/Production. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1431

Manufacturer. Confidential.
Chemical. (G) Phenolic acrylic.
Use/Production. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1432

Manufacturer. Confidential.

Chemical. (G) Phenolic acrylic/polyester resin.
Use/Production. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1433

Manufacturer. Confidential.
Chemical. (G) Phenolic polyester resin.
Use/Production. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1434

Manufacturer. Confidential.
Chemical. (G) Phenolic polyester resin.
Use/Production. (G) Coating resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1435

Manufacturer. Confidential.
Chemical. (G) Methylenebis(isocyanatocyclohexane), polymer with hydroxy polyester acrylate.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 8 workers, up to 8 hrs/da, up to 22 da/yr.
Environmental Release/Disposal. 1-5 kg/day and 120 kg/yr released to land with 0.03 kg/day released to air. Disposal by incineration and sanitary landfill.

P 86-1436

Manufacturer. Confidential.
Chemical. (G) Methylenebis(isocyanatocyclohexane), polymer with alkanediol, phthalic anhydride, tone M-100 and polyalkylenetriol.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 8 workers, up to 8 hrs/da, up to 22 da/yr.
Environmental Release/Disposal. 1-30 kg/day and 120 kg/yr released to land with 0.03 kg/day released to air. Disposal by incineration and sanitary landfill.

P 86-1437

Manufacture. Confidential.
Chemical. (G) Polymer of phthalic anhydride, alkanediol and polalkylenetriol.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up to 0.75 hr/da, up to 1 da/yr.
Environmental Release/Disposal. 140 kg/batch released to land. Disposal by incineration and sanitary landfill.

P 86-1438

Importer. Confidential.
Chemical. (G) Saturated polyester.
Use/Import. (S) Industrial resin used to prepare powered ployester coatings. Import range: 50,000 to 300,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No release.

P 86-1439

Manufacturer. Hercules Incorporated.
Chemical. (G) Substituted benzene-terpene resin.
Use/Production. (S) Industrial, commercial, and consumer tackifier resin for adhesives. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 3 workers, up to 6 hrs/da, up to 55 da/yr
Environmental Release/Disposal. 1 to 48 kg/batch released to land with 0.5 kg/batch released to air. Disposal by sanitary landfill.

P 86-1440

Importer. Sieflor Corporation.
Chemical. (G) Phthalane carboxylic acid ethoxyethylester.
Use/Import. (S) Industrial disperse dye for polyester fiber. Import range: 1,000 to 5,000 kg/yr.
Toxicity Data. Ames test: Non-mutagenic.
Exposure. No data submitted.
Environmental Release/Disposal. No release.

P 86-1441

Importer. Confidential.
Chemical. (G) Pyrrolopyrrol.
Use/Import. (G) Industrial colorant for coatings. Import range: Confidential.
Toxicity Data. Acute oral: > 5,000 mg/kg; Acute dermal: > 2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames test: Non-mutagenic; Skin Sensitization: Non-Sensitizer; LC_{50} 24 hr (Daphnia magna): > 100 mg/L.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1442

Manufacturer. Diamond Shamrock Chemicals Company.
Chemical. (S) Polyester aromatic urethane.
Use/Production. (G) Polyurethane intermediate. Prod. range: Confidential.
Toxicity Data. No data on PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1443

Manufacturer. Confidential.
Chemical. (G) Siliconized epoxy resin.
Use/Production. (S) Used in specialty paint systems that require chemical and temperature resistance, Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1444

Manufacturer. Confidential.
Chemical. (S) 4-hydroxy-3-nitrobenzoic acid, methyl ester.
Use/Production. (G) Site-limited chemical intermediate. Prod. range: 60,000 to 120,000 kg/yr..
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal, a total of 40 workers, up to 1 hr/day, up to 20 day/yr.
Environmental Release/Disposal. Less than 10 kg/batch. Disposal by incineration.

P 86-1444

Manufacturer. Confidential.
Chemical. (G) Vegetable oil polyamide resin.
Use/Production. (G) Polymeric vehicle for printing ink. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by publicly owned treatment work (POTW).

P 86-1446

Importer. Nuodex, Inc.
Chemical. (S) 1,4-benzenedicarboxylic acid, polymer with 1,2 benzenedicarboxylic acid, 1,4-butanediol and 1,6 hexanediol.
Use/Import. (S) Industrial hot-metal adhesive. Import range: 2,000 to 5,000 kg/yr.
Toxicity Data. Acute oral: <10,000 mg/kg; Irritation: Skin—Non-irritant,

Eye—Non-irritant; Ames test: Non-mutagenic.
Exposure. No data submitted.
Environmental Release/Disposal. Minimal release.

P 86–1447

Importer. Confidential.
Chemical. (G) Hydroxyl-terminated polyester polyol.
Use/Import. (S) Industrial rigid polyurethane foam. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Minimal exposure.
Environmental Release/Disposal. No data submitted.

P 86–1448

Manufacturer. Confidential.
Chemical. (G) Thixotropic alkyd resin.
Use/Production. (S) Thixotropic alkyd is blended with medium and long oil alkyds to improve flow and brushability. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1449

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Used in industrial primer applications, it affords fast dry, hardness and chemical resistance when blended with conventional primer systems. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1450

Manufacturer. Confidential.
Chemical. (G) Polyfunctional methacrylate of polyisocyanate adduct of alkoxylated polyol.
Use/Production. (S) Graphic arts printing plant. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–1451

Manufacturer. Confidential.
Chemical. (G) Vegetable fatty acid amide.
Use/Production. (G) Additive for newsinks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–1452

Importer. Confidential.
Chemical. (G) Alkanolamine adduct of acrylate oligomer.
Use/Import. (G) Protective and decorative coatings. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–1453

Manufacturer. Confidential.
Chemical. (S) Siloxanes and silicones, di-me hydrogen terminated, reaction product with allyl glycidy ether.
Use/Production. (G) Plastics additive. Prod. range: Confidential.
Toxicity Data. Acute Oral: 5,000 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Slight; Ames test: Non-mutagenic; Skin Sensitization—Non-irritant.
Exposure. Manufacture: dermal, a total of 2 workers, up to 4 hrs/da, up to 20 da/yr.
Environmental Release/Disposal. Less than 1 kg/batch releases to Land. Disposal by landfill.

P 86–1454

Manufacturer. Confidential.
Chemical. (G) Thixotropic alkyd resin.
Use/Production. (D) This "soft gel" thixotropic resin is used as a modifier in long oil alkyds to improve flow. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confindential.

P 86–1455

Manufacturer. Confindential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Resin is used with nitrocellulose to form protective primer coatings. It can be used alone for the same purposes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confindential.

P 86–1456

Importer. Nuodex, Inc.
Chemical. (G) Copolyamide from dicarbonic acid, lactam and diamines.
Use/Import. (S) Industrial sheeting for optical cables and sprayed dye coatings. Import range: 5,000 to 20,000 kg/yr.
Toxicity Data. Acute oral: 10,000 mg/kg; Irritation: Skin—Non-irritant; Ames test: Non-mutagenic.
Exposure. Processing: inhalation.
Environmental Release/Disposal. No release.

P 86–1457

Manufacturer. The Minnesota Mining and Manufacturing Company.
Chemical. (G) Substituted bisbenzophenone.
Use/Production. (G) Polymer stabilizer. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture and processing: dermal, a total of 28 workers, up to 8 hrs/da, up to 8 da/yr.
Environmental Release/Disposal. 0.5 kg/batch released to land. Disposal by privately owned treatment works, incineration and approved landfill.

P 86–1458

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Copolyester.
Use/Production. (G) Coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confindential.

P 86–1459

Manufacturer. Confindential.
Chemical. (G) Polymer of alkanolamines, alkanediols, aliphatic and aromatic acids.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 5 workers, up to 1 hr/da, up to 30 da/yr.
Environmental Release/Disposal. 1 to 10 kg/batch released to land. Disposal by dumpsite.

P 86–1460

Manufacturer. Confindential.
Chemical. (S) Polymer of Desmodur W, Duracarb 122, Dianol 2210 hydroxy ethyl acrylate, and jeffamine D–230.
Use/Production. (S) A radiation cure coating for industrial use. Prod. range: 2,000 to 200,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. Minimal release to air. Disposal by biological treatment lagoon and licensed landfill.

Dated: August 5, 1986.

Denise Devoe,

Acting Division Director, Information Management Division

[FR Doc. 86–18119 Filed 8–11–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS-59227; FRL-3063-8]

Guar Gum, 2-Hydroxypropyl Ether Glyoxal-Crosslinked

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: August 27, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59227]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-55

Close of Review Period. September 12, 1986.

Manufacturer. Lyndal Chemical Company

Chemical. (S) Guar gum, 2-hydroxypropyl ether glyoxal-crosslinked.

Use/Production. (G) Water gel explosives, fraturing oil wells. Prod range: 5,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacturer: dermal , a total of 10 workers, up to 8 hrs/day, up to 200 day/yr.

Environmental Release/Disposal. Release to air. Disposal by bag house.

Dated: August 5, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86-18122 Filed 8-11-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-42087; FRL-3064-2]

Testing Consent Agreement Development for 2-Ethylhexanol; Solicitation for Interested Parties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's procedures for requiring the testing of chemical substances and mixtures under section 4 of the Toxic Substances Control Act (TSCA) include the adoption of enforceable consent agreements (ECAs) and the promulgation of test rules. ECAs may be adopted where consensus on an industry test program is reached in a timely manner by EPA, affected manufacturers and/or processors, and other interested parties. If timely consensus cannot be reached or appears unlikely, and the Agency makes certain statutory findings under TSCA, EPA issues test rules. In this notice, EPA announces its tentative evaluation of testing needs for 2-ethylhexanol (EH; CAS. No. 104-76-7), announces a public meeting to discuss such testing, and requests all persons desiring to have the status of "interested parties" in any negotiations of an ECA for EH to notify EPA of that interest.

DATES: Submit written notice of interest to be designated an interested party on or before August 26, 1986. A public meeting will be held on August 26, 1986.

ADDRESS: Submit written request to be an "interested party" in triplicate, identified by the document control number (OPTS-42087) to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll free: (800-424-9065), In Washington, DC (554-1404), Outside the USA: (Operator-202-554-1404). Persons interested in attending the public meeting should notify EPA by telephone on or before August 18, 1986.

SUPPLEMENTARY INFORMATION: EPA has issued amendments to the procedural regulations in 40 CFR Part 790 (51 FR 23706; June 30, 1986), which govern the development and implementation of testing requirements under section 4 of TSCA. These amendments establish procedures for using ECAs to develop testing requirements under section 4 of the Act. This notice serves three purposes under those procedures. First, it requests "interested persons" who wish to participate in testing negotiations for EH to identify themselves to EPA. Second, it announces a public meeting to initiate testing negotiations for this chemical. Third, it proposes a target schedule for implementation of the consent agreement process.

I. Identification of Interested Parties

Under 40 CFR 790.22, the testing negotiation procedures are initiated by the publication of a **Federal Register** notice which invites persons interested in participating in or monitoring negotiations for thd development of an ECA to notify the Agency in writing. Those individuals and groups who respond to EPA's notice by the deadline established in the notice will have the status of "interested parties" and will be afforded opportunities to participate in the negotiation process. These "interested parties" will not incur any obligations by being designated "interested parties". The procedures for these negotiations are described in 40 CFR 790.22. Individuals and groups desiring to have the status of "interested parties" in the development of the ECA for EH should submit a written request to the Agency at the address given above on or before August 26, 1986.

II. Public Meeting

A public meeting will be held on August 26, 1986, in Rm. 103, Northeast Mall, EPA Headquarters, 401 M St. SW., Washington, DC 20460, to announce EPA's preliminary testing determination for oncogenicity testing of EH and to initiate testing negotiations. Persons interested in attending this meeting should notify the EPA TSCA Assistance Office by telephone at the telephone numbers listed above on or before August 18, 1986.

III. Timetable For Negotiating Test Agreement

In accordance with the procedures for the development of ECAs established in 40 CFR 790.22, and the Agency's plans to propose a test rule for EH by early 1987 (if an ECA cannot be developed in that time) the following target schedule is established for EH.

August 26, 1986—Public meeting to initiate testing negotiations. Also, deadline for notice of interested party designation.

November 4, 1986—Decision by EPA on whether to use consent order or test rule.

December 2, 1986—Draft consent order sent to interested parties (if EPA decides to use consent order).

March 24, 1987—Issuance of consent order.

Authority: 15 U.S.C. 2603.

Dated: August 4, 1986.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division.

[FR Doc. 86-18128 Filed 8-11-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

BankEast Corporation, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have 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 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.

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 on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 2, 1986.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *BankEast Corporation,* Manchester, New Hampshire; to engage *de novo* through its subsidiary, a corporation being formed in Manchester, New Hampshire, in making, acquiring, and servicing loans or other extensions of credit for the purpose of financing the payment of insurance premiums by the borrower, for its own account and the account of others pursuant to § 225.25(b)(1)(i) and (iv) of the Board's Regulation Y.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *F & M Financial Services Corporation,* Menomonee Falls, Wisconsin; to engage *de novo* through its subsidiary, F & M Trust Company, Inc., Menomonee Falls, Wisconsin, in all of the functions and activities authorized under Wisconsin law for a trust company bank pursuant to § 225.25(b)(3) of the Board's Regulation Y.

2. *Northern Trust Corporation,* Chicago, Illinois; to engage *de novo* through its subsidiary, Northern Capital Markets Corporation, Chicago, Illinois, in acting as an investment or financial advisor to the extent of providing financial advice to state and local governments such as with respect to the issuance of securities pursuant to § 225.25(b)(4)(v) of the Board's Regulation Y.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Wells Fargo and Company,* San Francisco, California; to expand through its subsidiary, Central Western Insurance Company, Phoenix, Arizona, its approved activity of underwriting credit life insurance which is directly related to extensions of credit. This activity will be conducted in the states of Arizona, California, Colorado, Idaho, Maryland, Oklahoma, Texas, Utah, Virginia, and the District of Columbia.

Board of Governors of the Federal Reserve System, August 6, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-18052 Filed 8-11-86; 8:45 am]

BILLING CODE 6210-01-M

Seashore Bank Shares, 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 September 3, 1986.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Seashore Bank Shares, Inc.,* Seabrook, New Hampshire; to become a bank holding company by acquiring 100 percent of the voting shares of Seabrook and Trust Company, Seabrook, New Hampshire.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Bryn Mawr Bank Corporation,* Bryn Mawr, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Bryn Mawr Trust Company, Bryn Mawr, Pennsylvania.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Union Corporation*, Charlotte, North Carolina; to acquire 100 percent of the voting shares of Bank of Waynesboro, Waynesboro, Georgia.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *BNB Bancorp, Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Belmont National Bank of Chicago, Chicago, Illinois. Comments on this application must be received by August 29, 1986.

2. *First Community Bankshares*, Chicago, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers Bank, Milton, Wisconsin. Comments on this application must be received by September 1, 1986.

E. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Cotton Exchange Bancshares, Inc.*, Kennett, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Cotton Exchange Bank, Kennett, Missouri. Comments on this application must be received by August 26, 1986.

2. *Old National Bancorp*, Evansville, Indiana; to acquire 100 percent of the voting shares of Clinton State Bank, Clinton, Indiana. Comments on this application must be received by August 26, 1986.

F. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Dickey County Bancorporation*, Ellendale, North Dakota; to acquire 89.7 percent of the voting shares of The First National Bank of Oakes, Oakes, North Dakota.

2. *Dickey County Bancorporation*, Ellendale, North Dakota; to acquire 16.1 percent of the voting shares of Liberty National Bank and Trust Company, Dickinson, North Dakota.

3. *Minnesota Valley Financial Services, Inc.*, St. Paul, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Courtland State Bank, Courtland, Minnesota.

Board of Governors of the Federal Reserve System, August 6, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-18053 Filed 8-11-86; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[FIRMR Bulletin 25, Revision 1]

ADP and Telecommunications Standards Index

AGENCY: Information Resources Management Service, GSA.

ACTION: Information notice.

SUMMARY: This Federal Information Resources Management Regulation (FIRMR) bulletin advises agencies that a new updated version for 1986 of the GSA handbook, ADP and Telecommunications Standards Index, will be available upon written request. The handbook is not a regulation. However, it restates the standard FIRMR Part 201-8 terminology to be used in the implementation of automatic data processing and telecommunications standards as well as providing guidance and information to agencies in applying standards to acquisition actions.

FOR FURTHER INFORMATION CONTACT: Standards Branch (KMPS), Information Resources Management Service, telephone (202) 566-1180 or FTS, 566-1180.

FIRMR Bulletin 25—Revision 1

July 29, 1986.

To: Heads of Federal agencies

Subject: ADP and Telecommunications Standards Index (replaces FIRMR Bulletin 25)

1. *Purpose.* This bulletin revision advises agencies that a new, updated version for 1986 of the GSA handbook, ADP and Telecommunications Standards Index, will be available upon written request.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled or superseded.

3. *Content of handbook.*

a. The handbook guides agencies in applying ADP and telecommunications data, applications, hardware, and software standards to the acquisition and use of ADP and telecommunications equipment and services. It specifies standard terminology for use in requirements documents, including solicitations, for each standard.

b. The handbook also includes a section categorizing standards by subject matter, and a section discussing the efforts by Federal and national activities to develop and approve ADP and telecommunications standards.

4. *Regulatory relationship.* The handbook is not a regulation. It restates the standard FIRMR 201.8 terminology to be used in the implementation of ADP and telecommunications standards in requirements documents.

5. *Availability.*

a. The handbook is revised on a yearly basis. Updated issues are expected to be available on or after August 1, of each year.

b. Limited copies of the handbook are available without charge to all Federal agencies. Requests for copies should be submitted in writing each year to the General Services Administration, Information Resources Management Service (IRMS), Standards Branch (KMPS), Washington, DC 20405.

6. *Information.* Additional information concerning the index can be obtained by contacting IRMS, Standards Branch (KMPS): Telephone (202) 566-1180 or FTS, 566-1180.

7. *Cancellation.* This bulletin cancels FIRMR Bulletin 25, dated July 22, 1985.

Frank J. Carr,

Commissioner.

[FR Doc. 86-18047 Filed 8-11-86; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Secretary's Private/Public Sector Advisory Committee on Catastrophic Illness; Advisory Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet in 1986:

Name: *Secretary's Private/Public Sector Advisory Committee on Catastrophic Illness*

Date: *August 19, 1986,* 1:00 p.m. until 4:00 p.m.

Place: Humphrey Auditorium, 200 Independence Avenue SW., Washington, DC 20201.

Purpose: The purpose of the Private/Public Sector Advisory Committee on Catastrophic Illness will be to: (1) Solicit input from all interested parties regarding how government and the private sector can work together to address the problems of affordable insurance for catastrophic illness; and (2) Reflect periodically the views of the interested parties as well as the constituencies represented on the Committee regarding the report on catastrophic health care which the Secretary of Health and Human Services must submit to the President by the end of the year.

Agenda: The Private/Public Sector Advisory Committee will discuss major points and private sector inputs enunciated in the public forums. The Agenda will consist of welcome and opening remarks by James Balog, Chairman of the Private/Public Sector Advisory Committee and remarks from the Committee Members.

Anyone wishing to obtain a roster of members or other relevant information should write to or call Ms. Jean-Craft Comolli, Staff Director, Private/Public Sector Advisory Committee on Catastrophic Illness, or Ms. Nancy Hobbs, Public Forum Coordinator, 602E, Humphrey Building, 200 Independence Avenue SW., Washington, DC (202) 245–2641.

Joseph Antos,

Vice Chairman, Executive Advisory Committee.

[FR Doc. 86–18204 Filed 8–11–86; 8:45 pm]

BILLING CODE 4150–04–M

Centers for Disease Control

Request for Nominations of Candidates To Serve on the Mine Health Research Advisory Committee

The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), is soliciting nominations for membership on the Mine Health Research Advisory Committee (MHRAC). On December 24, 1986, two vacancies will occur. The MHRAC, which is authorized by the Federal Mine Safety and Health Act of 1977, advises the Department of Health and Human Services on matters related to intramural and extramural health research for the nation's miners. The direction, scope, and scientific quality of the NIOSH mine health research program are considered by the Committee.

A range of disciplines is represented on the Committee, including occupational medicine, industrial hygiene, pulmonary medicine, radiology, pathology, epidemiology, biostatistics, public health, environmental health, and industrial medicine. Mining experience is desirable, but it is not necessary for every position on the Committee. Emphasis is placed on scientific credentials.

The following information is requested: name, affiliation, address, telephone number, and a recent curiculum vitae. Nominations should be sent by August 29, 1986, to:

Mr. Robert E. Glenn, Executive Secretary, MHRAC, NIOSH, CDC, 944 Chesnut Ridge Road, Morgantown, West Virgnia 26505–2888, Telephones: FTS: 923–4474, Commercial: 304/291–4474.

Dated: August 5, 1986.

Robert L. Foster,

Assistant Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 86–18076 Filed 8–11–86; 8:45 am]

BILLING CODE 4160–19–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–6694–A]

Alaska Native Claims Selection; Afognak Native 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 section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Afognak Native Corporation for approximately 0.25 acre. The lands involved are within Sec. 24, T. 26 S., R. 22 W., Seward Meridian, in the vicinity of Port Lions, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks in the *Kodiak Daily Mirror.* 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 11, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86–18051 Filed 8–11–86; 8:45 am]

BILLING CODE 4310–JA–M

[AA–6982–B, AA–6982–D]

Alaska Native Claims Selection, Kake Tribal 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 section 14(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(b), will be issued to Kake Tribal Corporation for approximately 510.25 acres. The lands involved are in the vicinity of Kake, Alaska.

Copper River Meridian, Alaska

T. 55 S., R. 72 E. (Surveyed)
T. 57 S., R. 73 E. (Unsurveyed)

A notice of the decision will be published once a week for four (4) consecutive weeks, in the *Juneau Empire.* Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision shall have until September 11, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86–18088 Filed 8–11–86; 8:45 am]

BILLING CODE 4310–JA–M

[F–14870–A]

Alaska Native Claims Selection; Kaktovik Inupiat 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 section 1431(g)(3) of the Alaska National Interest Lands Conservation Act of December 2, 1980 (ANILCA), 94 Stat. 2371, 2539, will be issued to Kaktovik Inupiat Corporation for approximately 103 acres. The lands involved are those lands identified in Public Land Order 6615 located in T. 9 N., R. 34 E., Umiat Meridian, in the vicinity of Kaktovik, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks in the *Tundra 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 11, 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.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18050 Filed 8-11-86; 8:45 am]

BILLING CODE 4310-JA-M

[CA-050-06-4333-12]

Emergency Closure of Fiske Creek Road, Yolo County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of road closure.

SUMMARY: Pursuant to 43 CFR 8364.1, the Bureau of Land Management is closing the Fiske Creek Road located on public lands in Yolo County to protect people and property from hazardous conditions. The road closure is an emergency measure which will continue in effect until the road is repaired. Vehicle use is prohibited except for administrative and emergency use. The road is closed in Township 12 North, Range 4 West, Sections 29, 32 and 33, MDM.

DATES: This closure is effective on the date of publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Gretchen Smyth, Clear Lake Resource Area Manager, Bureau of Land Management, 555 Leslie Street, Ukiah, CA 95482-5599, Telephone: (707)462-3873.

Dated: July 28, 1986.

Van W. Manning,

District Manager.

[FR Doc. 86-18089 Filed 8-11-86; 8:45 am]

BILLING CODE 4310-40-M

Burley District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting and agenda for Burley District Grazing Advisory Board.

SUMMARY: Notice is hereby given that the Burley District Grazing Advisory Board will meet on September 17 and 18, 1986.

The meeting will convene at 9:30 a.m. on September 17, 1986 in the conference room of the Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho. (The 18th will be a tour and will convene at the District Office at 8:00 a.m.)

Agenda items for the meeting will include: (1) Organization of the Board; (2) Review of range improvement projects for fiscal year 1987; (3) Review of proposed grazing plans; (4) Policy for user involvement in projects where Federal costs exceed "fair share" of the project; (5) Items of information: (a) Review of fiscal year 1986 range improvement projects; (b) Review of weed control activities and possibilities of funding; (c) Review of 1986 grasshopper control activities; (d) Review District's proposed riparian program; (e) Review 1986 fire activities; (f) Tour Deep Creek Resource Area to view and discuss proposed grazing actions, proposed projects, prescribed burns and maintenance of existing projects.

The public is invited to attend the meeting and tour, however, those of the public who wish to attend must furnish their own transportation and food. Interested persons may make an oral statement to the Board beginning at 10:00 a.m. or they may file written statements for the Board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Anyone wishing to make an oral statement or file a written statement must contact the District Manager by September 16, 1986 for inclusion in the meeting schedule.

Detailed minutes of the Board meeting will be maintained in the District Office and will be available for public inspection during regular business hours, (7:45 a.m. to 4:30 p.m., Monday thru Friday) within 30 days following the meeting.

DATE: September 17 and 18, 1986.

ADDRESS: Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho, 83318.

FOR FURTHER INFORMATION CONTACT: John Davis, Burley District Manager, (208) 678-5514.

Dated: August 4, 1986.

John S. Davis,

District Manager.

[FR Doc. 86-18049 Filed 8-11-86; 8:45 am]

BILLING CODE 4310-GG-M

[CO-050-06-4322-02-OC2410]

Canon City District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Grazing advisory board public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Canon City District Grazing Advisory Board to be held at 10:00 a.m., Thursday, September 11, 1986 at Chaffee County Bank, 146 'G' Street, Salida, Colorado. Agenda of this meeting will include: (1) election of officers, (2) expenditure of range betterment funds, (3) proposals for expenditure of range improvement funds for fiscal year 1987, (4) update on current issues dealing with grazing management programs in the district.

The meeting will be open to the public. Facilities and space to accommodate members of the public are limited and persons will be accommodated on a first served basis. Any member of the public may file with the Board a written statement concerning matters to be discussed. A portion of the meeting time will be set aside at 2:00 p.m., to hear members of the public. Minutes of the meeting will be made available for public inspection 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Donnie Sparks, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado 81212, (303) 275-0631.

Kevin Anderson,

Acting District Manager.

[FR Doc. 86-18045 Filed 8-11-86; 8:45 am]

BILLING CODE 4310-JB-M

[WY-030-86-4410-8]

Rawlins District, Divide and Medicine Bow Resource Areas, Albany, Carbon, Laramie, and Portion of Sweetwater Counties, Wyoming; Notice of Scoping Meetings

AGENCY: Bureau of Land Management.

ACTION: Notice of scoping meetings on Medicine Bow and Divide Resource Management Plans (RMPs).

SUMMARY: This notice gives the times and locations of public scoping meeting to be held in conjunction with the Medicine Bow and Divide Resource Area planning process. The scoping process is intended to assist BLM in determining the significant issues,

discuss possible resource management conflicts, propose alternatives, and identify available pertinent data.

DATES: Public scoping meetings will be held at the following locations.

August 25, 7:00 p.m.—Community Hall, Medicine Bow, Wyoming
August 26, 7:00 p.m.—BLM District Office, Rawlins, Wyoming
August 27, 7:00 p.m.—High School Cafeteria, Saratoga, Wyoming
August 28, 7:00 p.m.—University of Wyoming Student Union, Laramie, Wyoming
September 2, 7:00 p.m.—Senior Citizens Center, Baggs, Wyoming
September 3, 7:00 p.m.—West Elementary School, Wheatland, Wyoming

ADDRESS: Medicine Bow and Divide RMP Team Leader, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324–7171.

FOR FURTHER INFORMATION CONTACT: John Husband, Team Leader, at the above address.

SUPPLEMENTARY INFORMATION: Notification of places and dates of meeting will also be published in local newspapers.

Hillary A. Oden,

State Director.

[FR Doc. 86–18284 Filed 8–11–86; 10:50 am]

BILLING CODE 4310-22-M

Bureau of Reclamation

Garrison Diversion Unit, North Dakota; Intent to Prepare a Supplement to a Draft Supplemental Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a Supplement to the Draft Supplemental Environmental Statement (DES 86–9) for the Garrison Diversion Unit (GDU) in North Dakota. The supplement will address changes from the Commission Plan due to the Garrison Diversion Unit Reformulation Act of 1986.

The Garrison Diversion Unit will deliver Missouri River water for agriculture, recreation, fish and wildlife, and municipal, rural, and industrial uses in North Dakota. The primary features include three reservoirs, five canals, 25 or more pumping plants, 13 irrigation areas, and municipal, rural, and industrial water systems for up to 130 communities.

The supplement will amend the previous draft environmental statement (DES 86–9) to address changes in some of the features due to the Reformulation Act. The document will identify and assess impacts of ongoing work and describe additional studies being undertaken pursuant to the Act. The supplement will include the following: description of changes in the plan, additional studies required, and items deferred until a comprehensive report on the James River is completed and submitted to the Congress. The supplement will be provided for public review and comment. One document will then be prepared, which will respond to comments received on both DES 86–9 and the supplement, and be filed as the final supplemental environmental statement for the Garrison Diversion Unit.

There will be two scoping meetings to discuss the James River studies, the supplement, and the procedure to be used in developing the final environmental statement. Those meetings will be held on August 26, 1986, at 7:00 p.m. at the Doublewood Ramada Inn, Bismarck, North Dakota and on August 28, 1986 at 8:00 p.m. at the Spink County Senior Citizens Center, 521 North Main, Redfield, South Dakota.

The contact persons for this supplement to the draft supplemental environmental statement are Timothy J. Keller, Chief, Technical Support Division, Missouri-Souris Projects Office, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58502, telephone (701) 255–4011, extension 541, or Robert Schroeder, Regional Environmental Affairs Officer, Missouri Basin Regional Office, Bureau of Reclamation, P.O. Box 36900, Billings, Montana 59107–6900, telephone (406) 657–6558.

Dated: August 7, 1986.

William C. Klostermeyer,

Commissioner.

[FR Doc. 86–18092 Filed 8–11–86; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Intent To Prepare an Environmental Assessment on a Proposed Action To Recover Rare and Endangered Fish in the Upper Colorado River Basin; Republication

[Editorial Note: The following document was originally published at page 27256 in the issue of Wednesday, July 30, 1986. The document is being republished in its entirety because of typesetting errors.]

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Fish and Wildlife Service (Service) is preparing an environmental assessment on a proposed implementation program to recover four rare and endangered fish species in the Upper Colorado River Basin. This notice is being furnished in accordance with the CEQ Regulations for implementing the National Environmental Policy Act (40 CFR 1501.7(b)(3)). We solicit public comment on impacts likely to result from the proposed action and alternatives, as well as suggestions on alternative means to protect and recover these fish species in a manner compatible with continued water development and State water allocation systems. Suggestions and information received will assist us in determining the scope of issues to be addressed and in evaluating their significance in the environmental assessment.

DATES: Written comments should be received by August 29, 1986.

ADDRESS: Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: Barry Mulder, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225, (303) 236–7398, FTS 776–7398.

SUPPLEMENTARY INFORMATION:

I. Purpose and Need for Action

The purpose of the action is to protect and recover four rare fish species in the Upper Colorado River Basin in a manner that allows continued water development and that is consistent with State water rights systems, interstate compacts, and court decrees that allocate the rights to use Colorado River water among the States.

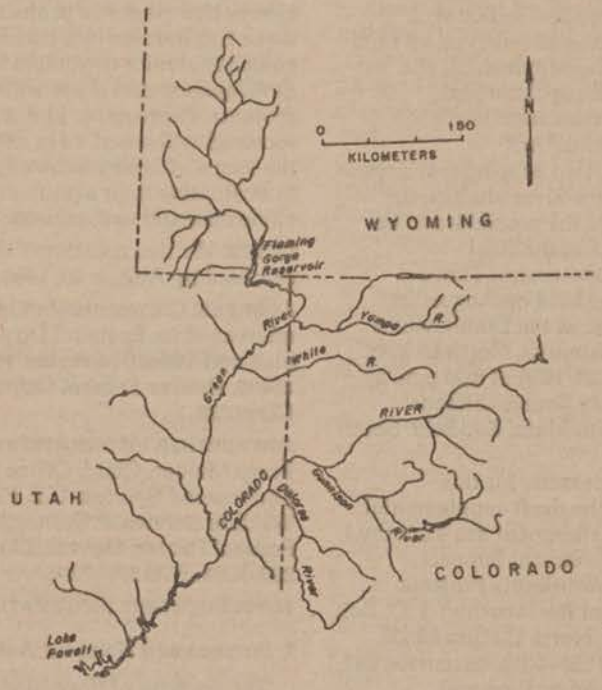
The four fish species of concern are the Colorado squawfish (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), bonytail chub (*Gila elegans*), and razorback sucker (*Xyrauchen texanus*). The first three species are listed as endangered, and the fourth is a candidate for listing under the Endangered Species Act of 1973, as amended. The ultimate goal of the recovery implementation program is to delist the three endangered species and to manage the razorback sucker so it would not need the protection of the Endangered Species Act.

Though once abundant in the upper basin, these fish are now threatened with extinction. Their decline is attributed to a number of factors, ranging from habitat reduction or alteration to introduction of nonnative species. The Service has stated that

continued water development within the upper basin is likely to further jeopardize these fishes' existence unless project impacts are offset by measures that preserve or improve these species' current status.

II. Affected Environment

The proposed action will occur in the Upper Colorado River Basin above Glen Canyon Dam, excluding the San Juan River. This area encloses the principal remaining habitat for the four fishes in the upper basin, as well as those waters (mainstem and tributaries) with potential to cause significant downstream impacts to the fish or their habitat. The affected area is located in Colorado, Utah, and Wyoming. (See map below)



III. Description of the Proposed Action and Major Alternatives

We invite public comment on impacts likely to result from the actions described below, as well as suggestions on alternative means to protect and recover the four rare and endangered fish species in a manner compatible with continued water development and State water allocation systems.

A. Proposed Action

Preamble. The proposed action was developed by a subcommittee of the Upper Colorado River Basin Coordinating Committee. The Coordinating Committee is composed of representatives from the States of Colorado, Utah, and Wyoming; Bureau of Reclamation; Fish and Wildlife Service; private water development interests; and environmental organizations. The Department of the Interior is considering adopting their draft proposal for a cooperative Federal/State/private program as the preferred means for resolving water use conflicts involving rare and endangered fish and water development actions, as follows:

1. *Administration.* A Recovery Implementation Committee representing Federal, State, private water development, and conservation interests in the upper basin would oversee implementation of recovery actions for the four rare and endangered fish species. This committee would make recommendations to the Secretary of the Interior and the States, who would use their independent authorities to make and implement final decisions.

2. *Recovery Timeframe.* 15 years, estimated.

3. *Recovery Actions.*

a. *Habitat management.* (1) Determine the locations, times, and quantities of instream flows needed to protect and recover the fish and, through cooperation, prioritize work in this area.

(2) Evaluate alternative means for providing necessary flows. Once obtained, instream flows would be appropriated, acquired and administered under State law. Federal condemnation of water rights would not occur under the proposed action. Potential sources of water may include:

(a) Allocating and releasing water from Federal storage projects. For example, through the section 7 consultation process, the Bureau of Reclamation would withhold from sale 5,000 acre-feet of water at Ruedi Reservoir. This water would tentatively be released in the months of July–September, as needed.

(b) Refining operations at Federal reservoirs. For example, the Bureau of Reclamation would refine operations at:

(i) Ruedi Reservoir—would release an additional 5,000 acre-feet in the months of July–September on an average of 4 out of 5 years (supplementing the 5,000 acre-feet withheld from sale noted in A.3.a.(2)(a) above).

(ii) Flaming Gorge Reservoir—until section 7 consultation is completed, has adopted an interim flow release schedule intended to improve rare and endangered fish spawning and survival. Ongoing research would determine a more permanent flow release pattern which would be outlined in the biological opinion planned to be completed in 1989.

(iii) Blue Mesa Reservoir—until section 7 consultation is completed, will release water to ensure that a 2,000 cubic feet/second minimum flow occurs below the confluence of the Gunnison and Colorado Rivers on an average of 9 out of 10 years. Research would determine a more permanent flow release pattern to be outlined in the completed biological opinion.

(c) Purchasing or leasing existing water rights, on a willing seller basis, and converting these rights into instream flow rights.

(d) Investigating the feasibility of acquiring "excess" water resulting from agricultural water conservation and salinity control projects and converting acquired water into instream flows.

(e) Investigating changing the point of diversion for senior water rights to downstream locations.

(f) Investigating acquisition of nontributary ground water that could be pumped and put into streams.

(g) Applying for original appropriation of instream flows in surface streams.

(3) When section 7 consultation is conducted on future projects:

(a) The Secretary of the Interior would recommend reasonable and prudent alternatives, where possible, to offset nondepletion impacts of water projects jeopardizing the endangered fish, e.g., direct impacts caused by construction, inundation, or water quality changes resulting from reservoir operations.

(b) Since the proposed action establishes a commitment and mechanism to assure instream flows are acquired and protected under State law, the Service would consider these recovery actions as offsetting depletion impacts of most projects. Projects would be considered to have addressed depletion impacts by making contributions as described in A.4.c

below toward the recovery implementation program. However, if there are instances where project depletions are likely to jeopardize fish, the Service and Recovery Implementation Committee, where possible, would identify measures to offset these impacts, and implementation of these measures would be given immediate attention.

b. *Habitat development and maintenance.* The locations and degree to which any of the following techniques would be implemented would be determined after experimentation and consideration of effectiveness, cost, relationship to other recovery measures, and secondary impacts.

(1) Create backwaters to enhance young-of-year fish production. Backwaters can be created by manipulating river flow, connecting existing gravel pits/ponds to the river, or physically constructing backwaters.

(2) Increase spawning habitat by improving access to existing, unused spawning areas (e.g., fish passage structures), reintroducing eggs/larvae into suitable unoccupied habitat, modifying instream characteristics to create new spawning habitat, or constructing spawning habitat within the natural stream channel or in modified side channels.

(3) Create wintering habitat by building jetties.

(4) Build fish passage facilites to reestablish Colorado squawfish in parts of their historic range, e.g., above Redlands Diversion Dam, Taylor Draw Dam, and Palisades.

c. *Artificial propagation and stocking of rare and endangered fish species.* (1) Use hatcheries as refugia to safeguard against disease and possible extinction.

(2) Raise fish in hatcheries and/or grow-out (rearing) ponds and use them for basic research studies.

(3) Immediately introduce the bonytail chub, which appears in imminent danger of extinction in the upper basin.

(4) Augment existing populations of Colorado squawfish, humpback chub, and razorback sucker through stocking only after artificial propagation techniques have been thoroughly investigated.

d. *Nonnative species and sportfishing management.* Competition and predation from nonnative species is believed to contribute to the decline of the four rare and endangered species. In addition, fishermen have caught endangered fish while seining for bait or angling. The following actions would be carried out by Federal or State agencies, as appropriate, to reduce future losses:

(1) Confine future stocking of nonnative fish shown to pose a threat to the rare and endangered fish to areas off the mainstem where absence of potential conflict with rare and endangered fish can be demonstrated.

(2) For nonnative fish shown to pose a threat to the survival of rare and endangered fish, investigate the feasibility of selectively removing them from areas considered essential to the latter species.

(3) Review sportfishing practices and regulations to reduce the likelihood of incidental take of rare and endangered fishes, e.g., permanent or seasonal closures of fishing areas where incidental take is a serious problem; prohibition of seining in spawning areas, young-of-year habitat, and juvenile nursery areas; restrictions on use of live bait.

(4) Implement an information and education program to educate the fishing public on rare and endangered fish.

e. *Research, monitoring, and data management.* (1) Implement a comprehensive research program to provide basic biological information on the fishes, to test management approaches, and to investigate institutional or administrative actions.

(2) Track the overall status and trends of rare and endangered fish populations within the upper basin with a monitoring program.

(3) Establish a centralized data management system.

4. *Funding*—a. *Special.* Congress would be requested to establish two special funds:

(1) Water rights fund ($10 million): Used to acquire water rights to secure instream flows for the rare and endangered fishes.

(2) Construction fund ($5 million): Used for recovery actions involving capital expenditures, e.g., constructing hatchery or fish passage facilities, changing the point of diversion of a water right, or modifying habitat.

b. *Annual.* $2.4 million would be provided yearly for recovery actions. The Federal share would total $2.1 million, and the States' share, $300,000.

c. *Intermittent.* Private water developers would contribute a one-time amount of $10/acre-foot (based on average annual depletion and adjusted annually for inflation) for new water depletion projects that have not yet complied with section 7 of the Endangered Species Act. Contributions may also be made by conservation groups and private entities.

B. "No Action" Alternative

Preamble. Since the Endangered Species Act requires the Federal government to protect and recover listed species, the "No Action" alternative has been construed to mean "status quo," i.e., continuation of current actions.

For example, Federal dams in the upper basin are required to comply constantly with section 7 of the Endangered Species Act. Dam operations must not jeopardize the survival of listed species and, where possible, should help conserve these species. These dams are being studied to determine if: (a) Water is available for instream flow needs and, (b) flow releases can be modified to increase production or survivorship of rare and endangered fishes. These actions would be implemented even if the proposed action is not adopted, and will be common to all alternatives under investigation.

(Note. These actions are denoted as recovery actions A.3.a.(2)(a) and A.3.a.(2)(b) under the proposed action.)

The "No Action" alternative is as follows:

1. *Administration.* There would be no Federal/State/private oversight committee. Instead, the various agencies and developers would coordinate as needed on a project-by-project basis. The Service would review water projects through section 7 consultation and develop reasonable and prudent alternatives for projects likely to jeopardize endangered fish. The Bureau of Reclamation would ensure its projects are not likely to jeopardize the fish. The States would continue current efforts, as funds permit. It is presumed the States would not administer instream flows for the rare and endangered fishes.

2. *Recovery Timeframe.* Indefinite (greater than 15 years).

3. *Recovery Actions.* The recovery actions outlined in the proposed action would take place as described, except as follows:

a. Recovery actions that would not be undertaken due to lack of funds:

(1) Nearly all water acquisition measures [A.3.a.(2)(c)–(g)].

(2) Construction of fish passage facilities at sites other than Redlands Diversion Dam [A.3.b.(4)].

b. Recovery actions that would be undertaken, but at a slower pace than in the Proposed Action due to lack of funds:

(1) Determination of needed instream flows [A.3.a.(1)].

(2) Creation of backwaters, spawning habitat, and wintering habitat [A.3.b.(1)–(3)].

(3) All artificial propagation and reintroduction efforts, except for maintenance of hatcheries as refugia [A.3.c.(2)–(4)].

(4) All nonnative species and sportfishing management efforts [A.3.d.(1)–(4)].

(5) All research, monitoring, and data management efforts [A.3.e.(1)–(3)].

c. Recovery actions that would be substantively different from those in the proposed action:

(1) For section 7 consultation, each project would be individually evaluated to determine the best mix of measures to offset impacts. In order to avoid jeopardy to the fish, project sponsors could be required to modify proposed structures, provide flows, and/or contribute funds for recovery implementation actions in some cases (per the existing depletion formula).

(2) The razorback sucker would likely be listed under the Endangered Species Act.

(3) Releases from Federal reservoirs would not be legally protected as instream flow rights.

4. *Funding.* The existing level of funding would continue; i.e., approximately $1.6 million annually would be directed toward recovering the rare and endangered fish, of which $1.5 million would be Federal funds and $100,000 would be State funds. Some money could continue to be contributed by water developers with small projects with correspondingly small depletions (See recovery action B.3.c.(1)).

C. "Federal Action Only" Alternative

1. *Administration.* A Recovery Implementation Committee representing only Federal agencies involved in Upper Colorado River Basin resource management would use their authorities and resources to recover the fish. It is assumed that the States would continue their current level of effort, as funds permit.

2. *Recovery Timeframe.* Indefinite (greater than 15 years).

3. *Recovery Actions.* The recovery actions outlined in the proposed action would take place as described, except as follows:

a. Recovery actions that would be undertaken, but may proceed at a lower level of effort than in the proposed action due to the need for State cooperation and/or concurrence:

(1) Reintroduction efforts [A.3.c.(3), (4)].

(2) Efforts to control nonnative fish species and sportfishing [A.3.d.(1)–(3)].

b. Recovery actions substantively different from those in the proposed action:

(1) For section 7 consultation, each project would be individually evaluated to determine the best mix of measures to offset impacts. In order to avoid jeopardy to the fish, project sponsors could be required to modify proposed structures, provide flows, and/or contribute funds for recovery implementation actions. Under this alternative, project sponsors' contributions may be used to acquire water rights.

(2) If necessary, Federal condemnation of water rights would be considered to secure water for the fish.

(3) The razorback sucker could be listed under the Endangered Species Act.

c. Recovery actions that would be managed differently from those in the proposed action:

(1) Overall, the Federal government would take a proportionately stronger role in determining and implementing recovery actions for the four fishes in the upper basin.

(2) The Federal government will encourage the States to administer water rights (obtained as described in A.3.a.(2)(a)–(g)) under State water law. However, if the States do not agree to State administration, acquisition by the United States of instream flows under section 5 of the Endangered Species Act would be investigated. Assuming these flows could be legally protected, these instream flow rights would be held in the name of the United States, and administered by the States.

4. *Funding.* The construction fund and annual funding levels would be equal to the Federal funding levels in the proposed action. Congress would be requested to authorize a water rights fund only if water acquired by the Federal government under section 5 of the Endangered Species Act could be protected as an instream flow right under State or Federal law. Private water developers could be requested to contribute toward recovery efforts as described in C.3.b.(1) above.

III. Impacts of the Proposed Action

Comments are invited on the direct, indirect, and cumulative impacts likely to result from implementing the proposed action and major alternatives. Areas of potential impact include:

A. Target species
  1. Federally listed species—Colorado squawfish, humpback chub, bonytail chub
  2. Candidate species—razorback sucker

B. Nontarget species
  1. Aquatic
    a. Native fish species other than target species
    b. Nonnative fish species
    c. Sport fish species
  2. Terrestrial
    a. Sport species
    b. Migratory birds
    c. Endangered species

C. Recreation
  1. Sportfishing
    a. Reservoir
    b. Stream
  2. Rafting/Boating

D. Electricity production
  1. Hydropower
  2. Nonhydropower

E. Energy development

F. Agricultural production
  1. Crops
  2. Livestock

G. Municipal/Industrial
  1. Urban growth
  2. Industrial development

H. Water quality
  1. Salinity
  2. Temperature

I. Visual/aesthetic

J. Historical/archaeological/cultural

K. Land management agencies

L. Habitats of Federal concern
  1. Floodplains
  2. Wetlands

A more detailed explanation of the proposed action may be obtained by calling or writing the contact person identified at the beginning of this notice.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), CEQ Regulations to implement NEPA (40 CFR Parts 1500–1508), other appropriate Federal regulations, and Department of the Interior and Service procedures for compliance with these regulations.

We estimate that the draft environmental assessment will be completed by September 1986.

Dated: July 23, 1986.

Galen L. Buterbaugh,

Regional Director.

[FR Doc. 86–17059 Filed 7–29–86; 8:45 am]

BILLING CODE 1505-01-M

National Park Service

National Register of Historic Places, Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 2, 1986. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written

comment should be submitted by August 27, 1986.

Patrick Andrus,

Acting Chief of Registration, National Register.

ALABAMA

Butler County

Greenville, *Commerce Street Residential Historic District (Greenville MRA)*, W. Commerce and Pine Sts.
Greenville, *East Commerce Street Historic District (Greenville MRA)*, Roughly bounded by Cedar, Chesnut, Commerce, and Hickory Sts.
Greenville, *Fort Dale—College Street Historic District (Greenville MRA)*, Roughly bounded by Fort Dale, Hamilton, and N. College Sts.
Greenville, *King Street Historic District (Greenville MRA)*, Roughly bounded by W. Commerce, Oliver, Milner, and King Sts.
Greenville, *Post Office Historic District (Greenville MRA)*, W. Commerce and Fort Dale Sts.
Greenville, *South Greenville Historic District (Greenville MRA)*, Roughly bounded by Walnut, S. Conecuh, Parmer, Church, Herbert, Caldwell, and Milner Sts.
Greenville, *South Street Historic District (Greenville MRA)*, Roughly bounded by South, Oliver, and McKenzie Sts.
Greenville, *West Commerce Street Historic District (Greenville MRA)*, Roughly bounded by W. Commerce, Bolling, and Milner Sts., and L & N R.R.

Jefferson County

Birimingham, *Agee House*, 1804 Twelfth Ave., S.
Birmingham, *Anderson Place Historic District*, Roughly bounded by Fourteenth Ave., Eighteenth St., Sixteenth Ave., and Fifteenth St.
Birmingham, *Bottega Favorita*, 2240—2244 Highland Ave.
Birmingham, *Five Points South Historic District (Boundary Increase)*, Roughly bounded by Twelth Ave., Nineteenth St., Thirteenth Ave., and Seventeenth St.
Birmingham, *St. Andrew's Episcopal Church*, 1164 Eleventh St., S.

Talladega County

Talladega, *Averiett, Benjamin H., House (Benjamin H. Averiett House TR)*, AL 8.
Talladega, *Averiett, William, House (Benjamin H. Averiett House TR)*, Off AL 8.
Talladega, *Goodwin—Hamilton House (Benjamin H. Averiett Houses TR)*, Marble Valley Rd.
Talladega, *Welch—Averiett House (Benjamin H. Averiett Houses TR)*,, AL 8.

ARIZONA

Gila County

Globe, *Globe Commercial and Civic Historic District*, Roughly along N. Broad St. from Willow St. to Tebbs St.

CALIFORNIA

Los Angeles County

Hollywood, *Villa Bonita*, 1817 Hillcrest Rd.

Napa County

Napa, *Hennessey, Dr. Edwin, House*, 1727 Main St.

San Mateo County

Menlo Park, *Barron—Latham—Hopkins Gate Lodge*, 555 Ravenswood Ave.

Ventura County

Fillmore, *Bardsdale Methodist Episcopal Church*, 1418 Bardsdale Ave.

CONNECTICUT

Hartford County

Bristol, Federal Hill Historic District, *Roughly bounded by Summer, Maple, Woodland, Goodwin, and High Sts.*
West Hartford, *Beardsly—Mix House (Eighteenth-Century Houses of West Hartford TR)*, 81 Rockledge Dr.
West Hartford, *Brace, Moses—Cadwell, Uriah, House (Eighteenth-Century Houses of West Hartford TR)*, 11 Flagg Rd.
West Hartford, *Butler House (Eighteenth-Century Houses of West Hartford TR)*, 253 N. Main St.
West Hartford, *Butler, James, House (Eighteenth-Century Houses of West Hartford TR)*, 239 N. Main St.
West Hartford, *Colton, Benjamin, House (Eighteenth-Century Houses of West Hartford TR)*, 25 Sedgwick Rd.
West Hartford, *Farnswoarth, Samuel, House (Eighteenth-Century Houses of West Hartford TR)*, 537 Mountain Rd.
West Hartford, *Gillett, Asa, House*, (Eighteenth-Century Houses of West Hartford TR).
West Hartford, *Gillett, Asa, House (Eighteenth-Century Houses of West Hartford TR)*, 202 S. Main St.
West Hartford, *Goodman, Timothy, House (Eighteenth-Century Houses of West Hartford TR)*, 567 Quaker La., S.
West Hartford, *House at 847 Main Street, North (Eighteenth-Century Houses of West Hartford TR)*, 847 Main St., N.
West Hartford, *Seymour, Elisha, Jr., House (Eighteenth-Century Houses of West Hartford TR)*, 410 and 412 Park Rd.
West Hartford, *Stanley—Woodruff—Allen House (Eighteenth-Century Houses of West Hartford TR)*, 37 Buena Vista Rd.
West Hartford, *Steele, Allyn, Hoyse (Eighteenth-Century Houses of West Hartford TR)*, 114 N. Main St.
West Hartford, *Wells, John, Jr., House (Eighteenth-Century Houses of West Hartford TR)*, 505 Mountain Rd.
West Hartford, *Whitman House (Eighteenth-Century Houses of West Hartford TR)*, 208 N. Main St.
New Haven, *Edgewood Park Historic District*, Roughly bounded by Whalley Ave., Elm St., W. Park and Sherman Ave., Boulevard, and Derby and Yale Aves.

GEORGIA

Hart County

Hartwell, *Adams—Matheson House (Hartwell MRA)*, 116 Athens St.
Hartwell, Benson Street—Forest Avenue Residential Historic District (Hartwell MRA), Roughly along Benson St. from Forest Ave. to Adams St. and along Forest Ave. From Railroad St. to Garrison Rd.
Hartwell, *Best, Allie M., House (Hartwell MRA)*, 122 Athens St.
Hartwell, *Candler—Linder House (Hartwell MRA)*, Johnson St.
Hartwell, *Fortson, H. E., House (Hartwell MRA)*, 221 Richardson St.
Hartwell, *Franklin Light and Power Company Steam Generating Station (Hartwell MRA)*, Leard St. at railroad track
Hartwell, *Franklin Street—College Avenue Residential Historic District (Hartwell MRA)*, Roughly bounded by Johnson St., Cleveland Ave., First, and Carter Sts.
Hartwell, *Gulley—Vickery—Blackwell House (Hartwell MRA)*, 115 Franklin St.
Hartwell, *Hartwell City School (Hartwell MRA)*, College Ave.
Hartwell, *Hartwell Commercial Historic District (Hartwell MRA)*, Roughly bounded by Franklin St., Forest Ave., Railroad and Jackson Sts.
Hartwell, *Hartwell Methodist Church, South (Hartwell MRA)*, Howell St.
Hartwell, *Horton—Vickery House (Hartwell MRA)*, 101 Vickery St.
Hartwell, *Jones, J. Pearl, House (Hartwell MRA)*, 401 Athens St.
Hartwell, *Kendrick—Matheson House (Hartwell MRA)*, 212 Athens St.
Hartwell, *Kidd, Charles I., House (Hartwell MRA)*, 304 W. Howell St.
Hartwell, *Linder, Roscoe Conklin, House (Hartwell MRA)*, 118 Athens St.
Hartwell, *McCurry—Kidd House (Hartwell MRA)*, 602 W. Howell St.
Hartwell, *McMullan—Vickery Farm (Hartwell MRA)*, 602 Forest Ave.
Hartwell, *Meredith, Dr. Owen, House (Hartwell MRA)*, 605 Benson St.
Hartwell, *Meyer, Saul, House (Hartwell MRA)*, 304 W. Johnson St.
Hartwell, *Morrison, Jackson, House (Hartwell MRA)*, 439 Rome St.
Hartwell, *Pure Oil Service Station (Hartwell MRA)*, Howell St. at Jackson St.
Hartwell, *Satterfield, Emory Edward, House (Hartwell MRA)*, 504 W. Howell St.
Hartwell, *Skelton, Alexander Stephens, House (Hartwell MRA)*, 214 Athens St.
Hartwell, *Teasley, Ralph, House (Hartwell MRA)*, 421 W. Howell St.
Hartwell, *Teasley, Thomas William, House (Hartwell MRA)*, 417 W. Howell St.
Hartwell, *Teasley—Holland House (Hartwell MRA)*, 416 W. Howell St.
Hartwell, *Temple, John Roland, House (Hartwell MRA)*, 129 Athens St.
Hartwell, *Temple—Skelton House (Hartwell MRA)*, 201 Athens St.
Hartwell, *Underwood, John, House (Hartwell MRA)*, 825 S. Jackson St.
Hartwell, *Whithman Cotton Mills Village Historic District (Hartwell MRA)*, Along Liberty Circle, Jackson and Webb Sts.

LOUISIANA

Claiborne Parish

Homer, *Homer Historic District*, Roughly bounded by E. Main, S. Third, W. Main, and N. Second Sts.

MASSACHUSETTS

Middlesex County

Cambridge, *Brooks, Luther, House (Cambridge MRA)*, 34 Kirkland St.
Cambridge, *Building at 16 Prescott Street (Cambridge MRA)*, 16 Prescott St.
Cambridge, *Divinity Hall (Cambridge MRA)*, 12 Divinity Ave.
Cambridge, *Harvard Houses Historic District (Cambridge MRA)*, Roughly bounded by Banks, Putnam, Cowperwaite, Grant, Dewolf, Mt. Auburn, Plympton, and Boylston Sts., and Memorial Dr.
Cambridge, *Harvard Observatory (Cambridge MRA)*, 60 Garden St.
Cambridge, *Lovering, Joseph, House (Cambridge MRA)*, 38 Kirkland St.
Cambridge, *Treadwell—Sparks House (Cambridge MRA)*, 21 Kirkland St.
Cambridge, *University Museum (Cambridge MRA)*, Divinity Ave.

MICHIGAN

Emmet County

Petoskey, *Allen, J.B., (Petoskey MRA)*, 822 Grove St.
Petoskey, *Bartram, Isaac, House (Petoskey MRA)*, 508 Wachtel Ave.
Petoskey, *Carmichael, W. S., House (Petoskey MRA)*, 301 Jackson St.
Petoskey, *Debenham, I. N., House (Petoskey MRA)*, 1101 Emmet St.
Petoskey, *East Mitchell Street Historic District (Petoskey MRA)*, Roughly bounded by Rose, Kalamazoo, State, Howard, Michigan, and Division
Petoskey, *Fochtman, Gerhard, House (Petoskey MRA)*, 1004 waukazoo Ave.
Petoskey, *Fourth Ward Polling Place (Petoskey MRA)*, 209 Washington St.
Petoskey, *Fryman, Meyer, House (Petoskey MRA)*, 211 Michigan St.
Petoskey, *Grace Methodist Episcopal Church (Petoskey MRA)*, 625 Connable St.
Petoskey, *Hobbins, Bert and John, House (Petoskey MRA)*, 1024 Emmet St.
Petoskey, *Hosman and Wheeler Meat Market (Petoskey MRA)*, 612 Ingalls Ave.
Petoskey, *Kabler, John, House (Petoskey MRA)*, 415 Jackson St.
Petoskey, *Lesher, Frank, House (Petoskey MRA)*, 122 Sheridan St.
Petoskey, *Malin, A., House (Petoskey MRA)*, 54 Bridge St.
Petoskey, *Markle, George and Eugene, House (Petoskey MRA)*, 701 Kalamazoo St.
Petoskey, *McManus, George, House (Petoskey MRA)*, 121 State St.
Petoskey, *Meyers, Elias, House (Petoskey MRA)*, 912 Baxter St.
Petoskey, *Miller, Jacob, House (Petoskey MRA)*, 307 Jackson St.
Petoskey, *Mineral Well Park Pavillion (Petoskey MRA)*, W. Lake St.
Petoskey, *Nyman, John, House (Petoskey MRA)*, 915 Emmet St.
Petoskey, *Olin, G. W., House (Petoskey MRA)*, 610 Kalamazoo St.
Petoskey, *Pennington, Sarah, House (Petoskey MRA)*, 719 Maple St.
Petoskey, *Petoskey Downtown Historic District (Petoskey MRA)*, Roughly bounded by Rose, Division, Michigan, and Petoskey
Petoskey, *Petoskey Grocery Company Building (Petoskey MRA)*, 616 Petoskey St.
Petoskey, *Petoskey Publc Works Utility Building (Petoskey MRA)*, 106 W. Lake St.
Petoskey, *Rehkopf, Phillip, House (Petoskey MRA)*, 918 Howard St.
Petoskey, *Schantz, George, House and Store (Petoskey MRA)*, 534 Wachtel Ave.
Petoskey, *Schapler, Frank, House (Petoskey MRA)*, 106 E. Lake St.
Petoskey, *Seventh Day Adventist Church (Petoskey MRA)*, 224 Michigan St.
Petoskey, *Shafer's Grocery and Residence (Petoskey MRA)*, 1018 Emmet St.
Petoskey, *Stout House (Petoskey MRA)*, 606 Grove St.
Petoskey, *Trinity Evangelical Church (Petoskey MRA)*, 219 State St.
Petoskey, *VanZolenburg, Jacob, House (Petoskey MRA)*, 203 State St.
Petoskey, *Wells, J. M., House (Petoskey MRA)*, 203 W. Lake St.
Petoskey, *West Mitchell Street Bridge (Petoskey MRA)*, W. Mitchelkl St. at Bear River
Petoskey, *Zion Evangelical Lutheran Church (Petoskey MRA)*, 810 Pedtoskey St.

NEVADA

White Pine County

Ely, *White Pine County Courthouse*, Campton St.

NEW JERSEY

Essex County

Newark, *Stanley Theater*, 985 S. Orange Ave.

Union County

Elizabeth, *Belcher—Odgen Mansion—Price, Benjamin—Price—Brittan Houses District*, Corner of E. Jersey and Catherine Sts.

NEW YORK

Westchester County

North Salem, *Union Hall*, NY 116 and Keeler La.

NORTH CAROLINA

Bertie County

Rhodes Site (31Br90),

Moore County

Gordon Payne Site (31Mr15),

Randolph County

Thayer Farm Site (31Rd10),

TEXAS

Grayson County

Van Alstyne, *Umphress—Taylor House*, 301 Paris St.

VERMONT

Windsor County

Springfield, *Springfield Downtown Historic District (Boundary Increase)*, Roughly Brookline Apartments on Wall St., Park St., and along the Black River

VIRGINIA

Newport News (Independent City)

North End Historic District, Roughly bounded by Sixty-eighth St., Warwick Blvd., Fiftieth St., and Huntington Ave.

The Fifteen-Day Commenting Period is to be waived for the following properties in order to meet the condition of a Memorandum of Agreement between the Advisory Council on Historic Preservation and the State Historic Preservation Office.

MONTANA

Valley County

Fort Peck, *Administration Building (Fort Peck MRA)*, E. Kansas Ave.
Fort Peck, *Employee's Hotel and Garage (Fort Peck MRA)*, S. Missouri Ave.
Fort Peck, *Fort Peck Dam (Fort Peck MRA)*, On Missouri River.
Fort Peck, *Fort Peck Original Residences Historic District (Fort Peck MRA)*, 1101—1112 E. Kansas.
Fort Peck, *Garage and Fire Station (Fort Peck MRA)*, Gasconade St.
Fort Peck, *Hospital (Fort Peck MRA)*, S. Platte St.
Fort Peck, *Recreation Hall (Fort Peck MRA)*, Missouri Ave.
Fort Peck, *School (Fort Peck MRA)*, N. Missouri Ave.

[FR Doc. 86-18131 Filed 8-11-86; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Decision No. 5; Finance Docket No. 30800]

Union Pacific Corp., Union Pacific Railroad Co. and Missouri Pacific Railroad Co.; Intent To Seek Control of Missouri-Kansas-Texas Railroad Co.[1]

Decided: August 5, 1986.

Pursuant to 49 C.F.R. 1180.4(b), the Union Pacific Corporation (UPC), Union Pacific Railroad Company (UP), Missouri Pacific Railroad Company (MP), and Missouri-Kansas-Texas Railroad Company (MKT) have notified the Commission of their intent to file an application seeking Commission approval and authorization, under 49 U.S.C. 11343 *et seq.*, for UPC and its subsidiary, MP, to acquire control of MKT and for the consolidation of MKT into MP.

MKT is a rail carrier and owns a motor carrier subsidiary and other rail carrier subsidiaries. It, in turn, is owned by Katy Industries, Inc. (Katy). Under an agreement dated June 3, 1986, MKT will enter into an agreement of merger with a new MP subsidiary prior to the end of July 1986. That merger agreement will be submitted to MKT shareholders for approval. MP proposes to acquire shares of MKT common stock owned by Katy in exchange for cash and an installment note issued by MP and guaranteed by

[1] Originally entitled Union Pacific Corporation and Missouri Pacific Railroad Company—Control—Missouri-Kansas-Texas Railroad Company.

UPC. Immediately thereafter, the new MP subsidiary will be merged into MKT, thus making MKT a wholly-owned subsidiary of MP. As a consequence, UPC, which also owns UP and MP, will acquire control over MKT and its common carrier subsidiaries. The properties of MKT then will be consolidated with those of MP.

The applicants indicate their intention to submit a traffic diversion study initially conducted using 1984 traffic data, but which also takes account of 1985 traffic. Their impact analyses will otherwise use 1985 data, to the extent practicable. Applicants intend to file their application on or about November 14, 1986.

Because the application, involves the control of two or more Class I railroads, it is a major transaction under 49 C.F.R. 1180.2(a) and is subject to the requirements in 49 C.F.R. Part 1180 for major transactions. Subsequent to the publication of this notice, the Commission will issue a decision delineating what additional information must be filed in order to complete the application. *See* 49 C.F.R. 1180.4(b)(2)(v). Modification of the requirements may there be ordered in response to appropriate requests or on our own motion. We will establish a procedural schedule after the application has been filed and accepted as complete.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-18146 Filed 8-1-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket Nos. 30833 and 30834]

Chicago and North Western Transportation Co., Western Railroad Properties, Inc., and Burlington Northern Railroad Co.; Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from 49 U.S.C. 11343 the acquisition and operation by Chicago and North Western Transportation Company and Western Railroad Properties, Incorporated of an undivided one-half interest in Burlington Northern Railroad Company's interest in a line extending approximately nine miles north from Coal Creek Jct. in the Powder River Basin of Wyoming. The Commission also exempts from 49 U.S.C. 11301 the proposed financing to carry out the transaction.

DATES: This decision is effective on September 11, 1986. Petitions to stay must be filed by August 22, 1986, and petitions for reconsideration must be filed by September 2, 1986.

ADDRESSES: Send pleadings referring to Finance Docket Nos. 30833 and 30834 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) L. John Osborn, Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, 1660 L Street, N.W., Suite 1000, Washington, DC 20036

FOR FURTHER INFORMATION CONTACT: Donald Shaw, Jr., (202) 7693.

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

Decided: August 5, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-18148 Filed 8-11-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19; Sub-No. 119x]

The Baltimore and Ohio Railroad Co., Exemption for Abandonment in Fayette County, PA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commission exempts from the requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by the Baltimore and Ohio Railroad Company of approximately 1.84 miles of track in Fayette County, PA, subject to conditions for protection of emloyees.

DATE: This exemption is effective on September 11, 1986. Petition to stay must be filed August 22, 1986. Petitions for reconsideration must be filed by September 2, 1986.

ADDRESS: Send pleadings referring to AB-19 (Sub-No. 119X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Lawrence H. Richmond, 100 North Charles Street, Baltimore, MD 21201

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7693.

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

Decided: August 4, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commssioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-18147 Filed 8-11-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ozell Green, d/b/a Green's Prescription Center; Revocation of Registration and Denial of Pending Applications

On March 24, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ozell Green (Respondent), trading as Green's Prescription Center, 648 West South Street, Orlando, Florida 32805, proposing to revoke Respondent's DEA Certificate of Registration, AG5091587, and to deny the application for renewal executed by Respondent on September 28, 1985, for registration as a retail pharmacy under 21 U.S.C. 823(f). Subsequent to the issuance of the Order to Show Cause, it was discovered that Respondent also submitted a later renewal application which was executed on January 12, 1986. Both applications for registration, along with the proposed revocation action, will be considered in the Administrator's final order. The statutory predicate for seeking the revocation of Respondent's current registration and denying the pending applications for renewal is that: (1) On October 11, 1985, Respondent, the proprietor and registered pharmacist of Green's Prescription Center, was convicted in the Ninth Circuit Court of Florida for Orange County, of two counts of delivering a controlled substance in violation of Florida Criminal Code 893.13(1)(a)(1) and 893.03(2)(a)(1), both second degree felony offenses relating to controlled substances, and two counts of delivering a controlled substance in violation of Florida Criminal Code 893.13(1)(a)(2) and 893.03(4)(h), both third degree

felony offenses relating to controlled substances; and (2) On February 6, 1986, the State of Florida, Department of Professional Regulation, Board of Pharmacy, issued a final order revoking Respondent's license to practice pharmacy in the State of Florida, and consequently, he is not authorized to handle controlled substances in the State of Florida. Respondent, through his attorney, replied to the Order to Show Cause by letter dated April 23, 1986. In the letter, he specifically waived his opportunity for a hearing on the issues set forth in the Order to Show Cause. Instead, Respondent opted to submit a written statement explaining his position in the matter. Therefore, the Administrator finds that Respondent has waived his opportunity for a hearing. 21 CFR 1301.54(c). The Administrator enters this final order based on the record as it appears, which includes Respondent's statement of position. 21 CFR 1301.54(c), 1301.54(d) and 1301.54(e).

The Administrator finds that the Orlando Metropolitan Bureau of Investigations (MBI) was notified by a confidential informant that Respondent was selling controlled substances from Green's Prescription Center without the required prescriptions. Based on this information, MBI planned an undercover operation which was conducted from August 1984 through December 11, 1984. As a result of the undercover operation, MBI made fourteen undercover purchases of Diazepam, a Schedule IV controlled substance, from Respondent. In each of these purchases, Respondent did not request a prescription before dispensing the requested drugs. A total of 1,102 Diazepam tablets were purchased from Respondent during the undercover operation. In addition, undercover agents were also able to purchase several tablets of Tylenol-3 with Codeine from Respondent, on at least two occasions, without prescriptions. As a result of the information and controlled substances obtained during the undercover operations, Respondent was arrested on February 15, 1985. After entering pleas of guilty, Respondent was convicted on October 11, 1985, in the Ninth Circuit Court of Florida for Orange County of two counts of delivering a controlled substance in violation of Florida Criminal Code 893.13(1)(a)(1) and 893.03(2)(a)(1), both second degree felony offenses relating to controlled substances, and two counts of delivering a controlled substance in violation of Florida Criminal Code 893.13(1)(a)(2) and 893.03(4)(h), both third degree felony offenses relating to controlled substances.

The Administrator also finds that on February 5, 1986, the Florida Department of Professional Regulation, Board of Pharmacy, issued a final order revoking Respondent's license to practice pharmacy in the State of Florida. In the same action, the Board of Pharmacy placed Green's Prescription Center on probation for a period of five years. Under the terms of the final order, Respondent is not permitted to enter the prescription area of the pharmacy during its probationary period, nor is he allowed to become involved in the ordering or receiving of controlled substances. In addition, the Florida Board of Pharmacy must review and approve any pharmacist the pharmacy seeks to employ. Also, the Florida Department of Professional Regulation will conduct three inspections per year at the expense of the pharmacy.

Respondent was, at the time of his offenses, and is currently, the proprietor and former registered pharmacist of Green's Prescription Center. He was also the registered pharmacist responsible for operating the pharmacy. Based upon his convictions for controlled substance violations which are directly linked to his practice as a pharmacist, and the revocation of his pharmacist's license, the Administrator finds a lawful basis to revoke the current pharmacy registration and all pending applications for renewal of the DEA registration of Green's Prescription Center. 21 U.S.C. 824(a)(2) and 824(a)(3).

In response to the Order to Show Cause, Respondent argues that the pharmacy's DEA registration should not be revoked or suspended. Instead, he urges the Administrator to enter an order consistent with that issued by the Florida Board of Pharmacy. He further claims that:

> Green's Prescription Center is under very strict probation, and there is no reason to suspect violations of criminal or civil laws regarding controlled substances will occur at Green's Prescription Center in the future. Allowing Green's Prescription Center to continue to dispense controlled substances under the direction of a qualified pharmacist will enable Respondent Ozell Green to continue to own and operate the business which supports his family even though he has lost his right to practice pharmacy. Such a result will ensure adequate safeguards for the protection of the public. [Respondents' Response to Order to Show Cause and Waiver of Hearing, paragraph 5.]

The Administrator rejects this argument. DEA has consistently held that the registration of a corporate registrant may be revoked upon a finding that a natural person who is an owner, officer, or key employee, or who has some responsibility for the operation of the registrant's controlled substance business, has been convicted of a felony offense relating to controlled substances. See *Ozie T. Faison d/b/a Smith Discount Drugs*, Docket No. 8537, 51 FR 16403 (1986); *Diodo Leduc d/b/a Farmacia Leduc*, Docket No. 855, 51 FR 12751 (1986); *Spoon's Pharmacy*, Docket No. 8442, 50 FR 46520 (1985); *Daniel Levine, t/a Gladstone Pharmacy*, Docket No. 84–20, 50 FR 32651 (1985); *Coolidge Drugs, Inc., d/b/a/ The Apothecary*, 50 FR 31785 (1985); *Medicine Shoppe*, 50 FR 30533 (1985); *B. Ruppe Drugstore, Inc.*, Docket No. 84–16, 50 FR 23203 (1985); *K & B Successors, Inc.*, Docket No. 82–15, 49 FR 34588 (1984). The Administrator finds nothing in Respondent's argument which would warrant a departure from these earlier rulings.

In the present matter, Respondent seeks to retain his position as sole proprietor of Green's Prescription Center. He attempts to support his position by explaining that the limitations placed upon him by the Florida Board of Pharmacy are adequate to protect the public from future diversion of controlled substances at the pharmacy. Although the Florida Board of Pharmacy order prohibits Respondent from physically entering the pharmacy area of the store, and from ordering and handling the controlled substances, he still continues to manage and control the pharmacy, hires and fires the registered pharmacist, and as owner, has total access to the pharmacy area at all hours, day and night, when no one is present to observe his activities. The Administrator finds that based on Respondent's conduct which led to his ultimate arrest and conviction, his continued association with Green's Prescription Center would be inconsistent with the public interest as manifested in the Controlled Substances Act. The Administrator also finds that Respondent's continued ownership and presence in the store would allow him to exert his influence, albeit indirectly, over the dispensing activities of the pharmacy. In addition, by allowing the pharmacy its continued registration, Respondent would be allowed to profit from the pharmacy's dispensing of controlled substances under the registration he so blatantly abused. The Administrator concludes that, in addition to there being a lawful basis to support revocation of the pharmacy's registration, the continued registration of Green's Prescription Center is wholly inconsistent with the public interest.

Therefore, having concluded that there is a lawful basis for the revocation of Respondent's registration and for the denial of the applications for renewal, and having further concluded that under the facts and circumstances presented in this case the registration should be revoked and the applications for renewal be denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) hereby orders that DEA Certificate of Registration AG5091587, previously issued to Green's Prescription Center, be, and it hereby is revoked. The Administrator further orders that the applications of Green's Prescription Center for renewal of its DEA Certificate of Registration, be, and hereby are denied.

This order is effective September 11, 1986.

Dated: August 6, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-18056 Filed 8-11-86; 8:45 am]

BILLING CODE 4410-09-M

Immigration and Naturalization Service

Direct Mail of Applications and Petitions to the Regional Adjudications Center in St. Albans, VT

Correction

In the issue of Tuesday, July 1, 1986, in the document beginning on page 23848 in the second column, make the following corrections:

1. On page 23848, third column, under "Applications and Petitions", second line, "Finance" should read "Fiance".

2. On page 23849, first column, in the FR docket line, "86-14884" should read "86-14864".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-1301, Washington, DC 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, telephone (202) 395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Departmental Management (Labor Management Relations and Cooperative Programs)
Airline Employee Protection Program 29 CFR Part 220
1225-0024
On occasion; semi-annually; other (other time list)
Individuals or households
35 responses; 3,509 hours

Pub. L. 95-504 provides for (1) hiring preference for protected airline employees and (2) an airline job vacancy list. The list of protected employees and the notification of certain carrier personnel actions will permit verification that a statutory right has been honored; the job vacancy listing is required by statute.

Employment and Training Administration
Standard Questionnaire for Manufacturing Firms
1205-0194 ETA 8561 A,B,C
On Occasion
Businesses or other-for-profit; Small businesses or organizations
700 Respondents; 2,800 hours; 3 forms

Data and information needed to prepare Secretary of Labor reports to the President under sections 202 and 224 of the Trade Act of 1974 as amended which are used in determining type(s) of import relief, if any, to be granted to import impacted industries.

Occupational Safety and Health Administration
Organizational statement for fire brigades
1218-0075
On occasion
Businesses or other for-profit
2,750 responses; 269 hours

The organizational statement describes what the fire brigade is expected to do, and will help employees understand their duties and responsibilities as fire brigade members. It will also inform compliance officers of the type of firefighting which will be performed, and if the level of training is consistent with that type of firefighting.

Signed at Washington, DC, this 7th day of August 1986.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 86-18132 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-85-M

Renewal of Labor Advisory Committee for Trade Negotiations and Trade Policy

The Secretary of Labor and the United States Trade Representative have taken steps to renew the Labor Advisory Committee for Trade Negotiations and Trade Policy. The Committee and subcommittees will be chartered pursuant to section 135(c) (1-2) of the Trade Act of 1974 (19 U.S.C. 2155(c) (1-

2), as amended, and Executive Order No. 11846, March 27, 1975 (19 U.S.C. 2111 nt). The charter of the Committee will be filed 15 days from the date of this notice.

The Labor Advisory Committee for Trade Negotiations and Trade Policy consults with, and makes recommendations to the Secretary of Labor and to the United States Trade Representative on issues of general policy matters concerning labor and trade negotiations, operations of any trade agreement once entered into, and other matters arising in connection with the administration of the trade policy of the United States.

The Committee will meet at irregular intervals at the call of the Secretary of Labor and the United States Trade Representative. The frequency of committee meetings will be approximately two or three times per year, depending upon the needs of the Secretary of Labor and the United States Trade Representative. The Steering Subcommittee will meet monthly. Other subcommittees may meet on an ad hoc basis.

Representatives from the private sector wishing further information or to be considered for appointment to serve on the committee should contact: Mr. Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Frances Perkins Department of Labor Building, Room S5325, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone: (202) 523–6565.

Signed at Washington, DC, this 7th day of August 1986.

William E. Brock,

Secretary of Labor.

[FR Doc. 86–18133 Filed 8–11–86; 8:45 am]

BILLING CODE 4510–23–M

Employment and Training Administration

Job Training Partnership Act; Migrant and Seasonal Farmworker Programs; Grantee Selection Procedures

AGENCY: Employmemt and Training Administration, Labor.

ACTION: Notice of results of review of grantee selection procedures.

SUMMARY: The Department of Labor (DOL) is announcing changes in the competitive procedures for selecting Job Training Partnership Act (JTPA), Migrant and Seasonal Farmworker Program grantees. The next cycle of such selection actions will cover JTPA Program Years 1987 and 1988 (July 1, 1987 through June 30, 1989). These changes provide for the assignment of five extra points to the one application recommended by the Governor, the restructuring of the rating factors and the distributing of the rating points to allow more points for "familiarity with the area to be served" including linkages and coordination; and strengthening the implementation of "Intergovernmental Review of Federal Programs."

EFFECTIVE DATE: August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Charles C. Kane, Chief, Division of Seasonal Farmworker Programs. Telephone: (202) 376–1226.

SUPPLEMENTARY INFORMATION: On December 3, 1985, the DOL published in the **Federal Register**, at 50 FR 49626, an Interim Notice proposing changes in the selection procedures for migrant and seasonal farmworker program grantees under section 402 of JTPA. The DOL suggested seven options which allow the Governors more involvement and/or give local organizations some form of preference in the JTPA, section 402, grantee selection process. The seven options were suggested in response to "complaints which indicated that the Governors should be more involved in the decision-making process and that local organizations should receive some form of preference in the selection of JTPA, section 402, grantees for their States." The seven options were designed to "ensure that all valid interests in the . . . selection process are considered." Written comments from interested parties were requested by February 3, 1986. Forty-eight responses arrived by that date, including 11 from Governors or their representatives; 26 from JTPA, section 402, grantee officials; 2 each from Private Industry Councils, private non-profit organizations, county governments, and Section 402 grantee associations; and 1 each from a Service Delivery Area, a private citizen, and an association of Governors. Six additional responses were received after the due date. The intent of this notice is to announce that the grantee selection procedures for JTPA, section 402, will be changed by the adoption of Options, I, II, and III.

Options Selected in the Review Process (Options I, II, III)

Option I proposed the assignment of five extra rating points in the competition to the one application recommended by the Governor. This option received the highest number of favorable comments of any one option, and was supported by 9 of the 10 State government-affiliated respondents who commented on the option.

Proponents, such as the National Governors' Association, view Option I as a means of providing the Governor with "a meaningful involvement in the decision-making process" and with "flexibility . . . in dealing with State issues" since he or she "could consider such factors as the extent of linkages and coordination with other pertinent State programs" in deciding which applicant to recommend. To the extent that State agencies are required to advise the Governor on labor market conditions and the needs and effectiveness of training and employment programs within the State, the Governor is capable of determining which applicant could provide effective delivery of services to farmworkers. Other respondents point to JTPA's emphasis at Section 121 on the Governor's role in preparing goals and objectives for job training and placement programs within the State and establishing criteria for coordinating JTPA activities with programs and services provided by State and local education and training agencies as an indication of the appropriateness of assigning weight to the Governor's recommendation.

The resultant selection, they believe, is more likely to be a program that is integrated with the State's other training an employment services.

Critics of Option I are concerned that the award of extra points undermines the existing competitive process which is properly unbiased, objective and safeguarded from political considerations. Some feel that a political influence could be exerted by a State agency applicant, making it likely that it would automatically be the recipient of the extra rating points. The very awarding of extra points is believed by opponents to be inconsistent with standard government procurement policies, effectively politicizing the procurement process.

In the judgement of the DOL, assigning five extra rating points to the one application recommended by the Governor is advisable because of the incentive it is likely to provide for applicant organizations to be knowledgeable about a State's overall priorities and emphases in employment training, so that better coordination may be planned for and achieved. To this same end, Governors may be encouraged to improve their Intergovernmental Review Process to better identify the one applicant which can best serve the State's needs.

A rating system that is weighted in the direction of crediting coordinated services in consistent with the selection of Options II and III (see discussion below), and with JTPA. JTPA, section 402(d), states that the Secretary of Labor

"shall consult with appropriate State and local officials" in administering section 402 programs. In light of the clear desire expressed by the respondent Governors that they be more involved in the grantee selection process, assigning five additional rating points to their most preferred applicant is an acceptable way of fulfilling the consultation requirement. The DOL does not view this action as either subjectivizing or politicizing the competitive procurement process.

Option II proposed restructuring the rating factors along the lines of the review standards cited in the Migrant and Seasonal Farmworker (MSFW) regulations at 20 CFR 633.203, and a redistribution of the rating points to allow more points for "familiarity with the area to be served" and "linkages and coordination."

Those who wrote in favor of Option II focused on the importance, in the words of a private non-profit respondent, of the program operator's "intimate knowledge and understanding of the problems of migrant and seasonal farmworkers of the particular local." The knowledge to which the writer refers is "of the clients, job market, training opportunities, successful training programs, political structure, and the community in general."

This knowledge in turn increases the likelihood of effective linkages with other organizations and the accompanying coordination of services to the target population.

Those who submitted comments opposed to Option II feel that it is inappropriate to allocate more rating points to knowledge of the community and the existence of ties to local program because this factor, along with "an understanding of the problems of migrant and seasonal farmworkers," would make the first two rating factors equal in points to administrative and programmatic capability. This arguably would be a retreat from the performance orientation of the current rating system, and inconsistent with the DOL's emphasis on responsibility reviews, performance standards, audits and monitoring visits throughout the performance period. Furthermore, opponents argue, the existing numerical rating system allows the DOL to judge each applicant's capabilities, including those that may be location-specific, against congressionally-established criteria.

The DOL favors this Option because the restructuring is consistent with MSFW regulations at 20 CFR 633.203 governing the review of funding requests. The rating factors as listed below are required by the regulations to be identified as review standards in the Solicitation for Grant Application (SGA):

A. An understanding of the problems of migrant and seasonal farmworkers. (Range 0 to 20 points)

B. A familiarity with the area to be served. (Range 0 to 20 points)

C. A previously demonstrated capability to administer effectively a diversified employability development program for migrant and seasonal farmworkers. (Range 0 to 30 points)

D. General administrative and financial management capability. (Range 0 to 30 points)

E. Prior performance with respect to financial management, audit, and program outcomes (covered under the responsibility review or preaward survey).

The rating points listed above are slightly different from those published in the Interim Notice of December 3, 1985. Option II originally proposed a total of 50 points for factors A and B, as opposed to only 30 points for similar content areas in the SGA for Program Year 1985 (**Federal Register**, October 19, 1984, 49 FR 41120). The DOL's final procedure published today allows 40 points for Factors A and B, and allocates 30 points each for administrative and programmatic capability. the DOL believes, in light of comments received, that the 40/60 proportion is the desirable allocation under JTPA.

The redistribution of rating points will presumably be advantageous to those organizations most familiar with a locality's needs and resources. The DOL considers this shift to be advisable because an applicant's analysis of the needs of the target group in a specific locale, as informed by a working knowledge of the characteristics and structures of the area; and the proposed program's potential to address local needs, as supported by the involvement of appropriate area agencies and programs, must serve as one important guideline in selecting the program with the most effective service mix and delivery system.

Option III proposed strengthening the implementation of E.O. 12372, the "Intergovernmental Review of Federal Porgrams," by specifying in each future SGA the timeframe for (1) comments from the State, Single Point of Contact or others, (2) responses from the applicant regarding those comments, and (3) the DOL's actions regarding the comments and responses.

The DOL agrees with the proponents of this Option that the intent of E.O. 12372, *i.e.*, intergovernmental cooperation and Federal agency responsiveness to State and local officials, is consistent with the requirement in JTPA, section 402(d), of consultation with those officials in the administration of migrant and seasonal farmworker programs. Strengthening the implementation of E.O. 12372 through the establishment of definite timeframes would likely facilitate the State review process and also allow the DOL to address comments from the State on section 402 applications. As noted by the Association of Farmworker Opportunity Programs (AFOP), "for the Department to outline the timeframe . . . would help to reduce the level of misunderstanding that currently exists on the part of commentors and applicants."

Opponents expressed the concern that a State agency may receive an unfair advantage if State clearinghouses are able to review and respond to all proposals prior to their submission to the DOL. In order to maintain the integrity of the competitive process, simultaneous submission of applications to both State clearinghouses and the DOL will continue as required under 20 CFR 633.202(d). Critics also questioned in general terms the necessity of applying what one viewed as "more stringent guidelines than are already required by the Executive Order." The DOL chooses to strengthen the implementation of E.O. 12372 in the manner described above as a positive improvement for the benefit of all parties and as a demonstration of our interest in consulting with the State.

Options Rejected in the Review Process (IV, V, VI, VII)

Options IV, V, and VI proposed awarding additional rating points to in-State applicants, limiting competition to in-State applicants, and giving preference to in-State applicants if they obtain a minimum passing score in the competition and, if they are the current grantee, pass the responsibility review.

Section 402 grantee-affiliated commentors responded with almost unanimous opposition to each of Options IV, V, and VI. These respondents stressed in their remarks that awarding additional rating points, whether or not an applicant demonstrates acceptable performance levels, constitutes preferential treatment and is an arbitrary inhibitor of what must be a fair and open competition. In the words of the AFOP, "legislatively unauthorized restrictions to the competitive process would appear to be in violation of the Federal acquisition regulations which govern these actions."

Proponents of Options IV, V, and VI (24 favorable comments out of 114 recorded on these options) argued that in-State organizations are inherently more capable than out-of-State organizations in effectively delivering multi-faceted training and employment services. Being based within the State to be served, in-State organizations are more likely to know the characteristics, structures, and resources of the target area, and to have linkages which allow for greater coordination with other area service-providers and programs. Applicant based out-of-State are necessarily less accessible and accountable to the target population and, to the exent that they are larger than single-State grantees, have an unfair advantage during the procurement process.

The DOL concurs with the arguments of the opponents of Options IV through VI primarily because section 402(c)(1) of JTPA requires the use of selection procedures consistent with standard Government procurement policies in the grant award process. The legislative intent for an open and fair competition must not be compromised by either a restriction on which organizations apply (as in Option V), or by any preferential treatment (as in Options IV and VI) arising from factors other than the merits of an application as rated by uniformly-applied criteria. Limiting or influencing the competitive process by the use of the hard-to-define "in-State" label would exclude organizations with excellent track records in operating Section 402 programs, and would handicap the DOL's ability to ensure that migrant and seasonal farmworkers receive the most effective training and employment services.

Furthermore, it has been the experience of the DOL that close proximity to a target area or to an indigenous group of agricultural workers is certainly no guarantee that an organization can deliver services effectively in that locality, just as remoteness is no guarantee that it cannot. Applicants who do possess a familarity with an area to be served will have the opportunity to demonstrate it, and to be rated accordingly (see the discussion of Option II above). What one respondent called "presumed 'omniscience' regarding local farmworker problems and the area to be served" by in-State organizations will not result in the award of automatic rating points.

Option VII would award additional rating points for an applicant's "proposed leveraging or matching with non-Federal funds." This option produced only 6 favorable comments to the effect that the infusion of additional resources from a variety of funding sources would enhance the delivery of JTPA, section 402, programs and is in the best interest of farmworkers. Criticism of this proposal centers on the lack of any affirmative language regarding leveraging in JTPA. This "strongly suggests," in the words of a section 402 grantee, "Congressional agreement that allocation of resources . . . should not depend . . . on a commitment of State or local dollars for those purposes." Additional objectors note the difficulty of holding applicants accountable for the successful acquisition of proposed matching funds.

The DOL accepts the argument that Option VII would have an adverse and inequitable effect on many private non-profit organizations. The ability of such organizations to compete fairly with public agencies and SDAs would be severely constrained, due to the latter groups' greater ability to leverage State and local funds.

Signed at Washington DC, this 6th day of August, 1986.

Paul A. Mayrand,

Director, Office of Special Targeted, Programs.

[FR Doc. 86-18139 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17.103]

Alta Products, Inc., Wilkes-Barre, PA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 17, 1986 in response to a worker petition received on December 27, 1985 which was filed on behalf of workers and former workers of Alta Products Corporation, Wilkes-Barre, Pennsylvania.

Alta Products, Incorporated, Wilkes-Barre, Pennsylvania ceased production and terminated all production workers on May 31, 1985 and closed the plant permanently on June 7, 1985. All workers were previously covered up to December 15, 1985 under an existing Trade adjustment Assistance Certification (TA-W-14,586), impact date of April 5, 1982 and an expiration date of December 15, 1985.

The investigation revealed no new evidence of production occurring at the subject firm following its closure June 7, 1985. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 22nd day of July 1986.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-18134 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Laurie Lace Corp.; et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period July 28, 1986–August 1, 1986.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a signficant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-16,883; Laurie Lace Corp., West New York, NJ

TA-W-16,940; Swissloom Emb. Works, West New York, NJ

TA-W-16,816; Don Rite Embroidery Co., Fairview, NJ

TA-W-16,851; Herman Ott Embroidery Corp., Fairview, NJ

TA-W-16,891; M & V Embroidery, Union City, NJ

TA-W-16,898; Matthew Embroidery Corp., Fairview, NJ

TA-W-16,900; Metropolitan Embroidery Co., North Bergen, NJ

TA-W-16,908; Neil Embroidery Corp., Cliffside Park, NJ

TA-W-16,760; Shepard Niles, Inc., Montoun Falls, NJ

TA-W-17,227; Hibbing Taconite Co., Hibbing, MN
TA-W-16,727; Emmaus Manufacturing, Emmaus, PA
TA-W-17,071; Greda Fashions, Patchogue, NJ
TA-W-17,147; Roessing Bronze Co., Mars, PA
TA-W-17,060; Hercules, Inc., Covington, VA
TA-W-16,777; Ansonia Cutters, Inc., Guttenburg, NJ
TA-W-16,822; Eureka Cutting Service, North Bergen, NJ
TA-W-16,824; Excellent Thread & Scallop Cutting Corp., Cliffside Park, NJ
TA-W-16,860; Imperial Embroidery Co., Union City, NJ
TA-W-16,921; Rivera Embroidery Corp., West New York, NJ
TA-W-16,797; Calta Embroidery Co., Union City, NJ
TA-W-17,196; USS (formerly United States Steel Corp.), Forged Circular Products, Operations, McKees Rocks, PA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-16,764; ACE Shiffli Emblem Co., Inc., West New York, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,776; Ann Del Embroidery, Cliffside Park, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,791; Belve Thread & Scallop Cutting, Gutteenburg, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,804; Columbia Embroidery Works, Inc., Union City, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,829; Flair Embroideries, North Bergen, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,839; Gold Star Embroidery Corp., West New York, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,862; J. Schwarzwald & Sons Inc., West New York, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,868; Joan Embroidery Co., West New York, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,871; Jonic Embroidery Corp., North Bergen, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,884; Linmark Schiffli Embroideries, Edgewater, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,906; National Embroidery Company, Guttenberg, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,913; Philette Embroidery Corp., Fairview, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,918; Ro-Nat Embroidery Corp., West New York, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,956; W.R. Cutting Works, Union City, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-17,246; International Coal Processing Corp., Slickville, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,214; McGraw Edison Service, Bluefiled, WV

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,195; Suntec Industries, Inc. Rockford, IL

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,692; NAE Co., Lynn, MA

Aggregate U.S. imports of rectifiers did not increase as required for certification.

TA-W-17,133; Motion Picture Screen Cartoonist, Local 841, New York, NY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-16,781; Art Embroidery Corp., West New York, NJ

The investigation revealed that criterion (2) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,929; Sequins International, Englewood, NJ

The investigation revealed that criterion (2) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,937; Superior Thread & Scallop Cuttng Co., Guttenberg, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-16,942; Threadways Embroidery,. Inc., Ft Lees, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-17,156; International Paper Co., Liquid Packaging Div., Turlock, CA

Aggregate U.S. imports of sanitary food containers are negligible.

TA-W-17,254; United Nuclear Corp., Churchrock Operation, Gallup, NM

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,253; Silver King Mine, Inc., North and South Morton Ranch Uranium Project, Casper, WY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–17,163; Pickands Mather Services, Inc., Hoyt Lakes, NM

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–16,792; Berger Brothers Embroidery ,West New York, NJ

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA–W–17,260; Glasscrafters, Inc., Ft. Smith, AR

A certification was issued covering all workers of the firm separated on or after July 1, 1985 and before June 1, 1986.

TA–W–17,327; United Technologies, Essex Group, Orleans, IN

A certification was issued covering all workers involved in operations related to the cutting, terminating and bunching of ignition wire sets in the Ignition Wire Kit Department of United Technologies, Inc., Essex Group Orleans, IN. separated on or after March 24, 1985 and before December 31, 1995.

TA–W–17,166; General Electric Co., Hermetic Motor Div., Tiffin, OH

A certification was issud covering all workers of the firm separated on or after January 20, 1985 and before May 15, 1986

TA–W–17,130; Design Innovations, Inc., Long Island City, NY

A certification was issued covering all workers of the firm separated on or after January 8, 1985 and before December 31, 1985.

TA–W–17,203; Navistar International Memphis, TN

A certification was issued covering all workers of the firm separated on or after January 2, 1985 and before January 1, 1985.

TA–W–17,124; Modulus Gary Screw & Bolt Company, Gary, IN

A certification was issued covering all workers of the firm separated on or after May 9, 1985.

TA–W–17,140; Remco, Inc., Bridgeport, CT

A certification was issued covering all workers of the firm separated on or after January 10, 1985 and before January 21, 1986.

TA–W–17,181; Morganstern Pants Co., Fredricksburg, VA

A certification was issued covering all workers of the firm separated on or after January 24, 1985 and before May 18, 1986.

TA–W–17,210; Armstrong Rubber Co., Hanford, CA

A certification was issued covering all workers of the firm separated on or after February 10, 1985.

TA–W–17,201; Delval Mfg Co., Willow Grove, PA

A certification was issued covering all workers of the firm separated on or after September 1, 1985.

TA–W–17,174; Oakley Fashions, Jackson, TN

A certification was issued covering all workers of the firm separated on or after January 31, 1985 and before November 30, 1985.

TA–W–17,126; West Company, Newton, NJ

A certification was issued covering all workers of the firm separated on or after December 16, 1984 and before January 29, 1986.

TA–W–16,986; Wilson Sporting Goods Co., Grand Rapids, MI

A certification was issued covering all workers of the firm separated on or after July 1, 1985 and before October 1, 1985.

TA–W–17,249; Lake Region Lumber Co., Casco, ME

A certification was issued covering all workers of the firm separated on or after February 18, 1985 and before May 31, 1986.

TA–W–17,167; McKeesport Steel Foundry, Inc., McKeesport, PA

A certification was issued covering all workers of the firm separated on or after April 1, 1985.

TA–W–16,685; Antmart, Portage, PA

A certification was issued covering all workers of the firm separated on or after June 1, 1985 and before July 26, 1985.

TA–W–17,108; Harmony Design, Inc., Boulder, CO

A certification was issued covering all workers of the firm separated on or after December 12, 1984 and before December 31, 1985.

TA–W–16,672; Elder Mfg Co., Dexter, MO

A certification was issued covering all workers of the firm separated on or after November 15, 1984.

TA–W–17,084; Elder Mfg Co., Bloomfield, MO

A certification was issued covering all workers of the firm separated on or after December 16, 1984.

TA–W–17,143; Elder Mfg Co., Webb City, MO

A certification was issued covering all workers of the firm separated on or after November 1, 1985 and before January 1, 1986.

TA–W–16,698; Powermatic Division of Stanwich Industries, McMinnville, TN

A certification was issued covering all workers of the firm separated on or after November 14, 1984.

TA–W–17,053; Allied Chemical Co., Baltimore, MD

A certification was issued covering all workers of the firm separated on or after December 10, 1984.

TA–W–17,069; Deltro, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after December 10, 1984 and before December 1, 1985.

TA–W–17,080; Seetheart Sportswear Corp., New York, NY

A certification was issued covering all workers of the firm separated on or after December 10, 1984 and before March 15, 1985.

TA–W–17,159; Riley Creek Lumber Co., Laclede, ID

A certification was issued covering all workers of the firm separated on or after January 5, 1985.

TA–W–17,131; Lancaster Glass Corp., Lancaster, OH

A certification was issued covering all workers of the firm separated on or after December 20, 1984.

TA–W–16,721; Dana Corp., Plant 6, Richmond, IN

A certification was issued covering all workers of the firm separated on or after November 19, 1984.

TA–W–16,984; Universal Optical Co., East Providence, RI

A certification was issued covering all workers of the firm separated on or after October 25, 1984.

TA–W–17,127; American Borate Co., Billie Mine, Death Valley, CA

A certification was issued covering all workers of the firm separated on or after December 30, 1984.

TA–W–17,128; American Borate Co., Lathrop Mill, Armagosa Valley, NV

A certification was issued covering all workers of the firm separated on or after March 15, 1985.

TA–W–17,129; American Borate Co., Dunn Mill, Yermo, CA

A certification was issued covering all workers of the firm separated on or after March 15, 1985.

I hereby certify that the aforementioned determinations were issued during the period July 28, 1986–August 1, 1986. Copies of these determinations are available for inspection Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 5, 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-18135 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-30-M

Investigation Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Mountain City Manufacturing et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 22, 1986.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 22, 1986.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 4th day of August 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Mountain City Manufacturing) (workers)	Forest City, NY	7/24/86	7/21/86	TA-W-17,776	Bathroom products.
Hoover and Allison (workers)	Xemia, OH	7/21/86	7/16/86	TA-W-17,777	Plastic parts.
A & E Data Tech (workers)	Alburn AL	7/24/86	7/16/86	TA-W-17,778	Plastic parts.
Stamper Drilling Corp. (workers)	Waller, TX	7/22/86	7/14/86	TA-W-17,779	Locate and supply oil and natural gas.
TRW Bearings Division (workers)	Jonestown, NY	7/21/86	7/16/86	TA-W-17,780	Single roll bearings.
Newpark Drilling Fluids (workers)	Houston, TX	6/19/86	4/18/86	TA-W-17,781	Drilling fluids.
Parker Drilling (workers)	Odessa, TX	6/17/86	5/30/86	TA-W-17,782	Drilling contractor.
Sabine Ranch (workers)	Hampshire, TX	7/22/86	7/15/86	TA-W-17,783	Oil and hand exploration.
Bovaird Supply Co. (workers)	Williston, ND	7/17/86	7/11/86	TA-W-17,784	Sales of oil supply material.
Lynco Drilling Co. (workers)	Levelland, TX	7/22/86	6/19/86	TA-W-17,785	Worked on drilling rigs.
Plastronics Inc. (workers)	Milwaukee, WI	7/23/86	7/9/86	TA-W-17,786	Plastic medical devices
Jones and Vimirg (workers)	Lewiston, ME	7/24/86	7/21/86	TA-W-17,787	Shoe soles.
Sun Supply (workers)	Billings, MT	7/10/86	7/1/86	TA-W-17,788	Oil field supplies.
BJM Drilling and Exploration (workers)	Midland, TX	7/25/86	7/19/86	TA-W-17,789	Drill oil wells.
The Western Co. of North America (workers)	Forth Worth, TX	7/25/86	7/15/86	TA-W-17,790	Service petroleum production and drilling.
Teledyne Firth Sterling (workers)	Houston, TX	7/25/86	7/22/86	TA-W-17,791	Fungsten mining products.
J.W. Humbard (workers)	Midland, TX	7/25/86	7/17/86	TA-W-17,792	Oil.
Exxon Production Research Co. (workers)	Houston, TX	7/23/86	7/14/86	TA-W-17,793	Petroleum.
Premier Resources Ltd. (workers)	Denver, CO	7/28/66	7/14/86	TA-W-17,794	Produces oil and gas.
Baron Blouse & Sportswear Co. (workers)	Hazelton, PA	7/29/86	7/22/86	TA-W-17,795	Women's blouses.
Oxford Chemical (union) (IBEW)	Brunswick, NJ	7/29/86	7/21/86	TA-W-17,796	Printing vinyl materials and tablecloths.
Creations by Kenscott (workers)	New York, NY	7/28/86	7/21/86	TA-W-17,797	Manufacturing leathers and outerwear.
Wes Tex. Drilling (workers)	Abilene, TX	7/28/86	7/15/86	TA-W-17,798	Oil.
Wellex A Division of Holliburton (workers)	Casper, WY	6/20/86	6/16/86	TA-W-17,799	Services to oil companies for the production.
Rogers Exploration, Inc. (workers)	Dallas, TX	7/24/86	7/19/86	TA-W-17,800	Oil and gas exploration.
R&S Well Service Inc. (company)	Thermopolis, WY	7/21/86	7/9/86	TA-W-17,801	Well servicing.
Weyerhouse Company (IWA)	Klamath Falls, OR	7/16/86	7/9/86	TA-W-17,802	Logs and lumber.
Schlumberger Offshore Services (workers)	Victoria, TX	7/22/86	7/16/86	TA-W-17,803	Oil well servicing.
Bflo Jewelry case (RWDSY)	Buffalo, NY	7/8/86	6/12/86	TA-W-17,804	Jewelry cases.
White Sides Casing (workers)	Laredo, TX	7/29/86	7/22/86	TA-W-17,805	Run casing (tubing) into well to produce oil and gas.
Bearden Drlg. Co. (workers)	Witchita Falls, TX	7/21/86	7/20/86	TA-W-17,806	Drilled holes for oil and gas.
Moldcast Lighting Co. (IBEW)	Pine Brook, NJ	7/24/86	7/15/86	TA-W-17,807	Manufacturers outdoor lighting fixtures.
Wellman Industries (workers)	Longview, TX	7/18/86	7/11/86	TA-W-17,808	Pressure vessels for refineries.
Fansteel Inc. (IAM)	North Chicago, IL	7/25/86	7/21/86	TA-W-17,809	Electrical contacts.
Corsicana (workers)	Dallas, TX	7/25/86	7/21/86	TA-W-17,810	Men's slacks.
Ring Finishing Inc. (workers)	Warren, MI	7/21/86	7/8/86	TA-W-17,811	Metal finishers, buffing.
General Electric, (workers)	Ownesboro, KY	7/24/86	7/21/86	TA-W-17,812	Electric motor.

[FR Doc. 86-18136 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,061]

Tractech, Inc., Mercury Products Division, Canton, OH; Affirmative Determination Regarding Application for Reconsideration.

By an application dated July 17, 1986, the Machinists Union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of workers and former workers at the Mercury Products Division of Tractech, Inc., Canton, Ohio. The determination was published in the **Federal Register** on July 1, 1986 (51 FR 23852).

The application claims, among other things, that casting which the Canton plant once machined are now being machined and imported from Canada.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is therefore granted.

Signed at Washington, D.C., this 30th day of July 1986.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 86-18137 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,219]

Weyerhaeuser Co., Everett Wood Products Division, Everett, WA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 18, 1986 in response to a worker petition which was filed by the International Woodworkers of America on behalf of workers at Weyerhaeuser Company, Everett Wood Products Division, Everett, Washington.

A negative determination applicable to the petitioning group of workers was issued on May 16, 1985 (TA-W-15,769). There has been no sales or production at the facility since November 1984. No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC., this 22nd day of July 1986.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-18138 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-86-111-C]

Amherst Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Amherst Coal Company, Lundale, West Virginia 25631 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Paragon Mine (I.D. No. 46-01367) located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges from 27 to 54 inches in height with ascending and descending grades creating dips and rolls.

3. Petitioner states that use of canopies in certain mining heights could dislodge the roof bolts. In addition, the canopies decrease the operator's visibility and create extremely cramped working conditions.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virgina 22203. All comments must be postmarked or received in that office on or before September 11, 1986. Copies of the petition are available for inspection at that address.

Dated: August 6, 1986.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 86-18140 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-124-C]

Cimaron Minerals, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cimaron Minerals, Inc., 109 BroadBottom Road, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 2 Mine (I.D. No. 15-15505) located in Pikeville County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs and canopies be installed on the mine's electric face equipment.

2. The Elkhorn seam ranges from 35 to 52 inches in height with ascending and descending grades.

3. Petitioner states that use of canopies in certain mining heights would result in a diminution of safety for the miners affected because the canopies could dislodge roof supports and entrap the equipment. In addition, the canopies decrease the operator's visibility and create discomfort to the operator, increasing the changes for an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 11, 1986. Copies of the petition are available for inspection at that address.

Dated: August 6, 1986.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 86-18141 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-116-C]

Consol Pennsylvania Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consol Pennsylvania Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Bailey Mine (I.D. No. 36-07230) located in Greene County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure battery plugs to machine-mounted battery receptacles on permissible, mobile battery-powered machnies.

2. As an alternate method, petitioner proposes to use a spring-loaded locking device in lieu of padlocks. The spring-loaded device will be designed, installed and used to prevent the threaded rings that secure the battery plugs to the battery receptacles from unintentionally loosening and will be attached to prevent accidental loss. In addition, the fabricated metal brackets will be securely attached to the battery receptacles to prevent accidental loss of the brackets.

3. Petitioner states that the spring-loaded metal locking devices will be easier to maintain than padlocks because there are no keys to be lost and dirt cannot get into the workings as with a padlock.

4. Operators of permissible, mobile, battery-powered machines affected by this modification will be trained in the proper use of the locking device, the

hazards of breaking battery-plug connections under load, and the hazards of breaking battery-plug connections in areas of the mine where electric equipment is required to be permissible.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 11, 1986. Copies of the petition are available for inspection at that address.

Dated: August 6, 1986.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 18142 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-125-C]

Mine Hill Coal Co. No. 50; Petition for Modification of Application of Mandatory Safety Standard

Mine Hill Coal Company No. 50, P.O. Box 819, Minersville, Pennsylvania 17954 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its Little Buck Mountain Slope (I.D. No. 36-07548) located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line be 9,000 cubic feet a minute; and that the minimum quantity of air reaching each working face be 3,000 cubic feet a minute.

2. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine, which also has no history of an ignition, explosion, mine fire or harmful quantities of carbon dioxide and other noxious or poisonous gases.

3. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

4. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners and cause extremely uncomfortable damp and cold conditions in the mine.

5. As an alternate method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 11, 1986. Copies of the petition are available for inspection at that address:

Dated: August 6, 1986.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 86-18143 Filed 8-11-86; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Performance Review Board

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: This notice announces membership in the National Endowment for the Humanities' Performance Review Board

DATE: August 6, 1986.

FOR FURTHER INFORMATION CONTACT: Jack A. Crowder Jr., Director of Personnel, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Section 4314(c) of Title 5, U.S. Code, requires each agency to establish in accordance with the regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board should review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendation to the appointing authority relative to the performance of the senior executive. This notice gives the current membership of the Performance Review Board and rescinds any previously published notice of membership.

The members of the Performance Review Board are: (1) Chairman, Thomas Kingston, Assistant Chairman for Programs; (2) Susan Metts, Director of Administration; (3) Stephen Cherrington, Director, Office of Planning and Budget, and Alternate, Richard Ekman, Director, Division of Research Programs.

Lynne Cheney,

Chairperson.

[FR Doc. 86-18077 Filed 8-11-86; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Forms Submitted to the Office of Management and Budget For Clearance

The following packages are being submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Subject: Certification (State Supervisory Authority) (OMB No. 3133-0009).

Respondent: State regulatory authorities.

Abstract: A state supervisor may certify the insurability of state chartered credit unions applying for Federal insurance.

Subject: Records Preservation Program (OMB No. 3133-0032).

Respondents: Federally Insured Credit Unions.

Abstract: Federally insured credit unions are required to establish a Records Program for storage of copies of vital records at an off site location.

Subject: Federal Credit Union Membership (OMB No. 3133-0052).

Respondents: Federal Credit Unions.

Abstract: Persons applying for Federal credit union membership must complete a membership application and any

action taken on the application must be recorded and retained.

Subject: Supervisory Committee Records.

Respondents: Federal Credit Unions.

Abstract: The supervisory committee must prepare, maintain and have custody of full and correct records of all actions taken by the committee.

Subject: Investigation Report, Report of Officials, Management Report for New Federal Credit Unions (OMB No. 3133–0015).

Respondent: Federal Credit Union Organizers.

Abstract: Section 104 of the Federal Credit Union Act (12 USC 1754) requires that before approving any organization certificate (new Federal credit union charter application) NCUA determine: (1) whether the organization certificate conforms to requirements of statute; (2) the general character and fitness of the subscribers to the charter; and (3) the economic advisability of establishing the proposed Federal credit union.

Subject: Report of Officials 12 USC 1761(b) (OMB No. 3133–0053).

Respondents: Federal Credit Unions.

Abstract: All Federal credit unions are required to provide a list of all board and committee members and officers to the NCUA within 10 days after its annual election.

Subject: Board Meeting Minutes—Bylaw Article VIII Section 8 (OMB No. 3133–0057).

Respondents: Federal Credit Unions.

Abstract: This bylaw requires Federal credit unions to prepare and maintain full and correct records of all meetings of members and the board.

OMB Desk Officer: Robert Neal.

Copies of the above information collection clearance packages may be obtained by calling the National Credit Union Administration, Administrative Office on (202) 357–1055.

Written comments and recommendations for the listed information collection should be sent directly to the OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: August 6, 1986.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 86–18075 Filed 8–11–86; 8:45 am]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–30]

Notice of Consideration of Application for Reinstatement and Renewal of Reactor Facility License; National Aeronautics and Space Administration

The United States Nuclear Regulatory Commission (the Commission) is considering reinstatement and renewal of Facility License No. TR–93, issued to the National Aeronautics and Space Administration (NASA) to possess-but-not-operate the Plum Mock-Up Brook Reactor located at the Plum Brook Reactor Facility, Lewis Research Center, Plum Brook Station, Sandusky, Ohio.

By amendment dated July 26, 1973, the Plum Brook Test Reactor was issued a license "To-Possess-But-Not-Operate." By letter dated March 27, 1980, as supplemented, NASA requested authorization to dismantle both the Plum Brook Test Reactor (PBTR) and Plum Brook Mock-Up Reactor (PBMUR) to dispose of the component parts and terminate licenses Nos. TR–3 and R–93. Following review of the NASA applications, NRC issued an "Order Authorizing Dismantling of Facilities and Disposition of Component Parts," dated May 26, 1981.

By application dated July 26, 1985, NASA requested that NRC rescind the "Order" of May 26, 1981, and reinstate the facilities to a status of "To-Possess-But-Operate." NASA cited budget limitations as the reason for not being able to implement the May 26, 1981 "Order."

The reinstatement and renewal would extend the expiration date of Facility Operating License No. TR–93 for ten years from the date of issuance, in accordance with the licensee's application dated July 26, 1985.

Prior to a decision to reinstate and renew the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, see the application for reinstatement and renewal dated July 26, 1985; which is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20555.

Dated at Bethesda, Maryland, August 5, 1986.

For the Nuclear Regulatory Commission.

O.D.T. Lynch, Jr.,

Acting Director, Standardization and Special Projects Directorate, Division of PWR Licensing–B, Office of Nuclear Reactor Regulation.

[FR Doc. 86–18126 Filed 8–11–86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–185]

Notice of Consideration of Application for Reinstatement and Renewal of Reactor Facility License; National Aeronautics and Space Administration

The United States Nuclear Regulatory Commission (the Commission) is considering reinstatement and renewal of Facility License No. R–39, issued to the National Aeronautics and Space Administration (NASA) to possess-but-not-operate the Plum Brook Mock-Up Reactor located at the Plum Brook Reactor Facility, Lewis Research Center, Plum Brook Station, Sandusky, Ohio.

By amendment dated July 26, 1973, the Plum Brook Mock-Up Reactor was issued a license "To-Possess-But-Not-Operate." By letter dated March 27, 1980, as supplemented, NASA requested authorization to dismantle both the Plum Brook Test Reactor (BPTR) and Plum Brook Mock-Up Reactor (PBMUR) to dispose of the component parts and terminate licenses Nos. TR–3 and R–93. Following review of the NASA applications, NRC issued an "Order Authorizing Dismantling of Facilities and Disposition of Component Parts," dated May 26, 1981.

By application dated July 26, 1985, NASA requested that NRC rescind the "Order" of May 26, 1981, and reinstate the facilities to a status of "To-Possess-But-Operate." NASA cited budget limitations as the reason for not being able to implement the May 26, 1981 "Order."

The reinstatement and renewal would extend the expiration date of Facility Operating License No. R–39 for ten years from the date of issuance, in accordance with the licensee's application dated July 26, 1985.

Prior to a decision to reinstate and renew the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, see the application for reinstatement and renewal dated July 26, 1985; which is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20555.

Dated at Bethesda, Maryland, this August 5, 1986.

For The Nuclear Regulatory Commission.

O.D.T. Lynch, Jr.,

Acting Director, Standardization and Special Projects Directorate, Division of PWR Licensing-B, Office of Nuclear Reactor Regulation.

[FR Doc. 86-18127 Filed 8-11-86; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Proposed Information Collection for OMB Review

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed form RI 25-2, application for minimum annuity for survivor annuitants.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a proposed information collection from the public. Form RI 25-2, Application for Minimum Annuity, was developed by the Office of Personnel Management (OPM) for use by surviving spouses and children of former Federal employees to apply for minimum annuity benefits as established under Public Law 93-273 and amended by Public Law 99-251. For copies of this proposal call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

ADDRESSES: Send or deliver comments within 10 working days from the date of publication to—

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, 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 L. Bryson, (202) 632-5472.

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 86-18039 Filed 8-11-86; 8:45 am]

BILLING CODE 6325-01-M

Notice of Proposed Information Collection for OMB Review

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed form RI 20-1, application for minimum annuity for retirees.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a proposed information collection from the public. Form RI 20-1, Application for Minimum Annuity, was developed by the Office of Personnel Management (OPM) for use by retired former Federal employees to apply for minimum annuity benefits as established under Public Law 93-273 and amended by Public Law 99-251. For copies of this proposal call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

ADDRESSES: Send or deliver comments within 10 working days from the date of publication to—

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, 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 L. Bryson, (202) 632-5472.

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 86-18040 Filed 8-11-86; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-15234; (File No. 812-6355)]

ML Venture Partners I, L.P., et al.; Notice of Application for Order Allowing Certain Joint Transactions

August 5, 1986.

Notice is hereby given that ML Venture Partners I, L.P. ("VENTURE"), 717 Fifth Avenue, New York, New York 10022, and Merrill Lynch KECALP L.P. 1984 ("KECALP 1984") and Merrill Lynch KECALP L.P. 1986 ("KECALP 1986"), One Liberty Plaza, 165 Broadway, New York, New York 10080, filed an application on April 22, 1986, and an amendment thereto on July 28, 1986, for a Commission order, under section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder, permitting the acquisition of securities of (i) Data Technology Corporation ("Data") by VENTURE and KECALP 1986; (ii) Intek Diagnostics, Inc. ("Intek") by VENTURE, KECALP 1984 and KECALP 1986; and (iii) BehaviorTech, Inc. ("BehaviorTech") by VENTURE, KECALP 1984 and KECALP 1986 (VENTURE, KECALP 1984 and KECALP 1986 collectively, "Applicants"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable provisions.

The application states that VENTURE, a business development company under the Act, has as its investment objective long-term capital appreciation which it pursues by making venture capital investments. The application further states that VENTURE has five general partners, four of whom are individuals ("Individual General Partners"), and in accordance with section 56(a) of the Act, a majority of whom are not "interested persons" under section 2(a)(19) of the Act. Applicants state that VENTURE's managing general partner is Merrill Lynch Venture Capital Co., L.P. ("Managing General Partner"), which is responsible for identification and management of VENTURE's investments. The general partner of the Managing General Partner is Merrill Lynch Venture Capital Inc. ("Management Company"), which is also the management company for VENTURE. The Management Company is an indirect subsidiary of Merrill

Lynch & Co., Inc. ("ML & Co."), a holding company which, through its subsidiaries, provides investment, financing, real estate, insurance and related services.

Applicants state that KECALP 1984 and KECALP 1986 (together, "KECALP Partnerships"), each has as its investment objective long-term capital appreciation. Each KECALP Partnership is an "employees' securities company" under section 2(a)(13) of the Act, and operates in accordance with the terms of an exemptive order granted pursuant to Section 6(b) of the Act. Investment Company Act Release No. 12363 (Apr. 8, 1982) ("KECALP Order"). The general partner for each KECALP Partnership is KECALP Inc. ("KECALP General Partner"), a wholly-owned subsidiary of ML & Co. The KECALP General Partner is responsible for managing and making investment decisions for the KECALP Partnerships. All investments made by the KECALP Partnerships are approved by the Investment Committee ("Investment Committee") of the Board of Directors of the KECALP General Partner.

Applicants state that Data manufactures controllers for disk storage systems and intends to manufacture a new disk drive incorporating newly-developed technology. On March 14, 1986, VENTURE acquired 347,944 shares of Series A Preferred Stock of Data at $2.50 per share and has agreed to purchase an additional 272,056 shares at $2.50 per share. KECALP 1986 has conditionally agreed to purchase 80,000 shares of such stock, also at $2.50 per share.

Applicants also state that Intek is engaged in developing and manufacturing immunological products for the diagnosis of lung cancer. In April 1984, VENTURE invested $1 million in Intek and on January 22, 1986, purchased 2.4 million units ("Units") of Intek securities at $0.25 each. (Each Unit consists of one share of Intek common stock and one share of Intek preferred stock.) in addition, VENTURE invested $150,000 through the exercise of warrants at an exercise price of $0.05 for each Intek share of common stock. Further, on March 31, 1986, VENTURE purchased an additional one million Units for $250,000. The KECALP Partnerships have conditionally agreed to each purchase 400,000 Units at $0.25 each.

Applicants further state that BehaviorTech has developed a proprietary learning system which utilizes micro-computer based training courses for its customers. On March 14, 1986, VENTURE acquired 7,500 shares of convertible preferred stock of BehaviorTech at $66.66 per share. KECALP 1986 and KECALP 1984 have conditionally agreed to purchase 1,500 and 1,050 shares, respectively, of convertible preferred stock of BehaviorTech, also at $66.66 per share.

In support of their request, Applicants represent that the Investment Committee (on behalf of the KECALP Partnerships) and the Individual General Partners (on behalf of VENTURE) reviewed the proposed investments in detail. Applicants also represent that the members of the Investment Committee and the Individual General Partners are sophisticated and experienced in valuing securities and evaluating financial transactions generally, and that with regard to the proposed transactions, they considered all relevant information including the fairness of the prices to be paid by VENTURE and the KECALP Partnerships and the difference in the amounts proposed to be invested by each.

The Investment Committee also was aware that the KECALP Partnerships will be required by Data, Intek and BehaviorTech to pay interest as a result of the KACALP Partnerships' delayed payments for its investments. The Individual General Partners and the Investment Committee further determined that the differences among Applicants regarding the proposed transactions were based on appropriate business decisions and that the proposed transactions are fair and reasonable and would not disadvantage VENTURE or either KECALP Partnership.

Applicants also represent that in connection with the Individual General Partners' and Investment Committee's deliberations and determinations regarding VENTURE's and the KECALP Partnerships' participations in the proposed transactions, appropriate record-keeping will be maintained and made available for inspection by the Commission in accordance with the Act.

Further, Applicants state that the KECALP Partnerships' prospectuses indicate that affiliates of ML & Co. would be involved in identifying and investing in many of the KECALP Partnerships' investments. The prospectus of VENTURE indicates that it may be a co-investor in portfolio companies with certain affiliates. Applicants also state that under the terms of the KECALP Order, the KECALP Partnerships are permitted to engage in transactions in which certain affiliated persons of the KECALP Partnerships also may be participants. Applicants believe that the KECALP Order was intended to exempt other parties to the transaction, such as VENTURE, from the prohibitions of Section 17(d) of the Act when a transaction falls within the terms of the KECALP Order. However, because of the applicability of section 57(a)(4) of the Act to VENTURE, Applicants seek relief pursuant to section 57(i) of the Act, under section 17(d) of the Act and Rule 17(d)(1) thereunder, allowing the proposed purchases.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 27, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses 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. 86-18130 Filed 8-11-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 25-86]

Treasury Notes of Series S-1989

Washington, August 6, 1986.

The Secretary announced on August 5, 1986, that the interest rate on the notes designated Series S-1989, described in Department Circular—Public Debt Series—No. 25-86 dated July 31, 1986, will be 6⅝ percent. Interest on the notes will be payable at the rate of 6⅝ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-18057 Filed 8-11-86; 8:45 am]

BILLING CODE 4810-40-M

Internal Revenue Service

[Delegation Order No. 67 (Rev. 17)]

Delegation of Authority

AGENCY: Internal Revenue Service; Treasury.

ACTION: Delegation of authority.

SUMMARY: The specific authorization to sign the name of, or on behalf of, Lawrence B. Gibbs, Commissioner of Internal Revenue. The text of the Delegation Order appears below.

EFFECTIVE DATE: August 4, 1986.

FOR FURTHER INFORMATION CONTACT: Melva E. Scruggs, PM:S:FM:I, 1111 Constitution Avenue NW., Room 3526, Washington, DC 20224, (202) 566–4273 (Not a Toll-Free telephone number).

Martha M. Seeman,

Chief, Information and Productivity Improvement Branch.

Order No. 67 (Rev. 17)

Effective date: 8–4–86

Signing the Commissioner's Name or on His Behalf

Effective 9:00 a.m., August 4, 1986, all outstanding authorizations to sign the name of, or on behalf of James I. Owens, Acting Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of Lawrence B. Gibbs Commissioner of Internal Revenue.

Delegation Order No. 67 (Rev. 16), effective May, 1, 1986, is superseded.

Dated: August 4, 1986.

Approved:

Lawrence B. Gibbs,

Commissioner.

[FR Doc. 86–18144 Filed 8–11–86; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 155
Tuesday, August 12, 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 HOME LOAN BANK BOARD

TIME AND DATE: At 10:30 A.M., Friday, August 15, 1986.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, DC

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6679).

MATTERS TO BE CONSIDERED:

Regulatory Capital Requirements of Insured Institutions
Liquidity Requirements
Nationwide Lending; Loan Participations; Loan Recordkeeping Requirements
Loans to One Borrower
Conversions from Mutual to Stock Form

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 86–18205 Filed 8–8–86; 12:47 pm]

BILLING CODE 6720–01–M

2

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:00 a.m., Tuesday, August 19, 1986.

PLACE: NTSB Board Room, Eight Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: The first three iems will be open to the public; the last items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report:* Derailment of St. Louis Southwestern Railway Company (Cotton Belt) Freight Train Extra 4835 North and Release of Hazardous Materials near Pine Bluff, Arkansas
2. *Highway Accident Report:* Tractor-Semitrailer/Wagon Runaway, Collision and Fire in Van Buren, Arkansas
3. *Aircraft Incident Summary Report:* USAir, Flight 4381, McDonnell-Douglas DC–9, N965VJ Erie, Pennsylvania
4. *Opinion and Order:* Administrator v. Doty, Docket SE–7018; disposition of appeals of the Administrator and the respondent
5. *Opinion and Order:* Administrator v. Demar, Docket Se–6323, disposition of respondent's appeal

FOR MORE INFORMATION CONTACT: H. Ray Smith (202) 382–6525.

H. Ray Smith,

Federal Register Liaison Officer.

August 8, 1986.

[FR Doc. 86–18213 Filed 8–8–86; 2:27 pm]

BILLING CODE 7533–01–M

3

POSTAL SERVICE

(Board of Governors)

Notice of Vote to Close Meeting

At its meeting on August 5, 1986, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting scheduled for September 8, 1986, in Washington, D.C. The meeting will concern consideration of two capital investments: (1) Procurement of MPLSMs (multi-position letter sorting machines) and (2) Queens, NY, General Mail Facility project.

The meeting is expected to be attended by the following persons: Governors Camp, Griesemer, McConnell, McKean, Peters, Ryan and Setrakian; Postmaster General Tisch, Deputy Postmaster General Strange; Secretary to the Board Harris; General Counsel Cox; and Counsel to the Governors Califano.

The Board determined that pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, discussion of the matter is exempt from the open meeting requirement of the Government in the Sunshine Act, [5 U.S.C. 552b(b)], because it is likely to disclose information the premature disclosure of which would likely significantly frustrate implementation of proposed procurement actions.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 86–18212 Files 8–8–86; 2:10 p.m.]

BILLING CODE 7710–12–M

Federal Register

Tuesday
August 12, 1986

Part II

Environmental Protection Agency

40 CFR Part 763

Asbestos-Containing Materials in Schools; Inspection, Notification, Management Plans, and Technical Assistance; Advance Notice of Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS-62048; FRL-3063-4]

Asbestos-Containing Materials in Schools; Inspection, Notification, Management Plans, and Technical Assistance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking (ANPR).

SUMMARY: EPA is soliciting comments on the future direction of its program to reduce risks from asbestos in schools. EPA currently uses guidance and technical assistance, with limited Federal regulation, to motivate schools to abate asbestos risks. EPA is considering whether to implement its current approach more aggressively or to selectively incorporate a greater emphasis on Federal regulation. EPA seeks comment and information on this issue. Commenters should consider their preferences in the context of the limited resources available to administer current or future Federal programs. After review of these submissions, EPA may propose further regulatory requirements under section 6(a) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2605(a)). In fiscal year 1987, EPA expects either to propose additional Federal regulations or publish reasons why it believes additional regulations are not necessary.

DATE: Comments regarding this document must be submitted by October 14, 1986.

ADDRESSES: Comments should be submitted to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-209, 401 M St., SW., Washington, DC 20460.

Comments should include the document control number (OPTS-62048) and will be available for reviewing and copying from 8 a.m. to 4 p.m. Monday through Friday, excluding legal holidays, in Room NE-G004 at the address given above.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, Office of TSCA Assistance (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll free: (800-424-9065), In Washington, DC (554-1404), Outside the USA (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: EPA's asbestos in schools program has been described extensively in previous **Federal Register** notices. *See* "Friable Asbestos-Containing Materials in Schools: Proposed Identification and Notification" in the **Federal Register** of September 17, 1980 (45 FR 61966); "Asbestos; Friable Asbestos-Containing Materials in Schools; Identification and Notification" in the **Federal Register** of May 27, 1982 (47 FR 23360); "Asbestos; Response to Citizens' Petition" in the **Federal Register** of March 7, 1984 (49 FR 8450). The program is briefly summarized in the "Background" section below.

A major issue in this ANPR is the appropriate Federal role regarding asbestos in schools. EPA believes that a major Federal role is to provide education through guidance and technical assistance and that certain limited Federal regulation is appropriate. The Agency, however, has stopped short of requiring abatement because it believes that it is more appropriate for State or local government officials to make abatement decisions. However, a number of parties have argued that the Federal government should undertake a major new regulatory effort to require local jurisdictions to undertake abatement.

I. Background

A. EPA's Technical Assistance Program

Since 1979, EPA staff have assisted schools and other building owners in identifying and controlling asbestos-containing materials in their buildings. The Agency has responded to thousands of requests for assistance through telephone consultations, site visits, seminars, and symposia. Through a cooperative agreement with the American Association of Retired Persons (AARP), EPA has hired architects, engineers, and other professionals to provide on-site assistance to schools and other building owners. With AARP assistance many school officials and building owners have effectively and safely dealt with asbestos-containing materials in a way which is most appropriate, given the building's particular hazard situation.

In addition, EPA has published state-of-the-art guidance to help identify and control asbestos in buildings. EPA's principal asbestos guidance document, "Guidance for Controlling Asbestos-Containing Materials in Buildings," was expanded and updated in June 1985, based on recommendations from recognized national experts. The document provides criteria for building owners to use in deciding which abatement method is most appropriate for each particular situation. Some damaged and exposed materials require immediate corrective action; others may be satisfactorily managed by an operations and maintenance plan. Approximately 125,000 copies of the original or revised guidance document have been delivered to schools and other building owners across the nation.

An important EPA goal has been to provide training for people involved in all aspects of the identification and control of asbestos. EPA has established five Asbestos Information and Training Centers to provide information concerning the identification and abatement of asbestos hazards and to train people in proper asbestos abatement techniques. The five centers are located at the Georgia Institute of Technology in Atlanta, the University of Kansas in Kansas City, Tufts University in Medford, Massachusetts, the University of Illinois in Chicago, and the University of California at Berkeley.

Courses attended by more than 5,000 buillding owners and managers, maintenance personnel, school officials, architects, consultants, and abatement contractors have been taught at the centers since December 1984.

Finally, because of the large number of asbestos abatement projects and the short-term nature of many of them, EPA believes that contractors should be State certified and that States should oversee projects to assure that they are properly performed. EPA has provided models for State certification legislation and start-up funding for the initiation of 27 State oversight programs. A year ago only four States had functioning certification programs; now 14 States have active programs, and 8 more have passed legislation to establish such programs.

B. EPA's Regulatory Program

In the **Federal Register** of May 27, 1982 (47 FR 23360), EPA issued a final school identification and notification rule (hereinafter called the 1982 Asbestos-in-Schools Rule). This rule required school officials by June 28, 1983, to inspect all school buildings for friable materials, take a minimum of three samples of each type of friable material found, analyze samples using Polarized Light Microscopy (PLM) to determine if asbestos is present, and keep records of the findings.

School district officials who found friable asbestos-containing materials (ACM) are required to notify employees of the location of the materials, post a notification form in the primary administrative and custodial offices and faculty common rooms, provide maintenance and custodial employees with a guide for reducing asbestos

exposure, and notify parent-teacher associations or parents directly of the inspection results.

EPA also issued a rule to protect public employees in those States not covered by the current asbestos standard issued by the Occupational Safety and Health Administration (OSHA). This rule complements the OSHA asbestos regulations that protect private sector workers from exosure to asbestos in occupational settings. The rule requires specific work practices, personal protective equipment, environmental monitoring, medical exams, and other provisions. The EPA rule also includes a provision not in the OSHA rule, i.e., notification to EPA generally 10 days before an asbestos abatement project is begun when public employees are doing the work. In the **Federal Register** of June 20, 1986 (51 FR 22612), OSHA published revised regulations regarding occupational asbestos exposure. EPA expects to revise its rule to include new provisions which are included in the OSHA regulations.

C. Purposes of This ANPR

A number of factors have led EPA to begin a formal proceeding to obtain further public reaction to its program:

1. EPA's expanded technical assistance program has been in effect for over 1 year and is at a point where reevaluation is appropriate.

2. In March 1986, the EPA Inspector General (IG) published a review of EPA's asbestos program. The IG concluded that the 1982 Asbestos-in-Schools Rule needs additional requirements to protect students and school employees from asbestos hazards. One problem emphasized by the IG is that initial sampling might not have been adequate to completely characterize the presence of asbestos-containing materials completely.

3. An internal EPA work group has been meeting since October 1985 to discuss ways to encourage schools to reinspect their building to detect asbestos that may have become damaged since the first inspection, encapsulations which may have deteriorated, or problem areas which may have been missed during the initial inspection.

4. A number of interested and knowledgeable groups, including the Service Employees International Union (SEIU), the Safe Building Alliance, the National Parent Teachers Association, the National Education Association, the National Association of School Boards, the Council on Private Education, and others have been meeting to discuss reinspection and contractor certification issues. In 1986 these meetings led to the introduction of two bills (S. 2083 and H.R. 5073) to require additional Federal rulemaking regarding asbestos in schools.

5. The SEIU filed a citizens' petition under section 21 of TSCA, 15 U.S.C. 2620, in November 1983, requesting that EPA promulgate additional rules covering asbestos in schools and other public and commercial buildings. EPA's response and subsequent actions on asbestos rulemaking are the subject of a pending lawsuit filed by SEIU in the United States District Court for the District of Columbia, *Service Employees International Union (SEIU)* v. *Thomas* (Civil Action No. 84–2790) D.D.C. EPA's position in this ANPR is the same as that stated in the SEIU case; however, EPA is continually reevaluating its program and is interested in obtaining additional views and data.

II. Data Requested

EPA is requesting information in this ANPR that would be needed if the Agency decides to issue additional rules affecting asbestos in schools under TSCA section 6(a) or which would be helpful in directing EPA's technical assistance program. Section 6(a) authorizes EPA to promulgate rules if the Agency finds that a chemical substance presents an unreasonable risk. A substance presents an unreasonable risk if its health or environmental risks outweigh the costs to society of reducing those risks. The specific factors EPA must consider in determining whether a risk is unreasonable are delineated in section 6(c) and include the health effects of a substance, the magnitude of exposure of the substance to humans, and the economic consequences of regulation. Accordingly, this section discusses the relevant information EPA possesses and suggests areas where additional information would assist the Agency.

Determining whether an unreasonable risk exists requires more than identifying the presence of asbestos. It requires an examination of the reduction in risk and associated costs of the various actions that could be taken. Making this finding exclusively at the Federal level may be ineffective since the risks from exposure to asbestos fibers vary greatly from school to school and within rooms in a particular building. The magnitude of risk varies depending on the degree of physical damage, the degree of accessibility and activity near the asbestos, and other factors. The costs of such abatement are also quite variable depending upon the amount of asbestos-containing material, condition of the asbestos, type of action taken (removal, encapsulation, etc.), and other factors such as the need to evacuate the building during removal.

The following sections will present EPA's data regarding the magnitude of the asbestos-in-schools problem, request comments regarding the information EPA has been using, and solicit new information. Unit III below will discuss and solicit comments on alternative approaches to EPA's current program.

A. Health Effects

Inhaled asbestos is a human carcinogen that has been shown to be a cause of lung cancer, mesothelioma, and asbestosis. There are documented cases of mesothelioma, linked to extremely brief exposure to high concentrations of asbestos or long-term exposure to low concentrations. More detailed discussion of the health effects of asbestos may be found in the preamble to the EPA proposed rule in the **Federal Register** of January 29, 1986 (51 FR 3738) to ban certain asbestos products and to phase out other asbestos products, in the "Report to the United States Consumer Product Safety Commission by the Chronic Hazard Advisory Panel on Asbestos," and in the National Research Council's "Asbestiform Fibers: Nonoccupational Health Risks."

EPA is interested in receiving new information on asbestos-related disease, especially cases of disease suffered by custodial workers and other school employees.

B. Magnitude of Exposures in Schools

Estimating exposure involves evaluating the potential for fiber release and the number of persons exposed. Prevalent levels of airborne asbestos in buildings with asbestos-containing materials may be 10 to 100 times higher than levels in the outdoor ambient air. After a review of available data, EPA estimated in the 1982 rule that prevalent airborne levels of asbestos in schools ranged from 57 to 270 nanograms per cubic meter (ng/m^3). EPA also estimated that levels could be as high as 500 ng/m^3 in schools with deteriorating or damaged friable asbestos-containing material.

Peak exposures may be of greater concern than the daily concentrations of asbestos in the air. Peak exposures can occur when asbestos containing materials are disturbed during routine maintenance or repair activity, or damaged as a result of roof leaks or vandalism. For the 1982 rule, EPA estimated that peak levels could be in excess of 500,000 ng/m^3, or more than 1,000 times above prevalent levels in schools with asbestos-containing

materials. These levels could be reached periodically as disturbing activities reoccur. For the 1982 rule, EPA did not quantify the amount of asbestos inhaled by students and school employees as a result of these peak exposures because of the extreme variability in the occurrence of these peaks.

In 1984, EPA conducted a national telephone survey (Evaluation of the Asbestos-in-Schools Identification and Notification Rule). As a part of that survey, EPA gathered information on the number of schools with friable asbestos and the number of students and other employees in those schools. According to the survey an estimated 34,800 schools had friable asbestos-containing material; an estimated 15,035,000 students and an estimated 1,386,000 school employees were potentially exposed to asbesto in those schools.

In addition, EPA has information that some schools may not have located all friable asbestos-containing materials during the initial inspection, that some friable asbestos-containing material which was encapsulated may have deteriorated, and that some asbestos-containing material that was not friable in 1983 may have become friable since then.

In summary, to analyze further the degree of potential risk presented by asbestos in schools, EPA is interested in receiving additional exposure information, including: estimates of prevalent daily levels and peak levels of asbestos fibers in schools; how frequently these peak levels occur; estimates of the number of schools with friable asbestos-containing material and with asbestos-containing material that could become friable in the future; the number of students and employees exposed in those schools; the amount of asbestos-containing material that has become friable since 1983 because of water damage or other factors; amount of encapsulated asbestos-containing material that has deteriorated since 1983; estimates of the number of schools which have voluntarily reinspected using EPA's updated inspection and sampling guidance; and estimates of the number of schools that have removed asbestos.

C. Economic Effects

EPA has prepared rough estimates of the costs of various activities schools might undertake if they reinspect for the presence of asbestos. The average cost of reinspection, sampling, analysis, and report writing is estimated to be $1,300 per primary or secondary school, where inspection is done to determine if asbestos is present in friable materials. If no friable materials are found through the inspection, the costs would be approximately $500 per school. If inspection and sampling are required for *all* ACM, the cost for inspection, sampling, analysis, and report writing would be approximately $2,000 per school.

The costs of notifying parents by mail is estimated to be approximately $340 per school. The estimated costs of notifying the Parent Teacher Association is $40 per school. The estimated cost of developing a school plan for special operations and maintenance to limit asbestos exposure is $175 on average. The annual cost of carrying out such a plan is approximately $900 per school. If there were a requirement to remove badly damaged asbestos, the average cost per school would be approximately $57,000 per school. This estimate assumes 5,700 square feet of asbestos must be removed at $10 per square foot. Obviously, each cost estimate may vary significantly depending on the size of the school, the extent of the asbestos problem, and specific requirements of a reinspect rule. EPA requests comments and other data on these unit cost estimates, especially actual costs associated with sampling and asbestos removal.

III. Regulatory and Nonregulatory Options for Reviewing Risks Posed by Asbestos in Schools

EPA has examined the regulatory and nonregulatory options available for various future directions and believes there are three broad approaches. These include:

1. Continued enforcement of the 1982 Asbestos-in-Schools Rule coupled with an expanded technical and compliance assistance program;

2. Additional Federal regulations covering a range of activities that may include school reinspections, contractor training and certification programs at the State level, and minimum competency requirements for people involved in all phases of asbestos identification and control; and

3. A combination of very specific additional regulations and expansion of selected portions of EPA's technical assistance program.

The Agency requests comments on the benefits or drawbacks of implementing each of these alternatives. It is important to emphasize that EPA's resources for the asbestos program are finite. Commenters would be most helpful if they specified which activities described below were considered to be most or least beneficial. As a result of comments and information received, EPA intends to structure a program to include the most effective combination of activities that can be managed within available resources.

A. Continued Enforcement and Expanded Technical Assistance Programs

The first approach is to focus EPA efforts on production of specific "how-to" guidance coupled with an effort to raise public and school district awareness of EPA's existing requirements.

1. *Compliance assistance for the 1982 Asbestos-In-Schools Rule.* EPA would expand its program of compliance assistance designed to assure that schools have completely complied with the 1982 Asbestos-In-Schools Rule, identified all areas where asbestos-containing material may be present, and had sampled all areas according to EPA guidance. In schools where asbestos remains, EPA would encourage voluntary reinspections and implementation of operations and maintenance programs as officials were made aware of the potential for deterioration of asbestos-containing material. Technical assistance and specific guidance (described below) would be available to assist officials in making decisions about abatement on a case-by-case basis.

2. *Develop a comprehensive general awareness program.* EPA would attempt to raise the level of public understanding about EPA's requirements, the benefits of reinspection, the need for an operations and maintenance program, those conditions which warrant abatement, and those which probably do not. EPA could use television or radio advertisements to provide PTA's, school boards, or custodians specific information.

3. *Publish additional guidance materials.* Since 1979, EPA has revised a series of state-of-the-art technical guidance documents. These documents have been widely distributed to schools, States, architects, engineers, and variety of other professionals involved in the identification and control of asbestos in buildings. EPA intends to develop several specific new guidance documents. The goal of these guidance documents is to encourage schools to voluntarily reinspect their buildings and to take safe and effective action if necessary.

EPA is developing a simple but effective procedure for school officials to identify particularly hazardous asbestos-containing material. This procedure is based on an expanded version of EPA's existing process for setting priorities for loan and grant

applications under the Asbestos School Hazard Abatement Act. This procedure will identify asbestos projects needing immediate abatement. EPA is also planning to issue a guideline for identifying asbestos in good condition which should be monitored and carefully maintained in place rather than removed. EPA will continue to stress that all asbestos projects which do not clearly fall in either of the above categories require case-by-case evaluation by a trained professional. EPA believes that with this guidance, building owners and professionals who evaluate buildings will be able to set priorities and schedules for abating potential asbestos hazards in their buildings. EPA favors a qualitative evaluation, but continues to consider information about air monitoring as an assessment tool.

EPA also plans to issue specific and separate guidance on: (1) proper operations and maintenance procedures for asbestos-containing materials left in place; (2) work practices which incorporate new OSHA requirements to protect workers and building occupants during abatement; and (3) qualifications for professionals involved in inspection, plan development, and abatement.

4. *Expanded model training programs.* Last year EPA began distributing a model abatement contractor certification program to all States. The model has two parts: A 4-day model contractor training program developed for EPA by the Georgia Institute of Technology and a model licensing program developed for EPA by the State of Maryland. The success of this program was discussed previously.

EPA is currently developing another model program for persons who inspect buildings for the presence of asbestos-containing materials. EPA will encourage States to develop certification and training programs for inspectors similar to those in place for abatement contractors. EPA intends to use an existing State program as the basis for the model. This model will include training requirements for inspectors, practices for proper inspection techniques, and identification of homogenous sampling areas. Information from a recently published guidance document entitled "Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials" will be incorporated into the program. EPA will distribute this model inspection program to all interested States, and will provide training for inspectors through the university training centers.

Finally, EPA is working with the National Bureau of Standards (NBS) to develop a laboratory accreditation program for laboratories which perform asbestos analyses. Model test methods for laboratories will also be developed.

5. *Comments.* EPA would like commenters to compare this approach, which emphasizes technical and compliance assistance, with other approaches described in this ANPR. Specifically, EPA requests comments on expanding EPA's program to assist schools in complying with the 1982 rule and technical issues which should be addressed in proposed guidance documents. EPA requests comments on the efficacy of air monitoring, either as the principal assessment mechanism or as one factor in the assessment process. EPA would also like to have information on existing programs which use air monitoring as an assessment tool. In that regard, EPA requests information on the method of analysis (Phase Contrast Microscopy, Scanning Electron Microscopy, or Transmission Electron Microscopy) that should be used for air-monitoring samples. Commenters would be most helpful if they supplied data regarding costs, availability, and utility of various analytical methods. Comments are also requested concerning elements to include in EPA's model State certification and training programs, incentives for States to adopt such programs, and the development and implementation of a laboratory accreditation program for asbestos analysis by the National Bureau of Standards.

B. Full Regulatory Approach

A second approach is to issue a comprehensive set of regulations revising the 1982 school inspection rule to require a reinspection program; set minimum standards for professionals engaged in asbestos identification, analytical planning, and abatement functions; regulate disposal of asbestos waste; and require States to adopt their own regulatory programs. This type of approach is envisioned in the two bills introduced in the Congress as S. 2083 and H.R. 5073. Current guidance and technical assistance would, by comparision, assume a reduced role.

1. *Revised Asbestos-In-Schools Rule.* If the need for additional regulatory requirements for schools is established, the following issues could be considered by EPA.

a. *Coverage.* EPA's 1982 Asbestos-In-Schools Rule covers nonprofit private and public primary and secondary education agencies. For purposes of this rule, EPA used the Department of Education definition contained in the Elementary and Secondary Education Act of 1965. The March 1986 Inspector General's report recommended expanded coverage to incorporate the 12.4 million students and faculty present in colleges and universities. EPA believed that the 1982 rule protected the most susceptible population and initially focused EPA's enforcement efforts on a manageable group of buildings.

b. *Inspection and sampling.* EPA's 1982 rule requires a one-time inspection for *friable* ACM. The Agency has defined friable as "materials which when dry may be crumbled, pulverized, or reduced to powder by hand pressure." EPA has found that, over time some nonfriable ACM can deteriorate and become friable. If damaged, these newly friable materials release fibers and cause exposures. EPA could require schools to periodically reinspect and sample materials as they become friable to identify whether they contain asbestos. Alternatively, EPA could require a one-time inspection and sampling of both friable ACM and ACM that could become friable. As part of an operations and maintenance plan, persons could periodically check the condition of the material which is known to contain asbestos. With respect to sampling, the 1982 rule required that three samples be collected per homogeneous sampling area. A recently published guidance document entitled "Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials," recommends a minimum of 3, 5, or 7 samples per sampling area for friable surfacing materials, depending on the size of the area. That document also recommends separate analyses for each sample rather than composite analyses.

c. *Notification.* EPA's 1982 rule required one-time notification to parent-teacher associations and employees if asbestos is found in a school. Thus, employees and parents of school children arriving after the initial notification would not necessarily be notified whether the school contains friable asbestos-containing materials. Some parties believe that active notification can contribute to public anxiety about the presence of asbestos and may have contributed to some hasty and unnecessary abatement actions. The bills pending in Congress would require schools simply to make the inspection report and any resulting plan available to parents and employees.

d. *Management plan.* The EPA's 1982 rule does not require development of an asbestos management plan. EPA's guidance documents recommend the development of such a plan for all schools where asbestos has been identified. EPA could require that a

management plan be developed to summarize information found during and inspection, assess the ACM for friability or damage and potential for fiber release, set priorities for abatement projects, and institute an operations and maintenance program for all asbestos-containing materials in the building. Some parties have suggested that EPA require schools to abate materials found to be particularly hazardous and to certify when abatement is completed.

There are several options regarding review of any management plan. One option would be to require a school to solicit comment from the community and local elected officials on the adequacy of the management plan and its cost effectiveness. If necessary, the school would have to revise the plan based on these comments. A second option is to require that plans be reviewed by appropriate State officials. Reviews of these plans may involve visits to buildings by trained and experienced evaluators. EPA is concerned that resources to manage and implement such a review may be insufficient to provide at timely and informed response to school officials.

e. *Recordkeeping and reporting.* EPA's 1982 rule requires the retention of records in both the school and Local Education Agency (LEA) files regarding inspection results. LEA's were required to keep summary data in their files concerning all schools in the district. EPA is also considering requiring school districts to report summary inspection data to a governmental agency, a recommendation made by the Inspector General. In this regard, EPA is considering two options: reporting to State agencies and reporting directly to EPA.

f. *Exemptions.* EPA's 1982 rule contains exemptions for schools that could demonstrate that their previous actions met specific regulatory requirements. EPA is evaluating the effects of these existing exemptions as well as possible effect of other exemptions if a new rule is promulgated.

First, schools that adequately inspected, sampled, and analyzed for asbestos were exempt from those requirements of the 1982 rule. If it decides to pursue a regulatory approach, EPA would continue to exempt for additional regulatory requirements those schools that had adequately inspected and collected samples. However, EPA has found, as a result of compliance monitoring inspections for this rule, that many schools which believed they had completed an adequate inspection had actually incorrectly inspected and/or sampled their buildings. In addition, the Inspector General reported that some schools did not sample for asbestos in a statistically valid manner.

EPA is aware that several States have established their own programs which require the inspection and sampling of schools for the presence of asbestos. Another option is to exempt from all regulatory requirements schools in those States with program that are substantially equivalent to those EPA might require.

A variation would be to exempt only those schools which have properly inspected and developed adequate asbestos management plans. To be exempt, schools would have to demonstrate that these plans had been developed using qualified personnel and criteria equivalent to those EPA might require. In addition, schools would have to meet the same review or availability criteria that were published in EPA's rule. A third option would be to exempt from some of all requirements, those schools which had satisfactorily abated all asbestos-contining materials. In the 1982 rule, EPA exempted schools that has either removed or encapsulated friable asbestos-containing material from all regulatory requirements. EPA has questions regarding the life cycle of encapsulation projects and whether abatement other than removal should qualify for an exemption from further requirements.

Finally, exemptions could continue to be granted based on building records. Schools that could document through building records that at the time their building was constructed no ACM was used would be exempt from all rule requirements. However, EPA has found that building records can be unreliable indicators of the presence of asbestos-containing materials in buildings and material not banned under the Clean Air Act which was used in schools after 1979.

2. *Other regulatory requirements.* EPA could impose regulatory requirements in addition to revisions to the 1982 Asbestos-in-Schools Rule. EPA requests comments on these requirements, as well as the need for other regulatory requirements not listed in this section.

a. *Qualifications for inspectors, plan developers, and contractors.* Several parties have suggested that the States should be required to implement EPA's proposed model program to train persons who inspect buildings, develop management plans, and conduct abatement work. EPA requests comments on the need to require training or certification of such persons, the quality of work done by nontrained/certified persons, what such requirements should consist of, and the ability of States to implement and enforce such requirements.

b. *Disposal regulations.* Since 1973, under section 112 of the Clean Air Act (CAA), EPA has required that certain disposal practices be followed after asbestos has been removed. EPA is currently revising the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) which address asbestos and is considering revisions to the disposal provisions. In addition, in 1984 EPA published a document entitled "Asbestos Waste Management Guidance" that summarizes EPA's recommendations for state-of-the-art work practices that should be implemented at an abatement site and landfill. EPA has reviewed this document, existing CAA regulations and other legal authorities available to the Agency, and believes revised regulations under the CAA will address existing disposal problems.

c. *Clearance levels following abatement actions.* EPA's guidance documents have suggested air-monitoring criteria for reoccupancy after an abatement project has been completed as an adjunct to a thorough visual inspection of the abatment site. EPA's suggested criteria are contained in Apendix M of EPA's "Guidance for Controlling Friable Asbestos-Containing Materials" and in a second EPA publication, "Measuring Airborne asbestos Levels Following Abatement Action." In this document, criteria are suggested for both the Phase Contrast (PCM) optical method of analysis and Transmission Electron Microscopy (TEM). TEM is identified as the technical method of choice for analysis, but PCM is suggested as an alternative method since TEM has limitations owing to its greater cost and limited availability. Scanning Electron Microscopy (SEM) has been considered as an alternative method for analysis, but is not suggested for use since no standardized analysis procedures are available. EPA has entered into a cooperative agreement with the National Bureau of Standards to develop a standard protocol for SEM. The draft protocol will be available this fall, and the final protocol is expected to be available in the fall of 1987.

Several States have adopted their own clearance criteria using air monitoring. EPA has gathered information on the following States with mandatory clearance standards for reoccupancy of a building area following completion of an abatement project:

State	Clearance level in fibers/cc	Method of measurement
Illinois	0.01 level in work area < ambient.	PCM, TEM.
Iowa	0.1	PCM or fibrous aerosol monitor.
Maryland	0.1	PCM.
New Jersey	0.01	PCM.
Oklahoma	Less that .005	PCM.
Rhode Island	0.01; 0.0003 being considered.	PCM.
South Carolina	0.01 level in work area < ambient.	PCM, TEM.

d. *Work practices.* OSHA issued in the **Federal Register** of June 20, 1986 (51 FR 22612), a new asbestos standard for the construction section. It applies during all types of construction activities, including asbestos abatement. The OSHA rule establishes a PEL of 0.2 f/cc and requires a number of work practices. The rule also generally requires the use of negative pressure enclosures and the construction of a decontamination area consisting of a clean room, a shower, and an equipment room during asbestos removal, demolition, or renovation projects. The rule further requires that these projects be supervised by a person trained at a comprehensive course such as those offered by the EPA University Training Centers discussed in unit I.A. of this document. EPA reviewed and submitted comments about the OSHA rule and believes it will help address the problem of employee exposure during asbestos abatement projects.

3. *Comments.* In addition to comparing this alternative with the others described herein, EPA asks for specific comments on this regulatory approach to reinspection. Commenters should address whether the Agency should expand its regulatory coverage to include colleges and universities, whether a requirement to reinspect should be one time or periodic and if periodic, how often. EPA seeks comments about enforcement issues raised by expanding its program to cover colleges and universities and adding new regulatory requirements for all schools. EPA also asks for comments on sanctions which could be imposed if new regulations are violated. The Agency also solicits comments on the types of ACM which should be included in a reinspection; all ACM, some subset of ACM, some subset of ACM, or just friable ACM. In that regard, the Agency solicits comments on the adequacy of the definition of "friable" as used in the 1982 rule. Specifically, the Agency requests comments on whether such materials as covered pipe wrap with intact lagging but friable material underneath or material which is only friable in part should be considered friable for the purposes of reinspection. EPA also solicits comments on its revised sampling scheme and the most effective method of notifying parents and employees about the inspection results.

With respect to development and review of an asbestos management plan, EPA solicits comments on the essential elements of such a plan and whether school districts should be required to have a plan in every instance where asbestos-containing material is present. EPA seeks comment on whether abatement should be required given that local conditions vary greatly. If commenters believe abatement should be required, comments are solicited on the appropriate deadline for abatement and details on how the requirement should be implemented. EPA also solicits comments on the most effective review process for management plans and the current and proposed recordkeeping requirements.

EPA requests comments on appropriate exemptions for any reinspection requirements which might be imposed. In order to evaluate the validity of exempting schools covered by State requirements, EPA solicits information on the content of State requirements for school inspections, specifically areas where State rules agree or differ from any approach EPA might propose. EPA also solicits comments on how EPA should assure the validity of these exemptions.

With respect to other possible regulatory requirements, EPA requests comments on the need to require States to adopt additional legislation and the ability of States to take on a larger role to enforce such legislation. With respect to clearance levels following abatement actions, EPA is interested in receiving comments about the following four issues. First, should EPA require a specific air-monitoring level for clearance after an abatement action? Second, which air-monitoring method should be required if EPA does set such a clearance level? Third, if TEM were a requirement, are enough laboratories with facilities for TEM analysis available to provide timely, reasonably priced service? Fourth, should SEM be listed as an alternative analysis method or should it supplant TEM as an alternative method?

c. *Combine revised regulations and technical assistance activities.* The third approach that EPA is considering is a combination of expanded technical assistance activities and a revised asbestos-in-schools rule. Under this approach EPA would expand the technical assistance program to include new guidance on: (1) Identifying asbestos hazards that should be abated immediately and asbestos in good condition that may be left in place and carefully monitored; (2) developing operations and maintenance plans for asbestos in buildings; (3) model State programs for training asbestos abatement workers, inspectors, and plan developers; and (4) recommended work practices for removing, encapsulating, or enclosing asbestos.

The basic requirements of a reinspection rule EPA would consider pending receipt of comments from this notice are: (1) coverage only of schools subject to the 1982 rule, i.e., not colleges and universities. Schools that could document that they had removed all asbestos in the building would be exempt from reinspection requirements; (2) one-time inspection and sampling for ACM, both friable and nonfriable. The rule would specify what materials had to be sampled, and the number of samples of friable surfacing materials would be consistent with the revised sampling guidance. Schools that had already conducted inspections and sampling of all asbestos-containing products consistent with procedures in this revised rule would be exempt from these requirements. Schools that had adequately reinspected only part of their building would not have to reinspect that part. Schools would have to possess documentation to prove that they qualified for these exemptions. Reinspections of ACM to check for friability and damage would have to occur yearly; (3) schools would be required to develop asbestos management plans if ACM is present. Management plans must include operations and maintenance of ACM left in place and a schedule for abatement of material defined as hazardous by EPA. Plan review by State officials would not be required. The plan would be available for public comment along with inspection results; and (4) current recordkeeping and reporting requirements would be left in place.

With respect to other regulatory requirements EPA would not require States to adopt legislation to certify and train inspectors or abatement contractors. Rather, EPA would continue with its model program approach combined with technical assistance. EPA would establish an asbestos disposal workgroup of representatives from the toxic substances, air, and hazardous waste programs. This workgroup would concentrate on the Clean Air Act Section 112 revisions to the asbestos regulations as the vehicle for addressing asbestos disposal issues.

Finally, EPA intends to continue to recommend a reentry standard rather than impose a mandatory standard. This recommended reentry standard would be included in the model State plan for schools inspections.

EPA solicits comments on whether this is the most appropriate combination of regulatory and nonregulatory elements, and technical issues which should be considered.

III. Public Record

EPA has established a record for this proceeding (docket control number OPTS–62048). A public version of the record, without any confidential business information, is available from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The Public Information Office is located in Rm. G–004 NE Mall, 401 M St., SW., Washington, D.C.

The record includes information considered by EPA in developing this ANPR. EPA will supplement the record with additional information as it is received. The record now includes the following categories of information: (1) **Federal Register** Notices, (2) support documents, and (3) reports.

IV. References

1. USEPA, Friable Asbestos-Containing Materials in Schools: Proposed Identification and Notification (45 FR 61966; Sept. 17, 1980).

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3. USEPA, Asbestos: Response to Citizens Petition (49 FR 8450; March 7, 1984) (49 FR 24522, June 14, 1984).

4. USEPA, "Guidance for Controlling Asbestos-Containing Materials in Buildings," EPA 560/5–85–024, June 1985.

5. "Consolidated Report of Audit on EPA's Asbestos-In-School Program," Report of Audit EIE15–05–0084–60279, March 27, 1986.

6. USEPA, Asbestos: Proposed Mining and Import Restrictions and Proposed Manufacturing Importation and Processing Prohibitions (51 FR 62036; January 29, 1986)

7. USCPSC, "Report to the U.S. Consumer Product Safety Commission by the Chronic Hazard Advisory Panel on Asbestos," July 1983.

8. National Research Council, "Non-Occupational Health Risks of Asbestos Fibers," National Academy Press. Washington, D.C. (1984).

9. USEPA, "Evaluation of the Asbestos-in-School Identification and Notification Rule," EPA 560/5–84–005, October 1984.

10. USEPA, "Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials," EPA 560/5–85–030a, October 1985.

11. USEPA, National Emission Standards for Hazardous Air Pollutants; Amendments to Asbestos Standard; Final Rule (49 FR 13661; April 5, 1984).

12. USEPA, Toxic Substances; Asbestos Abatement Projects; Final Rule (51 FR 62044A; April 25, 1986).

13. USDOL, OSHA. Occupational Exposure to Asbestos, Final Rules (51 FR 22612; June 20, 1986).

14. USEPA, "Measuring Airborne Asbestos Following An Abatement Action," EPA 600/4–85–049.

List of Subjects in 40 CFR Part 763

Environmental protection, Hazardous substances, Recordkeeping and reporting requirement, Asbestos.

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Lee M. Thomas,

Administrator.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 1406/Pub. L. 99-375

To authorize appropriations for nongame fish and wildlife conservation during fiscal years 1986, 1987, and 1988. (Aug. 7, 1986; 100 Stat. 803; 1 page) Price: $1.00

H.R. 4434/Pub. L. 99-376

To amend the Act entitled "An Act granting a charter to the General Federation of Women's Clubs." (Aug. 7, 1986; 100 Stat. 804; 1 page) Price: $1.00

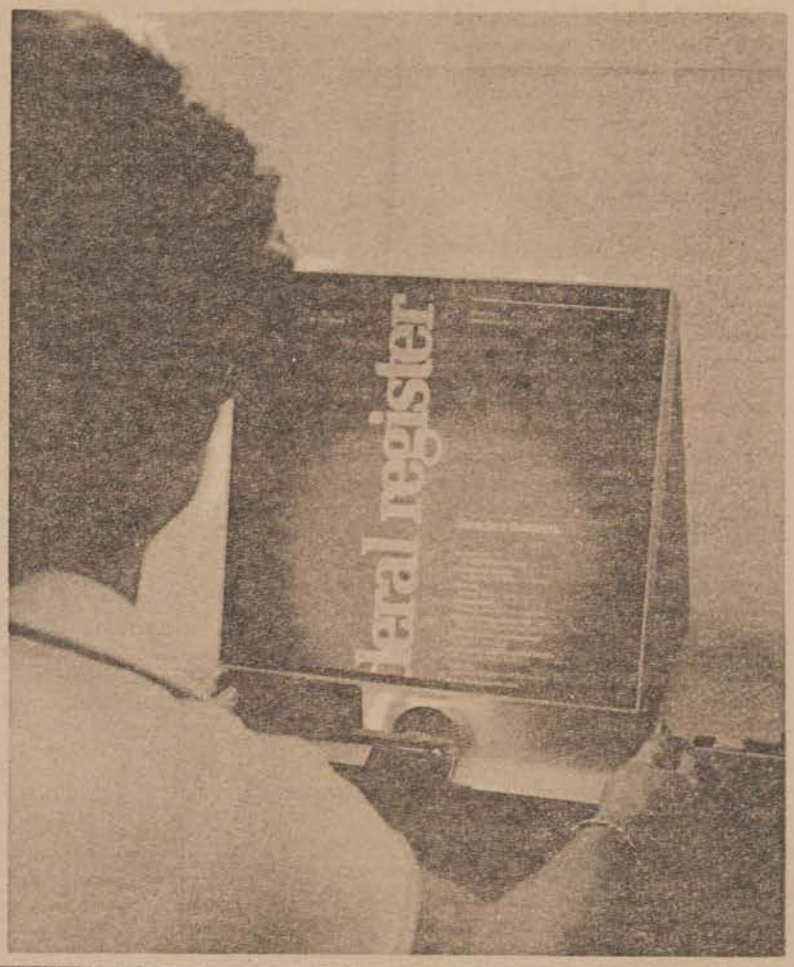
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